

**Delta Protection Commission Meeting  
November 19, 2020**

**AGENDA ITEM 14: DWR Proposition 1 Delta Levees Funding**

Prepared by: Erik Vink

Presented by: Erik Vink

**Requested Action: Receive report on DWR Proposition 1 Delta Levees funding and consider approval of letter to Delta legislators**

Type of Action: Action

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**Background:** Proposition 1 (Water Quality, Supply, and Infrastructure Improvement Act of 2014) was a general obligation bond measure placed on the ballot by legislative action and approved by California voters in November 2014. Specific to the Delta, Proposition 1 included \$295 million to “improve levees or respond to flood emergencies in the Delta”, as described by the Legislative Analyst’s analysis of Proposition 1 in the official voter information guide.

As members of the Legislative Delta Caucus have attested, the legislation that became Proposition 1 on the November 2014 statewide ballot was hard-fought as it made its way through both houses of the State Legislature. Delta-region legislators expressed concern over the potential for the legislation to support the Delta tunnels project. In response to those concerns and out of an understanding of the importance of improving Delta levees, provisions (now Water Code sections 79780 and 79781) were included to ensure funding for Delta flood protection. This provided \$295 million to improve levees or respond to flood emergencies in the Delta. As section 79781 describes, this is accomplished primarily through two DWR Delta levee programs: Delta Levees Maintenance Subventions Program and Delta Levees Special Flood Control Projects Program. The two sections of code are included in this report.

**Water Code section 79780:** The sum of three hundred ninety-five million dollars (\$395,000,000) shall be available, upon appropriation by the Legislature from the fund, to the Department of Water Resources and the Central Valley Flood Protection Board for the purpose of statewide flood management projects and activities. Funds shall be allocated to multibenefit projects that achieve public safety and include fish and wildlife habitat enhancement. The Department of Water Resources shall make its best effort to coordinate this funding with proceeds from Propositions 84 and 1E.

**Water Code section 79781:** Of the funds authorized by Section 79780 , two hundred ninety-five million dollars (\$295,000,000) shall be available to reduce the risk of levee failure and flood in the Delta for any of the following:

- (a) Local assistance under the Delta levee maintenance subventions program.

- (b) Special flood protection projects.
- (c) Levee improvement projects that increase the resiliency of levees within the Delta to withstand earthquake, flooding, or sea level rise.
- (d) Emergency response and repair projects.

During discussions at recent Delta Levees and Habitat Advisory Committee meetings, DWR has shared information about its allocations of Water Code section 79781 funding for fiscal years 2017-18 through 2020-21. Of concern to the Delta levee community, DWR has already directed \$50 million (of approximately \$148 million appropriated) toward projects that have minimal flood control benefit (Lookout Slough, Yolo Bypass “Fix in Place”) or still-to-be determined flood control benefit (Little Egbert).

Commission staff believes this is contrary to the intention behind Water Code section 79781 – to reduce the risk of levee failure and flood in the Delta, specifically by funding DWR Delta levee programs, other Delta levee improvements, and emergency response and repair projects. Restoration projects (including those discussed above) are good for the Delta and should be encouraged, but not with scarce monies intended to lessen flood risk in the Delta.

There are also concerns that these multibenefit projects described above are satisfying obligations under the biological opinions for the continued operation of Delta water exports; this responsibility should be provided solely by Delta water exporters.

Delta legislators can assist in ensuring that future appropriations from Water Code section 79781 will be directed to efforts that truly reduce flood risk in the Delta. Commission staff urge review of these FYs 2017-18 through 2020-21 expenditures, either through a request to the Legislative Analyst, State Auditor, or by review from legislative staff, to determine whether they are appropriate.

**Recommended Action:** Approve draft letter to members of the Legislative Delta Caucus regarding DWR Proposition 1 Delta levees program spending.

**Relationship to Vision 2030 (Commission strategic plan):**

**Levees and Emergency Response**

*L.2 Advocate for reliable funding for Delta levee maintenance and improvements*

*2.1 Seek pro-Delta implementation of levee funding in the Water Quality, Supply, and Infrastructure Improvement Act of 2014 and other sources.*