

BRANNAN-ANDRUS LEVEE MAINTENANCE DISTRICT

Minutes of Thursday, July 13, 2017

The stated meeting of the Brannan-Andrus Levee Maintenance District’s Board of Directors was called to order at 10:00 by President, Larry Gardiner, on the above cited date at the District Office, 310 Second Street, Isleton, California.

1. Roll Call. The following were in attendance:

- Directors: Harvey Correia, Joe Deak, Larry Gardiner and H. Denis Van De Maele
- Staff: Debbie Phulps, Secretary; Bruce Pisoni, Bookkeeper/Asst. Secretary; Andy Giannini, Superintendent; and Gilbert Labrie, Engineer.
- Guest: Michelle Burke, Kurt Campbell, Glenn Giovannoni, and Kirk West

2. Agenda Setting. MSC (Correia / Deak) adopting the Agenda as presented and suspending the rules to allow consideration of items out of sequence. [MSC = Motion-Second-Carried unanimously unless otherwise noted].

3. Invitation to Guests. City Mayor, Glenn Giovannoni, addressed the Board about the desire, on behalf of the City, to work with the LMD in a joint encroachment enforcement effort regarding those properties adjacent to Highway 160. The Board was agreeable to continuing such discussion and will place on the next month’s agenda. Additionally, President Gardiner related how the City used to have a representative routinely report at the BALMD meetings; but that the practice fell by the way-side due to non-attendance by a city representative. Mayor Giovannoni was receptive to restoring that practice. **MSC** (Correia / Deak) re-establishing the City Mayor as a liaison to the BALMD Board.

4. Business

4.1 Financial - Pisoni.

A. Copies of the Balance Sheet and Unpaid Bills Detail were distributed.

Balance Sheet Summary as of meeting date:

Total Checking / Savings.	\$	-103,525.75
Total Accounts Receivable.	\$	64,260.61
Total Other Current Assets.	\$	880,725.50
Total Fixed Assets.	\$	514,182.77
Total Other Assets.	\$	7,702.00
Total Assets.	\$	<u>1,363,345.13</u>
Total Liabilities (all Current).	\$	275,000.00
Equity.	\$	<u>2,141,117.48</u>
Total Liabilities and Equity.	\$	<u>2,437,849.91</u>

B. The following claims were submitted for payment approval.

Asta Const. [7702.49.2].	6,042.48	Gardiner (reimbursement).	18.00
AT&T Mobility.	354.05	Giannini; Andy.	2,324.44
California EDD.	335.57	Gilbert Labrie, AIA.	24,308.39
California PERS.	4,467.05	Giles; Gay.	201.19
California Waste Recovery.	392.70	John Deere.	7,931.09
Correia; Harvey.	201.19	Kipfel; Russel.	2,291.15
Deak; Joe.	201.19	Pisoni & Associates.	1,709.54
Dolk Tractor.	4.74	Ramos Oil.	70.13
Dutra Construction.	856,629.00	Reclamation Dist. 2067.	360.00
EFTPS (payroll).	2,090.52	River Rats.	75.00
Frontier Communications.	281.31	Van De Maele; H. Denis.	100.59
Gardiner; Larry.	301.79	Total Claims.	<u>910,691.11</u>

MSC (Van De Maele / Deak) authorizing payment of the claims by the issuance of two (2) \$25,000 warrants. Cash flow discussion followed.

4.2 Secretarial - Phulps. **MSC** (Van De Maele / Gardiner) approving the minutes of the June 8, 2017

meeting as distributed. **MSC** (Deak / Gardiner) approving the minutes of the June 27, 2017 meeting as distributed.

- A. Correspondence was received from Downey Brand requesting the Board's execution of an "Agreement Regarding Joint Representation of Clients by Downey Brand LLP in Litigation under the California Environmental Quality Act and/or National Environmental Policy Act re California WaterFix Project". **MSC** (Van De Maele / Deak) calling for a Special Meeting, in joint session with the boards of RD 317, 407 and 2067 desiring to dialog in such a meeting, on Tuesday, July 25, 2017 at 10:00 for the purpose of discussing and acting upon the request.

5. Encroachments

5.1 Sonny McDowell Property Improvements APN156-0080-069, 16940 Terminous Road. Request amending existing permit to include the installation of sprinkler lines on either side of the levee crown patrol road and off of the levee toe on the land side. While the Applicant's layout sketch only provides limited detail about the specific location of the lines with respect to the two lines along the crown, it does call for the line along the levee toe to be 10 feet away and does specify a typical 6-inch installation depth for the PVC lines. The request appears similar to the Adgate sprinkler installation and maybe some others in the immediate vicinity. As long as the lines along the levee crown do not inhibit the District's ability to work on the crown and the owner is aware of his responsibility to remove said encroachment at his expense should the District need to work on the levee, the District Engineer does not have an objection to granting the request. Perhaps a surface installation of the lines paralleling the crown would be better than a 6-inch trench burial. **MSC** (Van De Maele / Deak) authorizing amendment of the existing permit as requested with updated standard conditions.

