

**Meeting of the Central Valley Flood Protection Board
Board agenda June 23, 2017**

**EXECUTIVE OFFICER REPORT
AND RECOMMENDATION TO APPROVE THE MEMORANDUM OF
UNDERSTANDING BETWEEN THE DELTA STEWARDSHIP COUNCIL, THE
CENTRAL VALLEY FLOOD PROTECTION BOARD AND THE DEPARTMENT OF
WATER RESOURCES FOR COLLABORATING ON PRIORITIES FOR STATE
INVESTMENTS IN LEVEE OPERATION, MAINTENANCE AND IMPROVEMENTS IN
THE SACRAMENTO-SAN JOAQUIN DELTA**

1.0 - REQUESTED ACTION

Approve the attached Memorandum of Understanding (MOU) in substantially the form provided and authorize the Executive Officer to execute the MOU.

2.0 - BACKGROUND

Water Code Section 85306 requires the Delta Stewardship Council (Council), in consultation with the Central Valley Flood Protection Board (Board), to recommend priorities for state investments in levee operation, maintenance and improvements in the Delta, including both levees that are part of the State Plan of Flood Control (SPFC) and non-project levees (DLIS).

In 2015, it came to the Board's attention that the Council had developed a draft policy to guide the DLIS development, had contracted with a consultant to build a computer-based decision-making support tool, and prepared a report outlining the investment options to be included in the Delta Plan update. Board technical staff had attended some meetings, but at that time there had been no Board-approved policy statements on this effort and no high level interactions between the two agencies.

In July 2015, the Board hosted a workshop in the Delta to develop a set of principles that the Board could use to frame discussions with and provide input to Council staff, consultants and others to ensure that public safety and flood reduction awareness continue to be a considerable part of the Council's planning process and to ensure that the larger State Systemwide Investment Strategy (SSIA) approach outlined in the 2012 Central Valley Flood Protection Plan (CVFPP) was considered by the Council staff when developing the DLIS. Council staff presented at the workshop and afterward Board staff developed a draft consultation guidance policy regarding the DLIS which was adopted by the Board at the September 25, 2015 meeting. The guidance document was transmitted to the Council in October 2015.

The Council continued drafting the DLIS and the Board presumed the principles outlined in the Guidance Document were being applied, and the DLIS would utilize the substantial work product from the CVFPP to help them develop the DLIS for the smaller subset of Delta levees.

In February, 2016, Board and Council staff began to work on scheduling a joint meeting of the two agencies with the idea of updating each on the work products being produced for the DLIS and the 2017 Update to the CVFPP. That meeting took place on August 12, 2016. At that meeting, the Board expressed concern that the DLIS would not reflect the principles outlined as priorities by the Board in 2015, and that the DLIS would bear no resemblance to the SSIA, which would lead to confusion about how and where the disparate processes and standards would apply.

A week later, the Council published the “discussion draft” of Delta Revisions regarding Priorities for State Delta Levees Investment, which was intended to be the Chapter 7 modifications to the Delta Plan. The Board had been unaware that this document was so close to publication, as it had not been disclosed at the August 12 meeting. Substantively, the Board was concerned that the focus of the prioritization of projects based on islands and tracts was too narrowly focused, that the regulatory nature of the amendments were unnecessary and did not further the strategic investment vision of the SSIA or the CVFPP, and that some of the other recommendations, such as increased local contributions to the Subventions program, annual inspection requirements, etc., would render the local maintainers unable to comply or unable to seek funding for basic maintenance services for Delta levees. This raised a grave concern that the Delta levees would deteriorate to an unacceptable level in a short period of time.

In order to elevate these concerns, the Board and Council created a “2 x 2 working group” consisting of two appointed Board and Council members from each agency plus staff to seek to reconcile the two disparate approaches to flood management in the Delta. Managers at the Department of Water Resources (DWR) began to participate in the meetings as well, due to the fact that DWR has substantial authority and programs within the Delta.

The group met for several months, and while some modifications to the DLIS were made, there was still a wide gap between the fundamental approaches to the investment strategies, with DWR and the Board recommending that the Council bring the DLIS more into alignment with the larger principles outlined in the SSIA and CVFPP, and the Council preferring to continue following the path outlined in their August 2016 Delta Plan amendments.

