

CALIFORNIA DEPARTMENT OF WATER RESOURCES

Delta Levees Subventions Program Bradford Island RD Meeting

Robin Brewer, OGC

Bryan Brock and Andrea Lobato, DMI

Mark List, DFM



California Code, Water Code - WAT § 12990

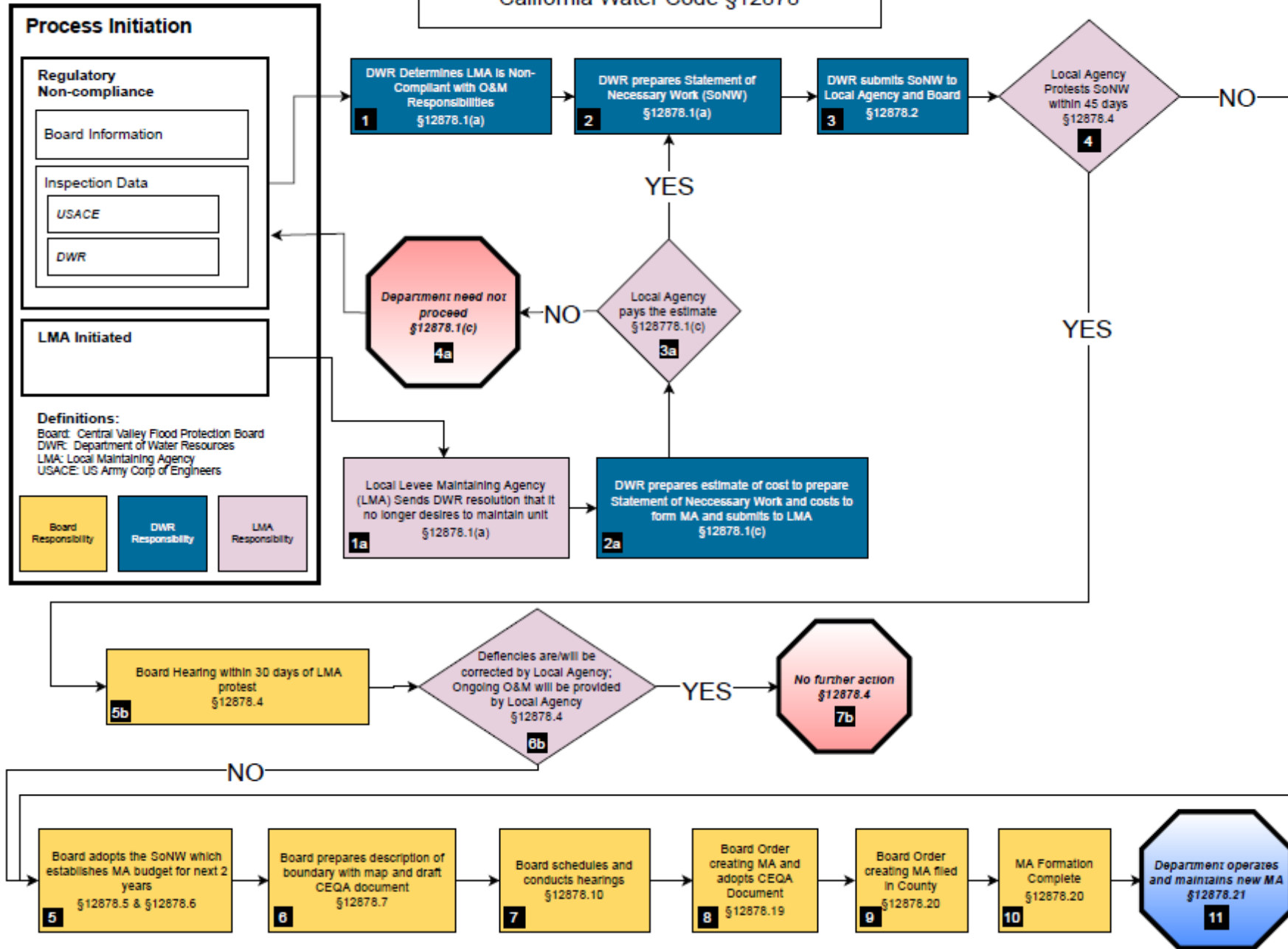
Whenever the Department finds that the annual routine maintenance work specified in the plans approved by the Board (CVFPB) is not being performed in accordance with the agreement entered into between the local agency and the Board, the Department may establish a maintenance area in accordance with the provisions of Chapter 4.5 (commencing with Section 12878) of Part 6 of this division, as nearly as the same may be applicable, except that the work to be performed shall be the routine annual maintenance work for the non-project levee as specified in the plans approved by the Board. Upon the formation of a maintenance area, the Department shall thereafter annually maintain the non-project levee in accordance with such plans and subject to the provisions of Chapter 4.5 (commencing with Section 12878) of Part 6 of this division, as nearly as the same may be applicable.

