

MA 17 Transfer of Maintenance and Operation

Presentation describing and requesting
Board of Supervisors support of the MA-17
transfer process, with relation to the
Middle Creek Restoration Project

What is MA 17 & Why Transfer It to County Operation and Maintenance?

- Brief History of the Area's State and County O&M
- Current Issues
- Proposed Solutions

THE RECLAMATION BOARD

ROOM 1335, RESOURCES BUILDING, 1416 9TH STREET • SACRAMENTO 95814

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C
O
P
Y
 DEC 23 1966
 Refer to: 4130.45.200
 Contract No. 67-C-001

District Engineer
 Corps of Engineers
 U. S. Army
 650 Capitol Mall
 Sacramento, California

Dear Sir:

Reference is made to your letter of December 6, 1966 concerning transfer to the State of California of the Middle Creek Flood Control Project downstream from Bloody Island Pumping Plant, in accordance with Specification No. 3364.

The Reclamation Board, at its meeting of December 15, 1966, formally accepted the above referred to work for operation and maintenance subject to certain conditions.

The conditions mentioned above are that Lake County Flood Control and Water Conservation District will perform ordinary maintenance and flood fighting and patrolling of the above facilities. The Corps of Engineers will perform any extraordinary maintenance required including, but not restricted to, correction of major bank caving or levee settlement. After a six-year period the condition and stability of the levees and banks involved will be re-examined to determine if further Federal commitment is warranted.

Sincerely yours,

A. E. McCollam per se
 A. E. McCOLLAM
 General Manager

C
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EXHIBIT
 Sheet 1

② ③ BLOODY ISLAND PUMPING PLANT
 MODIFICATION AND OPERATION AGREEMENT
 BETWEEN THE RECLAMATION BOARD AND THE LAKE COUNTY
 FLOOD CONTROL AND WATER CONSERVATION DISTRICT

This Agreement, made and entered into this 19th day of April, 1968, by and between the State of California, acting by and through The Reclamation Board, hereinafter referred to as "State," and The Lake County Flood Control and Water Conservation District, hereinafter referred to as "District;"

W I T N E S S E T H :

WHEREAS, State is authorized to perform the work of automating the Bloody Island Pumping Plant on Middle Creek in Lake County; and

WHEREAS, District and State wish to agree on principles to be followed in modifying and operating the pumping plant;

NOW, THEREFORE, in consideration of the mutual obligations of the parties hereto, it is agreed that:

A. District Shall:

- (1) Cooperate with the State by submitting comments and suggestions for the development of mutually acceptable plans and specifications for the modification of the pumping plant.
- (2) Perform the construction inspection required for the modification of the pumping plant.
- (3) Pay to the State the sum of one thousand dollars (\$1,000.00) as the District's share of the cost for the modification of the pumping plant.
- (4) Accept from the State, upon completion of the work, ownership and operation of the modified pumping plant.

In the 1960's, the State assumed O&M of the area "downstream from Blood Island Pumping Plant."

After that in the 21st century Lake County took over O&M again.

At some point in 2017 or before, the State assumed O&M again.

Now would be a good time to take O&M back.

LOCAL COOPERATION AGREEMENT
BETWEEN
THE CENTRAL VALLEY FLOOD PROTECTION BOARD OF THE STATE OF CALIFORNIA
AND
LAKE COUNTY WATERSHED PROTECTION DISTRICT – NA 9
FOR THE
Sacramento River Flood Control Project Work

This Local Cooperation Agreement ("Agreement") is entered into by and between Central Valley Flood Protection Board (Board) and **Lake County Watershed Protection District – NA 9** (DISTRICT) on this 22 day of December, 2017 in view of the following circumstances:

