

FLOOD MAINTENANCE ASSISTANCE PROGRAM

Funded by
FLOOD MAINTENANCE OFFICE
GENERAL FUND

FISCAL YEAR 2023-24
PROPOSAL SOLICITATION PACKAGE



STATE OF CALIFORNIA
THE DEPARTMENT OF WATER RESOURCES

FLOOD MAINTENANCE ASSISTANCE PROGRAM PROPOSAL SOLICITATION PACKAGE

The California Department of Water Resources invites you to submit a proposal for funding assistance with flood maintenance activities that you have provided assurance to Central Valley Flood Protection Board to perform.

PROPOSAL DUE DATES

August 31, 2023

PROPOSAL SUBMITTAL

All applicants must complete the Proposal Solicitation Package forms and return them (un-signed) via email to:

Jeff H. Van Gilder
(916) 574-2745
jeff.vangilder@water.ca.gov

PROPOSAL SIGNATURES

The un-signed PDF package will be reviewed by DWR, uploaded to DocuSign, and distributed for digital signatures using the email addresses supplied below.

Attachment B - Local Maintaining Agency Authorizing Resolution:

Authorized LMA Representative (required):

Name and Title Tim Kerr, General Manager

DocuSign Email Address tkerr@arfed.org

Attestation Signatory (optional):

Name and Title Steven T Johns., President

DocuSign Email Address _____

Attachment C - Attorney Certification:

Applicant Agency's Attorney (required):

Name and Title Rebecca Smith, Attorney, Downey Brand

DocuSign Email Address rsmith@downeybrand.com

1. INTRODUCTION

The Flood Maintenance Assistance Program (FMAP) is a program that provides state funds for eligible maintenance activities with Local Maintaining Agencies (LMAs) including Maintenance Areas (MAs) to help obtain acceptable maintenance of the State Plan of Flood Control facilities (levees, channels, and structures). The purpose of FMAP is ensure State Plan of Flood Control (SPFC) facilities are properly maintained with sufficient resources (including funding) to meet Code of Federal Regulations, Title 33, section 208.10 (33 CFR 208.10), and applicable Operation and Maintenance (O&M) manual requirements.

The FMAP will partner with LMAs to work towards sustainable O&M by:

- Providing State funds to LMAs to reduce the accumulation of deferred maintenance.
- Providing technical assistance to enable the LMAs to effectively perform the maintenance activities in an efficient manner.
- Securing new Operation, Maintenance, Repair, Rehabilitation, and Replacement (OMRR&R) assurance agreements between LMAs and CVFPB.
- Promoting consolidation or regional governance of LMAs, so SPFC facilities can be more efficiently and effectively maintained.
- Sustaining and improving eligibility for USACE PL 84-99 Program and ultimately compliance with USACE O&M manual requirements.

Selection for participation and funding under FMAP will be determined by information requested in the questionnaire that will confirm and verify the LMAs willingness to pursue and obtain a PL 84-99 eligibility and having sufficient funding to perform OMRR&R activities annually.

2. REQUIREMENTS AND LIMITATIONS

All LMAs are required to meet all the following criteria to receive FMAP funding:

- Levee must be within State Plan of Flood Control (SPFC).
- Applicant must have current compliance with PL 84-99, existing USACE Letters of Intent/System Wide Improvement Framework plans (LOI/SWIF) or commit to compliance by submitting a LOI and SWIF plan through FMAP.
- LMAs must provide a copy of an existing SWIF or LOI with the USACE.
- In areas where USACE System includes multiple LMAs, coordinate and collaborate among the LMAs to ensure the submittals meet the requirement for the USACE LOI/SWIF for the project area. Regional Flood Management Assistance Program (RFMAP) funding can be used for coordination activities.
- LMA must execute a new assurance agreement (OMRR&R) with CVFPB for the entire jurisdiction of the LMA.
- LMA must meet all California Department of Water Resources (DWR) flood reporting requirements, such as Assembly Bill (AB) 156 (Stats. 2007, ch. 368).

- LMA must work with the region to find solutions for more effective and efficient delivery of the required O&M for SPFC facilities.
- LMA levee is not or is not anticipated to receive Early Implementation Program/Urban Flood Risk Reduction Program (EIP/UFRR) and/or USACE project repair or improvement funding.
- If LMA is entitled to receive Delta Subventions funding, no O&M funding will be provided. LOI/SWIF funding will be limited to what is needed beyond the planning funds provided by the Delta Subventions program.