As both the CVFPP Update and the DLIS amendments to Chapter 7 of the Delta Plan move forward through their adoption processes, the agencies recognize the need to step up efforts to reconcile these approaches as well as memorialize the efforts made to date. Therefore, the parties began negotiating a Memorandum of Understanding between the agencies, with the intention of outlining the working relationships and anticipated work products going forward.

The Board Executive Officer and Board Counsel kept the Guidance Document in mind during the negotiations in order to protect the Board's policy prerogatives and jurisdictional concerns, and believe that the proposed MOU in its current form is an improvement over what was originally proposed, and would be in the best interest of the Board and the State as these processes move forward and plans are developed.

3.0 - RECOMMENDATION

The MOU represents a good faith effort on the part of all three agencies to establish a working relationship to administer current plans and policies regarding State investments in levee operation, maintenance and improvements.

The MOU provides a framework for defining the working relationship for effective and efficient planning of investment activities in the Delta.

The coordinated approach outlined in the MOU provides the best chance for the parties to reconcile the approaches to State investment in Delta levees.

The MOU will allow for leveraged resources and may reduce overall costs to each agency through combined efforts.

Specific responsibilities outlined in the MOU include: working together to facilitate communication and coordination regarding the planning, permitting, and implementation of programs and projects within the Delta and the effective tracking of progress and the gathering and sharing of relevant information, identifying and committing personnel resources to this effort, communicating and coordinating on development and implementation of State policies and legislation affecting levee investments in the Delta.

The MOU will not impede the Board's ability to implement the CVFPP or the Update, assemble stakeholder working groups, or any other processes the Board deems necessary to carry out its mandates.

The MOU includes an implementation plan as Attachment 1

The recommendation is for the Board to:

Approve the MOU and Attachment 1, and;

* Authorize the Executive Officer to execute the MOU

4.0- List of Attachments

Draft MOU and Attachment 1

Staff Report and Consultation Guidance from September 2015 Board Meeting



DRAFT

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE DELTA STEWARDSHIP COUNCIL, THE CENTRAL VALLEY FLOOD
PROTECTION BOARD, AND
THE DEPARTMENT OF WATER RESOURCES
FOR COLLABORATING ON PRIORITIES FOR STATE INVESTMENTS IN LEVEE OPERATION,
MAINTENANCE AND IMPROVEMENTS IN THE SACRAMENTO-SAN JOAQUIN DELTA**

I. INTRODUCTION. The Delta Stewardship Council (Council), Central Valley Flood Protection Board (CVFPB), and the California Department of Water Resources (DWR), (collectively, the "Agencies"), within our respective authorities, have responsibilities for developing plans related to State activities in the Sacramento-San Joaquin Delta (Delta). Coordination and collaboration between the Agencies is key to ensuring each of these plans is effective, efficient, and informs State levee investment activities in the Delta. This Memorandum of Understanding (MOU) frames and confirms our intent to work collaboratively to address the levee system in the Delta.

The Agencies agree that this MOU is intended to establish a working relationship to administer current plans and policies regarding State investments in levee operation, maintenance and improvements, and any future amendments including but not limited to the proposed Delta Plan amendment regarding Delta Levee Investment Strategy (DLIS) for which a Notice of Preparation of an environmental impact report (EIR) was issued on March 16, 2017. This MOU's terms are not final contract language and do not represent a contractual commitment by any of the Agencies to approve any proposed project. In particular, this MOU shall not create any obligations or commitments with regard to the proposed DLIS or any other Delta Plan amendment regarding the Delta Levee Investment Strategy. CEQA review will be conducted prior to project approval. . Even though the Agencies have agreed to this MOU for the purposes described herein, the Agencies retain their full discretion under California Environmental Quality Act (CEQA) to make modifications to or determine not to implement projects pursuant to this MOU, the attached joint implementation plan, and any proposed agreements or work plans, all as deemed necessary to mitigate significant environmental impacts; to select other feasible alternatives that will avoid such impacts including the no project alternative; and to balance benefits against unavoidable significant impacts before taking final action; and may determine not to proceed with the commitments contemplated herein, based upon the information generated by the environmental review process.

II. SCOPE AND APPLICABILITY. This MOU provides the framework for defining the working relationship for effective and efficient planning of levee investment activities in the Delta that are within the context of specific agency authorities, appropriations, missions and goals. Coordinated programs and projects occur at the state and regional scales, but for the purposes of this MOU, are focused on the Delta.