1. The Sacramento River Flood Control Project (SRFCP) was authorized by Congress and approved on March 1, 1917, then amended on May 15, 1928, August 26, 1937, August 18, 1941, August 17, 1954, and July 14, 1960;
2. The State of California, Department of Water Resources (DWR) will implement the repair of levee erosion site(s) under the 2017 Storms Damages, Department of Water Resources Emergency Rehabilitation Program (Project), SRFCP pursuant to its authority under the Governor's Executive Order B-39-17 and the notification to the legislature to redirect existing appropriations to emergency flood response on February 24, 2017, Control Section 6.10 of the 2016 Budget Act, and Section 8645 of the Government Code; for the purposes of this agreement, the "State" shall mean the Board and DWR.
3. Water Code Section 8370 states that it is the responsibility, liability, and duty of the reclamation districts, levee districts, protection districts, drainage districts, municipalities, and other public agencies within the SRFCP limits, to maintain and operate the works of the project within the boundaries or jurisdiction of such agencies;
4. Water Code Section 12642 states that in all cases where the Federal Government does not maintain and operate projects, it is the responsibility and duty of the county, city, state agency, or public district affected to maintain and operate flood control and other works, after completion, and hold and save the State and the United States free from damages.
5. The Board has approved issuance of an encroachment permit for the Project on the condition that DISTRICT provides the Board with the assurances specified in this Agreement that it will be responsible for operation and maintenance of the Project upon its completion; and will, as described below, hold and save the State, its representatives, officers, directors, employees, and other persons acting in its capacity on behalf of the State, as well as their successors and assigns, free and harmless from any and all claims and damages arising from the construction, operation, and maintenance of the Project.
6. DISTRICT has agreed to provide the aforementioned assurances specified in this Agreement to the Board; and

Financing, Operation and Maintenance of a State Maintenance Area

The following assumes that the maintenance area has been established for several years, and therefore is past the initial budgeting period. The agency responsible for operation and maintenance is the Department of Water Resources (DWR). Budgets are established by The Reclamation Board (TRB) and the actual assessments necessary to raise the budget are assessed and collected by the COUNTY on behalf of the State.

1. **DWR maintains the flood control facilities.** DWR performs necessary flood fight activities, assisted if appropriate by the U.S. Army Corps of Engineers. All actual maintenance work in existing maintenance areas has been performed by DWR employees; however, other procedures may be feasible, such as maintenance by contract or interagency agreement, monitored by DWR.
2. For maintenance activities, the cost may not exceed 120 percent of the current year's budget. For emergency flood fight activities, the costs often are comparable to the entire maintenance budget, but part of the cost is potentially reimbursed by sources outside the budget.
3. Each year before April 1, DWR develops a proposed budget for the maintenance area and transmits it to TRB.

7. DWR certifies the amount required to maintain the maintenance area, to the auditor and county supervisors of the county or counties in which the maintenance area lies. The amount is composed of:
 - The adopted budget for the coming year
 - The overrun or underrun from the previous year
 - Any credit from other sources for previous years' flood fight costs
 - Any balance from previous years (normally zero).
8. COUNTY determines the actual assessment on each property required to raise the amount certified, including a reasonable allowance for anticipated delinquencies.
9. COUNTY collects the assessment along with county taxes and transmits the collections to DWR by January 1 and July 1 of each year.
10. The collected amount is automatically appropriated for operation and maintenance of the maintenance area. It may not be used for any other purpose.

The primary role of the State in MA17 has been maintaining flood control facilities.

Funds paid for MA 17 per year from FY21-22 to FY 25-26

Fiscal Year	FY 21-22	FY 22-23	FY 23-24	FY 24-25	FY 25-26
Total Billed by DWR for MA 17	\$ 122,521.13	\$ 95,484.69	\$176,493.54	\$ 334,761.59	\$ 558,262.94
<i>Portion billed to LCWPD owned properties</i>	\$ 69,742.00	\$ 70,937.84	\$ 98,096.50	\$ 218,656.06	\$ 239,882.56