5.2 Burke. Michelle Burke inquired about fence set-backs for properties adjacent to reclamation or levee district ditches / canals. Discussion ensued and arrangements were made for Ms. Burke to speak with the District Engineer regarding site specific issues following the meeting.

6. Reports

6.1 Superintendent - Giannini. Mowing, maintenance activities and debris removal activities continue.

6.2 Engineer - Labrie. Gil distributed and presented his monthly engineering report. Discussion or questions occurring during the course of the Report are noted in inset paragraphs.

- A. Levee Investment Strategy (DLIS). This study was initiated in 2014 as a Delta Stewardship Council (DSC)-directed effort to develop a benefit/cost budgeting methodology relying on flood risk assessments to enable prioritization of levee project funding proposals. It has led to the development of a technical appendix providing backup to proposed flood program updates to the Central Valley Flood Protection Plan (CVFPP), which is a requirement of the Delta Reform Act at 5-year intervals.

Stakeholders participating in Delta Levees Subventions Programs believe the DLIS recommendations regarding "measurable Delta levee program funding objectives" could significantly impact the Program through the Legislative budget process. Therefore, it is critical that Delta stakeholder input is seriously considered when the Central Valley Flood Protection Board (CVFPB) takes final action to adopt any updates to the CVFPP. The CVFPB has charged a subcommittee with the task of working with all stakeholders providing input into the Plan Update, and workshops have been underway with one held on June 9 and, another scheduled for July 14. A DWR website has been established to view comments presented at the workshops and DWR's responses to those comments. Needless to say, the CVFPB is still not ready to adopt a CVFPP update. The battle between the various stakeholders and the State wages on.

- B. Subventions Special Project (BA-15-1.0-SP). This major erosion repair project involving major segments of the Sacramento River levee from Isleton to Cache Slough is officially underway and separately funded under the Subventions Program. An initial funding advance check of \$209,950 arrived in April. Once approved, draws can reimburse the District for consultant costs to prepare the SOW and the initial project permitting efforts to move forward with the critical approvals needed to go to construction.

This office actually submitted documents to begin the permitting process before the advance check arrived and has been interfacing with regulatory agency staff. Consequently, as part of the USACE/CVFPB process a consultant was retained by this office to provide the required hydraulic analysis to evaluate the impact of new channel incursions greater than 1%. That hydraulic analysis report has been completed and submitted. However, the USACE/CVFPB permitting process may

experience a significant delay because the USACE budget for the current Federal Fiscal Year has proven to be inadequate to handle the extent of Section 408 reviews for projects in the pipeline. In a memo to the CVFPB, the USACE indicated that its approvals will be held up until at least October and later, after the new Fiscal Year begins and there is more money in the budget for the Section 408 workload.

On the environmental review side, some existing project site-specific information was gathered earlier by an outside consultant and that effort is being followed up by the same consultant, who will be generating the required information and documentation to facilitate the regulatory environmental reviews that are part of the permitting process and are now becoming the principal focus of project effort at this time in the permitting process. It has been determined that both a CEQA and NEPA environmental processing will be required, so the outside consultant brought in earlier in the project development stage has been contracted to provide the necessary documentation. A boat tour of the project area was conducted with CDFW staff and the outside consultant hired by this office to be involved in preparing the CEQA/NEPA documents.

- C. 2016 Special Projects Solicitation Results. It was reported to the Board in April that on March 28 a notification was released listing the PSP projects that had received final approval and BALMD's erosion repair project for the B & W bend on Georgiana Slough stayed on the list. The next step of the process, once a Work Agreement is signed with BALMD, will be the preparation of an **SOW**. DWR reported at the recent Delta Levees Habitat Advisory Committee meeting last week that the Work Agreements, for all the projects selected, are currently being prepared.
- D. Delta Bay Stability Project. As previously reported three new levee monitoring devices at this location have been read more than seven times since they were installed in early June 2016. During this eight-month period gradual lateral movement has been detected. However, during the 2017 January/February, readings taken February 7, and February 22, 2017, indicated more significant lateral shifts than in the previous seven-month period.

Based on the additional concerns generated by the February 2017 monitor readings, an on-site discussion with John Raney an engineering approach, utilizing a drain rock stability berm at the levee toe, was selected as the first phase of a District effort to increase the factor of safety and help stabilize the levee.

The construction strategy recommended and selected was to utilize barged in drain rock to shorten the truck hauling route and reduce the construction impact on the already deteriorated Jackson Slough Road. At a special March meeting the District received bids for the stability berm project. Because of the barge access limitation, the only bidder was San Rafael Rock Quarry with a price of \$426,850. .

Construction of the rock berm began the second week of May and was completed, except for a minor punch list item, by June 2, 2017. The project has been submitted for FEMA consideration as an emergency response triggered by the January/February 2017 high water event. A geotechnical report is currently being prepared by Raney Geotechnical to document the findings and recommendation that led to the timing decision to get the stability berm construction underway quickly.