III. BENEFITS. The Agencies agree that the ability to achieve common levee investment goals for the Delta can be significantly enhanced under the coordinated approach outlined in this MOU. Leveraging State resources between the Agencies accelerates the planning



and implementation of levee investment plans in the most effective and efficient manner.

IV. RESPONSIBILITIES. The Agencies acknowledge:

- The desire to work together to facilitate planning for State levee investment programs and projects in the Delta;
- Certain laws, regulations and policies govern the actions of the agencies, their personnel, and contractors; and
- Considering the above, the Agencies intend to:
 - Work together to facilitate communication and coordination regarding the planning, permitting, and implementation of programs and projects within the Delta and the effective tracking of progress and the gathering and sharing of relevant information;
 - Identify and commit personnel resources at all levels (management to staff) to conduct the work through existing and new authorizations and appropriations; and
 - Communicate and coordinate on development and implementation of State policies and legislation affecting levee investments in the Delta.

The Agencies have developed a joint implementation plan (Attachment 1 hereto), and to the extent necessary, associated work plan(s), to describe respective roles, responsibilities and tasks in conducting this work. The work plan of Attachment 1 is effective upon the signing of this Memorandum. It may be updated as needed from time to time.

V. MODIFICATION, TERMINATION, AND OTHER CONDITIONS.

This MOU may be modified or amended at any time by mutual agreement of all parties in writing and may be terminated by any party upon thirty (30) days prior written notice.

This MOU in no way restricts the Agencies from participating with other public or private agencies, organizations, and individuals. Each Agency recognizes the importance of continued cooperation and participation in programs of mutual interest with its stakeholders, including government and non-governmental organizations and institutions.

The Agencies intend to conduct activities contemplated in this MOU in accordance with existing authorities and subject to the availability of funds. If provisions of this MOU are determined to be inconsistent with existing laws, regulations, or directives governing the signatories, then the provisions of this MOU not affected by a finding of inconsistency shall remain in full force and effect.

VI. IMPLEMENTATION. This MOU becomes effective when signed by all signatory agencies and remains in effect until modified or terminated.



SIGNATORS:

Jessica Pearson (Date)
Executive Officer
Delta Stewardship Council

Leslie Gallagher (Date)
Executive Officer
Central Valley Flood Protection Board

William Croyle (Date)
Acting Director
State of California Department of
Water Resources

**Attachment 1: Joint Implementation Plan for MOU between the Council, CVFPB, and DWR (the
“Agencies”) for Collaborating on Priorities for State Investments in Levee Operation, Maintenance and
Improvements in the Sacramento-San Joaquin Delta**

NOTE: This first iteration of this Joint Implementation Plan sets forth the initial commitments of the parties regarding the activities covered by the MOU. Additional details may need to be further developed by the Agencies over the course of their cooperative efforts.

The following topics have been identified by the Agencies and will be further developed or refined in this Joint Implementation Plan as part of the MOU:

- Delta Plan Implementation
- Information Gathering and Sharing
- Modernizing Levee Information Management
- Technical / Peer Review
- Policy Formulation and Development
- Program/Plan Development and Amendments
- External Communications and Messaging
- Governance, Roles, and Responsibilities
- Reporting & Tracking of progress
- Periodic Review

Some of these topics may require a separate, more detailed work plan summarizing in greater detail the specific coordination approach and expected outcomes of coordination around that focused topic. These topic work plans are to be developed by consensus between the Agencies. The topic work plans will identify the program and project activities that are relevant to the efforts of the Agencies to develop and refine their Delta levee investment plans. The primary planning documents that discuss the programs and projects include, but are not limited to:

- CVFPB’s Central Valley Flood Protection Plan and its supporting documents
- Relevant portions of the CA Water Plan Update (as led by DWR)
- Council’s Delta Plan
- DWR’s Delta Risk Management Study

Delta Plan Implementation

DWR will continue to develop guidelines and/or proposal solicitation packages for the Delta Levee Maintenance Subventions Program, Delta Levee Special Projects Program, and other funding programs that improve project or nonproject levees in the Delta so that they carry out the recommendations of the Delta Plan. To this end, DWR will share draft guidelines or proposal solicitation packages for its levee funding programs with the Council for its review and comment as they are developed, and will consult with the Council as it considers applications for funding focused

on levee improvements in the Delta.

