



INFORMATION ITEM

Department of Water Resources Report to the Council on Flood Risk Management Investments

Summary

At today's meeting, the Council will hear a presentation from the Department of Water Resources (DWR), regarding discretionary investments in levee operations, maintenance, and improvement. The presentation will cover years 2020-2023.

Background

Delta and Suisun Marsh Levees

The Sacramento-San Joaquin Delta (Delta) is home to nearly 600,000 people and is comprised of approximately 1,300 square miles of low-lying, flood-prone lands bound by 1,100 miles of levees.

The Suisun Marsh, located immediately downstream from the Delta and north of Grizzly Bay, includes about 230 miles of levees that reduce flood risk and help manage flows for wetlands. About 80 miles of these levees protect Delta water quality and terrestrial and aquatic habitat of statewide importance.

Levees in the Delta and Suisun Marsh reduce flood risk to people, property, water supply, the Delta ecosystem, and infrastructure of statewide importance. However, levee failure can cause catastrophic flooding, and can potentially cause injury or loss of life, disrupt water supplies, and possibly damage property, infrastructure, and environmental resources of importance to the entire State.

Delta Reform Act Requirements and Authority

Pursuant to the Sacramento-San Joaquin Delta Reform Act of 2009 ("Delta Reform Act"), set forth in Water Code sections 85000 et seq., the Council has developed an enforceable, comprehensive, long-term management plan for the Delta (the "Delta Plan") (Water Code section 85300). The Delta Plan contains regulatory policies, codified in California Code of Regulations, Title 23, Sections 5001 through 5016. The

Delta Reform Act requires that the Delta Plan attempt to reduce risks to people, property, and State interests in the Delta by promoting effective emergency preparedness, appropriate land uses, and strategic levee investments (Water Code section 85305(a)), as well as recommend priorities for State investment in levee operation, maintenance, and improvements in the Delta, including both project levees (which are a part of the State Plan of Flood Control), and nonproject levees (which are not a part of the State Plan of Flood Control) (Water Code section 85306).

In addition to the substantive requirements of the Delta Reform Act to attempt to reduce risk (Water Code section 85305(a)) and recommend priorities for Delta levee investments (Water Code section 85306), the Delta Reform Act authorizes the Council to adopt regulations or guidelines as needed to carry out its powers and duties (Water Code section 85210(i)) and “to request reports from state, federal, and local governmental agencies on issues related to the implementation of the Delta Plan” (Water Code section 85210(h)).

[Delta Levees Investment Strategy](#)

Following an extensive, 10-year engagement, policy development, and regulation process, the Council completed a rulemaking process for the Delta Levees Investment Strategy (DLIS) in 2023. Using a risk analysis methodology, DLIS establishes a three-tiered priority list of islands and tracts – **Very-High Priority, High Priority, and Other Priority** – for State investments in levee improvements for Delta islands. The priorities generally address the relationship between the flood risk of each island or tract, and the State interests present on that island or tract. DLIS requires DWR to fund levee improvement projects at Very-High Priority islands or tracts before funding projects at High Priority or Other Priority islands or tracts. The regulation directs DWR to make state investments first on the Very-High Priority islands or tracts, then fund improvements of levees on High Priority islands or tracts; after those projects have been fully funded, then projects at Other Priority islands or tracts may be funded. DLIS specifies that operations and maintenance are a priority for all Delta islands and tracts.

Once the Council's updated regulatory policy **RR P1** (Cal. Code Regs., tit. 23, § 5012) takes effect on January 1, 2024, DWR will be required to annually submit to the Council a written report at least 45 days prior to an oral presentation before the Council and no later than March 1 of each calendar year. The report shall include:

- 1) A description of all discretionary State funding for levees awarded by the California Department of Water Resources, during the reporting year; including both of the following:
 - a. Levee improvement, and,
 - b. Levee operation and maintenance.
- 2) A list of each levee improvement project proposal submitted to DWR for funding, regardless of whether DWR awarded funding to the project;
- 3) A list of the improvement projects awarded funding, the funding level awarded, the local cost share, and the applicable priority of the island or tract;
- 4) A description, for each awarded project, of changes (when completed) to levee geometry the specific locations of those changes, and expected changes in the level of flood protection provided or standard achieved;
- 5) If DWR awards funds for any levee improvement project that is inconsistent with the priorities, the annual report shall identify for each project: how the funding is inconsistent with the priorities, describe why variation from the priorities is necessary, and explain how the funding nevertheless protects lives, property, or other State interests, such as infrastructure, agriculture, water supply reliability, Delta ecosystem, or Delta communities;
- 6) A summary of the DWR's rationale for levee improvement project proposals submitted, but not awarded funding during the reporting year; and
- 7) A summary of all previous DWR funded levee improvement project activities completed during the reporting year and location of those activities

DWR submitted its first report to the Council, in advance of the regulation, in November 2019. Today's report will address DWR's funding decisions since that time.

Information about the Topic

At today's meeting DWR Staff will present a report covering the period 2020-2023, including a high-level overview of its contents, and address questions from the Council.

Council staff intend to use the report to evaluate how the identified levee investments would change the estimated risk of flooding in the Delta. Over time, DWR's annual reports will allow the Council and members of the public to see how investments in Delta levees are reducing risks to State interests. Staff's evaluation will be presented to the Council at a future meeting.

Fiscal Information

Not applicable.

List of Attachments

Attachment 1: DWR Report to Council

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