

LEVEE ASSURANCES  
LEVEES AND CHANNELS TECHNICAL TEAM  
3/24/98

**Introduction**

The Levees and Channels Technical Team was asked by the BDAC Assurances Workgroup to discuss levee assurances and to document the different positions on assurances. The following assurance language documents the various positions of those in attendance and is not necessarily the position of CALFED.

**Assurance Positions**

Common Pool Concept

Within the Levees and Channels Technical Team there is great disagreement on whether the Common Pool Concept should be an assurance. The following describe the various positions.

From the Central Delta Water Agency

The "Common Pool" concept must be maintained in the Delta. All water diverted from the Delta by the SWP and CVP must be diverted from the Common Pool. No diversions will be made from the North Delta and conveyed around the Delta.

(Also see fax from the Central Delta Water Agency)

*From the Corps of Engineers*

*A steady stream of funding is required for the Levee System Integrity Program.*

*A range of mechanisms, intended to insure continued support for necessary funding, should be evaluated. Examples include:*

- a. Front loading appropriations, beyond simple authorizing language at the state and/or federal level, to implement the program;*
- b. Operational or physical constraints on the conveyance system to maintain some level of use of the Delta as a "common pool";*
- c. Some other, as yet unidentified, physical mechanism that will insure continued broad based political support.*

From B.J. Miller

(See attached fax from B.J. Miller)

General consensus was reached on the following items. (Note: Funding levels are currently being developed.)

Funding and Implementation Authority

**A steady stream of funding** is required for the Levee System Integrity Program.

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Retention of Current Benefit Assessments

CALFED should only acquire easements for levee reconstruction and maintenance. The land should remain on the tax rolls and be subject to benefit assessments.

ERPP Actions not to impact Operation and Maintenance of Flood Control Facilities

Ecosystem Restoration Program Plan Actions will not adversely impact the proper operation and maintenance of flood control facilities.

Environmental Enhancement and Mitigation

**Environmental enhancement and mitigation** will be provided programmatically for each element of the Levee Program. For each Levee Program element, the ERPP will fund and include environmental enhancement features that provide a net long-term habitat improvement and a net benefit to aquatic species in the Delta.

Environmental mitigation and enhancement shall be planned and implemented on a Delta-wide basis, not on a project by project basis. An environmental coordination administration will provide one stop shopping for all environmental permits for Levee Program projects.

Delta Levee Maintenance - Base Level Protection Plan Element

**Funding** for reconstruction of Delta levees to the PL 84-99 standard shall be at least \$\_\_ million a year for the first three years and \$\_\_ million a year for every year thereafter. The first three years include \$\_\_ million a year contribution to build up the mitigation bank. Funding after the third year includes \$\_\_ million a year contribution to the ERPP for planning, design, construction, and future maintenance of an environmental mitigation-banking program.

**Cost sharing** for Delta Levee reconstruction will be split between federal, state, and local interests. Local interests will provide all Lands, Easements, Rights of Way, Relocations, and Dredge Material Disposal Sites. Local interests will save and hold the federal and state governments harmless. The federal and state governments will provide all other project costs.

After a levee is reconstructed to PL 84-99, local interests will operate and maintain the levee with a 75% - state to 25% - local cost-sharing partnership.

Delta Levee Maintenance - Special Projects Element

**Special Projects shall be defined** as shown in § 12311 of the California Water Code.

**Funding** for Special Projects shall be at least \$\_\_ million / year for the first three years and \$\_\_ million / year thereafter. The first three years include \$\_\_ million a year contribution to build up the mitigation bank. Funding after the third year includes \$\_\_ million a year contribution to the ERPP for planning, design, construction, and future maintenance of an environmental mitigation-banking program.

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**Cost sharing** for Special Projects will be split between federal, state, and local interests. Project beneficiaries will provide all Lands, Easements, Rights of Way, Relocations, and Dredge material disposal sites. A designated beneficiary will operate and maintain all Special Project facilities. A designated beneficiary will save and hold the federal and state governments harmless. The federal and state governments will provide all other project costs.

After Special Project facilities are reconstructed, a designated beneficiary will operate and maintain the levee with a 75% - state to 25% - local cost sharing partnership.

Subsidence Control Element

**A grant program** will be instituted for the development and implementation of Best Management Practices for subsidence control in the Delta.

**Funding** for subsidence control on Delta Islands shall average \$\_\_ million / Year for the planning horizon of the CALFED Bay-Delta Program.

**Cost sharing** for subsidence control will be split between federal, state, and local interests. Local interests will provide all Lands, Easements, Rights of Way, Relocations, and Dredge material disposal sites. Local interests will operate and maintain all subsidence control facilities. Local interests will save and hold the federal and state governments harmless. The federal and state governments will provide all other project costs.

Emergency Response Element

**The federal, state, and local interests** shall improve the existing emergency response system for the delta. Efforts shall include the development of SEMS/ICS organization and Implementation criteria, emergency material stockpiles, standardized contracts, a delta focused multi-agency emergency response team, and a consistent, well defined disaster assistance program for the delta from OES, DWR, FEMA, and the COE.

**Funding** for the Emergency Response Element shall be from the Base Level Protection Plan Element at the discretion of the cost-sharing partners.

Delta Recreation Access

The Delta Levee Program will not significantly impair recreational access in the Delta unless it is necessary to protect Delta Levee integrity.

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**The following questions need to be answered for the Assurances Workgroup:**

**How can success be measured for the different elements of the program?**

The Levee Program will be a success when:

Delta levees can be maintained in an expeditious and cost effective manner.

Base Level Protection Plan Element

Funding for reconstruction of Delta levees to the PL84-99 standard will be \$\_\_million / year for the planning horizon of the CALFED Bay-Delta Program.

Special Projects Element

Funding for Special Projects will be \$\_\_million / year for the planning horizon of the CALFED Bay-Delta Program.

Subsidence Control Element

Grant funding for subsidence control on Delta Islands will be \$\_\_million / Year for the planning horizon of the CALFED Bay-Delta Program.

Emergency Response Element

Emergency response in the Delta is improved by having sufficient funding, pre-positioned flood fighting supplies and improved Federal, State, and local organization.

Permit Coordination

A permit coordination system, implemented by CALFED, which coordinates all required permits with Federal, State and local regulatory authorities.

**What Elements are important for assuring the plan?**

The "Common Pool" Concept (see various positions)

A continuous revenue stream

Authority to implement the plan and the assurance that it will be implemented.

Long-term plan to deal with the Endangered Species Act

Improved permit coordination process

Maintenance of the assessment base

**What are the major pitfalls to successful implementation?**

Absence of any of the important elements listed above could be a major pitfall to successful implementation.

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**What strings or conditions are appropriate for Delta Levee improvements above PL 84-99 to assure this work is consistent with ERPP and actually further the goals of the ERPP?**

Current law requires that all levee maintenance work provide "features that provide a net long-term habitat improvement and a net benefit to aquatic species in the Delta". The ERPP will be responsible for formulation and implementation of all enhancement components on behalf of the Levee program.