STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY

EDMUND G. BROWN JR., *Governor*

DEPARTMENT OF WATER RESOURCES
1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791

May 25, 2011

To: Participants of the Delta Levees Maintenance Subventions Program in FY 2011-12

The Delta Levees Maintenance Subventions Program (Subventions Program) is part of FloodSAFE California, an integrated, system-wide initiative for achieving sustainable flood risk management. FloodSAFE California was formulated by the Department of Water Resources (DWR) in 2007 and is sustained by funds from *The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006* (Proposition 84) and Disaster Preparedness and Flood Prevention Bond Act of 2006 (Proposition 1E) approved by the California voters in November 2006.

Since the inception of FloodSAFE more than $37 million ($16.2 million in FY 2007-08, $11.8 million in FY 2008-09, and $9.1 million in FY 2009-10) has been reimbursed for eligible levee maintenance and rehabilitation work through the Subventions Program. An additional $15 million is committed for FY 2010-11, which will be disbursed once the final claims are received and reviewed by DWR.

DWR is planning to make $12 million available for the Subventions Program in FY 2011-12. Upon receiving the annual levee maintenance application from the Delta local agencies, DWR will prepare the FY 2011-12 Subventions Program annual expenditure plan and will seek the Central Valley Flood Protection Board (Board) approval in Fall 2011. Please submit your plan by the application deadline of July 1, 2011 in order to be considered for the FY 2011-12 Subventions Program fund. Applications may be faxed to meet the deadline; however, a paper copy of the application with original signature(s) must follow by mail.

Please note that the following conditions need to be satisfied prior to final approval of an application:

- All engineering plans submitted to DWR must be approved by the local agency and must be prepared and signed by a Civil Engineer licensed by the Board of Registration for Engineers, Land Surveyors, and Geologists.

- Plans shall not call for the use of channel islands or berms with significant riparian communities as borrow sites for levee repair material unless a mitigation plan is also submitted to DWR. Plans shall not result in a net long-term loss of riparian, fisheries, or wildlife habitat.

- The applicant should assure that the proposed work is in compliance with CEQA guidelines.

- The applicant must provide information regarding conformance with The Department of Industrial Relations Labor Compliance Program requirements of Proposition 84 (See attachment A).

Submit two copies of the application to my attention at DWR and one copy to Bob Orcutt at Department of Fish and Game Region II to the following addresses:

Send two copies of the applications to:
Mike Mirmazaheri, Program Manager
Department of Water Resources
Delta Levees Program
P. O. Box 942836
Sacramento, California 94236-0001
Fax: (916) 651-9678

Send one copy of the application to:
Bob Orcutt
Department of Fish and Game Region II
1701 Nimbus Road, Suite A
Rancho Cordova, California 95670
Fax: (916) 358-2912

After final Board approval of the expenditure plan DWR will prepare work agreements for execution by the Board and each participating agency. Timely execution of these funding agreements will help ensure that funding is committed.

Please note that the current freeze on bond funds and the uncertainties surrounding the State's budget may impact the availability of funds. Therefore, the final execution of the agreements may be held by DWR or the Board until commitment of funds is authorized by the State Treasurer's Office and/or Department of Finance. As always, participating agencies must be in compliance with all federal, State, and local laws and regulations in order for DWR to consider reimbursement of the final claims.

As a reminder final claims for the fiscal year 2010-2011 Subventions Program are due on October 31, 2011. As stated in the program funding work agreement, a 30-day extension of time may be granted if requested by the local agency.

If you have any questions or comments regarding the Delta Levees Maintenance Subventions Program please call me at (916) 651-7016 or John Wilusz of my staff at (916) 651-7006. Questions regarding Department of Fish and Game program requirements should be directed to Bob Orcutt at (916) 358-2924.

Sincerely,

Mike Mirmazaheri, Program Manager
Delta Levees Program

cc: Bob Orcutt, Department of Fish and Game
Jim Starr, Department of Fish and Game
Attachment B – Distribution List

Attachments

Attachment A

Local agencies are reminded that provisions in Proposition 84 call for compliance with Labor Code Section 1771.5. Public Resources Code Section 75075 states the following:

> *The body awarding any contract for a public works project financed in any part from funds made available pursuant to this division shall adopt and enforce, or contract with a third party to enforce, a labor compliance program pursuant to subdivision (b) of Labor Code Section 1771.5 for application to that public works project.*

As a condition for receiving Delta Levee Subventions Program reimbursements, all levee maintaining agencies that award contracts for public works must be prepared to provide proper documentation in their claims that they have complied with the Labor Compliance Program (LCP) requirement. For further information on the LCP requirements, each participating agency should consult with its legal counsel and refer to the Department of Industrial Relations website:

http:/www.dir.ca.gov/lcp.asp
http://www.dir.ca.gov/dlse/dlsePublicWorks.html

Please note that under Labor Code Section 1771.5, an LCP needs to be in place before an agency awards a contract for applicable public works and that certain surveying and "pre-construction" activities, such as geotechnical work may be subject to the LCP requirements. Additionally, any required LCP services provided to a local agency by a third party must be from a firm which has been approved by the Department of Industrial Relations. In view of the foregoing, local maintaining agencies should be making timely arrangements for securing LCP services, if they have not already done so. Documentation of a local agency's LCP may also be required before DWR will sign the work agreement.