DWR will report annually or more frequently at DWR's discretion to the Council about its decisions to award State funds for Delta levee improvements including funding decision criteria and awards of State Delta Levee Subventions funds for Delta Levee improvements, and on its funding decision criteria and awards under the Delta Levee Special Projects Program and other funding programs that improve project or nonproject levees in the Delta , including for each funded improvement: (a) its location, (b) the priority recommended in the Delta Plan for improving levees of the affected islands or tracts, (c) the improvements funded, including the work to be performed and the relevant levee improvement type (urban levee, Bulletin 192-82 levee, or other generally agreed upon levee standard), and habitat mitigation or enhancement features, (d) estimated reduction in levee fragility, (e) expected reduction in annual fatalities and damages, (f) State funds awarded, (g) local or federal matching funds, and (h) any variation from the recommendations of the Delta Plan.

Information Gathering and Sharing

Information (including data and proposed local, state, and federal policies) collected by the Agencies will be shared. Detailed protocols will need to be developed that consider the level of priority of the data/need for data; schedules for collection/dissemination; format; data tools used; resources needed; etc. to ensure an activity is planned for, budgeted and carried out adequately. Information that has not been released to the public may be shared, at the discretion of the Director/Executive Officer or their chief deputy, with the understanding that the information is provisional and should not be released to the public without the express consent of the agency responsible for this information.

Information that will be shared includes, but is not limited to:

- Hydrology, Hydraulic, and Climate Change related information
- Geotechnical and levee fragility assessments
- Floodplain inundation maps
- LiDAR data
- Schedules of major planning activities
- Land / water use surveys and data
- Levee inspection reports
- Levee construction / maintenance / repair / rehabilitation costs (State/local share), location, type, and any habitat mitigation or enhancement features.
- Expected annual risk reduction
- Information collected through existing programs that addresses goals, objectives, priorities, recommendations and performance metrics of the key planning documents described above.

Examples of data tools include the computer-based decision support tool developed as part of the Council's Delta Levees Investment Strategy and used as part of the overall strategic planning process for Delta levee investments.

Modernize Levee Information Management

In order to disseminate information about Delta levee conditions and maintenance needs, the Central Valley Flood Protection Board and DWR, through their existing LMA Assistance programs, and as budget and staffing constraints will allow, will assist local agencies in the Delta (LMAs) to develop inspection reporting tools to enable the LMAs to file reports electronically with DWR or CVFPB. DWR will update its guidelines for Local Agency Project and Nonproject Levee Inspection, in consultation with the Council, to include measures for standardized gathering and electronic reporting of information from local agencies about levee conditions and maintenance needs, as recommended in the Delta Plan, so that those inspections provide an efficient approach for local levee maintaining agencies to gather and report information about the condition of inspected levees, maintenance needs, and progress towards applicable levee improvement criteria, including those recommended for urban levees by DWR or described in Bulletin 192-82. DWR will recommend that costs of inspections and reporting should continue to be reimbursable through the Delta Levees Maintenance Subventions Program at the discretion of CVFPB. The improved reporting is intended to empower LMAs and allow better tracking of information by the Agencies over time. Nothing herein is intended to impose liability on the State for management of nonproject levees that are not part of the SPFC.

Ability to Pay

The Agencies will work together to develop and recommend to the CVFPB as part of the Delta Levee Maintenance Subventions Program guidelines a methodology and local agency requirements for evaluating information regarding the local agency's ability to pay for the cost of levee maintenance or improvement pursuant to California Water Code Section 12986(a)(3) et seq.

Technical / Peer Review

Technical work (studies) performed by each of the Agencies should be shared with technical staff at the other Agencies through multiple venues. First, informal brown bag technical talks focused on sharing the purpose, assumptions, recommendations and intended use of technical studies will improve coordination between technical staff. Second, separate agreements for future independent peer review of technical work will be arranged on an as needed basis through individual and specific interagency agreements. These independent peer reviews will be subject to the work priorities of each Agency and resourcing constraints.

