

DELTA LEVEE MAINTENANCE SUBVENTIONS  
INTERIM APPLICATION PROCEDURES FOR PROJECT LEVEES

The following excerpts from Delta Levee Maintenance Subventions Program Preliminary Procedures, adopted by The Reclamation Board, will be used to guide administration of project levees' applications.

The text in bold type is not part of the Board's officially adopted procedures.

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Article 3 ADMINISTRATION

Section 3.1 Application Requirements. A local agency must make application to the Board in order to participate in the program for each fiscal year. The application shall be submitted in triplicate and should consist of:

- a. A letter expressing the agency's desire to participate.
- b. A statement of the agency's long-range plans (Section 2.1).
- c. A summary of the agency's annual routine maintenance work plan (Section 2.3).
- d. A summary of the agency's rehabilitation work plan (Section 2.3) for the fiscal year in which the work will be accomplished.
- e. A statement defining the land use of the area protected by the levee as well as any planned land use changes.
- f. Acreage of the protected area and approximate number of permanent inhabitants.
- g. Method of assessment, assessed value, local agency tax rate for flood control, bonded indebtedness for flood control, and a summary of unpaid warrants for flood control work.
- h. Proof of application for federal disaster assistance, whenever eligible, under Public Law 93-288. **Project levee districts should provide proof of application for Public Law 84-99 funds that are administered by the U.S. Army Corps of Engineers.**
- i. If application is for reimbursement of work deemed ineligible for federal disaster assistance, Damage Survey Report and/or other pertinent documentation (Article 2.5) plus proof of costs incurred.

- j. A signed hold-harmless agreement, as described in Water Code Section 12992, for execution by the Board. The form for this agreement shall be obtained from the Board. **A hold-harmless agreement may be executed by the Board with the local agency's work agreement.**
- k. Evidence that the agency's maintenance and improvement plans are in compliance or consistent with the California Environmental Quality Act. This requirement may be satisfied by a statement that the local agency has approved: 1) a Categorical Exemption, 2) a Negative Declaration, or 3) an Environmental Impact Report.
- l. Evidence that the agency's maintenance and improvement plans comply or are consistent with the California Endangered Species Act and the Federal Endangered Species Act.
- m. Evidence that the agency's maintenance and improvement plans comply or are consistent with the Clean Water Act and the Rivers and Harbors Act, as administered by the U.S. Army Corps of Engineers."

A local agency must also notify responsible and trustee agencies of any actions that fall within these agencies' jurisdiction, as required by law.

The Department of Fish and Game will prepare a detailed outline of documentation requirements to assist local agencies' compliance with the intent of this section and Article 2.3 of Part I, Article 2.

**For more information, contact Ed Littrell of DFG at (916) 358-2924 .**

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Section 3.3 Approval of Application. The Department of Water Resources shall review the application and make recommendations to the Board. The Board will approve the application in whole or in part or disapprove the application. The applicant will be informed of the disapproval of any application or any part of an application. Prior to any approval, the Board will execute the hold-harmless agreement submitted with the application under Article 3.1 (j).

Following are among the conditions that need to be satisfied for approval of the application:

3.31 Engineering. All plans shall be prepared and signed by a registered civil engineer and approved by the local agency. The plans shall indicate which field activities will be performed under the supervision of an engineer.

3.32 Fish and Game Review. DFG shall review all local agency plans. Plans shall not call for the use of channel islands or berms with significant riparian communities as borrow sites for levee repair material, unless fully mitigated.

Plans shall not result in a net long-term loss of riparian, fisheries, or wildlife habitat.

DFG reserves the right to request additional information, pursuant to Article 3.1, it deems necessary to make a recommendation for approval of the application. DFG also reserves the right to disapprove applications that fail to meet the conditions set forth in these procedures, consistent with their role under SB 34 of ensuring no net long-term loss of habitat.

Costs required to meet DFG approval are eligible for reimbursement under the Subventions Program.

3.33 CEQA/NEPA Compliance. The local agency shall be the lead agency for purposes of CEQA.

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## Article 2 PLANS

Section 2.1 Long Range Plans. Long-range plans shall consist of:

- a. A map showing the levee system on which project levees, nonproject levees under jurisdiction of the local agency, and the ownership of nonproject levees which are not under jurisdiction of the local agency, if any, are clearly identified.
- b. An Inventory of the nonproject **and project** levees.
- c. Either engineering plans or a statement setting forth the local agency's long-range plans and methods for maintenance and rehabilitation of the nonproject levees **and project levees** in the system, including plans for preservation and planting of levee vegetation where vegetation on the levee section is acceptable. The plans should describe the local agency's existing maintenance schedule for the entire nonproject **and project** levee system, and the schedule for post-rehabilitation maintenance, if such maintenance is expected to occur on a different schedule. The plans should also describe the local agency's long-range goal for flood protection. The plans should also describe the local agency's long-range goal for flood protection (i.e., Short-term Hazard Mitigation Plan Standards, PL-99 Standards, Bulletin 192-82 Criteria, or other applicable standard).
- d. The local agency's method of ensuring the maintenance and rehabilitation of the portions of the system's nonproject levees, if any, which are not under its jurisdiction.
- e. The target date for completion of levee rehabilitation.

