

**Meeting of the Central Valley Flood Protection Board
September 22, 2017**

Staff Report

Implementation Roadmap for 2017 and 2018

1.0 – ITEM

The 2017 Central Valley Flood Protection Plan's (Plan) Resolution of Adoption No. 2017-10 acknowledged that increased funding is needed for flood system Operation and Maintenance and for flood system improvements. The Resolution also acknowledged that the flood system lacks a clearly identified sustainable funding source. With this realization, obtaining the necessary funding for successful implementation of the Plan is crucial.

The Resolution also states that the Board will continue to work with the Department of Water Resources (DWR) and stakeholders; the Board will work with local levee maintaining agencies to improve operations and maintenance and to regain eligibility in the federal Public Law 84-99 Rehabilitation Program; the Board will continue to work with stakeholders and the U.S. Army Corps of Engineers on vegetation policies to assure that the State's environmental system is protected; and the Board acknowledges the importance of the eight key policy issues identified in the Plan.

The 2017-2018 Implementation Roadmap outlines a path through committees and workgroups where the Board, DWR, consultants, and stakeholders will work together for successful implementation of the 2017 CVFPP Update.

2.0 – STAFF RECOMMENDATION

Board staff recommends that the Board use the implementation roadmap as a framework for implementing the 2017 CVFPP Update. Please see Attachments A and B for the Implementation Roadmap and 2017 CVFPP Update-Implementation Committees.

3.0 – LIST OF ATTACHMENTS

- A. Implementation Roadmap
- B. 2017 CVFPP Update – Implementation Committees
- C. Coordinating Committee Charter
- D. Advisory Committee Charter

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IMPLEMENTATION ROADMAP

For the

2017 Central Valley Flood Protection Plan Update

THE BOARD RESOLUTION

The Board's Resolution for the 2017 Update of the Central Valley Flood Protection Plan stated the following:

- (1) Increased funding is needed for flood system O&M and for improvements. Inspection reports indicate severe deficiencies in levee maintenance. The flood system lacks a clearly identified sustainable funding source. The Board supports a study of the viability of an assessment under the Sacramento-San Joaquin Drainage District.
- (2) The Board will continue to work with DWR and stakeholders.
- (3) The Board will work with local levee maintaining agencies to improve operations and maintenance and to regain eligibility in the federal Public Law 84-99 Rehabilitation Program.
- (4) The Board will continue to work with stakeholders and the United States Army Corps of Engineers on vegetation policy to assure that the state's environmental system is protected.
- (5) The Board acknowledges the importance of the eight key policy issues identified in the Plan: Land use and development in deep flood plains, residual risk, hydraulic and environmental baselines, operations and maintenance, multi-benefit projects, governance and institutional support, coordination with federal agencies, and funding.

In addition, the Plan called for consideration of a state levee subvention program. This subvention program could be used to augment funding for levee maintaining agencies to be used towards eligibility in the federal Public Law 84-99 Rehabilitation Program.

PRINCIPLES

- (1) Levees must be properly maintained and operated: "Maintain what we have."
- (2) The Board and DWR should resolve the issues identified in the Resolution as quickly as possible, including requesting funding and needed statutory changes.
- (3) Levees are not infallible. We should act as if we expect there will be a major levee failure at some point in the system at some time in the future. We should then ask what we should do before the flood - to save lives and protect property. The Board and other state agencies will work with the local maintaining agencies, cities, and counties in the Central Valley to improve and coordinate local emergency action plans.
- (4) The roles of the state and local levee maintaining agencies need to be clearly articulated and understood, and then those roles need to be carried out responsibly.

- (5) The costs of the system should include all costs, including O&M, improvements, flood damages, repair, and recovery.

