

Sept 11, 2019  
 Agenda Item 13b

# California Water Research

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**Vanishing funds for levee upgrades for smaller, vulnerable Delta communities** Posted by: [Deirdre Des Jardins](#) | August 20, 2019

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The Delta Stewardship Council will be adopting **regulations to implement the Delta Levees Investment Strategy** (DLIS) on August 22, 2019. Maps of the priorities for levee investments are available [here](#).

The proposed regulations make investments in upgrading urban levees in West Sacramento and Stockton and adjacent areas “very high priority.” These investments are long needed, particularly for Stockton. Stockton is the 7<sup>th</sup> largest city in California, and the levees are **badly in need of improvement**.

Funding for improvements to urban levees has typically been tied to federal projects and funded separately from improvements to levees in the primary zone of the Delta. Improvements to the levees in the primary zone have been funded by the Delta Levees Subvention and Special Projects Programs, separate pots of money.

The Delta Levees Investment Strategy also prioritizes investments in improving levees protecting Bethel Island in the South Delta. The US Census estimated Bethel Island’s population at 2,379 in 2017. This is also an important investment.

But Rio Vista, population 9,009, and Discovery Bay, population 15,525, are second priority for levee improvements. And the Delta legacy towns of Clarksburg, Courtland, Locke, and the eastern bank of Walnut Grove are the lowest priority, even though Clarksburg and Courtland have public

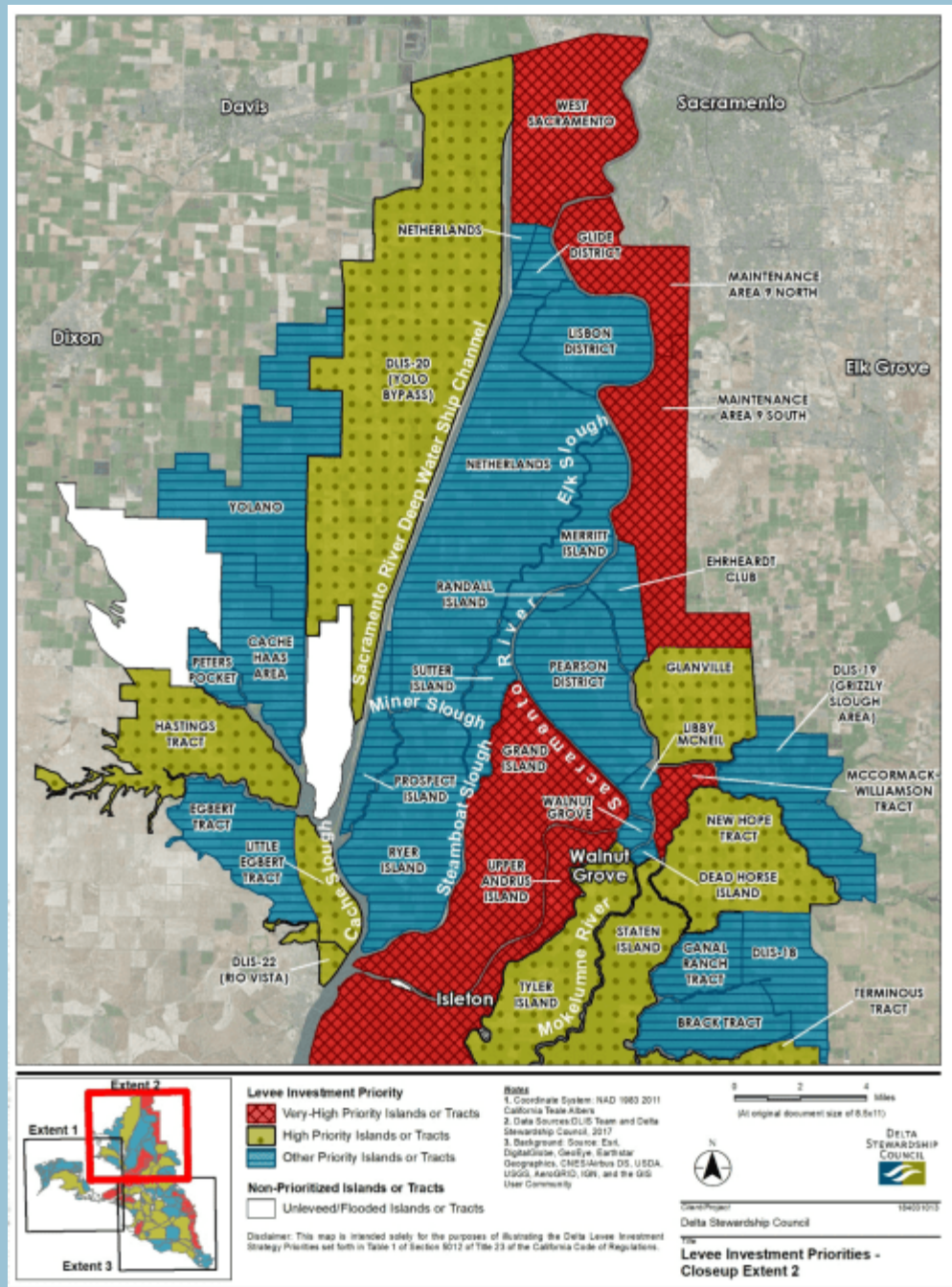
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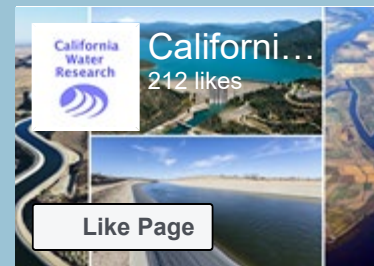
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schools. (Walnut Grove is on both sides of the Sacramento River.)



