

DRAFT letter to Delta Legislative Caucus on Proposition 1 Delta Levees funding

November 19, 2020

Honorable Jim Frazier, Honorable Bill Dodd, and Honorable Members
Legislative Delta Caucus
California State Capitol
Sacramento, CA 95814

Dear Assemblyman Frazier, Senator Dodd, and members of the Legislative Delta Caucus:

The Delta Protection Commission (Commission) has appreciated the close relationship developed over many years between California Department of Water Resources (DWR) and local Delta reclamation districts in maintaining and improving the Delta levee system for the benefit of the unique Delta values, water conveyance, and the Delta ecosystem. The Commission has long been a proponent of DWR's Delta levees programs - Delta Levees Maintenance Subventions Program and Delta Levees Special Flood Control Projects Program.

We write today out of concern over DWR's management of Delta levee funding provided in the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Proposition 1). This letter was discussed at the Commission's November 19, 2020 meeting and was approved by a vote of X-X-X.

As members of the Legislative Delta Caucus are aware, 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. Specific to Delta region legislators and their concern over the legislation fostering the Delta tunnels project, Water Code sections 79780-79781 were included to ensure funding for Delta flood protection.

Specifically, Water Code section 79780 provided \$395 million for funding "...allocated to multi-benefit projects that achieve public safety and include fish and wildlife habitat enhancement." Water Code Section 79781 provided \$295 million of this amount 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." Further, the Legislative Analyst's analysis of Proposition 1 in the official voter information guide indicated "\$295 million is set aside to improve levees or respond to flood emergencies in the Delta."

During discussions at recent Delta Levees and Habitat Advisory Committee meetings, DWR has shared information about its allocations of Proposition 1 Delta levees funding (Water Code section 79781) from fiscal years 2017-18 through 2020-21. Of concern to the Commission, DWR has already directed \$50 million of limited Proposition 1 Delta levees funding (Water Code section 79781) toward projects that have minimal flood control benefit (namely those listed as Lookout Slough and Yolo Bypass “Fix in Place”) or still-to-be determined flood control benefit (Little Egbert).

The Commission 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.

Although the Commission supports the completion of well-placed restoration projects in the Delta, we object to utilizing scarce Delta flood monies – as was clearly intended in Water Code section 79781 – for this purpose. We do support utilizing these monies to support DWR Delta levee programs - Delta Levees Maintenance Subventions Program and Delta Levees Special Flood Control Projects Program.

Further, there are concerns that these multi-benefit projects are satisfying obligations under the biological opinions for the continued operation of Delta water exports. This is an inappropriate use of state general obligation bonds and is a responsibility that should be provided solely by Delta water exporters.

The Commission requests your assistance in reviewing these FYs 2017-18 through 2020-21 expenditures, either through a request to the Legislative Analyst, State Auditor, or by review from legislative staff. We are especially concerned that Water Code section 79781 funds will continue to be misdirected toward habitat restoration projects that provide minimal or no improvement to reduce the risk of levee failure and flood in the Delta.

Thank you for your consideration and support of the Delta region.

Sincerely,

Oscar Villegas
Chair

cc: Members, Delta Protection Commission
Karla Nemeth, DWR Director