



## MEMORANDUM

TO: The Lake County Board of Supervisors

FROM: Scott De Leon, Director

SUBJECT: Grand Jury Report Response

DATE: September 7, 2023

As your Board is aware, the 2022-23 Lake County Civil Grand Jury's Final Reports included, "Flooding in Upper Lake and the Hitch." The following is my response to the Grand Jury's Findings and Recommendations.

The Lake County Department of Water Resources appreciates the Civil Grand Jury's earnest efforts to review government operations in the public interest. In this case, clarification of multiple issues is essential to promote public understanding.

"Flooding in Upper Lake and the Hitch" begins with discussion of historical flooding in the town of Upper Lake, and concludes with discussion of the Clear Lake Hitch and the Middle Creek Flood Damage and Ecosystem Restoration Project (*Middle Creek Project*). There is some interrelationship, but the complexities of that nexus are lost and not adequately explained. While highlighting every misstatement is not practical, I appreciate the opportunity to focus on the Grand Jury's Findings and Recommendations.

### **Finding #F-1: The town of Upper Lake continues to flood regularly.**

DISAGREE partially with Finding.

Explanation: The town of Upper Lake is situated behind levees. These protect the town from flooding when Clover and Middle Creek water levels rise. Drainage structures (*culverts*) were installed in the levees to allow stormwater runoff to flow from the town side of the levees into the creeks; however, when the water levels rise in the creek to the point where they are higher than the town, flap gates on the culverts close to prevent creek water from back-flowing into the town. While these gates are closed, water on the town side of the levee has nowhere to drain, which results in temporary localized flooding. This is exacerbated when drainage areas are obstructed by vegetation and sediment deposits. Those that most regularly flood are on private

property; County-responsibility areas are more regularly maintained. Once flows in the creek reside, town flooding recedes, as designed.

The Grand Jury's report places blame for flooding in the town of Upper Lake on the *condition of the levees* separating the town from the creek. This is inaccurate.

**Finding #F-2: Restoring the wetlands will alleviate flooding in Upper Lake.**

DISAGREE partially with Finding

Explanation: "Restoring the wetlands" is presumed to represent the completion of the Middle Creek Flood Damage and Ecosystem Restoration Project (*Middle Creek Project*). While the Middle Creek Project will have a positive effect on drainage upstream near the town of Upper Lake (*i.e., decreasing flood water elevations in Scotts and Middle Creeks*), the town will continue to experience temporary localized flooding during periods of high creek flows. See F-1 Response, above.

**Recommendation #R-1: That the Department of Water Resources and the Board of Supervisors secure the funds to complete the process for the restoration of the wetlands.**

AGREE, has been implemented.

Explanation: In 2017, the Department of Water Resources, with strong support from our esteemed Assemblymember, Cecilia Aguiar-Curry, secured a \$15 million dollar grant in support of the land acquisition phase of the Middle Creek Project. The Department continues working with our Consultant and the State of California to purchase project-area properties from willing sellers.

The Board of Supervisors has dedicated funds in recent budgets for the local share of design costs, with the majority of the funding coming from the United States Army Corps of Engineers (USACE). Because USCAE is the Lead Agency for the project, completion of the project is under their control, subject to Federal funding allocations.

**Recommendation #R-2: That the Department of Water Resources and the Board of Supervisors determine a reasonable completion date for the wetlands project which will include development of additional spawning grounds for the hitch.**

DISAGREE, will not be implemented.

Explanation: See R-1 Response, above. USACE is the Lead Agency. County staff have conducted all reasonable and appropriate follow-up. Completion is subject to contingent processes and federal allocations beyond the control of the County of Lake.

The safety of residents of Upper Lake, protection of the Clear Lake Hitch, and completion of the Middle Creek Restoration Project are all among my Department's highest priorities. Not every element is within our Department's, or even the County's, purview.