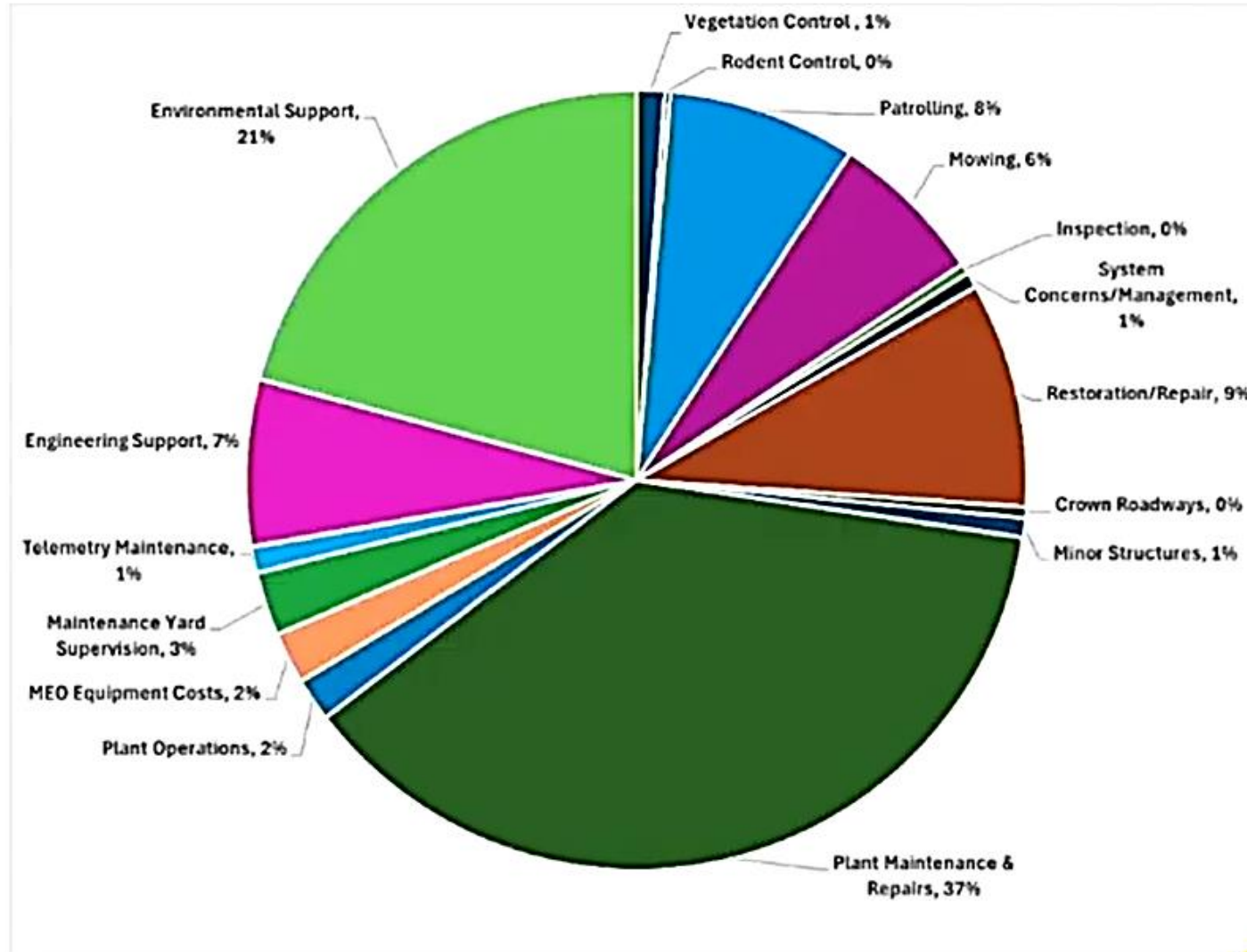
FY25/26 was offset by \$200k from existing funds in the FUND 631 trust, so in reality the percentage of the bill paid from LCWPD owned properties was closer to 67% (\$439K).