Delta Levee Investment Priorities — Closeup of North Delta

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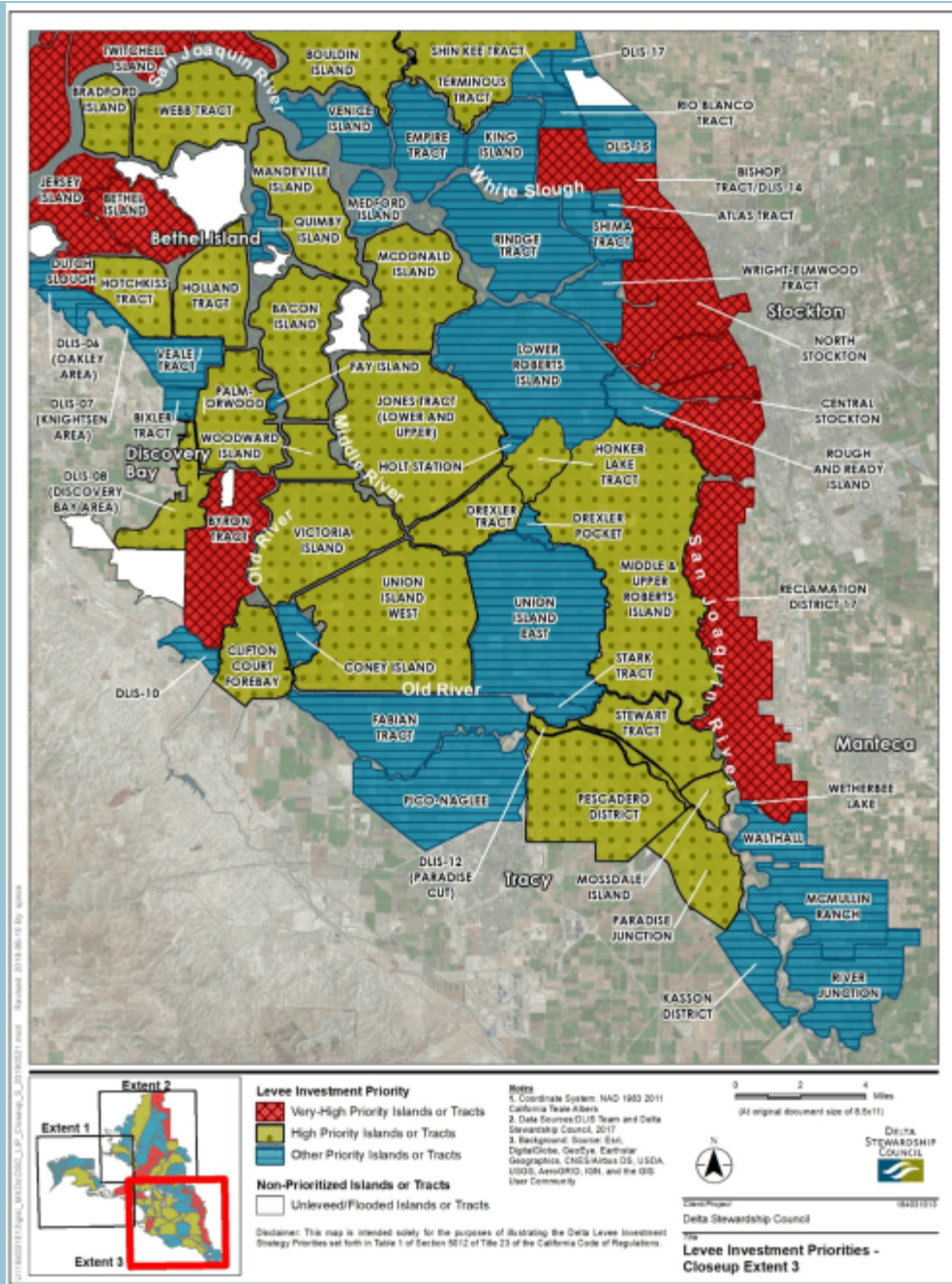