- E. Levee Subventions Program. Essentially the major construction project for the 2016-17 Fiscal Year was the rip-rap repair of some deep erosion scallops along the Isleton river front that were not addressed during the last Sacramento River fall rip-rapping project in 2014. However, the January/February 2017 high water events and the prospect of continued high flows, well into the spring because off the record snow pack in the Sierras and limited remaining reservoir capacity in the San Joaquin River watershed led to a decision to address the need to provide better overtopping protection along the crown of the Mokelumne River levee. The emergency standby crane barge was consequently called upon to place the barged rock mobilized and on standby at the tip of Staten Island with the crane barge.

As previously reported, it appeared that BALMD's 2015-16 Levee Subventions reimbursement review process was being held up because of a delay in CDFW sign off due to on-going discussions about the mitigation requirements for the habitat impacts that occurred when the vegetation was removed near B&W in preparation for the installation of a drainage management system at the land-side levee toe. However, a communication with CDFW cleared up this log jamb holding up DWR's review of the District expenditures claimed, for eligibility and this office received the list of adjustments in late June. The mitigation issue options have now been resolved with CDFW acceptance and represent two choices for the District to consider. One option is the

creation of a District managed mitigation bank on its property, to take care of this impact and future impacts. The other option is to purchase habitat credits in the Bulk Credit Program that DWR developed specifically for the Levee Subventions Program. The difference is the known cost of the bulk credits versus the unknown cost associated with setting up the District mitigation bank to the satisfaction of CDFW and a long term commitment to manage the mitigation lands. The net cost to the District for the 4.49 acres of habitat required (based on a 3:1 ratio) is approximately \$70,000.

In terms of major rehabilitation project planning for FY 2017-18, this office is prepared to finish preparing bid packages for the revised B&W French drain project and Gardiner drainage blanket and toe ditch removal projects so that those projects could be considered for construction when funds are expected to be available. That phase of the pre-bid documentation is being deferred, pending more solid information regarding reimbursement of the emergency response expenses and payment on the 2015-16 Levee Subventions claim.

- F. 2017 High Water Event. Since early May, expenditures related to the Winter of 2017 events are being tabulated and collected by a consultant working for FEMA. This includes both levee related actions and excess pumping costs incurred by Reclamation Districts. For Brannan-Andrus, the emergency berm construction at Delta Bay has been included in the list of projects for consideration, as noted above. Additionally, the costs for the standby emergency response measure involving the crane barge and rock that was placed on the Mokelumne River levee crown to improve overtopping protection is included in the Districts FEMA claim that is being processed. However, the issue of emergency response versus permanent improvements is still to be resolved, based on reports from other LMA engineering consultants.
- G. San Joaquin River Toe Ditch Cleaning. This issue began because of property owner complaints about the functionality of a specific section of the toe drainage ditch along the back of the eight 2-acre lots developed by Tony Libordi in 1990. This office has conducted an on-site survey of the Libordi Shoals subdivision drainage ditch (limited only by vegetation over growth in the ditch) and prepared some exhibits utilizing a copy of the original, approved subdivision map. As previously reported, it appears that the owner of the first lot in the subdivision, on the west property line, has constructed a structure in the utility easement and in the process filled the drainage ditch itself. There is some question as to whether a culvert was installed to continue to carry water flows to the lateral ditch which connects to the RD 317 canal. If so, it is proving to be inadequate. In response to this identified drainage problem, this office was directed to prepare and mail out correspondence to all of the property owners along the entire levee toe drain, commencing as far westerly as Happy Harbor, alerting them to District plans to clean the ditch this fall and directing the removal of any obstructions before this coming November. Failure to do so would subject the owner to District actions to recover the cost of removal by the District of any non-natural obstructions.

Since that mailing this office has been contacted by only three parcel owners. However, a closer review of the entire toe ditch alignment has revealed at least six more instances where the ditch has been filled, between the Libordi Subdivision and Happy Harbor. Utilizing copies of the various subdivision maps for all of the parcels in vicinity of the ditch area described, this office was able to determine that at least three parcels have encroachments crossing the north property line and all six are illegally obstructing a 20-foot road access easement. Correspondence from one of these property owners, Steven Hood, admits to installing a 24-inch diameter culvert and filling the ditch in order to locate two large Conex boxes, with authorization from Andy Giannini.

Obviously this is a complex issue given the variety of issues preventing the proper operation of the San Joaquin River levee toe drainage infrastructure in the area described above. Beside the ditch functionality problem caused by unauthorized fill placement, there are illegal encroachments into adjacent property as well as the road access easement. The property line and easement infractions can possibly help the District effort to gain compliance with its request for access to the toe ditch but are a separate matter between property owners and with the County Division of Building Permits and Inspection. What will be an amicable solution and how to proceed is up for Board discussion. Obviously some on-site survey effort will be necessary at the six new problem locations to convince the property owners involved and determine the extent of the ditch obstruction problem.

7. Director Reports. Correia will be absent from the August stated meeting.

8. Announcements. Those present were invited to join the Board for lunch at Pineapple's Restaurant, 22 Main Street, Isleton, following the meeting.

9. 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: August 10, 2017
MSC: Van De Maele / Deak