SHORT TERM NEEDS

- (1) We need to fund the RFMPs for this next phase. (Resolution 23, Policy Issue No. 8: Funding)
- (2) We need funding to employ financial consultants. (Resolution 23, Policy Issue No. 8: Funding)
- (3) We need short-term funding for operations and maintenance. (Resolution 23, Policy Issue No. 8: Funding)
- (4) We need to have discussions with our partners and stakeholders, the Governor's Office, and the Department of Finance on how to resolve funding and other issues identified in the Plan and the Resolution. (Resolution 18)

LEGISLATIVE CONSIDERATIONS

Resolving some of the issues identified in the Resolution will require legislative action: obtaining a flood control appropriation in the budget bill, proposing bond acts, or changing laws.

By October 23, state entities, such as DWR and the Board, must submit legislative proposals to the Natural Resources Agency for approval. The Governor's Office also must provide approval.

The Legislature has procedures, processes, and time requirements on when and how measures are considered. The 2018 legislative schedule has yet to be published, but the 2017 schedule indicates the time requirements:

On or before January 10, the Governor must submit the annual state budget bill to the Legislature for introduction into each house for hearings. The Legislature must pass the budget bill by June 15.

Legislators must submit proposed legislation to Legislative Council by January 20 for drafting. Bills must be introduced by February 17. In accordance with the State Constitution, a legislative bill may only cover one subject, although a subject such as "the State Plan of Flood Control" or "Central Valley Flood Control" may include a series of issues providing they relate to the specified subject. Bills may be amended to revise the initial draft or may be amended to include additional issues.

ORGANIZATIONAL APPROACH

The Board, jointly with DWR, will use, but retask, the existing committees to carry out this roadmap:

- (1) The Board's Executive Committee (EC) working with DWR and consultants will receive updates and finished work products from the other committees and workgroups and, pursuant to its delegated administrative authority, manage the schedule for informational briefings to the Board and request for action by the Board.

- (2) The Board-DWR Coordinating Committee (CC) would continue its coordinating role, but would be tasked to be more of a working committee, with subcommittees being assigned work topics. The CC's Steering Committee would continue its role of planning meetings.
- (3) The Advisory Committee (AC) would be re-tasked to consider habitat issues specified in the Resolution, multi-benefit checklist for projects, and programmatic permitting.
- (4) The DWR-Board Investment Strategy working group (ISWG) will continue to work on the technical, data acquisition, and legal issues surrounding funding options. Finished work products would be routed through to the Executive Committee (EC).

COORDINATING COMMITTEE ASSIGNMENTS

The CC would be assigned the items listed below, with due dates as specified. The intent is that the report-back from subcommittees would be short, maybe a list of principles, procedures, or ideas; it is not intended that the report-back be a long report. Each report-back would be delivered to the CC for further consideration and would go to the EC for additional work, such as legal support.

Assignments Due December 1, 2017

- (1) What should be the process and principles for removal of levees and levee systems from the SPFC or repurposing? Who should be allowed to initiate the process? What if the LMA is defunct? What should be considered in the decision-making process? How should the process be structured, given that some proposals may be simple and some could be very complex? Should the Board decide? Should the Legislature have to concur? What about the Corps of Engineers? (Resolution Recommendation 24d)
- (2) How could the annual notice to landowners in the SPFC be improved? (Resolution 22: Residual Risk)
- (3) Should developers proposing projects in deep flood plains have to acknowledge that the structure would be in a deep flood plain and that the developer is responsible for considering this risk in the design, construction, and use of the structure? (Resolution 22: Residual Risk)
- (4) What dates should be used for the hydraulic and ecosystem baselines? (Resolution Recommendation 24a)

Assignments Due June 1, 2018

- (1) What should we do now if we knew there was going to be a major levee break in a deep flood plain 30 years from now? How would we evacuate? How would we dewater? How would we recover?

ADVISORY COMMITTEE ASSIGNMENTS

The AC would be assigned the items listed below, with due dates as specified and work through the EC.