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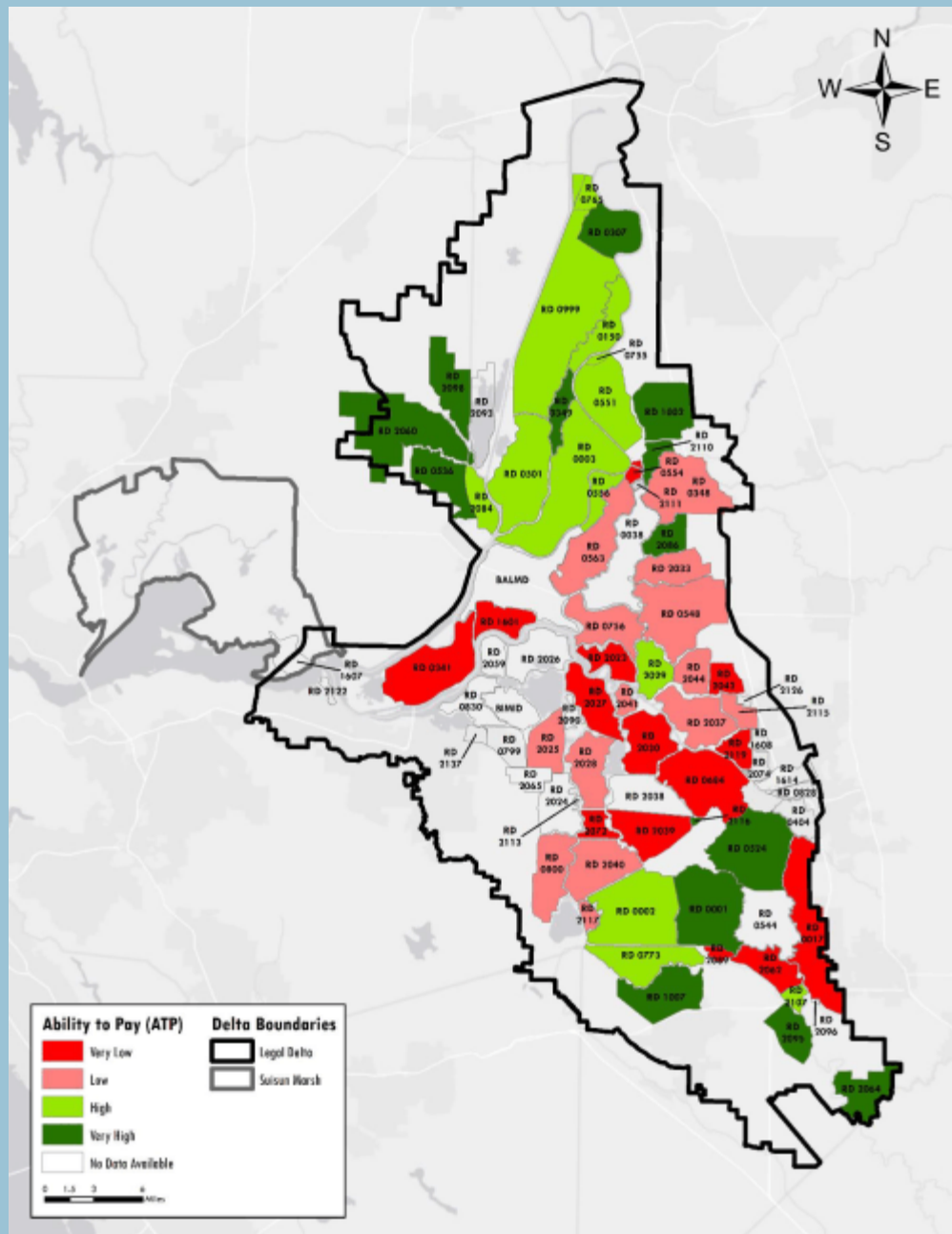
*Delta Levee Investment Priorities — Closeup of South Delta*

