

CENTRAL VALLEY FLOOD PROTECTION BOARD EXECUTIVE OFFICER'S REPORT

May 20, 2016



Board Administration Update

Ongoing Operations

- Nineteen Delta Levee Subventions Program Agreements have been signed by EO Gallagher this month, including work at Dutch Slough, Quimby Island, Pico Naglee, Shima Tract, Union Island East, Veale Tract, Medford Island, Rindge Tract, Terminous Tract, Hasting Tract, Cache-Haas Slough, Stark Tract, bishop Tract, Boggs Tract, King Island, Empire Tract, Coney Island, and Merritt Island.
- Two Flood System Repair project agreements were signed, including 4.73 miles of levee patrol road repair in RD 2068 (right bank Yolo bypass), and 7.1 miles of levee patrol road repair in RD 2098 (Yolo Bypass/Cache Slough).
- On April 27, EO Gallagher, Board Counsel Dua, Board President Edgar and Board member Macdonald attended the Coordinating Committee meeting in West Sacramento. Topics discussed included a presentation by Christopher Williams of DWR Planning Office on the revised technical memorandum for OMRRR (Operations, Maintenance, Repair, Rehabilitation, Replacement), an overview of the CVFPP update and a preview of the CVFPP investment strategy.
- DFM Implementation Office staff briefed EO Gallagher on the State-led Lower Elkhorn Setback Levee project in the Yolo Bypass. DWR implementation office will brief the Board on this item on May 20.
- President Edgar signed the historic Yolo Bypass & Cache Slough Memorandum of Understanding on May 4. This MOU among fifteen State, federal and local agencies memorializes the commitment of all agencies to coordinate the various planning efforts in the region. The Yolo Bypass and Cache Slough project is spearheaded by the Natural Resources Agency and managed by Kristopher Tjernell (MOU attached).
- The Natomas Cross Canal project is entering a close-out phase and the Flood Projects Office anticipates several parcels of property being turned over to the SSJDD in the near future. After FPO briefed the EO and senior staff, it was decided that FPO would brief the Board at its June 2016 meeting, with a likely follow up request for the Board to accept the properties in fee in July.
- On May 9, Board President Edgar and EO Gallagher attended the bi-annual Delta Plan Interagency Implementation Committee meeting chaired by the Delta Stewardship Council president Randy Fiorini. Agenda items included a progress report on high impact science actions by Delta Lead Scientist Dr. Cliff Dahm, a presentation by Dr. John Wiens (Delta Independent Science Board) on adaptive management in the Delta and a presentation by David Okita and Kristopher Tjernell on California EcoRestore. The meeting was webcast and copies of documents from this meeting are available at the DSC website.

Recent Developments

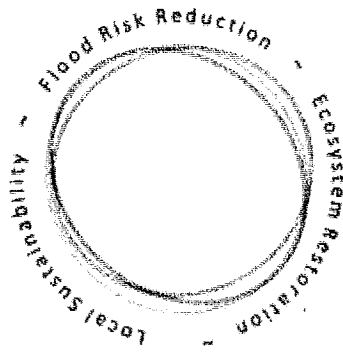
- On Wednesday, May 11, Board member Macdonald, Board Secretary Dolan and Board President Edgar, along with EO Gallagher, Board Counsel Dua and Acting Chief Engineer Emami attended the Change of Command Ceremony for outgoing District Commander Michael Farrell and welcomed incoming District Commander David Ray. Colonel Ray will be in attendance at the May 20 Board meeting.
- On May 17, US House Transportation and Infrastructure subcommittee held a hearing for a WRDA. SAFCA Executive Director Rick Johnson was in attendance. Congresswoman Doris Matsui issued a statement (attached). Link to the hearing here: <http://transportation.house.gov/calendar/eventsingle.aspx?EventID=400199>
- Working group consisting of Gary Lemon, Ray Barsch and USACE staff has met several times on the waterside levee permitting issues, and is drafting a white paper including a range of options for policy discussion in the near future. As noted previously, pending applicants have been advised by Board staff that their permits remain with the USACE and that the group is working diligently to identify possible solutions, both in the short and long term, for this issue.

