

**DEPARTMENT OF WATER RESOURCES**

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SACRAMENTO, CA 94236-0001  
(916) 653-5791



April 4, 2016

To: Participants of the Delta Levees Maintenance Subventions Program

Subject: Delta Levee Maintenance Subventions Program Applications for FY 2016-17

The Delta Levees Maintenance Subventions Program (Subventions Program) has been dedicated to maintaining and helping to manage the aging levees in the Sacramento – San Joaquin Delta for over 40 years. Since the passage of SB 541 (Way Bill) in 1973, more than \$180 million has been reimbursed to local agencies for eligible levee maintenance and rehabilitation work in the Delta through the Subventions Program. The Disaster Preparedness and Flood Prevention Bond Act of 2006 (Proposition 1E), the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) and the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Proposition 1), have all authorized DWR to provide local assistance under the Subventions Program to reduce the risk of levee failure and flooding in the Delta, as well as to ensure no net loss of habitat.

The Department of Water Resources (DWR) is now accepting applications for the FY 2016-17 Subventions Program from eligible local agencies within the legal Delta. DWR is planning to make \$12 million available from Proposition 1E funds for the FY 2016-17 Subventions Program. Upon receiving the annual levee maintenance applications from the local agencies, DWR will prepare the FY 2016-17 Subventions Program annual expenditure plan and will seek the Central Valley Flood Protection Board's (Board) approval in the fall 2016. Please submit your levee maintenance application by the July 1, 2016 deadline in order to be considered for the FY 2016-17 Subventions Program. Applications may be submitted electronically to meet the deadline; however, a hard copy of the application with original signature(s) must follow by mail.

Please note that all applications must be in compliance with the 2016 Subventions Program Guidelines or the guidelines most recently passed by the Board. The following are among the criteria that need to be satisfied prior to final approval of an application and/or disbursement of State funds (see the current Guidelines for comprehensive information):

- 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 California Board for Professional Engineers, Land Surveyors, and Geologists.
- The applicant must provide information regarding conformance with The Department of Industrial Relations Labor Compliance Program requirements of Propositions 1E (see Attachment A).
- Plans shall not result in a net long-term loss of riparian, fisheries, or wildlife habitat.

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- The application must state that all habitat and mitigation requirements shall be completed to the satisfaction of California Department of Fish and Wildlife (CDFW). Failure to complete habitat and mitigation requirements as required will result in forfeiture of reimbursement under this Program and may prevent future participation in the program.
- The applicant must ensure that the proposed work is in compliance with CEQA guidelines. The local agency shall be the lead agency for purposes of CEQA. However, both the Board and DWR, as responsible agencies, will review and consider the project's CEQA environmental document(s) prior to providing funding for any project that is subject to CEQA. Such approval is fully discretionary and shall constitute a condition precedent to any work for which it is required.
- In accordance with Water Code Section 9140, if the local agency is responsible for the operation and maintenance of a project levee, or if the local agency operates and maintains a nonproject levee that also benefits land within the boundaries of the area benefited by the project levee, the local agency shall prepare and submit to DWR, on or before September 30th of each year, a report of information for inclusion in periodic flood management reports prepared by DWR relating to the project levee.
- In accordance with Water Code Section 9650, if the local agency receives funding from the State to upgrade a project levee that protects an area in which more than 1,000 people reside, the local agency responsible for the project levee and any city or county, including charter cities or counties, protected by the project levee shall enter into an agreement to adopt a safety plan within two years. The safety plan shall be integrated into any other local agency emergency plan and shall be coordinated with the state emergency plan. The local entity responsible for the operation and maintenance of the project levee shall submit a copy of the safety plan to DWR and the Board. No advances or reimbursements shall be made by the State for a levee covered by this paragraph until it receives the agreement from all necessary entities.

