

Public Meeting Notes

Friday, May 1, 2009

- DRAFT -

Delta Levees and Habitat Advisory Committee

Bob Orcutt, Chair

California Bay-Delta Public Advisory Committee Levees Subcommittee

Marci Coglianese and Thomas Zuckerman, Co-Chairs

Attendance:

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1. *Announcements/guests*

Mike Mirmazaheri announced that Gail Chung from DWR Fiscal office would be coming in for a brief discussion on finances at 10:00 AM. Bob Orcutt announced that Karla Nemeth from BDCP would be giving a briefing at the meeting as well.

2. *Meeting notes from April 10, 2009*

It was brought to attention that the discussion notes on the 07-08-09 Subventions update were omitted from the meeting notes. . Bob Orcutt commended Avery Estrada's quick turnaround of the notes. Tom Zuckerman commented that the discussion on the DRMS was omitted from the meeting notes as well, and in the April meeting notes there were no recorded critical comments on DWR. Marci Coglianese agreed with Tom and also commented that Sergio (the prior note taker) took very extensive meeting notes and thought that the new notes were too abbreviated. Marci recommended that the notes have all the main discussion points and action items recommended. Mike Mirmazaheri agreed with Marci that Sergio did take good notes, but pointed out that the intent is not to record minutes. Orcutt commented that Avery sent out draft notes that were available for comment for him, Marci and Tom. Orcutt also indicated that a medium level of detail, stating the topics discussed, would be helpful, though doing this often takes some practice. The decision was made to send draft notes to Bob Orcutt, Marci Coglianese and Tom Zuckerman for comments prior to sending out to the committee.

3. *Bay-Delta Levee Program update on SB 34/AB 360 Program*

Mike Mirmazaheri announced that Gail Chung from DWR Fiscal office would be coming in for a brief discussion on finances at 10:00 AM. Mike passed out a handout with subventions information on FY 05-06, 06-07, 07-08 and 08-09. The subventions claims for FY 05-06 and 06-07 have been finalized and are available for payment via the general fund. For the FY 07-08 and 08-09 claims, as well as the Special Projects, the funds have been subject to the recent freeze because the payments are made through bond funds. Mike also announced that the FY 09-10 Subventions Program application letters will be sent out to the local agencies sometime in May.

Bill Darsie commented about activities at the Capitol specifically the "sunset" of the subventions program. Currently, the enhanced state cost share on the subventions program is set to sunset on July 1st, 2010; the state cost share will change from 75% to 50%.

It was commented that with the current freeze of funds, it would be difficult for the RDs to finance the 5 year plan development. Several District Engineers, including Gilbert Cosio, Bill Darsie and Chris Neudeck, commented on the financial hardships of the local agencies. Tom Zuckerman and Marci Coglianese proposed holding an offline meeting to discuss a plan to address these issues. It was suggested that a letter be sent to the Director of DWR (Lester Snow) discussing the Local Agencies' financial hardships and recommending the expedition of funding for the Delta levee programs. Marci Coglianese and Tom Zuckerman agreed to write a draft letter.

Mike Mirmazaheri opened the discussion of the Special Project draft recommendations; a summary of the Interim Guidelines for FY 08-09 was included in the handouts. Mike mentioned there were several responses to the PSP totaling of \$55 million in proposed projects. The decisions on what projects to be supported by the Program were made using the Interim Guidelines. Mike commented that some of the projects not selected this FY 08-09 may be considered next FY 09-10. The next step would be posting the draft list online, holding a 10 day public comment period that would end on COB May 11.

Comments were made on the draft recommendations indicating the desire to see the scores for all of the projects evaluated by DWR. Kevin Tillis commented that on the spreadsheet there were two additional worksheets showing all the projects, suggesting that this was the final project scoring sheet DWR staff worked on. Mike apologized for the error and explained that the worksheets were inadvertently sent out and have no value during the comment period. Mike Moncrief commented that the special projects selection by DWR was not transparent enough for the public. Marci Coglianese commented that this process has a learning curve that needs to be addressed. Seeing how DWR scores projects would assist districts in learning on the guidelines are to be used.

Gail Chung joined the meeting and discussed the financial issues. She explained that because there was no budget and California had a low credit rating, no bonds were sold. Bonds were then subjected to a hard freeze which continued after the adoption of the new budget. This resulted in the State having to take out loans to pay the most crucial bills. The bond rating for California is the worst in the nation, but bond sales did go ahead in March 2009 and resulted in \$6.5 billion in sales. The bond sale on April 22, 2009 resulted in \$6.9 billion. Because these bonds are taxable, they must have a certification form and the process is more time demanding. Currently DWR is trying to pay all the bills for the work performed for the Subventions Program (FY 07-08) prior to December 17, 2008, and nothing newer to that besides those exempt.

