

**RECLAMATION DISTRICT NO. 2024  
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**September 7, 2016**

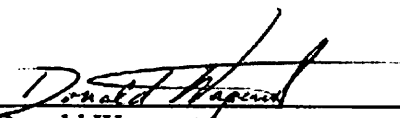
**Civil Grand Jury - Foreperson  
725 Court Street  
P. O. Box 431  
Martinez, CA 94553-0091**

**Re: Grand Jury Report No. 1607  
"Delta Levees in Contra Costa County"  
by the 2015-2016 Contra Costa Grand Jury**

**Dear Grand Jury Members:**

Thank you for your interest in Delta levees and hard work in sorting out the issues. We recognize the desire to help.

Attached hereto are our responses to your June 3, 2016, letter. This letter constitutes response on behalf of the Board of Trustees.

  
\_\_\_\_\_  
**Donald Wagenet**  
President of the Board of Trustees

cc: epant@contracosta.courts.ca.gov

## **Grand Jury Report Comments**

### **Section 1 - General Comments (not required)**

Page 3, last paragraph, the last sentence states, "Project levees conform to the highest level of flood protection standards..." This statement is not accurate. Project levees do not meet FEMA standards under the National Flood Insurance Program and do not meet the current State 200 year requirements. The project levees were built to various levee requirements with some in the range of less than 30 year levels of protection. This statement is repeated on Page 4 in the second paragraph.

Page 5, 3<sup>rd</sup> paragraph, states, "The collision damaged approximately 150 feet of levee, causing a serious breach." This statement is not technically correct. The collision caused serious damage, however a breach did not occur. A breach would have caused water to inundate the island.

Page 15, 1<sup>st</sup> bullet, 1<sup>st</sup> paragraph. Eligibility for ditch maintenance is limited to levee toe ditches /drains.

Page 15, 1<sup>st</sup> bullet, 3<sup>rd</sup> paragraph. The proposal to remove the sunset is actually for the funding levels for the Subventions program. The Program is scheduled to revert to a 50% State cost share after \$1,000 per mile if the sunset remains unchanged. Page 16, 1<sup>st</sup> paragraph, 3<sup>rd</sup> line. Replace "engineering specifications and drawings" with "more detailed information."

R1. After identifying the necessary funding, LAFCO should consider including independent physical inspections of levee conditions, in addition to the self-reported evaluations of the conditions, in the MSRs of all County reclamation districts, if necessary by hiring an independent engineering firm to perform this function.

Position: This is not helpful. Additional time, effort and cost will be required at the local district level to accommodate, explain and respond to such an additional inspection. District Engineers are registered civil engineers who are familiar with and responsible for the work on the levees. Such duplication will add cost with no significant benefit.

### **Section 2 - Required Responses - Findings (4, 5, 11-17, 21)**

F4. The levees in the County's portion of the Delta have been built up or otherwise strengthened on a piecemeal basis over the century or more of their existence.

Position: Agree in part. Much of the early reclamation of the Delta was organized and carried out on a broad scale. After some setbacks the Delta was deemed fully reclaimed by about 1925. Some repairs and maintenance are focused on particular segments of the levees. Upgrading to meet standards for urban requirements is usually system wide and not piecemealed. For typical agricultural levees rehabilitating to the USACE PL 84-99 and DWR 192-82 standards and higher District standards is piecemealed due to financial constraints and the differing physical conditions of the various levee segments.

F5. Because the levees remain vulnerable to natural hazards and human activities, they require constant vigilance - i.e., frequent inspection coupled with timely maintenance and prompt repairs.

*Position: Agree*

F11. There is no formal or standardized educational or training resource available to the districts for levee inspection, maintenance, and repair, which can support new levee superintendents or managers while they acquire the experience to recognize problems early, learn how to appropriately respond, and learn how to balance environmental regulations with maintenance protocols.

*Position: Partially disagree.* While such resources are somewhat limited, the California Department of Water Resources offers flood fighting instruction courses free to government agencies and non-profit organizations. A flood fight methods manual is available in both hardcopy and electronic formats, as well as other publications. A pre-season flood coordination meeting is also conducted each fall.

F12. Levee management requires recognizing seasonal timeframes and juggling multiple deadlines, including preparing for storm season and the "no-mowing" period, when local bird populations nest, as well as timely application for the subvention and/or special projects funding programs.