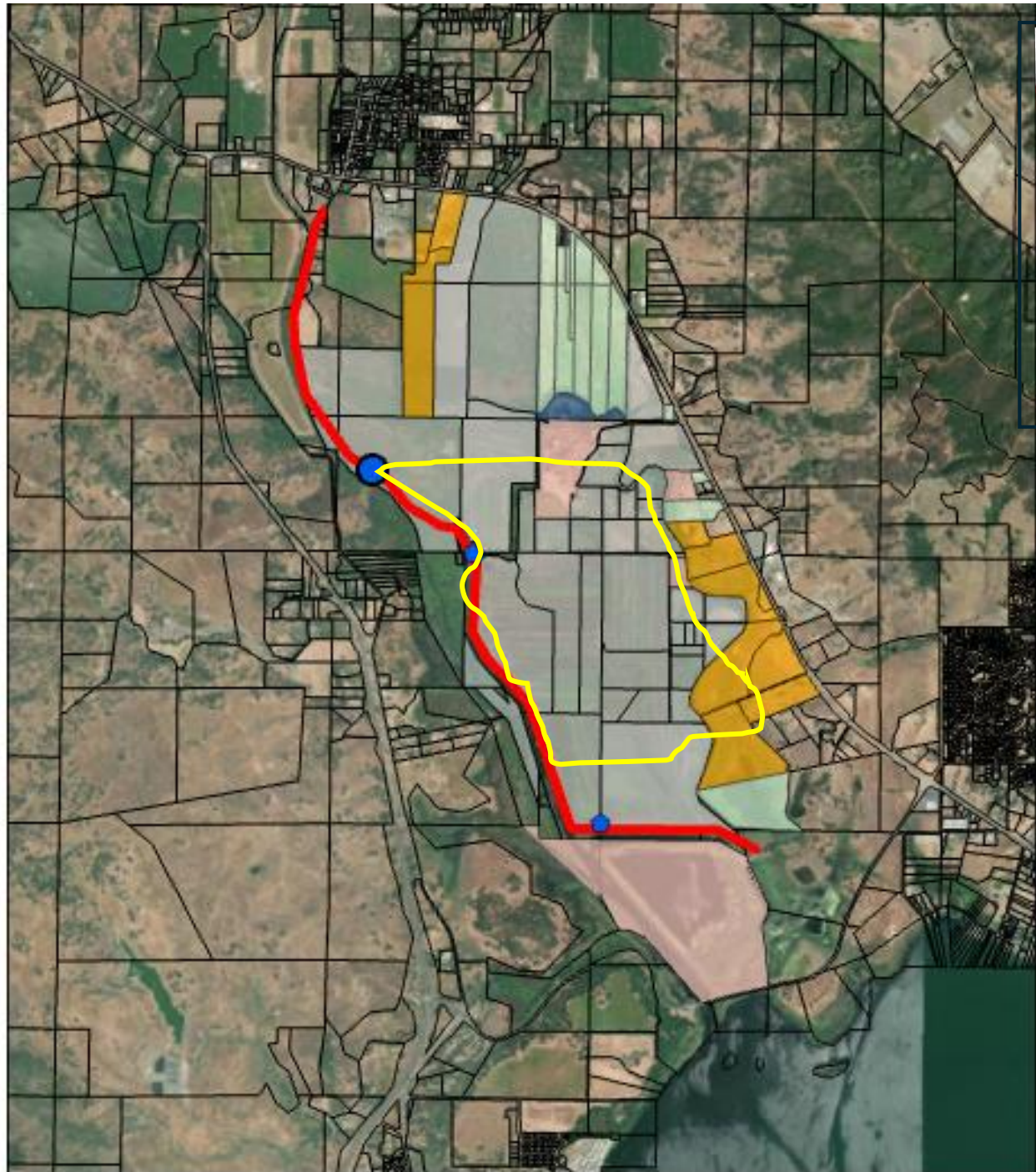
**MA 17 - Middle Creek at Clear Lake
 FY 2026-2027 - \$576,870 (proposed)
 3.86 Levee Miles**

