

BRANNAN-ANDRUS LEVEE MAINTENANCE DISTRICT

Minutes of Thursday, November 12, 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 and Fran Silva
- Staff: Andy Giannini, Superintendent; Gilbert Labrie, Engineer; Victoria Hale, Treasurer; and Debbie Phulps Secretary.
- Guests: Kirk West, Osha Meserve, Bruce Pisoni, Andrea Robinson, Glen Giovannoni, Louis Fernandez representing Voelker, and representatives from the Sacramento County Sheriff’s Department: Sgt. Mike Pai, Dpty David Guthrie and Deputy Kirmich

2. Agenda Setting. MSC (Deak/Silva) MSC adopting the meeting Agenda. [MSC = Motion-Second-Carried unanimously unless otherwise noted].

3. Invitation to Address the Board. Louis Fernandez updated the Board regarding the progress at Chris Voelker’s property involving the drainage. Sharon Byrd dropped in to inquire about timing and plans for repair of the access roadway to the Headquarter’s property. She was advised that the Board will refer the matter to Andy for investigation.

4. Presentation. Sargent Pai and Deputies Kirmich and Guthrie were present to discuss issues involving encroachment enforcement for the District.

5. Financial Report. Vicki introduced Bruce Pisoni of Pisoni and Associates who has acquired her firm, Delta Bookkeeping, and will be taking over the District’s bookkeeping duties at the beginning of the year. Copies of the Balance Sheet and Unpaid Bills Detail were distributed and reviewed.

5.1 Balance Sheet Summary as of meeting date:

Total Checking / Savings.	\$ 1,093,653.79
Total Accounts Receivable.	\$ 455,147.74
Total Other Current Assets.	\$ 6,820.69
Total Fixed Assets.	\$ 573,011.58
Total Assets.	\$ <u>2,128,633.80</u>
Total Liabilities.	\$ 52,818.80
Equity.	\$ <u>2,075,815.00</u>
Total Liabilities and Equity.	\$ <u>2,128,633.80</u>

5.2 The following claims were submitted for payment approval.

AT&T Wireless.	249.90	Gilbert Labrie, AIA.	28,417.56
Bertholf, Inc.	1,470.00	Giles; Gay.	100.60
California Waste Mngmt.	130.90	Kipfel; Russel.	2,233.88
California Waste Mngmt	130.90	North Delta Water Agency	317.82
Countour Sierra Aebi, LLC.	340.48	Payroll - PERS.	4,261.97
Deak; Joe.	201.19	Quickbooks Payroll.	3.20
Delta Bookkeeping.	1,747.30	Oilwell Materials.	23.27
Frontier Communications.	191.68	Ramos Oil.	56.04
Frontier Communications.	55.93	RD 2067.	360.00
Gardiner; Larry.	201.19	River Rats.	75.00
Giannini; Andy.	2,272.28	Robert Burns Construction.	5,742.00

Sacramento County Tax.	3,063.98	Van De Maele; H. Denis.	100.60
Silva; Frank.	100.60	VISA.	54.47
Stewart Industrial.	124.85	Total Claims.	\$ 51,840.76

MSC (Deak / Silva) authorizing payment of the claims and issuance of a single \$50,000 warrant.

[The Treasurer, Bruce Pisoni and Andrea Robinson left the meeting following the report.]

6. Minutes and Correspondence: MSC (Deak/Silva) approving the minutes of the October 8, 2015 meeting as mailed.

7. Business - Encroachments

7.1 Request authorization to install a pre-fabricated pressure treated wood access stairway on the landside slope anchored by 8-15, 5/8-inch diameter stakes for the convenience of the upland property owner. Approximate dimensions: 17-ft x 3-ft. Location: 447 Willow Tree Lane, Isleton, CA. APN 156-0100-004. Owner/Applicant: Jim Deak. District Engineer recommends approval. Director Deak recused himself due to relationship with the Applicant (brother). Discussion ensued but action was tabled to the December meeting due to the lack of a quorum as Director Deak was not able to vote.

7.2 Request authorization to temporarily install an Extinguishable Message Sign (EMS) stating "STOPPED TRAFFIC AHEAD" on the right side of Highway 160 visible to southbound traffic approaching the Sherman Island Bridge necessitated by a major upgrade project involving the bridge. Sign dimensions: 12-ft x 4-ft. Sign to be bolted to (3) 6-in by 8-in timber posts inserted six feet deep in the levee. Bottom of sign to be roughly four feet above grade. It was determined that a District permit was not required in this circumstance due to its location and the temporary nature of the encroachment. District Engineer recommends endorsement on the Flood Board application being processed by Caltrans. **MSC** (Silva/Deak) authorizing execution of the Endorsement on the Flood Board application.

7.3 L.A.N.D. Update. Osha Meserve updated the Board as to current activities and legislative maneuvering involving Delta water rights and the tunnels. Discussion ensued.