Again, please read the Guidelines carefully for comprehensive information regarding the Subventions Program. Submit **two** hard copies and one digital of the application to my attention at DWR and **one** hard copy and one digital to Mr. Jim Starr at CDFW to the following addresses:

Send **two** copies of the application to:

Andrea L. Lobato, P.E., Manager  
Delta Levees Program  
Department of Water Resources  
Post Office Box 942836  
Sacramento, California 94236-0001  
Fax: (916) 651-9295  
[Andrea.Lobato@water.ca.gov](mailto:Andrea.Lobato@water.ca.gov)

Send **one** copy of the application to:

Jim Starr, Supervisor  
Environmental Program Manager  
Department of Fish and Wildlife  
2109 Arch Airport Road, Suite 100  
Stockton, California 95206  
Fax: (209) 234-3441  
[Jim.Starr@wildlife.ca.gov](mailto:Jim.Starr@wildlife.ca.gov)

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. As always, participating agencies must be in compliance with all federal, State, and local laws and regulations in order for the Board and DWR to enter into agreement with the agency and consider reimbursement of the final claim.

As a reminder, final claims for the FY 2015-16 Subventions Program are due on November 1, 2016. If you have any questions or comments regarding the Delta Levees Maintenance Subventions Program, please call me at (916) 651-9295 or Sandra Maxwell of my staff at (916) 651-7009.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrea L. Lobato', with a long horizontal line extending to the right.

Andrea L. Lobato, P.E., Manager  
Delta Levees Program

cc: (See attached list.)  
Mr. Jim Starr, Department of Fish and Wildlife

Attachments

## Attachment A

### DWR Labor Compliance for Grant Programs

- I. For every public works project — Prevailing Wage Compliance and Enforcement by Department of Industrial Relations
  - A. In addition to complying with other applicable laws, each bidder submitting a bid for such contract work must be a Department of Industrial Relations Registered Contractor pursuant to Labor Code Section 1725.5 (“DIR registered contractor”). A Bidder that is not a DIR registered contractor when submitting a bid for the contract work is deemed “not qualified.” Pursuant to Labor Code Section 1725.5, all subcontractors identified in a Bidder’s Subcontractor List shall also be DIR registered contractors.
  - B. All contractors who are awarded a contract, and all subcontractors of any tier, at all times during the performance of the work, shall be DIR registered contractors. Also, all such contractors and subcontractors must furnish electronic certified payroll records directly to the Labor Commissioner (of the Division of Labor Standards Enforcement).
  - C. The contracts are subject to compliance monitoring and enforcement by the Department of Industrial Relations.
- II. Additional requirements for projects utilizing Proposition 84 funds — Prevailing Wage Compliance and Enforcement through a Labor Compliance Program (LCP) — for a Prop. 84-funded job, in addition to the above requirements, the grantee will be required to comply with the following laws and regulations relating to LCPs:
  - A. The grantee must utilize a Labor Compliance Program (LCP) pursuant to Labor Code Section 1771.5, and the regulations promulgated thereunder (California Code of Regulations, Title 8, Sections 16421 et seq.), to be implemented through an LCP provider. Information about LCPs generally is available at [www.dir.ca.gov/lcp.asp](http://www.dir.ca.gov/lcp.asp).
  - B. The LCP provider will conduct a mandatory pre-job conference with the Contractor and its subcontractors to discuss federal and state labor law requirements applicable to the project. Contractor and its subcontractors shall be required to maintain and furnish to the LCP provider, at designated times, a certified copy of each weekly payroll containing a statement of compliance signed under penalty of perjury. The LCP provider will review and audit payroll records to verify compliance with applicable labor law. The LCP provider will also visit the jobsite and will randomly interview individuals to verify compliance with prevailing wage laws. The grantee may be required to withhold contract payments equal to the amount of underpayment and penalties, when, after investigation, it has been established that an underpayment or delinquency has occurred. Copies of the required rates are on file with the Department of Industrial Relations and available upon request. There are other requirements in the statutes and regulations.

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