<i>JOB CATEGORY</i>	<i>2024-2025 APPROVED BUDGET</i>	<i>2024-2025 ACTUAL COST</i>	<i>2025-2026 APPROVED BUDGET</i>	<i>2025-2026 PROJECTED COST</i>	<i>2026-2027 PROPOSED BUDGET</i>
Vegetation Control	\$5,885	\$5,885	\$6,473	\$6,473	\$6,790
Rodent Control	\$1,177	\$1,177	\$1,240	\$1,240	\$1,300
Patrolling	\$5,885	\$35,825	\$42,800	\$42,800	\$44,950
Mowing	\$35,310	\$35,310	\$35,310	\$35,310	\$37,250
Inspection	\$2,354	\$3,632	\$2,354	\$2,354	\$2,470
System Concerns/Management	\$3,531	\$3,531	\$3,531	\$3,531	\$3,700
Restoration/Repair	\$49,000	\$49,000	\$51,450	\$51,450	\$54,120
Crown Roadways	\$2,354	\$2,770	\$2,475	\$2,475	\$2,610
Minor Structures	\$4,120	\$4,120	\$4,326	\$4,326	\$4,540
Plant Maintenance & Repairs	\$34,460	\$147,740	\$250,000	\$150,000	\$215,000
Plant Operations	\$9,416	\$9,416	\$9,886	\$9,886	\$10,380
MEO Equipment Costs	\$11,770	\$11,770	\$11,770	\$11,770	\$12,400
Maintenance Yard Supervision	\$14,460	\$14,460	\$14,460	\$14,460	\$15,180
Telemetry Maintenance	\$5,885	\$5,885	\$5,885	\$5,885	\$6,180
Engineering Support	\$21,220	\$36,865	\$21,220	\$21,220	\$40,000
Environmental Support	\$3,531	\$4,107	\$3,531	\$12,000	\$120,000
TOTAL BUDGET	\$210,358	\$371,493	\$466,711	\$375,180	\$576,870



MA 17 - Middle Creek at Clear Lake FY 2026-2027 - \$ 576,870 (proposed) 3.86 Levee Miles





- Pump
- Levee
- Willing
- Sellers
- Tribal Lands
- Agreement
- Signed
- County-Owned

**Non-willing
Purchased**

The area behind the USACE levees include both Lake County Zone 8 and CA MA17.

The State MA17 area is behind < 2 miles of levees.

Lake County already maintains areas behind ~2 miles of the same levees.

The cost per size of the area maintained behind MA17 levees is disproportionate relative to other state MA's.

The largest (39-56%) and fast-growing cost that Lake County pays the State is maintenance and repair of the DWR Pumping Station.

Does Lake County need the DWR Pumping Station to be operated and maintained currently and in the future?

Last Assesment Date

6/23/2017

Levee Length

3.508 Miles

Average Levee Height

9 Feet

Year Levee Constructed

No Data

Flooding Hazard

Flooding Source ⓘ ▲

Middle Creek

Upstream Dams ⓘ ▲

No Data

Historic Loading by Percentage of Height ⓘ





[Home](#) / [Codes](#) / [Water Code](#) / [Div. 6](#) / [Part 6](#) / [Chap. 4.5](#) / [Dissolution of Maint. Areas](#) / [§ 12878.22](#)

12878.22

Water Code section 12878.22

Any local agency obligated by Chapters 2 (commencing at [Section 12639](#)) and 4 (commencing at [Section 12850](#)) of this part, or by [Section 8370](#) of this code, or by any other law of the State, to operate and maintain any unit, any part of whose territory has been incorporated in a maintenance area, or any local agency desirous of assuming the obligation of operating and maintaining any unit concerning which unit a maintenance area has been formed pursuant to this article, may petition the board or department to dissolve such maintenance area, and the board or department, after a hearing, may dissolve such maintenance area if in its discretion it finds it to be in the best interest of the State to do so.