The Central Delta Water Agency **has commented** that, given the shortage of funds for the Delta Levees Subvention and Special Projects Programs, no or almost no funds will be available for levee improvements for islands in the second tier, and none for the lowest tier. Thus the Delta Levees Investment Strategy codifies the somewhat chilling calculus that protecting smaller, vulnerable Delta communities from flooding is not in the state interest.

One of the main reasons there are insufficient funds to protect smaller Delta communities is that the Delta Levees Investment Strategy also assumes that public funds must be spent to protect Delta exports and pay for mitigation of impacts of the State Water Project and Central Valley Project.



benefit to critical period SWP deliveries of more than 100,000 acre-feet per year.



*Ability to Pay analysis for Delta Levees Investment Strategy (Arcadis)*

The Delta Levees Investment Strategy also makes public investments in tidal habitat restoration on Dutch Slough and McCormack-Williamson Tract highest priority. These islands are being restored as part of **8,000 acres of intertidal and subtidal habitat restoration** required for mitigation of the impacts of the State Water Project and Central Valley Project. The Ability to Pay analysis for the Delta Levees Investment Strategy includes no revenues from the State Water Project for the habitat restoration, even though mitigation of impacts of the State Water Project is legally the responsibility of the State Water Project Contractors.

Thus the result of the analysis for the Delta Levees Investment Strategy

combining pots of money for upgrades to urban Delta levees, upgrades to levees in the Delta primary zone, and habitat restoration, is that funding for protecting smaller Delta communities basically vanishes. Combining the pots of money is contrary to the originally recommended cost allocation methodology for the DLIS, the **Separable Costs — Remaining Benefits method (SCRB)**. Under SCRB, costs and benefits of projects for water supply reliability and habitat restoration would have been analyzed both jointly *and* separately from protection of lives and property.

