

BRANNAN-ANDRUS LEVEE MAINTENANCE DISTRICT

Minutes of Thursday, May 14, 2015

The stated meeting of the Brannan-Andrus Levee Maintenance District's Board of Directors was called to order by President, Larry Gardiner, at 10:00 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: Joe Deak, Larry Gardiner, Fran Silva and Denis Van De Maele
- Staff: Andy Giannini, Superintendent (arrived during Engineer's report); Debbie Phulps, Secretary; Gilbert Labrie, Engineer; Victoria Hale, Treasurer
- Guests: Bruce Gornto and Kirk West

2. Agenda Setting. MSC (Silva / Deak) **MSC** adopting the meeting Agenda as amended to include encroachment items from Caltrans and Gornto. [MSC = Motion-Second-Carried unanimously unless otherwise noted].

3. Invitation to Address the Board. None responded.

4. Financial. Copies of the Balance Sheet and Unpaid Bills Detail reports were distributed and reviewed. Bank Statements were provided to Director Giles.

4.1 Balance Sheet Summary as of meeting date:

Total Checking / Savings	\$	869,251.68
Total Accounts Receivable	\$	38,119.17
Total Other Current Assets	\$	1,030,993.68
Total Fixed Assets	\$	<u>573,011.58</u>
Total Assets	\$	<u>2,511,376.11</u>
Total Current Liabilities	\$	278,426.50
Equity	\$	<u>2,232,949.61</u>
Total Liabilities and Equity	\$	<u>2,511,376.11</u>

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

AT&T Wireless	245.38	Gornto Ditching	12,080.00
Cal OES	25,000.00	John Deere Financial	1,481.95
California Waste	739.85	Kipfel; Russel	2,233.88
California Waste	93.50	Oilwell Materials	19.49
Contour Sierra Aebi, LLC	787.69	Payroll - PERS	4,260.32
Deak; Joe	100.59	Payroll - Liabilities	2,298.02
Delta Bookkeeping	1,613.23	Quickbooks Payroll	3.20
Dolk Tractor	24.59	R.A.M. Welding	550.00
Frontier Communications	148.43	Ramos Oil	1,269.62
Frontier Communications	54.71	RD 2067	360.00
Gardiner; Larry	100.59	River Rats	75.00
Giannini; Andy	2,272.28	Silva; Frank	100.59
Gilbert Labrie, AIA	22,695.00	Van De Maele; H. Denis	<u>100.59</u>
Giles; Gay	100.59	Total Claims	\$ <u>78,809.09</u>

MSC (Giles / Silva) authorizing issuance of (1) \$50,000 and (1) \$25,000 warrant and payment of the presented claims.

5. Business

5.1 RD 317 Prop 218 Benefit Assessment Proceedings. BALMD, as a landowner within that jurisdiction (material spoils site), has a ballot to execute. It was agreed to cast the District's ballot in the affirmative on both ballot measures, and that President Gardiner was to execute the ballot on the Board's behalf.

5.2 Encroachments

A. Request(s) and Reviews

1. Georgiana Slough Siphon Pipe Investigation and Repair. Location: APN156-0080 -002 and 156-0080-049. Bruce Gornto requested authorization to proceed with investigation and repair (in kind) of portions of exposed siphon pipe at two locations on the waterside berm of Georgiana Slough, minimal excavation anticipated. Proposed work authorized by Board under **LOP** (Letter of Permission) by the District Engineer.
2. Happy Harbor. The District Engineer responded to some requests for information from Happy Harbor regarding levee planting standards and parking bumper replacement, for example. District Planting Standards were transmitted to Happy Harbor and the owner was advised to prepare an encroachment permit application for District consideration covering most of the repairs and improvements contemplated.
3. CalTrans. Agency requests encroachment permit for repairs and upgrades to State Highway 160, south of the Highway 12 intersection; and endorsement of Flood Board application. Proposed work is all surface in nature. Of particular importance to BALMD, will be pavement cracking repairs and drainage management improvements. These are problems cited in the Periodic Inspection Report as signs of levee failure, and such contributed to the unacceptable rating the District ultimately received. It is recommended the permit be granted and the fee waived. The waiver is consistent with the arrangement between the District and CalTrans regarding the reciprocal fee waiver for a Caltrans encroachment permit covering levee crown mowing operations undertaken by the District along the Highway. **MSC** (Silva / Deak) accepting recommendations of the District Engineer, and authorizing execution of permit and Flood Protection Board application endorsement.

- B. Fee Structure. District Engineer Labrie updated the Board with regards to the amount of time now involved in responding to encroachment requests and issues. While it is the Board's permit processing policy to recover all associated costs from the Applicant, the basic submittal fee has not been adjusted in some time. Gil Labrie recommended the Board take action to raise the application submittal fee to \$500. **MSC** (Van De Maele / Giles) accepting the recommendation of the District Engineer.