7.4 **MSC** (Silva/Deak) authorizing President Gardiner to execute a Certification of Acceptance on behalf of the District necessary to record the Boundary Line Adjustment documents involving River's Edge Resort.

8. Staff Reports

8.1 Superintendent - Andy Giannini. Flood preparation activities are underway. Additionally, Andy has been following the project at Andrus Acres and responding as necessary. The culvert gate at the end of Sevenmile appears to have a log jammed in the flap. Gornto will be called out to correct the situation. Asta will be engaged to re-grade the material on the slope at the Helmand property deposited as part of an attempt to construct an unauthorized access ramp. Material is hindering the ability to manage the vegetation growth with the mower.

8.2 Engineer - Gil Labrie. Gil distributed and reviewed his monthly report to the BALMD Board (*discussion or questions occurring during the course of the Report are noted in inset paragraphs*):

- A. Levee Investment Strategy. As previously reported this proposed new Levee Program management tool has been in the works since November 2014. It is a Delta Stewardship Council (DSC) directed and funded to develop a *Delta Levees Investment Strategy* (DLIS) methodology that could potentially be utilized by DWR and the State Legislature to prioritize and validate the budget-decision making process for the Subventions Program in the Governor's Budget. Since that early beginnings there has been more than one iteration of the draft DLIS document and some workshops have been held. From its inception, the entire DLIS process has suffered because of the limitations posed by the incomplete and flawed data that is an important part of the risk-based evaluation

approach being taken in the development of the prioritization methodology. Consequently, the many DLIS drafts have been the subject of consistent criticism regarding the assumptions incorporated into its proposed decision methodology. This has led to some development pains and delayed the effort. The newest version was given a (so called) trial run at a stakeholders meeting in October 12 which was organized by DWR and the DSC. As previously reported, the pace of the DLIS development effort has picked up in the last few months because of the fast approaching deadline imposed by the DSC. That includes progress report briefings at the regularly scheduled meetings of the Stewardship Council and the Delta Protection Commission (DPC) and a few Central Valley Flood Protection Board hosted workshops. Currently, the DSC is seeking comments on the DLIS Programmatic EIR that is currently being circulated. Additionally, a "White Paper" entitled the "*Delta Flood Management Investment Strategy Principles*," which was crafted independently by three senior members of the DSC to guide Council deliberations on the DLIS, has been undergoing a separate review procedure. The DSC is currently scheduled to consider fine tuning the Principles this month in preparation for the eventual adoption of a final version in December. This is probably the most crucial part of this budgeting tool process since these Principles, currently being crafted separately by the DSC, are basically establishing the priorities which to protect people, property and water quality. It is very easy to see where this effort is going to end up with that approach.

Meanwhile, a formal Programmatic EIR review process has been underway to consider the adequacy of its review of the potential impacts of an investment strategy approach to assisting decision makers in evaluating the prioritization choices generated. It has been stated that the focus of this new State Levee Flood Control budgeting guide will be on **where** the investment priorities should be and **what** types of levee improvements that best reflects those priorities.

As previously noted, this DLIS approach is a far cry from the current (successful) Subventions Program process where the local LMA's (Levee Maintaining Agencies) set their priorities guided by CVFPB criteria (essentially priorities) and first hand knowledge of local conditions and resources.

- B. Title 23 Revisions. Another Resources Agency effort affecting jurisdictional levee work is an update of the Flood Board Standards governing the design and construction of Proposed Work within the Boards Jurisdiction and incorporated into Sections 8571, 8608 and 8610.5 of the Water Code. The Flood Board held a Stakeholder briefing on October 8 to go over the proposed updates to the Board's Encroachment Permit authority and regulations. The draft document issued for review at this workshop is carefully coordinated with the USACE O&M Manuel and applicable Federal regulations affecting Project and jurisdictional non-Project levees. The 146-page document introduced at that workshop has since been subjected to a public comment period that ended on November 6, 2015. After a thorough review of the proposed changes, four pages of comments were submitted by DCC Engineering in advance of the deadline. It is the understanding of this office that there will be a formal response to the comments that are received from stakeholders and a follow up briefing will be held in February 2016. Flood Board adoption of a completed Administrative Draft of the revised regulations is scheduled for March. The action is followed by a formal State prescribed rule-making process, with final approval by the Office of Administrative Law anticipated in July 2016. Copies of DCCE's comments are attached to this report to give the BALMD Board a better glimpse of some important changes being proposed and the extent to which the increased scrutiny afforded the USACE is being folded into the regulations.
- C. Subventions Special Project (BA-15-1.0-SP) - As previously reported, this major erosion repair project involving the Sacramento River levee between Cache Slough and Isleton is now identified in an officially approved Work Agreement with DWR. The term of the

agreement extends until December 31, 2018.