Examples of technical work (studies) that may be conducted and shared include, but are not limited to:

- Post-disaster response and hazard mitigation programs
- Sea-Level Rise estimates and forecasts
- Delta inflow assessments
- Water quality studies

- Carbon sequestration / subsidence studies
- Seismic vulnerability studies
- Ability to pay studies
- Flood emergency recovery costs
- Parcel data
- Levee construction / maintenance / repair / rehabilitation costs
- Agricultural / regional economic studies

Policy Formulation and Development

Many of the Agencies' planning documents contain policy recommendations for the Legislature, Administration, and Congress. Based on the policy recommendations within the Agencies' plans and other proposed local, state, and federal policies that may affect levee investment management activities in the Delta, routine and ad hoc meetings can be held to discuss the short-term and long-term impacts of any of these policies on the State.

Examples of policy discussions may include:

- Land use (including crop types) and zoning
- Building code requirements
- Flood insurance
- Levee-related habitat protection and restoration
- Floodplain protection and management
- Carbon banking
- Public access to waterways
- Flood management finance mechanisms
- Proposed Legislative, Congressional, Governor's Office and Presidential actions related to flood management.

Plan/Program Development and Amendments

The Agencies will coordinate as periodic reviews and subsequent amendments are done for the Delta Plan, Central Valley Flood Protection Plan and other key planning documents that are relevant to Delta flood management or State investments in Delta levees, including, where applicable, early consultation, about Delta Plan consistency certification pursuant to Water Code section 85225. In addition, the Agencies will coordinate prior to and during development of draft guidelines and proposal solicitation packages for levee funding programs as these documents are made ready for public review and project solicitation.

External Communications and Messaging

The Agencies will share each of their major program activity's external messages so that a unified understanding of key State-level Delta activities can be communicated to the public and stakeholders. This will involve holding regular communications and messaging meetings to share new information,

fact sheets, speaker notes, and public presentations. In addition, the Agencies will communicate among each other in response to Legislative inquiries on matters pertaining to this memorandum.

Governance and Roles / Responsibilities

Due to the overlapping authorities between various local, state, and federal agencies in the Delta, the Agencies should work to prepare a draft summary guide outlining the major program activities and responsibilities of the state agencies in the Delta. This is intended to help improve external / stakeholder understanding of the multiple layers of state agency responsibilities. The draft summary will need to be prepared with input from every State agency included in the document. The goal should be to help define governance roles and identify any future policy recommendations regarding overlapping authorities. This document should be informed by key laws including, but not limited to:

- The Delta Reform Act (Water Code section 85000 et. seq.)
- The Central Valley Flood Protection Act of 2008 (Water Code section 9600 et. seq.)
- Acts establishing the Delta Levee Maintenance Subventions Program (Water Code sections 12980-12955) and Delta Special Flood Control Projects Program (Water Code sections 12310-12318)

Reporting & Tracking

Both the Council and the CVFPB hold regular meetings in which they invite DWR and others to provide updates on their (DWR and others) activities that are relevant to the responsibilities of the Council or CVFPB. There is overlap between the Agencies program implementation activities in the Delta that require similar briefings to the Council and CVFPB. As part of the collaboration between Agencies the Council and CVFPB will work with DWR to identify what activities, information or technical studies should be presented to both appointed bodies and then develop a calendar/schedule of presentations based on existing agency accountabilities to share relevant information. This should occur annually, but may occur more frequently depending on the priorities/activities of the Agencies.

As the Agencies prepare staff reports and annual progress reports, collaboration in this area will ensure that accomplishments made by the Agencies are documented, tracked and acknowledged in a public setting.

Periodic Review

The Executive Officers of the Council and CVFPB, and Director of DWR will meet periodically to review the progress of this memorandum's implementation and to ensure its continued relevance.

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**Meeting of the Central Valley Flood Protection Board
September 25, 2015**

Staff Report

**Adoption of Board Consultation Guidance with the Delta Stewardship Council
Regarding the Delta Levee Investment Strategy**

1.0 – REQUESTED ACTION

Adopt the attached Board Consultation Guidance for use in collaborating with and providing comments to the Delta Stewardship Council to determine priorities for state investments in levee operation, maintenance, and improvements in the Delta, including both levees that are a part of the State Plan of Flood Control and non-project levees, pursuant to Water Code § 85306.