3. FUNDING

Available funding for eligible participants will be made available in Fiscal Year 23/24 for the following activities:

1. DWR will fund \$20,000 per LMA for preparation of a USACE LOI/SWIF, if the LMA is willing to commit to complete the process. If the LMA already has a LOI & SWIF in place, which means they are currently eligible for PL 84-99, funding under this item can be allocated for additional identified OMRR&R activities.
2. DWR will fund \$20,000 per LMA for preparation of technical/engineering reports needed to secure sufficient funding to manage their SPFC system to meet the requirements in Code of Federal Regulations, Title 33, Section 208.10, O&M Manual, and new OMRR&R agreement, if they are willing to commit to complete the process. If the LMA is already well funded and does not have an Unacceptable Rating from State Annual Maintenance Inspection or a recently passed a Proposition 218 Election, LMA may use the funding for additional identified O&M activities.
3. DWR will provide matching funds, up to an identified amount needed for O&M activities, for dollars spent during last fiscal year for O&M activities based on the formula below. Only LMAs participating in items #1 and #2 above are eligible to receive the additional funding.
 - 75% matching funds for the first \$10,000 per mile expenditure.
 - 50% matching funds for expenditures in excess of \$10,000 per mile.
 - All funding will depend on the program demand and fund availability.

Funds will be advanced for the LOI/SWIF and Engineering Report (items 1 & 2 above). Funds may be advanced on a one-time annual basis for the O&M activities following approval and verification of funding agreement.

Costs *eligible* for funding through this program O&M activities include the following:

- Gravel for access roads and levee crown
- Rock slope protection (RSP) for minor embankment repairs
- Minor seepage control repairs

- Minor stability repairs
- Vegetation management
- Rodent abatement
- Flood control structure/facilities upgrades
- Gates/fencing maintenance

Costs *not eligible* for funding through this program include the following:

- Administrative personnel
- Purchase and maintenance of general use vehicles
- New facilities
- Utility cost reimbursement
- Administrative overhead charges
- Travel or commute costs
- Non-SPFC O&M activities

4. SELECTION CRITERIA

All LMAs are potentially eligible to receive FMAP funding if they are willing to take the necessary actions to be eligible for PL 84-99 and secure sufficient funding to perform the required OMRR&R activities annually. The program is designed to support the LMAs to be successful in carrying out their responsibilities under OMRR&R. The level of funding and what the funding can be used will depend on the submittal listed below.

5. TIMELINE

Considering the level of information requested, the request for funding will be reviewed if the PSP is received by a given date. Submittals received by the established date will be reviewed and considered in the order received. If the funding is exhausted requests received after that point will be denied.

The following date is the established cutoff for the FY 23/24 funding cycle:

- August 31, 2023

6. SUBMITTAL

Attachment A to this PSP is a questionnaire and supplemental information package. The following requested information must be provided or if not applicable, the applicant must clearly state the reason why the information was not provided. Applications not containing all required information or acceptable reasons for omission will not be further reviewed or considered for funding in the current round, but they will have the opportunity to provide the complete information in the next round. In addition to the information listed below, applicant may also include supplemental materials that they believe would assist in making the funding decision.

- Completed Questionnaire & Supplemental information
- A list and map of SPFC facilities LMA is responsible for
- Correspondence indicating current USACE PL 84-99 eligibility, if applicable
- Submitted LOI, if applicable
- USACE approved LOI, if applicable
- Submitted SWIF, if applicable
- USACE approved SWIF, if applicable
- List of LMAs, beside the applicant, in the USACE System, if applicable
- AB156 compliance report
- O&M activities along with actual cost for the last 2 years
- List of prioritize OMRR&R activities that requires State assistance
- List of recent (last 10 years) Delta Subventions, EIP/UFRR, USACE, or other major improvement projects on SPFC facilities; provide brief scope of work

Attachment B to this PSP is a Local Maintaining Agency Authorizing Resolution. This document must be digitally signed via DocuSign *during* the board meeting in which the Resolution is voted on. The Resolution will authorize the LMA to submit a Proposal for funding from the Department of Water Resources and Designate a Representative to Execute the Agreement and any Amendments thereto for the FMAP FY 23 /24 cycle.

Attachment C to this PSP is an Attorney Certification. This Certification must be signed by a duly qualified and licensed attorney in California representing the Applicant Agency. The attorney must verify that the Local Maintaining Agency is eligible to participate in the FMAP program, receive funds from the State of California, and implement a flood control program in order for this application to be considered by DWR.

ATTACHMENT A

FLOOD MAINTENANCE ASSISTANCE PROGRAM (FMAP)

This questionnaire and submittal would provide us the needed information to evaluate the appropriate level of participation in FMAP. FMAP has several requirements that must be met to receive eligible funding as described in the Proposal Solicitation Package (PSP). Please answer the following questions and provide the requested information.