California Code, Water Code - WAT § 12878

Unless the context otherwise requires, the following definitions apply throughout this chapter:

- (a) "Department" means Department of Water Resources.
- (b) "Director" means the Director of Water Resources.
- (c) "Board" means the State Reclamation Board.
- (d) Wherever the words "board or department" or "board or director" are used together in this chapter they shall mean board as to any project in the Sacramento or San Joaquin Valleys or on or near the Sacramento River or the San Joaquin River or any of their tributaries, and department or director as to any project in any other part of the state outside of the jurisdiction of the board.
- (e) "Project" means any project that has been authorized pursuant to Chapter 2 (commencing with [Section 12639](#)) or Chapter 4 (commencing with [Section 12850](#)) and concerning which assurances have been given to the Secretary of the Army or the Secretary of Agriculture that the state or a political subdivision thereof will operate and maintain the project works in accordance with regulations prescribed by the federal government or any project upon which assurances have been given to the Secretary of the Army and upon which the Corps of Engineers, United States Army, has performed work pursuant to Section 208 of Public Law 780, 83rd Congress, 2nd Session, approved September 3, 1954. 1
- (f) "Maintenance" means work described as maintenance by the federal regulations issued by the Secretary of the Army, the Secretary of Agriculture, the department, or the board for any project.
- (g) "Maintenance area" means described or delineated lands that are found by the board or department to be benefited by the maintenance and operation of a particular unit of a project.
- (h) "Unit" means any portion of the works of a project designated as a unit by the board or department, other than the works prescribed in [Section 8361](#), or works operated and maintained by the United States.
- (i) "Land" includes improvements.
- (j) "Local agency" means and includes all districts or other public agencies responsible for the operation of works of any project under [Section 8370](#), Chapter 2 (commencing with [Section 12639](#)) or Chapter 4 (commencing with [Section 12850](#)) or any other law of this state.
- (k) "Cost of operation and maintenance" means, for the purposes of maintenance areas established after July 31, 2004, as the result of relinquishment by a local agency pursuant to [Section 12878.1](#) only, the cost of all maintenance, as defined in subdivision (f), and shall also include, but is not limited to, all of the following costs:
 - (1) All costs incurred by the department or the board in the formation of the maintenance area under this chapter.
 - (2) Any costs, if deemed appropriate by the department, to secure insurance covering liability to others for damages arising from the maintenance activities of the department or from flooding in the maintenance area.
 - (3) Any costs of defending any action brought against the state, the department, or the board, or any employees of these entities, for damages arising from the maintenance activities of the department or from flooding in the maintenance area.
 - (4) Any costs incurred in the payment of any judgment or settlement of an action against the state, the department, or the board, or any employees of these entities, for damages arising from the formation of the maintenance area or from any maintenance activities of the department or flooding in the maintenance area.