Assignments Due December 1, 2017

How could resource agencies participate in early parallel review of proposed encroachments or flood system improvements? Should this be in legislation? What might that look like? Are there alternatives? The purposes of this recommendation were to improve permitting and potentially improve the multi-benefit aspects of projects. (Resolution Recommendation 24c, and Advisory Committee)

Assignments Due June 1, 2018

- (1) What could be done to support funding and development of standardized criteria for the permitting process of multi-benefit projects? (Resolution Recommendation 24b)
- (2) How to consider vegetation-on-levees and to ensure the State's environmental and ecosystem interests are protected. (Resolution Recommendation 21)

EXECUTIVE COMMITTEE ASSIGNMENTS

The EC, with the Department, would be responsible for overall planning and management for implementation of the Plan and the Resolution.

The EC would handle the following work assignments:

Assignments Continuing:

- (1) The EC, with the Department, would provide assignments, feedback, and deadlines to the Coordinating Committee, the Investment Strategy Working Group, and Advisory Committee.
- (2) The EC would provide implementation updates to the Board.

INVESTMENT STRATEGY WORKING GROUP ASSIGNMENTS

The ISWG would be responsible for legal review of implementation work products and other responsibilities surrounding funding options.

The ISWG would do or answer the following work assignments:

Assignments continuing:

- (1) The ISWG would work with the Coordinating Committee to provide implementation updates to the EC.
- (2) The ISWG would engage with state budget planners to provide short-term and long-term budgetary support for the Plan and RFMPs? (Resolution 23, Policy Issue No. 8: Funding)

- (3) The ISWG would consider liability issues. (Resolution 22: Residual Risk)
- (4) How could governance and institutional support be improved? (Policy Issue No. 6: Governance)
- (5) How can we improve coordination with federal agencies? (Policy Issue No. 7: Coordination with federal agencies)

Assignments Due October 23, 2017

- (1) Provide a request to introduce legislation to the Natural Resources Agency. Presumably the request would be for some small changes, but the request would indicate that other changes could be added later as agreement develops. (Various)

Assignments Due October 30, 2017

- (1) O&M deficiencies (Resolution 14, 15, 16, 19, 20, 23; Policy Issue No. 8: funding)
 - a. How much is being spent for O&M by LMAs and MAs now? How much is this per mile of levee and per acre within the district?

The ISWG should compare this information to other similar flood projects in California: who pays for O&M; how much is spent on O&M per levee mile, how much is spent for O&M per acre, and who is responsible for liability?
 - b. Which LMAs are meeting PL 84-99 requirements and which are not? Provide a map.

Assignments Due December 1, 2017

- (1) O&M deficiencies (Resolution 14, 15, 16, 19, 20, 23; Policy Issue No. 8: funding)
 - a. Are LMAs that are not meeting PL 84-99 requirements willing to commit to meet the requirements, presumably via a SWIF?
 - b. If LMAs are not willing or not able to meet the requirements, what should be done?
- (2) What changes to the Sacramento-San Joaquin Drainage District Act would be needed to create an assessment district? (Resolution 17)

Assignments Due March 1, 2018

- (1) How would an assessment district function, in a practical operation? What area should be covered - the whole CVFPP area, or some subset? What would the revenues be used for? How much revenue would be needed? Who decides what work should be carried out? How does this relate to ability to pay? How would the revenues be allocated to

LMAs, RFMPs, or others?