LMA American River Flood Control District

Authorized LMA Representative Tim Kerr, General Manager
(Name and Title)

Address 185 Commerce Circle, Sacramento, CA 95815

Phone Number 916-929-4006

District Engineer _____

Legal Counsel Rebecca Smith, Attorney, Downey Brand

Legislative District Senate Districts 6 and 8, Assembly Districts 6 and 7
(Senate and Assembly)

Other Contact Information Tina Anderson, MBK Engineers, 916-456-4400

1. Does LMA have State Plan of Flood Control (SPFC) facilities? (Y/N) YES
2. Does LMA have current PL 84-99 eligibility? (Y/N) YES If Yes, please provide supporting documentation. **Attach File**
3. Does LMA have an approved LOI or SWIF with USACE? (Y/N) _____ If Yes, please provide a copy of the approval.
4. If No, has LMA submitted a LOI or SWIF currently pending with USACE? (Y/N) YES If Yes, please provide a copy of the documents. **Attach File**
5. If No on questions 3 & 4, is LMA willing to commit to pursuing and obtaining a USACE SWIF, which includes submittal of LOI & SWIF? (Y/N) _____
6. Is there more than one LMA in your leveed area (USACE system)? (Y/N) NO
If Yes, is LMA cooperating or willing to cooperate with the other LMAs to pursue and obtain an approved USACE LOI and SWIF within a USACE System?
(Y/N) _____
7. Is LMA willing to execute a new assurance agreement (OMRR&R) with CVFPB for the entire leveed area (USACE system)? (Y/N) YES

8. Is LMA willing to secure sufficient local funding to perform OMRR&R activities required by the assurance agreement? (Y/N) YES
9. Is LMA willing to meet DWR reporting requirements, such as AB 156? (Y/N) YES
10. Is LMA willing to provide actual cost and scope of the last two full years of O&M activities? (Y/N) YES
11. Is LMA willing to prioritize deficiencies within the leveed area (USACE system) and commit to OMRR&R activities that will reduce flood risk and make LMA compliant with PL 84-99? (Y/N) YES
12. Is LMA willing to coordinate and work with RFMP to implement the plan identified in the SWIF? (Y/N) YES
13. Is LMA currently participating in other DWR programs such as Delta Subventions, EIP/UFRR, or FSRP? (Y/N) NO If yes, please identify and describe the project or activity:

Additional questions required of all new solicitations to fulfil State's requirement under EO B-30-15, AB 1482, & AB 2800. Answering in any way does **not** affect a LMA's eligibility to receive funding.

14. Does the LMA have a strategic business plan? (Y/N) NO If yes, please submit a copy.
15. Has the LMA conducted a climate change vulnerability assessment? (Y/N) NO If yes, please submit a copy.
16. Does the LMA have a main contact person for climate change? (Y/N) NO
If yes, to what position in the origination does that person report?

N/A
17. Has the LMA considered the risk of climate change in its capital reserves and investments? (Y/N) NO

Please provide the following project information:

- **Briefly describe the leveed area (USACE system) and what is protected within the project basin.**

The American River Flood Control District's (ARFCD) levee system protects an urban population, commercial and residential properties and infrastructure. There are three levee systems, collectively referred to as the ARFCD North Area systems: Dry Creek Right Bank, referred to as the Dry Creek Levee System. Dry Creek, NEMDC, Arcade Creek referred to as the Robla-Arcade Levee System. American River Right Bank, NEMDC, referred to as the American River North Levee System.

- **Explain how you intend to become compliant with the SWIF process and USACE and DWR inspections.**

The American River Flood Control District (ARFCD) is still active in PL 84-99; however in anticipation of being dropped to inactive status, ARFCD submitted a Letter of Intent (LOI) to the United States Army Corps of Engineers (USACE) for approval. Based on Corps feedback, edits are being made to the LOI. Once the LOI is approved, ARFCD plans to complete its System-Wide Framework (SWIF) document including an updated list of items corrected by the District. ARFC will submit a draft to both Central Valley Flood Protection Board (CVFPB) and the USACE for review. Once comments are incorporated the ARFCD will submit the final SWIF to the CVFPB for submittal to USACE; this may or may not occur within the timeframe of this funding cycle, depending on the review time by the CVFPB and USACE.

- **Please provide verifiable and detailed information of eligible OMRR&R activities and projects conducted by the LMA the last two full years.**

See the attached 2020-2021 and 2022-2023 budgets.