Maintenance Area Formation Process California Water Code §12878



Bradford's Historical Subventions Claims

District Name	Fiscal Year	State Expenditure	Local Expenditure	Total Request
Bradford	1981-82	10,807.00	20,463.00	31,270.00
	1984-85	6,615.00	14,015.00	20,630.00
	1995-96	3,864.00	8,687.00	12,551.00
	1996-97	9,486.00	10,563.00	20,049.00
	1997-98	127,972.00	50,057.00	178,029.00
	1998-99	18,828.00	13,676.00	32,504.00
	1999-00	4,795.00	8,998.00	13,793.00
	2000-01	4,867.00	9,023.00	13,890.00
	2010-11	6,358.00	9,520.00	15,878.00
	2015-16	32,953.00	18,384.00	51,337.00
	2017-18	136,282.00	52,826.79	189,108.79
	2018-19	191,498.00	71,232.00	262,730.00
	2019-20	85,673.00	35,957.99	121,630.99
	2020-21	66,993.00	29,731.00	96,724.00
	2021-22	218,893.00	80,365.00	299,258.00
	2022-23			473,815.60
	Grand Total	925,884.00	433,498.78	1,833,198.38
	Average excluding FY22-23	61,725.60	28,899.92	90,625.52
	Years they participated	16		

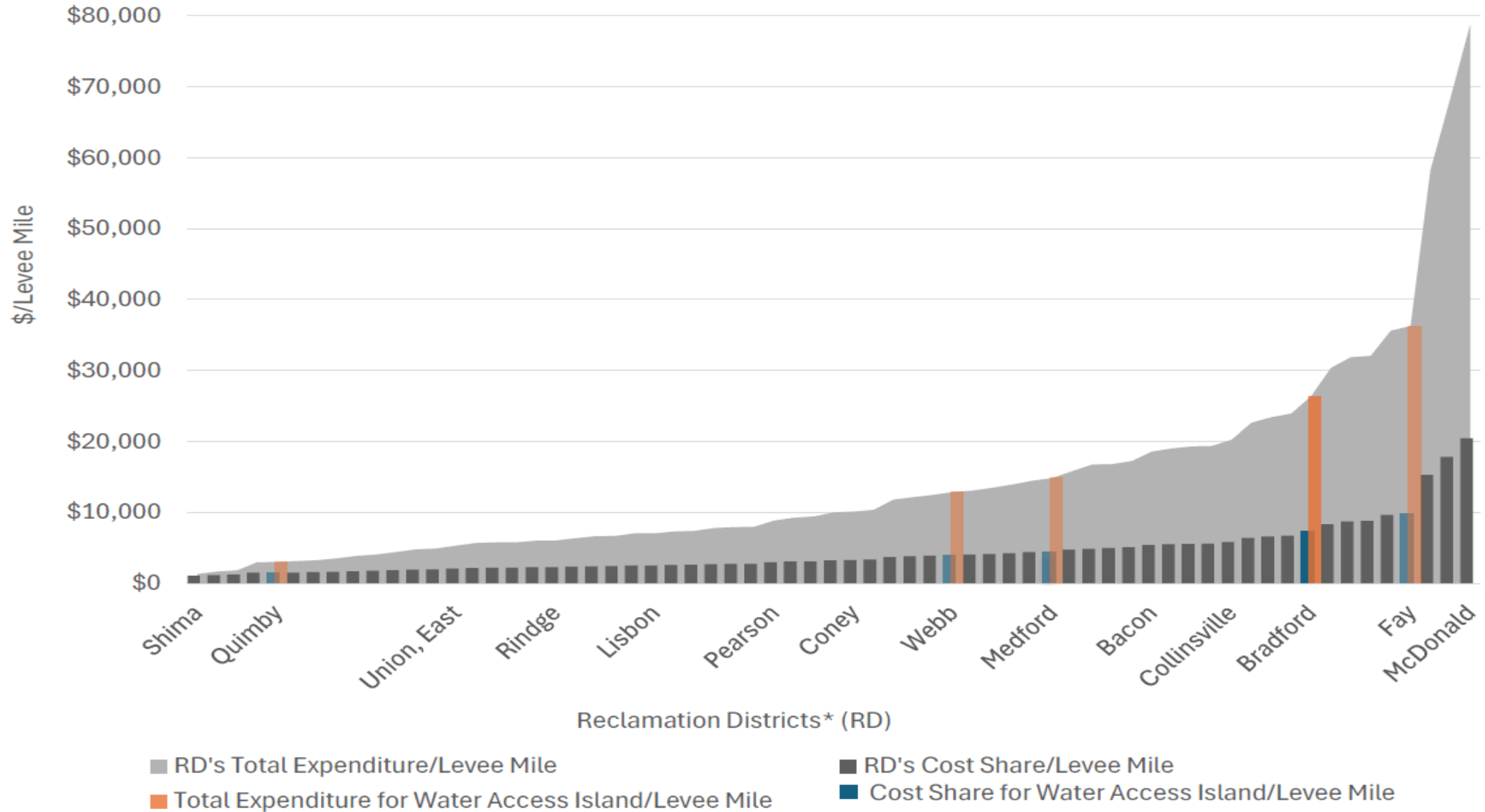
Bradford's Subventions Maintenance History