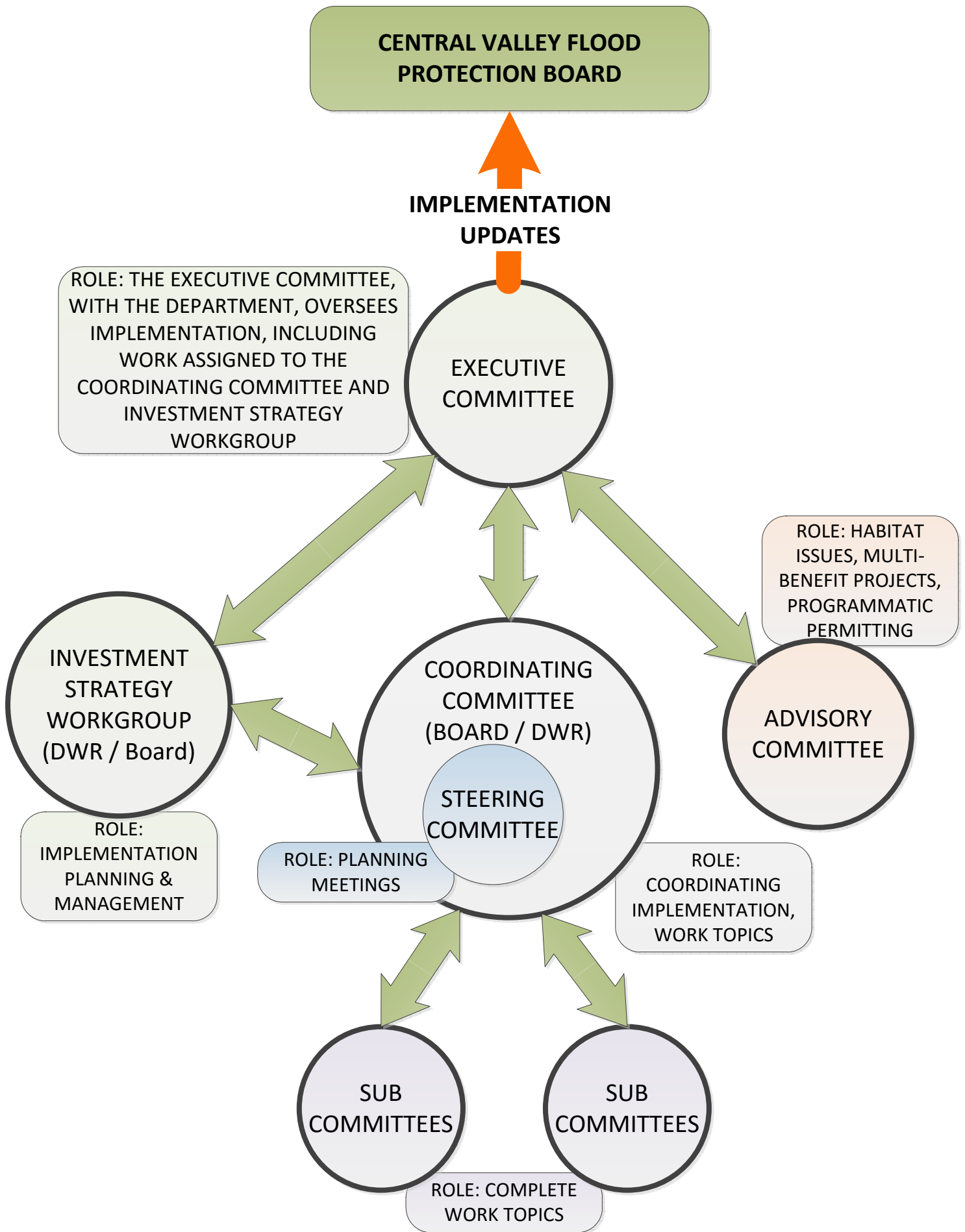
- (1) The ISWG should evaluate local funding options. This may take some time before it is ready to be presented to the CC. The ISWG should seek advice from key stakeholders. The ISWG would consider: (Resolution 15, 17; Policy Issue No. 8)
 - a. The assessment district alternative
 - b. Overlay maintenance areas or maintenance areas alternatives
 - c. State levee subventions: to fund what and under what conditions?
 - d. Combined funding alternative: a+b+c
 - e. How does the Delta fit into this for project and non-project levees?

