

Central Valley Flood Protection Board Meeting
October 24, 2014

INFORMATIONAL BRIEFING (Agenda Item 8A)

**UNACCEPTABLE DWR LEVEE INSPECTION RATINGS CONTINUED FROM
SEPTEMBER 26, 2014**

(Michael C. Wright, CVFPB Staff)

BRIEFING SUMMARY

Overview

As part of the Central Valley Flood Protection Board's (CVFPB) 2013-17 Strategic Plan, staff is in the process of developing a program to hold Local Maintaining Agencies (LMA) accountable for meeting their operation and maintenance objectives as outlined in Goal 1, Objective 1.3, Strategy 1.3.2, Action 1.

Status

Staff has coordinated with the Department of Water Resources (DWR) Flood Projects Integrity and Inspection Branch (FPIIB) to develop a list of 18 areas and LMAs that have received unacceptable inspection ratings over the last several years as determined by FPIIB. Using this list, staff then developed a standard letter to issue to LMAs regarding the unacceptable ratings. In the first round, staff issued letters to 10 LMAs, discussed the letters with 9 of the 10 LMAs and invited those 9 LMAs to the CVFPB meeting held on September 26 to discuss their maintenance struggles. In the second round, staff issued letters to the remaining 8 LMAs, discussed the letters with 5 and found that 4 LMAs would be attending the October 24 Board meeting.

Assurance Agreements

Through research of existing Assurance Agreements (AA) with LMAs, staff has found that AAs do exist for some, but not for all of our LMA partners. LMAs with no AA are still responsible to perform operation and maintenance (O&M) per California Water Code (CWC) Section 8370, which specifically applies to the Sacramento River Flood Control Project and CWC Section 12642 which states *"In all cases where the Federal Government does not maintain and operate projects, it is the responsibility and duty of the county, city, state agency, or public district affected to maintain and operate flood control and other works, constructed pursuant to Chapters 1 and 2 of this part, after their completion and hold and save the State and the United States free from damages."*

Summary

The main challenges that LMAs face with keeping up with their O&M responsibilities are lack of adequate funding and resources. Another issue is being able to address vegetation while remaining in compliance with environmental and endangered species restrictions. Staff also realized that threatening to form a State Maintenance Area in a

rural district is a non-starter without a State funded program. The rural districts lack adequate funding because they lack an adequate population to assess adequate funds. There also appears to be information overload for many of the rural districts. The USACE conducts periodic and continuing eligibility inspections and has recently been conducting levee screenings intended to assess the risk associated with levee systems. LMAs receive copies of the inspection reports which can be 1000's of pages long with little experience to help them actually use the report to address levee issues. LMAs also receive a Department of Water Resources (DWR) Annual Inspection Report detailing DWR's inspection. Most of the rural LMAs included in this effort lack proper funding to secure the services of an engineering firm necessary to decipher the various reports.

Moving Forward

As outlined in the CVFPB's Strategic Plan, Action 1 of Strategy 1.3.2 of Objective 1.3 of Goal 1 is to "Ascertain whether underperforming LMAs are on track to receive acceptable maintenance ratings, and if not, why not, and what should be done?"

Why not?

- Funding / Resources
- Environmental and Endangered Species Restrictions
- Standards becoming more strict

What should be done?

- Education – the State needs to understand the LMAs struggles and the LMAs need to understand both theirs and the States responsibilities
- State Grant Programs – LMAs should explore the use of existing DWR funded cost share programs to help comply with O&M requirements, although some of the existing programs are "reimbursement" programs, meaning the LMA performs the work and then is reimbursed for a portion of the costs
- Develop new State funded O&M cost share programs that fund the rural LMAs to do the work instead of reimbursing the LMAs
- Develop separate inspection criteria for rural LMAs
- Continue to work with DWR and USACE to standardize inspection criteria and minimize duplicating efforts which will benefit the LMAs by having a consolidated list of issues to address
- Develop list of levees that should be removed from the State Plan of Flood Control