Bradford Maintenance FY 2018-19 to 2022-23						
	FY	2018-19	2019-20	2020-21	2021-22	2022-23
Priority 1 - Maintenance						
1. Inspection of levee		6,870.00	35,163.86	1,986.90	25,292.32	3,983.00
2. Rodent control		160.00	6,057.08	323.65	957.00	1,050.00
3. Shaping levee crown & slopes		-	-	(4,266.85)	27.00	7,777.46
4. Repair of levee road		-	37,606.76	42,861.67	1,801.00	9,326.57
5. Repair of minor slipouts/erosion or repair or restoration of existing waterside slope protection		332.00	125.00	22,137.88	15,891.07	110,183.07
6. Removal of drift deposits/debris		-	2,800.00	4,916.88	-	232.00
7. Seepage control		134,838.00	125.00	-	5,830.00	1,159.00
8. Cleaning of toe ditches		-	-	-	-	-
9. Vegetation control		3,080.00	37,160.59	18,402.21	13,800.58	8,768.06
10. Repair of levee section subsidence		-	-	-	-	-
11. Flood emergency planning		3,832.00	597.08	862.84	109.00	2,555.00
12. Encroachment		-	-	-	-	-
-Removal/modification		-	6,480.00	299.06	-	1,374.00
-Restoration of levee		-	-	-	-	-
-Pipe thru design levee -- > 50%		-	-	-	-	-
-Encroachment value -- > Not Elig.		-	-	-	-	-
13. Profiles and cross section		1,249.00	3,450.00	-	-	-
14. Other levee and underwater surveys		709.00	-	-	-	-
15. Engineering services			-			
-Administration of Program		7,882.00				14,006.00
-Design/construction		36,288.00	(8,380.00)	6,800.00	10,626.00	-
16. Misc. Maintenance		80.00	445.62	100.00	2,140.46	311,199.51
Total Maintenance		195,320.00	121,630.99	94,424.24	76,474.43	471,613.67

Cost Share and Total Expenditure of the Reclamation Districts

Fiscal Years: 2018-19 to 2021-22

(4-Year Average per Levee Mile)



*Excludes Urban RDs

What Happens if the DWR takes over Maintenance of Bradford Island

- DWR would have to decide if we wanted to take over maintenance
- Only levee maintenance would be considered (no pumping, no ferry, etc...)
- A plan would be developed in accordance with Section 12878
- Land owners would be responsible for all costs associated with levee maintenance
- Levee maintenance activities would not be subsidized through the Subventions Program
- Non Payment of fees could result in liens and foreclosure of properties

Questions
And
Answers