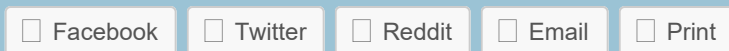
The DLIS also exposes the state to considerable liability. Many of the levees protecting North Delta legacy communities are State Plan of Flood Control Levees. The Central Valley Flood Control Association **commented** that “[d]eviating from existing definitions of levee maintenance that results in the state reducing investments in maintenance of SPFC levees will ultimately increase state liability and costs to pay for flood damage caused by levee failures.” The Central Valley Flood Control Association comments reference the 1986 SPFC Project levee failure near Yuba City “which resulted in evacuations, deaths, and hundreds of millions of dollars in property losses.” In the **Paterno** decision, this failure to adequately maintain the State Plan of Flood Control Levees resulted in liability by the state of \$467 million.

It is difficult to see how the DLIS is consistent with the legislative mandate 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.”

*This post was updated on 8/21 to include links to comment letters on the Delta Levees Investment Strategy, more maps, and the originally proposed method of cost allocation.*

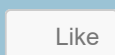
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## **Danville: Opponents submit referendum petition over Magee Preserve housing project**

County election officials working to verify signatures; 3,000 valid names needed

by Ryan J. Degan

The long-debated Magee Preserve residential development could be headed to the ballot, after a group of opponents last week filed a referendum petition seeking to overturn the Danville Town Council's July approval of the project.

The petition, delivered to town staff last Tuesday by a resident group dubbed Danville Open Space Committee, contained 5,487 signatures from Danville residents, according to the proponents. They would need 3,000 valid signatures to potentially force a referendum.

The document has been forwarded to the Contra Costa County Registrar of Voters' Office for signature verification. If an adequate number of signatures are verified by the county, then the Town Council would have the option to reverse course and deny the Magee Preserve project outright, or put it on the ballot for consideration by Danville voters in a future election.

"I personally validated probably half of (the signatures)," Bob Nealis, a former Town Council candidate and leader of the Danville Open Space Committee, told DanvilleSanRamon.com. "And I can assure you that voter signatures came from all four corners of Danville not just out of one area."

Danville Open Space Committee is a different citizen group than Save Open Space Danville (SOS-Danville), which previously sued to prevent a previous iteration of Magee Ranch development -- though there are some common members, Nealis said. The group is also not affiliated with the town government, which does not have an open space advisory committee like some municipalities, including San Ramon.



To oppose the council's approval of the most recent project, Nealis said a collection of approximately 30 paid and volunteer signature gatherers fanned out throughout the town and over about two weeks -- from grocery store parking lots, to churches, to residents' front doorsteps.

Proposed by Walnut Creek-based developer Davidon Homes, [the Magee Preserve project](#) would consist of building 69 single-family homes on the south side of Diablo and Blackhawk roads, as well as a series of hiking and biking trails that would be open to the public.

Located on a 410-acre project site, the Magee Preserve would develop approximately 29 acres -- or 7% -- of the site, with the remaining 381 acres of open space preserved by the town on a permanent basis.

The project was endorsed by the Town Council during its [July 2 regular meeting](#), and then confirmed for adoption by the council two weeks later. However some residents have taken issue with the project, claiming it will create more traffic, limit evacuation routes in an emergency situation such as a fire, and obstruct parts of the area's open space.

A similar Magee development project -- proposed at the time by developer [SummerHill Homes](#) -- was approved by the council in 2013 but was eventually halted after SOS-Danville sued the town.

"You know it's not that hard to get signatures when you have paid signature gatherers," countered Steve Abbs, vice president of land acquisition and development at Davidon Homes.

When asked if he considered if public support was still in favor for the project, Abbs said "absolutely," citing the multiple groups that support the project such as the Town Council, Planning Commission, Save Mount Diablo, Bike East Bay and Mount Diablo Cyclists, as indicators that public support is with the project.

"If they are successful in getting the required signatures (validated), Davidon will continue its efforts in making sure that the town of Danville is properly informed about this project by having on site hikes and tours and open houses," Abbs told [DanvilleSanRamon.com](#).

He added that Davidon officials are still reviewing possible next steps, but if the petition is validated then community members can count on hikes and other events taking place this fall.

As of Monday, county election officials are working on validating signatures. They have 30 days after filing to complete their count.