Chris Neudeck asked Gail if payments for the Subventions Program (FY 07-08) are being processed and also asked about a time frame. Gail replied that the payments would be processed in 2-3 weeks then sent to the State Controller's office. Marci Coglianese asked about the critical list formations, and Tom Zukerman asked if the outcome for the upcoming May 19th elections would jeopardize the payments. Gail said that she thinks commitments to pay FY 07-08 payments were "set-in-stone." The meeting appreciated DWR efforts to bring funds to the Delta and indicated that Gail's insight was very helpful.

There were several comments on the Special Project draft recommendations. The public asked if Mike Mirmazaheri was receiving comments on the Interim Guidelines; Mike replied that he would only be expecting to receive taking comments on the draft recommendations. Mike also recommended that the Local Agencies continue to move forward on 5-year plans despite the financial issues. Chris Neudeck made a comment that he would like to see a 90% advance on the 5-year plan funding agreements rather than the current \$35,000 limit. Mike explained that he doesn't expect the cost of preparation of the 5-Year Plan to exceed \$50,000 given the fact that some District Engineers will work on multiple plans and potentially can complete most of them by making minor adjustments to a "template" 5-Year Plan, but there may be a few exceptions. Chris Neudeck asked about the "prior commitment" projects shown on the draft

recommendations. Mike explained that prior commitments include amendments required to complete ongoing projects.

4. BDCP Briefing (Karla Nemeth)

Bob Orcutt welcomed Karla Nemeth from the Resources Agency to discuss the current BDCP plan. Karla started by addressing the habitat restoration component of BDCP and provided a handout. The biological goal is to meet the guidelines provided by the CALFED Science conference (should this be program, not conference??). Multiple stressors have been identified on fish species, including the pumping of Sacramento River water through the Delta. BDCP has dual goals: changing the hydrodynamics of the ecosystem currently in the Delta and ensuring a more stable water supply. Currently under consideration is a canal that bypasses the Delta (aka the Peripheral Canal). The timeline for the next 5-10 years is to build and operate more tidal gates in the Delta, and for 15+ years create an isolated conveyance facility. Currently the preferred alternative is dual conveyance for salinity management. Habitat restoration will occur for the next 5-10 years in Cache Slough, Suisun Marsh, West Delta, Steamboat & Sutter Sloughs, Consumnes and Mokelumne Rivers, and the South Delta. BDCP is currently playing out in the state legislature. Public review is currently underway and to be completed by the end of the year.

Karla then opened to questions and offered to return to next month's meeting. Tom Zuckerman made the comment that he does not believe that BDCP is using a scientific process and is concerned that Delta stakeholders are not being involved in BDCP, including incorporating the knowledge of the Levee Subcommittee participants in the planning efforts. Marci Coglianese commented that BDCP has scheduled meetings at the exact same time that the BDPAC/DLHAC joint meeting is held. Melinda Terry made the comment that flood control is not being interfaced with BDCP. Karla mentioned that flood control is interfacing with BDCP. There were several comments from the RDs on water quantity, flood control issues, and levee rehab issues. Karla noted that May 14th was the close of the comments period for BDCP. Gil Cosio and Chris Neudeck made the comment that levee experts were not involved in BDCP and the current DWR staff working on BDCP were not levee experts. Tom Zuckerman made the comment that currently alignments of the canal went through his property and he would deny entry to survey the property.

5. BDPAC Levee Subcommittee Co-Chairs Report

Group discussion included more comments on the draft special projects recommendations. It was agreed that this should be an agenda item on the next month's meeting. Marci Coglianese encouraged the public to make comments to Mike Mirmazaheri on the draft recommendations. Bob Orcutt commented that he believes, in spite of the problems this year, the Special Project selection process was more transparent this year and better than in years past. A comment was made that these meetings were being constrained by political processes. Marci Coglianese encouraged everyone to make comments, and proposed that Local Agencies and engineers meet with individual DWR staff to discuss why their projects were not selected. Bill Betchart made the comment that he does not believe money will be available this year for the Local Agencies.

Tom Zuckerman made the comment that he does not believe the State is participating to the best of its ability, and questioned why the Local Agencies should even be talking about new projects.

6. USACE Report

Brooke Schlenker from USACE discussed the CalFed Levee Stability Program. Currently there are 68 proposed projects submitted to the USACE Sacramento District. There was a question as to if a new project could be added to the list and Brooke encouraged an offline discussion. Marci asked if she could receive a copy of the Delta News Letter.

7. Delta Emergency Operation Plan

Bob Orcutt introduced Bill Croyle from DWR to give the DWR Emergency Operations Plan Overview for the Delta. Currently the process is being streamlined and Croyle was expecting a briefing this quarter. Croyle also commented that the San Joaquin River would be at flood stage in the evening. Chris Neudeck still didn't think it was going to be over knee deep.

8. Public Comment

There was a brief discussion of the 1997 flood in the Suisun Marsh. There was also the announcement that the Delta Protection Commission website has been updated and visitors to the site were encouraged. SB27 was also moving forward, and a public meeting was to be held on May 27th.