

BRANNAN-ANDRUS LEVEE MAINTENANCE DISTRICT

Minutes of Thursday, July 11, 2013

The stated meeting of the Brannan-Andrus Levee Maintenance District's Board of Directors was called to order by presiding officer, Larry Gardiner, President, at 10:04 a.m. on the above cited date at the District Office, 310 Second Street, Isleton, California.

1. Roll Call indicated a quorum with the following in attendance:

- Directors: Larry Gardiner, Gay Giles, Manuel Rebero, Frank Silva, Jr., Denis Van De Maele
- Staff: Victoria Hale, Bookkeeper; Gilbert Labrie, Engineer; Debbie Phulps, Secretary; Andy Giannini, Superintendent
- Guests: Dave Spensley and Kirk West

2. Agenda Setting. MSC (Silva / Rebero) [MSC = Motion-Second-Carried unanimously unless otherwise noted] adopting the agenda, as amended to include consideration of Comstock Siphon Repair encroachment request; and suspending the rules to allow consideration of items out of sequence.

3. Financial - Victoria Hale

3.1 Balance Sheet and Unpaid Bills Detail were distributed and reviewed. Director Giles received copies of the April and May bank statements. The second installment of the Benefit Assessment billing was received from the County.

A. Balance Sheet Summary as of meeting date:

Total Checking / Savings	\$ 778,454.30
Total Accounts Receivable	\$ 31,666.91
Total Other Current Assets	\$ 835,461.70
Total Fixed Assets	\$ 649,320.46
Total Assets	<u>\$ 2,294,903.37</u>
Total Current Liabilities	\$ 546,501.66
Equity	<u>\$ 1,748,401.71</u>
Total Liabilities and Equity	<u>\$ 2,294,903.37</u>

B. The following claims were submitted for payment approval. Invoices were available and those presented by DCC Engineering and Delta Bookkeeping were reviewed.

AT&T Mobility	234.59	Klipfel, Russel	1,624.83
Basye, George	1,500.00	Payroll - PERS	2,216.84
California State Lands	77.83	Payroll - Liabilities	1,350.96
California Waste Management	93.50	Ramos Oil	128.48
Contour Aebi	202.02	Rebero, Manuel	200.97
Delta Bookkeeping	2,020.32	Reclamation 2067	330.00
DIR/CMU	173.60	SCI Consulting	3,000.00
Frontier Communications	40.82	Silva, Frank	200.97
Gardiner, Larry	316.46	Van De Maele, H. Denis	200.97
Giannini, Andy	2,214.96	Subtotal	58,001.66
Gilbert Labrie, AIA	41,672.57	Transfer to Sup.EmerFund	1,000.00
Giles, Gay	200.97	Total	<u>59,001.66</u>

MSC (Giles / Van De Maele) authorizing payment of claims with (1) \$50,000 warrant and (1) \$10,000 warrant.

3.2 Election. Vicki reminded Directors Rebero and Van De Maele that their terms are up for election this year. She will advise when documents can be filed.

4. Invitation to Guests to Address the Board. None responded.

5. Business

5.1 Comstock Trust Siphon Repair. Applicant requests encroachment authorization for the investigation and repair of a non-functioning siphon line at the Terminous Road property (APN 156-0220-001) which may require excavation; and for the Board's endorsement of the activity on the Applicant's Central Valley Flood Protection Board application. **MS** (Giles / Rebero) granting the request. **Carried** [4 Yes, 0 No, 1 Abstained (Gardiner)]

5.2 Delta Conservancy Volunteer Clean-Up Effort for Delta Levees. Gil provided an update on the Conservancy's plans for a levee clean-up day on September 21, 2013. The group has also coordinated with Bridgestone Tire for the removal and disposal of abandoned tires from the berms. They will also accept drop-offs by area landowners.