- f. An estimate of the cost of annual routine maintenance and the total cost of rehabilitation. Also, an estimate of the cost of any mitigation measures required by DFG to ensure no net long-term loss of habitat, if available.
- g. All plans and schedules for levee improvement submitted to FEMA pursuant to the State Flood Hazard Mitigation Plan, Disaster Declaration FEMA-758-DR-CA (1986).
- h. An inventory of **project and** nonproject levees, consisting of:
  - (1) A map of the levees at a scale of 1 inch = 2,000 feet or larger;
  - (2) The establishment of a levee mile or station designation and marking on the ground such mile or station designations at one-half mile or 2,500-foot intervals;
  - (3) A profile of the centerline of the levees;
  - (4) Typical cross sections of the existing levee and cross sections at problem areas from the landside levee toe to under water levee toe or its adjacent berm. Sections should be taken at the beginning and end of transitions between materially different levee cross sections;
  - (5) The location, plan, and description (elevations where pertinent) of all encroachments on, over, or through the levee section;
  - (6) Such other material or information pertinent to the inventory that the local agency may have submitted to FEMA, under the 1986 State Plan referred to in subsection (g);
  - (7) Drawings showing the dimensions (length, width, and depth, in feet) of the proposed worksites, including all borrow areas or dredge areas.
- i. Provisions for the acquisition of any easements on and adjacent to the levee where the Department has made the determination, required by Water Code Section 12987, that an easement is desirable to maintain the structural stability of the levee.
- j. Plans indicating proposed land use changes, if any.
- k. A plan to compensate for any impacts to fish, wildlife, or riparian habitat caused by levee rehabilitation or maintenance. The plan shall meet the **requirement** of no net long-term loss or **net habitat improvement** for these habitats **depending on the timing, source of funding, and approval of DFG. The details of this requirement are contained in the revised Memorandum of Understanding. (The MOU is being revised to incorporate new AB 360 provisions and should be finalized in May 1997).**

Section 2.2 Annual Routine Maintenance Plans. Maintenance plans shall cover work to be performed on a fiscal year (July 1 to June 30) basis. They shall be in the form of a statement setting forth the local agency's planned maintenance within the scope of Section 5.1 of Part II (Criteria). An estimate shall be prepared showing the cost of each major activity and the year's total maintenance cost. When a statement will not adequately describe the work, it shall be shown on engineering plans or sketches. In addition, the following information shall be included:

- a. A map, aerial photo, or engineering drawing showing the actual (or anticipated) locations and dimensions of the areas where maintenance activities will occur for the appropriate fiscal year, including, but not limited to, borrow areas; dredge areas; areas to be sprayed, disked, burned, or mechanically cleared; and areas where revetment must be replaced.
- b. A description of the maintenance schedule and how it applies to the areas under consideration for reimbursement (i.e., length of time between maintenance treatments).

Section 2.3 Rehabilitation Plans. Rehabilitation plans shall cover work to be performed on a fiscal year (July 1 to June 30) basis. The plan shall be shown on an engineering drawing. The plan must show details of riparian vegetation or wildlife or fisheries habitat within the work area that will be disturbed and any proposed revegetation or mitigation measures the agency will take.

An estimate shall be prepared showing the cost of each major activity and the total cost of the planned rehabilitation.

Section 2.4 Plan Revisions. To the extent that there is a significant change in the Maintenance or Rehabilitation Plan(s), the local agency shall inform the Department in writing. Depending on the type of plan revision, approval may be required from one or more of the following agencies: Department, DFG and/or Board.

Section 2.5 Disaster Assistance. For applications made pursuant to Water Code Section 12993, the following conditions apply. This work, which was denied for reimbursement by both FEMA and OES, under Public Law 93-288, must have been denied for reasons of levee improvement or normal levee maintenance work. Work items under this category must be clearly and separately indicated on the agency's work plan. Damage Survey Reports and/or other pertinent documentation must be included with the agency's application as well as evidence of all costs incurred for the work performed. The fiscal year limitation for work performed under the Rehabilitation or Maintenance Plans does not apply here.