5.3 Sacramento River Erosion Repair Project Work Agreement. Item tabled pending receipt of document from the Dept. of Water Resources.

6. Staff Reports

6.1 Secretary - Debbie Phulps. **MSC** (Deak / Van De Maele) approving the April 9, 2015 minutes.

6.2 Superintendent - Andy Giannini. Hazardous materials reports have been filed online with the County. Mowing is taking place on Sevenmile as well as clean-up activities at the District yard. Andy brought up the issue of maintaining the vegetation on the materials re-use site, and the need for a tractor and small stubble disk now that Andy no longer has personal equipment which he previously used for the task. Larry indicated he may have one of the appropriate size up at Steele's. Andy will investigate. Running the sheep in advance of the mowers has proven beneficial in that the initial pass helps reveal potential hazards such as rocks, detrimental to the mowing equipment. Andy reported that Caltrans mowed through some of the Highway 160 habitat project from 2006. Moving into the Fall personnel reviews, Andy requested the District consider an independent evaluation of his pay given his current supervisory tasks and job description, feeling that his current salary is not equitable to the services being performed.. Larry indicated the Board would take his request under advisement.

6.3 Engineer - Gil Labrie.

- A. Levee Subventions Program Issues Overview. A concerted effort, by outside consultants, continues to develop a *Delta Levees Investment Strategy* (DLIS) methodology, which is being undertaken for the Delta Stewardship Council (DSC). After some initial consultation with a few LMA engineers, there had been no meaningful followup. In April the outside consultants made a progress report to the DSC with an indication that the report documents presented had undergone some independent peer review. A total of 5 Technical memorandums were included with the Progress Report. A cursory review of some of the technical information tabulated for BALMD reveals that the asset chart has some missing information that could be critical to any future risk

and consequence assessment. At one point a DSC staff member indicated a willingness to meet with this office independently to go over the data specific to BALMD. Such a meeting never took place and there has been very little public outreach in general. That is probably because this Investment Strategy effort is primarily gathering and utilizing data gathered and generated for existing documents relating to levees that previously emanated from DWR, the DSC and the DPC. This includes previous out-dated Delta levee study efforts, primarily the DRMS Report, the DPC Economic Sustainability Report and the LMA's 5-Year Plans. The 2009 Delta Reform Act, directs the DSC to develop funding priorities "that achieve an optimal reduction of risk and further the coequal goals of water supply reliability and restoring the Delta ecosystem". This is supposed to be a transparent process but it is essentially on a fast track. The process to develop a DLIS began in July 2014 and is to be completed by July 2016.

The most important input that was put forth by LMA representatives is the notion that the Delta islands have to be viewed as part of a system, not individually; and that the highest priority has to be ensuring that all levees are brought up to and maintained to the PL 84-99 or Bulletin 192-82 standards first, before some are taken to a higher level of protection. The draft outline of alternative approaches for guiding State investments in the Delta levees presented to the DSC by the consultants at its February 26, 2015 meeting included this concept in Alternative 3, characterized as the "Delta as Fortress" approach. The report draft presented in April has veered away from a strict "prioritization approach" in favor of a tool to "interactively develop various rankings of islands and tracts based on their associated risks, and various rankings of investments based on how well they mitigate different risks and at different costs". This tool will be utilized by the DPC to support its deliberations regarding prioritization on a case by case basis. This would indicate that the baseline "system" approach will probably need to be debated in the public forums that are supposed to occur. The risk consequences methodology that is the likely outcome of this consultant effort will probably be passed over by policy makers because of the inherent uncertainties regarding some of the risk elements and technical over kill built into the decision making tool being developed.

Another Resources Agency effort that is getting started and will affect the Delta Levees Subventions program is an update of the Guidelines and Procedures adopted by the Central Valley Flood Protection Board pursuant to Section 12984 of the Water Code. A workshop was held in late April to go over the first draft of the Guidelines update and more are planned. This initial workshop involved a lot of word smithing and will be followed up with additional sessions to discuss the more substantive issues.