Board News

- Senior Engineer Nancy Moricz was recently awarded the 2016 Sacramento Chapter American Public Works Association Professional Manager of the Year in Water Resources Award. Nancy will be honored at an awards dinner on May 19 and an announcement will be made at the Board meeting on May 20.
- Senior Environmental Scientist Andrea Buckley will be acting branch chief for the Environmental Branch through July 2016.
- New Senior Environmental Scientist Ruth Darling reported to work on May 2. Her resume was forwarded to Board members last week and she will be in attendance at the Board meeting.
- Board Staff Relocation: DWR business services office informed AO Montgomery that the remaining furniture will be ordered this week and delivered within three weeks after. Remaining staff should be moving shortly thereafter.
- Revised job posting for Chief Engineer, Senior Engineer and Staff Services Analyst (analyst to the Board) were advertised this week.
- The official "reorganization plan" continues through the process with an implementation date of July 1.
- June Board workshop will be held up north on June 10, and is expected to include a boat tour. Save the date.

Other Noteworthy Info

- Governor's revised budget was released last Friday. The \$100 million for deferred levee maintenance remains in the budget.
- Public Policy Institute of California issued a paper on flooding in California. Hyperlink below: http://www.ppic.org/main/publication_show.asp?i=707
- Hamilton City Groundbreaking was held on May 2 at 9:30 AM. Secretary Dolan spoke on behalf of the Board. (Photo attached).



Yolo Bypass & Cache Slough MOU

MEMORANDUM OF UNDERSTANDING

AMONG THE UNITED STATES DEPARTMENT OF INTERIOR BUREAU OF RECLAMATION, UNITED STATES FISH AND WILDLIFE SERVICE, UNITED STATES DEPARTMENT OF COMMERCE NATIONAL MARINE FISHERIES SERVICE, UNITED STATES ARMY CORPS OF ENGINEERS, THE CALIFORNIA NATURAL RESOURCES AGENCY, CALIFORNIA DEPARTMENT OF WATER RESOURCES, CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE, CENTRAL VALLEY FLOOD PROTECTION BOARD, STATE WATER RESOURCES CONTROL BOARD, CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD, COUNTY OF YOLO, COUNTY OF SOLANO, SACRAMENTO AREA FLOOD CONTROL AGENCY, SOLANO COUNTY WATER AGENCY, AND RECLAMATION DISTRICT NO. 2068

REGARDING COLLABORATION AND COOPERATION IN THE YOLO BYPASS AND CACHE SLOUGH REGION

Introduction

The Yolo Bypass and Cache Slough Region (Region) is the focus of several interagency planning efforts by multiple federal, state, and local governmental agencies aimed at improving flood conveyance, fisheries and wildlife habitat, water supply and water quality, agricultural land preservation, economic development, and recreation. The numerous demands on and interests in the Region present an opportunity for governmental agencies at the local, state, and federal levels to collaborate to accommodate multiple objectives through the implementation of policies and projects that improve the variety of public values that the Region serves.

Purpose

This Memorandum of Understanding (MOU) serves as the vehicle to promote the discussion, prioritization, and resolution of policy and other issues critical to the success of the various planning efforts in the Region. The parties (Parties) to this MOU envision a Region that serves as a model for public agency cooperation and achievement. To this end, this MOU memorializes the understanding of the Parties, interested local, state, and federal agencies, to partner to improve collaboration, synchronize efforts, and enhance outcomes of planning efforts related to flood conveyance, fisheries and wildlife habitat, water supply and water quality, agricultural land preservation, economic development, and recreation.

Parties

This MOU is entered into by the United States Department of the Interior Bureau of Reclamation, the United States Fish and Wildlife Service, the United States Department of Commerce National Marine Fisheries Service, the United States Army Corps of Engineers, the California Natural Resources Agency, the California Department of Water Resources, the California Department of Fish and Wildlife, the Central Valley Flood Protection Board, the State Water Resources Control Board, the Central Valley Regional Water Quality Control Board, the County of Yolo, the County of Solano, Sacramento Area Flood Control Agency, Reclamation District No. 2068, and Solano County Water Agency (collectively referred to as "Parties" and individually as "Party").