ASSIGNMENT CROSS TAB

ISSUE	SOURCE	ASSIGNED TO	DUE DATE
Funding	Resolution 14		
Funding O&M	Resolution 15		
Lack of sustainable funding source	Resolution 16		
Funding; assessment district	Resolution 17		
Commitment to work with DWR, stakeholders	Resolution 18		
Levee deficiencies	Resolution 19		
Board committed to working with LMAs	Resolution 20		
Vegetation, USACE	Resolution 21	AC	June 1, 2018
Importance of eight policy issues	Resolution 22	-	-
Funding	Resolution 23	AC	-
Baselines	Resolution 24a		
Multi-benefit projects	Resolution 24b	AC	June 1, 2018
Resource agencies, participation	Resolution 24c	AC	December 1, 2017
Removal, repurposing of CVFPP facilities	Resolution 24d	CC	December 1, 2017
Land use, floodplain management	Policy Issue No. 1		
Residual Risk	Policy Issue No. 2	CC	December 1, 2017
Baseline	Policy Issue No. 3	CC	December 1, 2017
O&M	Policy Issue No. 4		
Multi-benefit projects	Policy Issue No. 5		
Governance, institutional support	Policy Issue No. 6	ISWG	Continuing
Coordination with Feds	Policy Issue No. 7		
Funding	Policy Issue No. 8		
If there were a levee break	Principles, workplan	CC	June 1, 2018
Overall management		EC	Continuing
Make assignments to CC, AC, ISWG		EC	Continuing
Liability		ISWG	Continuing
1957		ISWG	Continuing
LMAs funding data		ISWG	October 1, 2017
Request for legislation		ISWG	October 23, 2017
Will LMAs meet PL 84-99?		ISWG	December 1, 2017
Legislation, changes needed for Sac-SJ Drainage District		ISWG	December 1, 2017
How an assessment would work, and alternatives		ISWG	March 1, 2018

2017 CVFPP UPDATE - IMPLEMENTATION COMMITTEES

September 22, 2017



Central Valley Flood Protection Board

Central Valley Flood Protection Plan – 2017 Update

Charter for the COORDINATING COMMITTEE

1. Official Title. Coordinating Committee.
2. Authority. The Coordinating Committee is established pursuant to the Central Valley Flood Protection Board's ("Board") Resolution 2017-10 Resolved numbers 18, 21-25 and is consistent with Water Code §§ 9620 thru 9625.
3. Objective and Scope. The objective of the Coordinating Committee is to implement Resolved Item 18 of the Board's resolution that approved the 2017 Update of the Central Valley Flood Protection Plan (CVFPP). Item 18 provides that the Board "...is committed to the implementation of the 2017 CVFPP Update, and will continue to provide a forum to work with DWR, the USACE, and key stakeholders and will establish processes for such coordination to work towards implementation following the guidance set forth in section 4.5 of the CVFPP."

The Coordinating Committee is to carry out this objective and scope through two related activities. The first activity will consist of briefings and discussions on flood control and related environmental issues within the Board's area of jurisdiction in the Central Valley and how those issues are being characterized, studied, planned, designed, financed, and implemented. These briefings and discussions will be publicly noticed and open to stakeholders and the public. These briefings and discussions will normally be held on a monthly basis. A steering committee, consisting of the Board, DWR, and designated stakeholders, will be responsible for administrative duties, including the determination of Coordinating Committee meeting agendas.

Under the second activity, the Coordinating Committee will create subcommittees to make recommendations back to the Coordinating Committee on specific issues related to implementation of the CVFPP.

4. Duties. The duties of the Coordinating Committee are solely advisory and shall extend only to the submission of advice and recommendations to the Board, which shall be nonbinding to the Board. The Coordinating Committee shall make no determination of fact or policy.
5. Reports. The Coordinating Committee shall report to the Board at such intervals as determined by the Board's Executive Officer or at the request of the Executive Committee.

6. Support. The Board staff will support the Coordinating Committee. The Executive Officer or his or her representative will call all of the Coordinating Committee meetings, prepare and approve all meeting agendas, attend all Coordinating Committee meetings, adjourn any meeting when determined to be in the public interest, and chair meetings when directed by the Board.
7. Meetings. The Coordinating Committee shall have its initial meeting during the month of **XXXXXX**. Thereafter, the Coordinating Committee shall meet at such intervals as are necessary to carry out its duties.
8. Duration. The Coordinating Committee shall continue until such time as the Board determines the Coordinating Committee has fulfilled its objectives, or when the Board adopts the 2022 Update to the CVFPP, whichever comes first.
9. Membership. The Coordinating Committee shall consist of two Board members, **as assigned**, and as many DWR and stakeholder representatives willing to participate in the effort. The Board will not formerly appoint additional members to the Coordinating Committee, but will ensure all Coordinating Committee meetings are publicly noticed and accessible to those stakeholders who wish to participate. Specific assignments may be delegated by the Coordinating Committee to non-Coordinating Committee members.
10. Recordkeeping. Records of the Coordinating Committee will be kept by the Board and available for public inspection pursuant to the California Public Records Act (Govt. C. § 6250, et seq.)
11. Filing Date. The filing date of this Charter is _____