- **Provide a list of eligible OMRR&R activities and projects that you intend to conduct or construct.**

Minor Erosion Repair, Encroachment Maintenance, Vegetation Removal, Debris Removal

- **Please prioritize the activities and detail the scope of the projects. This includes project description, proposed schedule, and proposed budget. Budget details must include personnel, equipment, and material costs.**

Minor Erosion Repairs: Erosion repair work will take place prior to the flood season, unless required as an emergency measure. **Encroachments:** Abandoned encroachments will be addressed prior to the flood season. **Vegetation:** ARFCD will perform standard vegetation maintenance. They will also identify any trees that are in an advance state of decline that should be considered for removal. ARFCD will remove those that could most impact the integrity of the levee. High hazard trees will be removed between July and February to avoid nesting bird season. **Debris:** as needed, debris, including trash, will be removed from the levees. The District anticipates spending close to \$2M on levee maintenance.

- **Describe the project benefits and how it works toward USACE and DWR levee inspection compliance.**

Erosion, excess vegetation and encroachments can harm the structural integrity of levees, obscure visibility, impede access for maintenance and inspection, and hinder flood fighting operations. Correcting these issues help with passing the DWR and USACE inspections.

ATTACHMENT B

Local Maintaining Agency Authorizing Resolution Resolution No. _____

A Resolution by the Board of Directors
of the American River Flood Control District
Authorizing a Proposal for funding from the Department of Water Resources and Designating a Representative to Execute the Agreement and any Amendments thereto, for the 2024-FMAP-ARFCD-01 Project

WHEREAS, the American River Flood Control District is a California Public Agency with responsibility for flood maintenance and right-of-way authority of the Project facilities;

WHEREAS the American River Flood Control District acknowledges that it must submit a new operations, maintenance, repair, rehabilitation, and replacement agreement with the Central Valley Flood Protection Board prior to the receipt of Flood Maintenance Assistance Program funds;

WHEREAS, the American River Flood Control District is authorized to enter into an agreement with the Department of Water Resources and the State of California;

THEREFORE, BE IT RESOLVED by the Board of Directors of the American River Flood Control District as follows:

1. That pursuant and subject to all of the terms and conditions of the Budget Act of 2023, the Board of Directors authorize the Manager, or designee, to execute the funding agreement with the Department of Water Resources and any amendments thereto.
2. That the Manager, or designee, shall prepare the necessary data, make investigations, and take other such actions as necessary and appropriate to obtain funding for the 2024-FMAP-ARFCD-01 Project.

CERTIFICATION

I hereby certify that the foregoing Resolution No. _____ was duly and regularly adopted by the Board of Directors of the American River Flood Control District at the meeting held on _____, motion by _____ and seconded by _____, motion passed by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Tim Kerr, General Manager
American River Flood Control District

Attest: _____
Steven T Johns., President

ATTACHMENT C

Attorney Certification

(The Applicant's attorney shall answer the following questions regarding this proposal and where indicated, shall cite statutory authority or other references.)

- Is the Applicant a political subdivision of the State of California? Yes No

Citation: California Water Code Appendix Sections 37-1

- Does the Applicant have legal authority to enter into a Funding Agreement with the State of California? Yes No

Citation: California Water Code Appendix Sections 37-2, 37-30

- What steps are required by law for the Applicant to sign a Funding Agreement with the State?

Authorization by the District's Board of Trustees

Citation: California Water Code Appendix Sections 37-2

- What is the statutory authority under which the Applicant may obtain funds for the purpose, amount, and duration requested?

Citation: California Water Code Appendix Sections 37-2, 27-22, 37-30

- What is the statutory authority under which the Applicant was formed and is authorized to operate?

Citation: American River Flood Control District Act, Water Code Appendix Chapter 37

- Is the Applicant required to hold an election before entering into a funding contract with the State? Yes No

Citation: California Water Code Appendix Sections 37-2, 37-22, 37-30

- Will an agreement between the Applicant and the State be subject to review and approval by other governmental agencies? Yes No

Identify all such agencies:

N/A

Citation: California Water Code Appendix Sections 37-2, 37-30

- Describe any pending litigation that impacts the financial condition of the Applicant or the operation of flood management facilities. If none is pending, so state.
None pending.

- Does the Applicant have legal authority and jurisdiction to implement a flood control program? Yes No

Citation: California Water Code Appendix Sections 37-2, 37-22, 37-30

I certify that I am a duly qualified and licensed attorney in California representing the Applicant Agency and that I have answered the questions on this page and the preceding page to the best of my knowledge.

By _____ Date _____
(Signature of Applicant Agency's Attorney)

Rebecca Smith, Attorney, Downey Brand

(Printed Name of Applicant Agency's Attorney and Title)

(Bar No.)

American River Flood Control District

(Name of Applicant Agency)