Principles

The Parties recognize the following principles, which will guide collaborative efforts under this MOU:

- A. Successful planning understands and addresses the specific concerns of each Party and those that they represent, such as concerns related to potential species, regional economy, and water supply conflicts, among others.
- B. Public benefit projects will protect or improve the flood system resiliency of the Yolo Bypass, which is an authorized State and Federal flood management facility.
- C. Public benefits are inherent in the integration of flood management, habitat restoration, and economic sustainability efforts, and these public benefits should be maximized wherever appropriate.
- D. Each Party is committed to understanding the opportunities and constraints of one another's independent authorities and regulatory responsibilities, which will not be compromised through participation in the collaborative efforts described in this MOU.
- E. Local expertise and technical input is valuable and should be actively sought out through effective stakeholder outreach.

Term and Other Conditions

A. Non-binding Nature:

This MOU is legally nonbinding and in no way: (i) impairs any Party from continuing its own planning or project implementation; (ii) limits a Party from exercising its regulatory authority in any matter; (iii) infers that a Party's governing body or management will act in any particular manner on a project; or (iv) gives any of the Parties any authority over matters within the jurisdiction of any other Party. Nothing in this MOU creates any legal rights, obligations, benefits, or trust responsibilities, substantive or procedural, enforceable at law or in equity, by a Party against any other Party, a Party's officers, or any person.

B. Term:

This MOU will become effective upon signature of all Parties and shall remain in effect for ten years unless terminated by mutual agreement of the Parties. Upon the expiration of ten years, the MOU may be renewed or extended through written agreement of all Parties. A Party may withdraw from this MOU at any time by notifying all other Parties in writing.

C. Amendments:

Modifications or amendments to the terms of this MOU shall be in writing and executed by all Parties.

D. Relationship of Parties:

Execution of this MOU does not create a new legal entity with a separate existence from the individual Parties. This MOU does not create an "advisory committee" as that term is defined in the Federal Advisory Committee Act, as amended (Pub. L. 92-463). This MOU also does not result in the joint exercise of powers as set forth in California Government Code section 6500 et seq. This MOU neither expands nor is in derogation of those powers and authorities vested in the Parties, or any of them, by applicable laws, statutes, regulations, or Executive Orders, nor does it modify or supersede any other applicable interagency agreements existing as of the date of this MOU.

E. Funding and Availability of Funds:

Funding by any Party toward any interagency effort in the Region is subject to the requirements of any and all applicable laws, regulations, and procedures. Nothing in this MOU is intended or shall be construed to authorize or require the obligation, appropriation, reprogramming, or expenditure of any funds by any Party as permitted by applicable law. As required by the Anti-Deficiency Act, 31 U.S.C. 1341, 1342, and 1517, all commitments made by Federal signatories to this MOU are subject to the availability of appropriated funds and budget priorities. Any funding commitment or services, if pursued, will be handled in accordance with applicable laws, regulations, and procedures.

Signatures

United States Department of the Interior Bureau of Reclamation

By: Pablo R. Arroyave
Printed Name and Title: Pablo R. Arroyave Deputy Regional Director
Date: May 2, 2016

United States Department of Commerce National Marine Fisheries Service

By: Maria Rea
Printed Name and Title: Maria Rea for Will Stelle, Regional Administrator,
Date: 4/29/16 West Coast Region NOAA Fisheries

United States Army Corps of Engineers

By: Michael J. Farrell
Printed Name and Title: COL MICHAEL J. FARRELL
Date: 5/3/2016

United States Fish and Wildlife Service

Acting

By: *Don Castleberry*
Printed Name and Title: Don Castleberry
Date: 2 May 2016

The California Natural Resources Agency

By: *John Land*
Printed Name and Title: John Land, Secretary, CA Natural Resources Agency
Date: May 3, 2016