Submitted by:

Leslie M. Gallagher
Executive Officer
Central Valley Flood Protection Board

Approved by:

William J. Edgar, Board President

Jane Dolan, Board Secretary

Central Valley Flood Protection Board

Central Valley Flood Protection Plan – 2017 Update

Charter for the ADVISORY COMMITTEE

1. Official Title. Advisory Committee on Implementation of Habitat-Related Issues Identified in the 2017 Update of the Central Valley Flood Protection Plan (“Advisory Committee”).
2. Authority. The Advisory Committee is established pursuant to the Central Valley Flood Protection Board’s (“Board”) Resolution 2017-10 (“Resolution”) Resolved numbers 3, 5, 6, 18, 21-25 and is consistent with Water Code §§ 9620 thru 9625.
3. Objective and Scope. The objective of the Advisory Committee is to provide recommendations to the Board on the implementation of habitat-related issues articulated in the adopted 2017 Update of the Central Valley Flood Protection Plan (CVFPP). The Advisory Committee shall be informed by the Board’s 2016 Conservation Strategy Advisory Committee report, which was developed by stakeholder consensus. The Advisory Committee shall give consideration to the following:
 - a. Vegetation on levees, recognizing that the USACE is considering revising its vegetation policy. (Resolution #21)
 - b. Methods to improve permitting in general.
 - c. Funding and development of standardized criteria for the permitting of multi-benefit projects. (Resolution #24b)
 - d. Support of a process by which resource agencies participate in early parallel review of proposed encroachments or flood system improvements. (Resolution #24c)
 - e. Development of multi-benefit projects.
 - f. Protection of and uplift for endangered species.
4. Duties. The duties of the Advisory Committee are solely advisory and shall extend only to the submission of advice and recommendations to the Board, which shall be nonbinding to the Board. No determination of fact or policy will be made by the Advisory Committee.

The Advisory Committee shall make recommendations to the Board on specific subjects as directed by the Board and in accordance with time schedules established by the Board.

5. Reports. The Advisory Committee shall report to the Board at such intervals as determined by the Board’s Executive Officer or at the request of the Executive Committee.

6. Support. The Board staff will support the Advisory Committee. The Executive Officer or his or her representative will call all of the Advisory Committee meetings, prepare and approve all meeting agendas, attend all Advisory Committee meetings, adjourn any meeting when determined to be in the public interest, and chair meetings when directed by the Board.
7. Meetings. The Advisory Committee shall have its initial meeting during the month of **XXXXXX**. Thereafter, the Advisory Committee shall meet at such intervals as are necessary to carry out its duties.
8. Duration. The Advisory Committee shall continue until such time as the Board determines the Advisory Committee has fulfilled its objectives, or when the Board adopts the 2022 Update to the CVFPP, whichever comes first.
9. Membership. The Advisory Committee shall consist of two Board members, **as assigned**, and as many stakeholder representatives willing to participate in the effort. The Board will not formerly appoint additional members to the Advisory Committee, but will ensure all Advisory Committee meetings are publicly noticed and accessible to those stakeholders who wish to participate. Specific assignments may be delegated by the Advisory Committee to non-Advisory Committee members.
10. Recordkeeping. Records of the Advisory Committee will be kept by the Board and available for public inspection pursuant to the California Public Records Act (Govt. C. § 6250, et seq.).
11. Filing Date. The filing date of this Charter is _____

Submitted by:

Leslie M. Gallagher
Executive Officer
Central Valley Flood Protection Board

Approved by:

William J. Edgar, Board President

Jane Dolan, Board Secretary