6. Staff Reports

6.1 Secretary - Debbie Phulps.

- A. **MSC** (Giles / Silva) approving the minutes of June 13, 2013.
- B. Correspondence consisted of a request for nominations to fill vacancy on the Treasury Oversight Committee. **MSC** (Giles / Silva) recommending the District cast its vote for Brandon Rose.

6.2 Engineer - Gilbert Labrie. The District Engineer (DE) prefaced his written report by reviewing the July 10, 2013 workshop conducted by the North Delta Water Agency. A DCCE representative was present and her summary was distributed to the Board together with a handout produced by BDCP. The DE then went on to present his report. Discussion points in the course thereof are noted by the use of inset paragraphs.

- A. Levee Program Financing. As reported in June, the 2012 \$50 million HMP levee improvement effort halted by the State when FEMA cancelled the HMP MOU agreement, has been re-authorized and will be proceeding to construction. At the June Delta Levees and Habitat Advisory Committee (DLHAC) meeting, DWR staff announced the Director had reached a decision to proceed with the \$50 million critical levee improvement program with some re-evaluation of the approved scope of some of the approved projects. Because the regular July meeting was postponed from the 5th to the 12th, due to the holiday, there has been no follow up report regarding how quickly the halted projects have been able to move forward. There is a lot more State administrative effort and oversight involved with the Subventions Special Projects program. This leads to delays and additional project costs than are otherwise avoided under the regular Subventions Program, in which the District participates.

As also reported in June, CalEMA, DWR and FEMA have been attempting to negotiate a new MOU to provide some assurance of FEMA assistance in the event of a declared disaster. Unfortunately, that effort has gotten mired down because the USACE has been invited to the table and FEMA is pushing for an ultimate sign off by USACE regarding attainment of the PL 84-99 standard. Such would then take FEMA off the hook because it is not obligated to repair Corps Certified levees after a flood event. Aside from the potential for Federal assistance with levee repairs after an event, there are many more problems with Corp Certification that argue against striving for that certification. The restrictions and issues currently emanating from the recent, and on going, USACE inspections of Project Levees should give real cause for concern, by the LMA's, if FEMA mandates a USACE blessing before disaster assistance is approved.

Without a new MOU the standards that have to be met by a LMA looking for disaster assistance after an "incident" (this has replaced event) can be found in the Stafford Act, otherwise referred as 44CFR. FEMA has a lot of latitude under that authority to deny claims, which the agency did in 1986. That denial was subsequently appealed and lifted when the State entered into the HMP agreement with FEMA.

How the FEMA debate will ultimately affect State funding of the levee program is now unclear. Having some assurance that FEMA will assist the State financially after a flood incident was the original impetus for the \$50 million "investment" in flood protection but other factors prevailed when the HMP MOU agreement was scrapped. In the meantime, DWR has been working on a new policy document to guide DWR decision making concerning State funding (labeled investments) for levee program elements under the guise of Integrated Flood Management (IFM). A draft of the FloodSAFE document entitled **A Framework for**

Department of Water Resources Integrated Flood Management Investments in the Delta and Suisun Marsh, is currently being circulated for comments. In that document it is indicated that its purpose is *"to provide a clear context and rationale for discussing, evaluating, and making difficult choices about investing limited State funds in IFM projects in the Delta"*.

This investment strategy effort was formally directed by the Delta Stewardship Council in March 2013, which called for the development of strategic priorities for State Investments in Delta levees. The scope of work outlined in that directive included: an island by island asset exposure analysis, **a tiered ranking structure for prioritizing and guiding State investments for maintenance and improvements**, a cost allocation strategy for apportioning costs to the appropriate beneficiaries, and peer review.

The IFM is the eighth draft of the effort to respond to that directive and still falls short of adequately addressing all of the items identified in the scope outlined above.