California Department of Water Resources

By: *Mark W. Cowin*
Printed Name and Title: Mark W. Cowin, Director, Dept of Water Resources
Date: May 6, 2016

California Department of Fish and Wildlife

By: *Cherilyn H. Bonhan*
Printed Name and Title: Cherilyn H. Bonhan
Date: May 2, 2016

Central Valley Flood Protection Board

By: *William H. Edgar*
Printed Name and Title: William H. Edgar, President CVFPB
Date: May 4, 2016

State Water Resources Control Board

By: *Thomas Howard*
Printed Name and Title: Thomas Howard
Date: May 6, 2016

Central Valley Regional Water Quality Control Board

By:

Printed Name and Title: Pamela Creedon, Executive Officer

Date: 5/4/16

County of Yolo

By:

Printed Name and Title: Jim Provenza, Chair

Date: May 4, 2016

County of Solano

By:

Printed Name and Title: Bill Emlen

Date: 5/4/2016

Sacramento Area Flood Control Agency

By:

Printed Name and Title: Richard Johnston, Executive Director

Date: 29 APRIL 2016

Solano County Water Agency

By:

Printed Name and Title: Skip Thomson

Date: May 4, 2016

Reclamation District No. 2068

By:

Printed Name and Title: T. M. Hardesty

Date: May 3, 2016

Doris Matsui

Rep. Doris Matsui Statement before the
House Transportation and Infrastructure Committee
Subcommittee on Water Resources and Environment Hearing on
“A Review of Recently Completed United States Army Corps of Engineers Chief’s Reports”
May 17, 2016

Thank you Chairmen Shuster and Gibbs and Ranking Members DeFazio and Napolitano for holding today’s hearing. I appreciate the opportunity to offer this statement on the Chief’s Reports for the American River Common Features and West Sacramento projects. I respectfully request your support for this important flood protection infrastructure as the Committee moves forward with water resources development legislation this year.

I have the privilege of representing Sacramento and West Sacramento in Congress. This community I represent is the most at-risk major American city for flooding. We sit at the confluence of two great rivers, the American and the Sacramento, just downstream from the Sierra Nevada mountain range. These rivers have shaped who we are in Sacramento since the days of the Gold Rush.

The investments authorized in this Committee and made by the Army Corps of Engineers, matched by commitments at the state and local level, have protected Sacramento from devastating floods over the years. In that respect, this Committee’s work has helped saved thousands of lives in my region.

We must continue that investment, because our work to bolster our first line of defense against floods is constantly evolving. While the levees have been upgraded over the last twenty years, so have the federal government’s standards for flood protection. Since Hurricane Katrina, we have adopted stronger engineering standards and federal policies. Since these changes, recent analysis by the Corps and others has shown that Sacramento’s levees have significant erosion, underseepage, and other geotechnical deficiencies. Because of these hidden flaws in our levees, the Sacramento region could have a levee failure with very little warning.

This would be catastrophic for the Sacramento region, and it would be unacceptable to me as its member of Congress. At least 400,000 people live behind a levee that is part of the American River Common Features program or West Sacramento’s flood protection system. That is why the work in the American River Common Features and West Sacramento Chief’s Reports is so vital.

These two projects are essential to protect the life, property, and billions of dollars of economic investment that *already* exist in the region. The area that these projects encompass also includes four major highway systems, an international airport, and a major water and electric grid. We are not talking about protecting a few buildings. We are talking about the flood protection infrastructure for a major metropolitan center, the capital of the eighth largest economy in the world. The benefits of these projects will far outweigh the costs.

The federal commitment to these projects will be shared by state and local partners. Sacramento residents have shown their commitment to flood protection by voting to tax themselves on two separate occasions to pay for their share of levee improvements in the region.

The American River Common Features and West Sacramento projects are absolutely critical to the Sacramento region's comprehensive, systems-based approach to flood protection. This Committee has been a strong partner in Sacramento's effort and I appreciate your continued attention to my district's flood protection infrastructure. I look forward to working with you to see water resources development legislation containing the American River Common Features and West Sacramento projects enacted this year.