2.0 – BACKGROUND

The Sacramento – San Joaquin Delta (Delta) is the end of the line for northern California's flood protection system. A vast mazelike system of islands and marshes, it is a region where two of California's largest rivers meet before they exit through the San Francisco Bay. It also provides habitat for endangered species, and provides water for nearly two out of three Californians. It is a unique place, important for its distinctive characteristics as well as its utility as a flood protection and water supply system.

The islands of the Delta are protected by an intricate series of levees, some locally owned and maintained and others part of the State Plan of Flood Control (SPFC). Out of approximately 1,115 miles of levees protecting 700,000 acres of lowland in the Delta, about a third of the levees (385 miles) are SPFC levees which were part of an authorized federal flood control project of the Sacramento and San Joaquin River systems. The remaining Delta levees (about 730 miles), and all of the Suisun Marsh levees (about 230 miles) are non-project (local) levees.

The Delta Reform Act, specifically Water Code Section 85306, requires the Delta Stewardship Council (Council), in consultation with the Central Valley Flood Protection Board (Board), to recommend priorities for state investments in levee operation, maintenance, and improvements in the Delta, including both levees that are part of the State Plan of Flood Control and non-project levees.

The Council has developed a draft policy to guide the project planning process, contracted with a consultant to build a computer-based decision-making tool, and will be preparing a report outlining the investment options to be included in the next Delta Plan update. Board technical staff has contributed to the project to date, and the project is at the point where policy considerations and guidance from the Board is necessary.

The Board conducted a workshop in July to develop a set of principles based upon public safety priorities that the Board can use to frame discussions with and provide input to Council staff, consultants and others to ensure that public safety and flood reduction awareness continue to be a considerable part of this planning process. Stakeholder participation at the workshop was excellent and ideas from local flood control interest groups, Delta landowners, and Delta Protection Commission, Department of Water Resources and Council staff helped focus the themes.

The Board expressed support for the pursuit of a single State investment strategy that: recognizes there are plans and projects, such as the Delta Subventions Program, already at work in the Delta and throughout the system; considers existing policy and priorities; and includes an analysis of those existing strategies and programs as a baseline to discuss any recommended changes.

Board members emphasized that systemwide needs include the priorities outlined in the 2012 Central Valley Flood Protection Plan, and that the recommendations in this valley-wide planning document must remain part of the discussion as the DLIS is developed. The Board members expressed an interest in a document that includes a chart of timeframes, including “near term”, “mid-term” and “long term” planning horizons, the major decisions anticipated in each, and how predicted climate change, subsidence, earthquakes, and future flooding events will be incorporated into the DLIS.

The idea of qualitative risk reduction versus the type of quantitative risk reduction calculations used by the insurance industry was brought up multiple times, with the contrast intended to convey the Board’s interest in placing emphasis on the qualitative or life-saving risk reduction. It was recognized that the Board will have a unique and important perspective to add to the discussion.

3.0 – STAFF RECOMMENDATION

The Board requested staff return to a future board meeting with a draft consultation guidance regarding the DLIS. Attached is a draft arranged around three themes: public safety, risk reduction and jurisdiction. Board staff recommends the Board adopt the draft Consultation Guidance and direct the Executive Officer to notify the Council of this action.

4.0 – CEQA ANALYSIS

This action does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and thus is not a “project” for purposes of the California Environmental Quality Act. (Public Res. Code § 21056; Guidelines § 15378(a)).

5.1– List of Attachments

Attachment A - Draft Consultation Guidance regarding Delta Levee Investment Strategy

Prepared by: Ali Porbaha, Senior Engineer
Reviewed by: Leslie Gallagher, Acting Executive Officer

CVFPB Consultation Guidance Regarding the Delta Levee Investment Strategy (DLIS)

The Central Valley Flood Protection Board (Board) supports a statewide strategy for levee investment throughout the Central Valley. The Delta is an important part of this larger flood control system, and the Board recognizes the need to consider both State-owned and locally owned levees as components of the flood protection and water delivery system in the Delta. The Board supports the drafting of the DLIS and will participate in all aspects of its development. In order to support this effort, the Board has adopted the following guidance to be used by the Board and staff when providing comments and collaborating on strategy development.

The guidance is arranged around the themes of public safety, risk reduction and jurisdiction. Each is described in more detail below.

Public Safety. The Board will view the DLIS through the lens of its public safety mission to improve flood risk management throughout the Central Valley.