*Position: Agree*

F13. Unpermitted encroachments can hinder visual inspection of the levee surface and create new structural weaknesses or potential conduits for seepage.

*Position: Agree*

F14. Education about the potential danger of unpermitted encroachments can be a highly effective management tool for mitigating this type of hazard because increased understanding of the potential consequences of such encroachments can support longer-term adherence to levee regulations and protocols.

*Position: Agree*

F15. Since early recognition of potential trouble spots and prompt repair work are critical to maintaining levee integrity, while resources for levee patrols are limited, the presence of an educated and aware residential population can supply additional eyes to provide the constant vigilance that is crucial to safeguarding the levees.

*Position: Agree, however in most cases levee patrol is not limited by resources.*

F16. In addition to permitting procedures and intermittent newsletters, there are other opportunities to educate the public, and especially residents of reclamation districts, about the hazards that can damage or impair the levees.

*Position: Agree*

F17. Explaining the hazards to levees by multiple means at appropriate times -- i.e., just before the start of storm season in the fall - can help to keep awareness at a heightened and effective level.

*Position: Agree*

F21. Some reclamation districts that are unable to maintain the staff, equipment, and material stockpiles needed for emergency major repairs, rely on informal mutual aid arrangements.

*Position: Agree*

### Section 3 - Required Responses - Recommendations (2-5)

R2. After identifying the necessary funding, the County reclamation districts should collaborate in establishing and supporting a shared website, possibly approaching one of the Districts that already has a website to take the lead. This website should include "Best Practices", a calendar of date- or seasonal-specific tasks, such as preparation for nesting season when certain work is prohibited, and dates when Subventions Program applications are due, and a common log of significant levee incidents to identify and track historical trouble spots.

*Position: The recommendation will not be implemented in the manner suggested because it is not warranted.* The District has no full-time staff and a limited number of landowners. The District Engineer is a registered civil engineer with broad representation in the Delta and well acquainted with the procedures for accomplishment of work and applying for assistance. The engineer is well acquainted with the condition of the levees. There are numerous forums addressing levee issues in the Delta in which the District Engineer participates and for which he is paid in part by the District. The additional cost and burden of yet another collaboration is unwarranted. The needs of individual districts are specific to their respective levee systems and communication among the engineers is ongoing. DWR publishes a directory of Flood Officials who can be contacted as to any concerns and information. If the District encounters significant levee threats the State Flood Control Center and the County Office of Emergency Services is to be notified. Efforts are underway to complete Emergency Operation Plans for each Reclamation District in map format that are expected to be posted on the County Office of Emergency Services web site.

R3. After identifying the necessary funding, the County reclamation districts should consider taking turns hosting a short, local, annual conference for all District Board members and staff. Each conference should include an educational presentation on a matter of common interest, such as changes in regulations or levee standards, new technology or procedures for levee work, new sources of funding, and/or most effective techniques for successful grant applications.

*Position: The recommendation will not be implemented in the manner suggested because it is not warranted.* The effort is redundant to a number of other forums, processes and to the ongoing communications at Board Meetings. The District Engineer and Secretary are the links to the various forums and report to the Boards. Board members on occasion also attend such forums.

R4. After identifying the necessary funding, reclamation districts should consider adding a "training module" for new and re-elected Board members to their required governance training (i.e. Brown Act and Ethics). This "module" or session should cover the district's levee regulations and protocols, the consequences of noncompliance with regulations and protocols, flood preparedness, and emergency response training - or at minimum a "back to basics" session with the consulting engineer to cover these concerns.

*Position: The recommendation is being implemented in substance without a "module" as such.*

We understand that preparation of an emergency response video for general use is underway. For multiple owner Districts levee regulations are typically in place. Ethics training mechanisms are in place. Brown Act Requirements are a matter of oral instruction typically by counsel for the District.

R5. Reclamation districts should formalize, or at a minimum document, all "Mutual Aid" agreements for future reference as reclamation district personnel change over time.

*Position: The recommendation has not yet been implemented, but will be implemented.*

The County is participating in a State grant program to develop Emergency Operations Plans for each reclamation district in the county. The EOPs will document mutual aid agreements. The EOPs are scheduled to be complete by the end of 2016.