In past reports an effort has been made by this office to keep the Board apprised of the progress by DWR, involving the Special Projects portion of the Delta Levees Subventions Program, was the PSP (Project Solicitation Proposal) package for Delta Levees Special Flood Control (Multi-benefit) Projects. BALMD's planned erosion repair/habitat enhancement project involving the Sacramento River levee between Cache Slough and Isleton made the short list of 5 concept projects selected from the first round of submittals. Only four out of the five LMA's on the short list chose to prepare a more detailed submittal package and continue in the selection process. On February 25, 2015 the District was officially notified that the erosion repair project had been approved to receive State funding at a cost-share level of 94%. Currently a generic project funding agreement is being reviewed by upper DWR management. Thereafter a specific agreement will be prepared for each district project and become the project management tool if a district elects to proceed. For BALMD the project funding portion of the agreement should provide for up to \$6,442,096 in State monies to construct approximately 8,000 lineal feet of revetment remediation and habitat enhancement on the Sacramento River left bank below Isleton. That equates to a \$6,853,293 project with a District contribution of \$411,198. This office has met with some of the permitting agencies that will need to sign off on the project. Although the federal environmental control agencies were a no-show at that pre-application meeting.

- B. Periodic Inspection Report. Previously it was reported that changes were coming to add to the confusion regarding the USACE inspection program and future options for local maintaining agencies with levees designated ineligible for rehabilitation assistance under PL84-99. The USACE had announced that it was considering changes to policies and procedures for activities administered under authority of PL 84-99. Those changes were to update USACE policies and procedures to align with national preparedness and response frameworks and encourage broader flood risk management activities by sponsors, to highlight the affected areas applicable to the State's Project Levees. Of particular importance was the indication that the USACE was

considering changes to eligibility criteria for rehabilitation assistance from a strict condition-based assessment to a set of requirements that encourage flood risk management activities and risk based maintenance priorities. The overall system rating would no longer be the determining factor for eligibility. Currently the revision procedures are still in the early stages of development and the USACE has yet to release a draft.

- C. BALMD 2014-15 Subventions Projects - The main construction project budgeted for this fiscal year, the seepage management and French drain project for Georgiana Slough, designated the Gardiner/Still project, is still hung up in the Central Valley Flood Protection Board Encroachment Permit process and will likely become a 2015-16 project. However, another focus of this office has been the Delta Bay situation discussed below which may be a higher priority than the seepage management efforts programmed for Georgiana Slough in the District's 5-Year Plan.
- D. Delta Bay Monitoring - As indicated above, this office continues to monitor what appears to be primarily lateral movement in an unstable section of the levee at the Delta Bay Resort. This is not new as periodic monitoring surveys of this particular section of the San Joaquin River levee has been under surveillance for several years. Lateral movement is being detected occurring approximately 22 feet below the crown. The most recent reading of the monitoring device placed in the levee crown at this location indicated an increased rate of movement at that level during a 12-month period.

The potential mitigation option being discussed with Raney Geotechnical and engineered by this office includes the installation of a drainage system to lower the phreatic water level in the levee and a stability berm at the toe of the slope. This would require obtaining an easement through the RV Park in order to install a drain line to the RD 317 drainage ditch to the north of the park and construct a berm along the levee toe and encroach into the park. It may also be necessary to obtain permission to remove some trees and relocate some irrigation lines. A field survey effort was undertaken to further the development of plans for a repair strategy and included obtaining more detailed on-site elevation information to enable the refinement of the design for the drainage management solution. This engineering refinement effort has contributed to developing a better estimate of probable construction costs.

One engineering design issue involves the future potential for immediately adjacent trees in the RV Park to ultimately damage the functionality of a drainage system with intrusive root migration. Consequently, the installation of a sheet pile cutoff wall has been included in the design to inhibit such an occurrence while also serving as a cut off wall to force the seepage into the drain. Additionally, the design that has been developed in this office includes the extension of a drainage blanket up the levee slope to further insure that both under and any through seepage is captured and diverted into the proposed French drain.

On the waterside at this location steps are being taken to address a vegetation issue inhibiting the repair of a wash out or beaver den that is situated below the root balls of a clump of shrub willows. The willow clump will need to be removed completely in order to repair the levee slope and continue the rip-rap repair that was undertaken in November 2014 because of the discovery of some levee toe undercutting.

6.4 Counsel - Scott Shapiro. No report.

7. Director Reports

7.1 Deak. No report.

7.2 Gardiner. No report.

7.3 Giles. Inquiry about follow-up with Port Apache. Follow-up has not occurred. Gil responded that recent changes at the Flood Board have given them some enforcement powers; and that may be our avenue to pursue.

7.4 Silva. No report.

7.5 Van De Maele. Inquiry as to follow-up on the abatement letters. [See response at 7.3]

8. Announcements. Those present were invited to join the Board for lunch at Pineapple's in Isleton following the meeting. Accepting the invitation were Gay Giles, Denis Van De Maele, Gil Labrie and Debbie Phulps.

9. Adjournment. With no further business to come before the Board, the meeting was adjourned at 12:00 p.m.

Respectfully submitted,

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

Date Approved: June 11, 2015
MSC: Van De Maele / Silva