The co-equal goals of the water supply reliability and environmental enhancement along with the preservation of Delta as a place are important and laudable goals. But they are not the only governing principles in the Delta. The Delta is the exit point for flood waters carried by a vast and complex flood control system. The DLIS must take into account all of the other public agencies with interests in the Delta flood protection system and ensure the strategies implemented do not impede the implementation of other State priorities, projects or goals.

The Central Valley Flood Protection Plan (CVFPP), adopted in 2012, centers around the public policy need to improve flood risk management for the entire Central Valley, including the Delta. The CVFPP's systemwide investment approach for sustainable, integrated flood management in areas currently protected by facilities of the State Plan of Flood Control (SPFC) represents the State's priorities for the Central Valley. The CVFPP will be updated every five years, with each update providing support for subsequent policy, program, and project implementation. As the DLIS is developed, recognition of the systemwide approach of the CVFPP and its adopted public policies must be factored into the Delta-specific DLIS, because the Delta is a subset of the larger system, and investment strategies in the DLIS must complement and supplement those of the CVFPP. Competing strategies on the same system must be avoided.

Risk Reduction/State Liability. The Board will emphasize the need to protect State interests in infrastructure, critical public services and environmental enhancement in the DLIS

In addition to loss of life, levee failures and the associated inundation can cause destruction of property and infrastructure, interruption of water supply (a source of drinking water for about two out of every three Californians) as well as damage critical environmental, agricultural, commercial navigation and recreational interests in the region. There are extensive infrastructure and capital investments in the Delta, including wildlife habitat, public highways, rail lines, natural gas fields, gas and fuel pipelines, drinking water pipelines (e.g. Mokelumne Aqueduct) and two deepwater ports.

CVFPB Consultation Guidance Regarding the Delta Levee Investment Strategy (DLIS)

As the DLIS is developed, risk to the State resulting from failure of Delta levees due to floods, earthquakes, subsidence, dry weather failures, or climate change must be analyzed. Using even the most modest (and observed) estimates for future sea-level rise, many Delta levees would require improvement to address the higher daily and flood event water surface elevations. In addition to the strategy itself, the DLIS must take into account the State's significant investments already made in public infrastructure in the Delta. Levee failures would not only create direct damage, but also potentially change the configuration of the Delta, altering the ability to repair existing infrastructure and affect the mixing of fresh water with salt water.

As the DLIS is developed, it is imperative that strategies that reduce overall State liability are considered as preferred options. Specifically, the DLIS should focus on reduction of known flood risks, analyze what residual risks will remain after implementation, seek to reduce any residual risks, and ensure no new risks are created by implementation of the DLIS. Cost to the State must also be considered, and specific consideration must be given to the existing Delta Subventions Program, which has invested hundreds of millions in Delta levees over the years, with demonstrated success.

Jurisdiction. The DLIS should discuss the existing legal and contractual obligations of the State and utilize the Board's regulatory authority to manage the SPFC and Delta levees.

The Board has broad authority over the SPFC, as well as designated floodways and the regulated streams contained in Table 8.1 in Title 23, CCR, many of which are located in the Delta. The Board also holds title to real property through the Sacramento-San Joaquin Drainage District. The Board currently manages several programs, including:

- a. The Delta Subventions Program, including annual budget allocations, procedures and criteria;
- b. Issuing permits for encroachments or activities on or around the SPFC;
- c. Ordering removal of unpermitted or illegal encroachments on or around the SPFC;
- d. Serving as the non-federal sponsor for levee improvement projects requiring review by U.S. Army Corps of Engineers (USACE) pursuant to 33 USC 408 (Section 408 review);
- e. Issuing permits for projects on, under or near regulated streams (Table 8.1 in Title 23, CCR) and designated floodways.

Opportunities to incorporate these existing programs into the DLIS, utilizing existing authorities and resources, will be of primary importance to the Board.

CVFPB Consultation Guidance Regarding the Delta Levee Investment Strategy (DLIS)

Summary

This general guidance addresses broad themes of import to the Board and will be utilized by Board staff to guide discussions and comments as the DLIS is developed. As the need arises, specific drafts of the DLIS, policy questions not considered here, and other items of import that arise throughout the process will be brought back for Board consideration and/or action.