- B. Project Levee Inspections. In June it was reported that a team of engineers from DWR and URS visited the District Engineer's office to go over a Field Reconnaissance Report prepared by URS for DWR as part of a Flood System Repair Program (FSRP) that the State has embarked upon. The FSRP report covers all the same levees within RD 556 and encompassing BALMD that were included in the Periodic inspection. However, the District's non-project levees are also covered, except for the 7-Mile Slough levee between the dams. The FSRP reviewed past performance records to identify and categorize repair sites, as critical or serious. Recently, this office was again contacted by a representative from that team of engineers, about a follow up visit to some of the sites previously identified. In the phone conversation it was again noted that the only critical sites on BALMD involve non-project levees. This is also true of some sites labeled as serious. However, there are also 11 sites erosion areas on the Sacramento River levee identified as serious. Initially, according to the engineers in the earlier DE office meeting, only the critical repair sites on State Plan of Flood Control levees would be eligible for funding assistance under this program. There was some indication in the more recent phone conversation that the project scope limitation could get reconsidered. Additionally, the earlier conversation with the URS engineering team indicated that the more serious erosion sites on the District's Sacramento River levee would be too large to fit in the eligibility criteria that had been established for the program. That limitation is apparently also coming under re-evaluation. The goal for the FSRP is to ultimately provide local levee maintaining agencies with funding assistance to undertake the repairs. This arrangement would be similar to the emergency erosion repair project undertaken in 2007 across from Rio Vista. However, the emergency label would not be there to facilitate the permitting effort required. Consequently, a programmatic EIR was prepared by AECOM and is being circulated to satisfy the environmental and permitting requirement for this repair effort. The draft EIR identifies the project as a "Small Erosion Repair Program" (SERP) and characterizes the maximum project site as covering 1000 lineal feet and describes the effort as covering a 5-year span. The DPEIR states that a maximum of 15 repair projects would be undertaken annually. Supposedly, the comment period for that document ended on May 3, 2013. A follow up document addressing any comments made during the public review, which is a mandatory part of the EIR process, has not been released as of this writing.
- C. Levee Stability Project. As previously reported, this office is working with Raney Geotechnical to get a geotechnical testing strategy scoped out for the two miles of levee that constitutes the two proposed stability berm sites. It is hoped that the boring and testing efforts will get underway in late July or early August.

In preparation for this stability berm project a total of 155,720 cubic yards of suitable spoil material, for construction of the berms, has been acquired and is stockpiled on the District's 100-acre parcel at the confluence of the San Joaquin River and Sevenmile Slough.

Recently, this office received a call from Asta Construction inquiring about potential District concerns if some spoil material from an upcoming CalTrans project on Bouldin Island was stockpiled on Lower Andrus Island property owned by Deolinda Ferreira. Apparently, Caltrans is out to bid to construct a completely new Highway 12 fill section on Bouldin and remove the existing. Asta intends to put in a bid and is looking for a closer location to stockpile the existing highway fill material to be removed. State permitting requirements were discussed and an indication was given that the District might be in the need of, and market for some of that

material in the future.

D. BALMD 2013-14 Subventions Projects. As reported previously, projects planned for 2012-13 have been shifted into the current fiscal year because of the focus on the stability berm project pre-preparation by acquiring and stockpiling the fill material generated by the grading project on the property behind the Delta Bay Resort, that was overtopped with sand during the flood of 1972. Those projects include: crown raising efforts on the Mokelumne River and Sevenmile Slough, and a continuation of the toe-ditch removal efforts involving the Georgiana Slough levee that will address a 2600 lineal foot section starting where the Bettencourt project stopped and proceeding downstream to the railroad approach ramp that separates the Gardiner and Van De Maele properties. This effort would continue the strategy worked for the District's 5-Year plan, that was developed at the request of the State. Additionally, a permitting effort will be initiated to begin some major erosion repair projects on the Sacramento River levee between the Riverside elevators and the Cache Slough confluence. Lastly, this office will be working with State Fish and Wildlife to develop a portion of the District property as a habitat mitigation site for upcoming District projects in order to satisfy the no-net-habitat-loss Subventions criteria.