Source: Section 12878.22, https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=WAT&ionNum=12878.22. (updated Jan. 1, 1957; accessed Dec. 29, 2025).



DWR and CVFPB determine the budget to be spent on State maintenance areas, which are billed to the County.

Lake County Water Resources Director Upadhyay to CVFPB: "In the last five years, the budget has gone from roughly \$100,000 to roughly \$500,000 annually. This fivefold increase is something very difficult for us to pass to our constituents. Additional to that, this facility services mainly agricultural areas that are no longer in production and have been identified as part of the Middle Creek ecosystem."

April 24 2026 Board Meeting

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April 24, 2026 Item as Lake County Watershed Protection District. 2026-27 (Action)

April 24 2026 Board Meeting

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DWR Division of Flood Management to CVFPB:

"Lake County is welcome to move to dissolve MA 17, but at this time, we need a budget."

Considerations for Taking Back O&M, Maintaining the Area Like Zone 8, and Dissolving MA17:

- Plant has not been working at a high efficiency for the last 19 years, with at least one pump not working at all.
- Planning with PG&E is ongoing to disconnect the facility's power, in relation to the MCRP.
- County now owns the currently non-producing agricultural lands that could be effected, yet it is now that DWR seeks rapidly rising rate of payment.

All,

During our previous meeting and at the CVFPB meeting last week Lake County staff mentioned it may be time to take back the O&M responsibility for MA17. This would require a legal process to be initiated by Lake County. We are available to discuss this further and hope we can find a likely path to this.

Although the MA17 budget was passed and included increased assessments for ongoing maintenance, including a large increase for the required rehabilitation of the Middle Creek pumping plant, if Lake County takes over and MA17 is dissolved prior to those expenditures being completed, any unused MA17 funding that has been paid to DWR would be returned to Lake County once all of the MA17 debits and credits are processed and the books are closed.

Therefore, the sooner Lake County takes over, the more likely budgeted funds may go unused, reducing actual expenditures before MA17 is dissolved, and flood work for this area reverts back to local control and responsibility.

Please let us know if you would like to meet and get input on the process to take over MA17.

Thank you,

Mark R. List, P.G., CEG, CHG
Supervising Engineering Geologist
FMO/Technical Support Section Manager

State of California
Department of Water Resources
Division of Flood Management
2210 El Camino Real, Suite 110