This office is now working on the first step in the process, the preparation of a Statement of Work (SOW), which is preparatory to any Project Costs being incurred. However, preparation of the SOW is reimbursable. Once the SOW is approved, DWR will advance monies to the District based on an estimate of expected costs covering six months or as specified by DWR, less a 10% retainage. A draft of that SOW has been prepared and is currently under review.

- D. Upcoming Special Projects. As previously reported DWR is preparing to again solicit project proposals in a new PSP round and has been soliciting input from local LMA representatives regarding the impediments to local agency participation and looking for ways to make the next solicitation for projects more appealing. In a workshop that was held to discuss the problems, DWR was advised that focusing on multi-benefit type of projects that have an important habitat enhancement component is very limiting because of the serious permitting difficulties. Additionally, the cost share is a problem for many districts when larger projects are involved. There is also a rumor circulating about a PSP for projects that increase flood protection for small Delta communities. Whether this the same PSP discussed earlier or another is uncertain.

However, the water-side levee toe erosion repair project this office has been considering for the Georgiana Slough bend near B & W and discussed in last months report to the Board, does include a habitat bench component, similar to the approved Sacramento River PSP project and of course protects the town of Isleton. So it could be submitted for consideration in either case. There has been no notification sent out to the LMA's by DWR regarding the schedule for any new PSP solicitation.

- E. 2015-16 Levee Subventions Projects. As reported in October BALMD's main construction projects proposed for 2015-16, which included the seepage management and French drain project for Georgiana Slough, designated the Gardiner/Still project and a stability berm project to address the Delta Bay situation have been delayed until spring or later because of a new concern about a serious seepage problem involving the Mokelumne River levee upstream of Rancho Marina Resort, that was presented to the Board at the August meeting. With Board concurrence, this office moved a new seepage management project for that location to the top of the priority list. The Mokelumne levee reach involved has been seeping for some time and was being monitored. A concerted effort was made to get the project designed, plans prepared and bids for construction solicited so an award could be made soon after the October meeting. Construction officially began this week, after being delayed a week because of some wet weather. The project that is underway was worked out in consultation with Raney Geotechnical and involves the installation of some lateral French drains up the levee slope and connected directly to the existing toe drain pipe and a rock blanket on the levee slope to also help manage and drain away the seepage into the existing French drain system that was installed in 1998. The first thing that was discovered this week was that the existing drainage system was not functioning properly due to a sediment build up at the toe of the slope holding back seepage waters from the drain trench and sand collected in the drain pipe and limiting its capacity. Those issues are being addressed but will add to the project cost.

The Flood Board permitting log jamb involving the Gardner/Still project appears to be nearing a resolution and the project should be ready to construct in the spring if the Board so elects to proceed.

- F. Delta Bay Monitoring. This office continues to monitor what appears to be primarily lateral movement in an unstable section of the levee at the Delta Bay Resort. An engineering solution to help stabilize the levee section was worked out with Raney Geotechnical and includes the installation of lateral French drains to lower the phreatic water level in the

levee, a collection system and discharge line to the District drainage ditch at the rear of the RV Park property, and a stability berm at the toe of the levee slope. Based on the schematic plans this office has been trying to obtain an easement from the owner of the RV Park in order to install a drain line to the drainage ditch and to construct the collection system and berm along the levee toe. A recordable easement description was prepared and a representative from this office met once with the resort owner. This office is now just waiting for an email response to our request to proceed with the easement process.

- G. **USACE Regional General Permit #8.** This issue was presented to the Board in October and has not been clarified or resolved as we head into a potentially wet winter season. To recap, RGP #8, which became effective January 1, 2015 replaces RGP #60, which covered repair and protection activities in emergency situations necessitating the discharge of dredged or fill material in waters of the United States. RGP #60 established a simple notification procedure involving the USACE and environmental control agencies with a short time frame for those agencies to respond. Under RGP #8 a notification "in writing" is required to the USACE and an "expedited" permit process is to be initiated. But this requires Section 7 notification to and responses from the environmental control agencies. That step in itself is very problematic as USF&W and NMFS do not expedite very well. Additionally the LMA will also have to notify the other agencies, which will have 48 hours to respond. No emergency response involving fill on the water-side of the levee is permitted until the USACE authorizes the activity. Obviously this is not a workable "emergency" response authorization process. As occurred in 2006, non-adherence leads to a FEMA assistance denial of any disaster assistance claim.

When this administrative regulatory issue surfaced, the inherent problem was brought to the attention of DWR and Flood Board staff in an effort to find a workable emergency response notification solution to satisfy RGP #8.

9. Director Reports. None.

10. Announcements. Those present were invited to join the Board for lunch following the meeting. Larry Gardiner, Joe Deak, Debbie Phulps and Gil Labrie accepted the invitation.

11. Adjournment. With no further business to come before the Board, the meeting was adjourned at 12:05 p.m.

Respectfully submitted,

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

Date Approved: December 10, 2015
MSC: Deak / Van De Maele