E. Levee Monitoring. As previously advised, a hydrographic monitoring survey was undertaken involving the reach of the Mokelumne River, between Perry's Harbor and Rancho Marina, where the oversized rip-rap was placed in 1992, the San Joaquin River adjacent to Delta Bay and the District property, and in Georgiana Slough between B&W and just upstream of the area where some levee crown cracking was observed earlier in the year. The survey point data obtained from this effort is currently being utilized by DCCE to create cross sections for geotechnical and engineering evaluation.

F. Benefit Assessment Roll Update. As previously reported The *Valuation Assessment Commissioners Report* has been officially endorsed by all the Commissioners and was formally adopted by the Sacramento County Board of Supervisors on April 13, 2013.

The next step for this process, is to conduct a Proposition 218 election to apply the new benefit valuation methodology, set the rate and seek approval for a range in which to operate, similar to the elections held for RD 407 and RD 2067. It is anticipated that CSI will be assisting with the Prop 218 balloting process, but the exact arrangements and task assignments have not been formalized so that the Board can set the date for the election.

G. 2013-14 Subventions Budget. The 2013-14 Subventions Budget, that was approved by the Board at the June meeting and is 54% larger than submitted to the State for the current 2012-13 fiscal year, was submitted to the State by the June 30 deadline. It includes the levee improvement projects described above. To summarize, those projects include some PL 84-99 crown raising on the Mokelumne River, crown widening at several locations along Sevenmile Slough, between the dams, and the continuation of the blanket drain/toe ditch removal program involving Georgiana Slough. In addition there is a provision for more follow responses to items in the USACE Periodic Inspection Report, and allocation for the geotechnical and design effort required to develop the construction documents for the stability berm project.

In numeric terms, the approved 2013-14 Subventions Budget for BALMD totals \$2,520,000. That compares to \$1,632,000 which was adopted for 2012-13. Actual expenditures for 2012-13 are estimated to be \$1,658,062, and the claim submittal is due November 1, 2013. At the full 75% reimbursement level for qualifying expenditures the District could receive up to \$1,200,000 in reimbursement monies. Since the State is getting more particular about expenditures that qualify for reimbursement under the program, the final reimbursement amount may be closer to \$1.1 million. For 2012-13 the approved Delta Levee Subventions reimbursement amount is \$908,440. Deducting the \$22,738 debit for the bulk habitat credits purchased to offset impacts from the Bettencourt toe ditch project leaves a net payment of \$885,702 to the District.

6.3 Superintendent - Andy Giannini. Andy reported as to a recent DWR meeting including Matt Correia and Bob Clark with reclamation district representatives and the funding update provided. URS is reviewing and evaluating those critical sites noted in their levee survey. Grazing has occurred on Sevenmile Slough, San Joaquin and part of the 100-Acres. The Mokelumne is next on the schedule. Conducting the grazing

in advance of mowing efforts helps reduce the amount and time of mechanical mowing required, and aids in revealing foreign objects which would be detrimental to the mowers. The District's new employee, Russel Klipfel, is now in place; and Andy has been acquainting him with the District and his duties. Andy cleaned the F150 for Russel's use and will be outfitting it in the near future. They are off to a good start.

7. Director Reports

7.1 Gardiner - No report.

7.2 Giles - No report.

7.3 Rebero - No report.

7.4 Silva - No report.

7.5 Van De Maele - No report.

8. Recess: At 11:40 a.m. the meeting was recessed to reconvene in fifteen minutes at Pineapples in Isleton. Those present were invited to join the Board for lunch.

(Recess)

13. Call From Recess: The meeting was reconvened at 12:00 p.m. with Larry Gardiner, Andy Giannini, Gay Giles, Gil Labrie, Debbie Phulps, Dave Spensley and Denis Van De Maele in attendance. Conversation continued regarding planning for upcoming District projects and vegetation maintenance.

9. Adjournment: The meeting was adjourned by President Gardiner at 1:20 p.m.

Respectfully submitted,

Debbie Phulps, District Secretary
DCC Engineering Co., Inc.

Date Approved: August 8, 2013
MSC: Giles / Rebero