	T	U	V	W	X	Y	Z	AA	AB	AC	AD
1	Paid Amt1	Paid Amt2	Roll Category	Roll Chg Num	Situs1	Situs2	Tax Amt11	Tax Amt21	Tax Year	TRA	Use Code
2	5149.5	5149.5	CS		825 E STATE HWY 20	UPPER LAKE CA	5149.5	5149.5	2025	068014	5960
3	963.21	963.21	CS		935 E STATE HWY 20	UPPER LAKE CA	963.21	963.21	2025	068014	5655
4	726.25	726.25	CS		975 E STATE HWY 20	UPPER LAKE CA	726.25	726.25	2025	068014	0550
5	748.6	748.6	CS		895 E STATE HWY 20	UPPER LAKE CA	748.6	748.6	2025	068014	6125
6	436.79	436.79	CS		883 E STATE HWY 20	UPPER LAKE CA	436.79	436.79	2025	068014	0565
7	1464.81	1464.81	CS		873 E STATE HWY 20	UPPER LAKE CA	1464.81	1464.81	2025	068014	5625
8	591.16	591.16	CS		9175 UPPER LAKE-LUCERNE RD	UPPER LAKE CA	591.16	591.16	2025	068014	0560
9	2080.3	2080.3	CS		665 E STATE HWY 20	UPPER LAKE CA	2080.3	2080.3	2025	068014	0930
10	4453.48	4453.48	CS		9171 UPPER LAKE-LUCERNE RD	UPPER LAKE CA	4453.48	4453.48	2025	068014	5960
11	1070.64	1070.64	CS		9101 UPPER LAKE-LUCERNE RD	UPPER LAKE CA	1070.64	1070.64	2025	068014	0165
12	2567.77	2567.77	CS		9061 UPPER LAKE-LUCERNE RD	UPPER LAKE CA	2567.77	2567.77	2025	068014	5960
13	1082.75	1082.75	CS		9021 UPPER LAKE-LUCERNE RD	UPPER LAKE CA	1082.75	1082.75	2025	068014	5960
14	4338.85	4338.85	CS		877 E STATE HWY 20	UPPER LAKE CA	4338.85	4338.85	2025	068014	0565
15	3344.59	3344.59	CS		879 E STATE HWY 20	UPPER LAKE CA	3344.59	3344.59	2025	068014	0560
16	2684	2684	CS		937 E STATE HWY 20	UPPER LAKE CA	2684	2684	2025	068014	1090
17	3621.89	3621.89	CS		941 E STATE HWY 20	UPPER LAKE CA	3621.89	3621.89	2025	068014	0165
18	3246.28	3246.28	CS		8217 RECLAMATION RD	UPPER LAKE CA	3246.28	3246.28	2025	068014	6220
19	808.28	808.28	CS		881 E STATE HWY 20	UPPER LAKE CA	808.28	808.28	2025	068014	0565
20	7216.69	7216.69	CS		555 E STATE HWY 20	UPPER LAKE CA	7216.69	7216.69	2025	068014	0930
21	0	0	CS		8465 RECLAMATION RD	UPPER LAKE CA	3145.1	3145.1	2025	068014	5210
22	0	0	CS		1055 E STATE HWY 20	UPPER LAKE CA	3082.62	3082.62	2025	068014	0160
23	790.36	790.36	CS		1235 E STATE HWY 20	UPPER LAKE CA	790.36	790.36	2025	068014	6665
24	2268.54	2268.54	CS		1050 E STATE HWY 20	UPPER LAKE CA	2268.54	2268.54	2025	068014	6660
25	1748.88	1748.88	CS		8955 UPPER LAKE-LUCERNE RD	UPPER LAKE CA	1748.88	1748.88	2025	068014	5960
26	1748.88	1748.88	CS	T184	8955 UPPER LAKE-LUCERNE RD	UPPER LAKE CA	1748.88	1748.88	2025	068014	5960
27	984.62	984.62	CS		8935 UPPER LAKE-LUCERNE RD	UPPER LAKE CA	984.62	984.62	2025	068014	6665
28	435.86	435.86	CS		8925 UPPER LAKE-LUCERNE RD	UPPER LAKE CA	435.86	435.86	2025	068014	5110
29	2643.58	2643.58	CS		8915 UPPER LAKE-LUCERNE RD	UPPER LAKE CA	2643.58	2643.58	2025	068014	6665
30	2809.7	0	CS		1347 E STATE HWY 20	UPPER LAKE CA	2554.28	2554.28	2025	068014	5960
31	2351.38	2351.38	CS		1485 E STATE HWY 20	UPPER LAKE CA	2351.38	2351.38	2025	068014	5960
32	2441.06	2441.06	CS		1425 E STATE HWY 20	UPPER LAKE CA	2441.06	2441.06	2025	068014	6665
33	2812.89	2812.89	CS		1375 E STATE HWY 20	UPPER LAKE CA	2812.89	2812.89	2025	068014	5970
34	2000.66	2000.66	CS		7950 RECLAMATION RD	UPPER LAKE CA	2000.66	2000.66	2025	068008	6660
35	0	0	CS		2470 NICE-LUCERNE CUTOFF	NICE CA	5036.97	5036.97	2025	068031	0330
36	0	0	CS		2470 NICE-LUCERNE CUTOFF	NICE CA	4925.91	4925.91	2025	068031	7105
37	289.87	289.87	CS		1675 F STATE HWY 20	UPPER LAKE CA	289.87	289.87	2025	068032	5390

Which puts the ball in our court
re: MA 17 operation and
maintenance.