

Public Meeting Notes

Friday, June 05, 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:

Amy Simpson, DWR, 916-651-0854, asimpson@water.ca.gov
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1. *Announcements/guests*

Tom Zuckerman asked Mike Moncrief about the upcoming Flood Planning Workshop, and Moncrief confirmed that the meeting was to be held at the Ryde Hotel on Monday, June 8, 2009. Bob Yeadon also stated that another Flood Planning Workshop was to be held in West Sacramento on Wednesday, June 10, 2009, and that this particular meeting was going to feature a presentation on Non-Urban Levees and the Delta.

2. *Meeting notes from April 10, 2009*

There were no comments on the notes. Marci Coglianesse commented on the length of the last meeting (over 3 hours), and proposed that if anyone on the agenda was going to give a lengthy report during their presentation that it should be identified on the agenda in advance in order to properly estimate and allocate time given to each agenda item.

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

Dave Mraz distributed the latest subventions report, and encouraged any questions on the report to be directed to Dave Chima of his staff. Mraz then gave an update on funding issues. Recent bond sale funds have been allocated to the state agencies, and DWR has been allocated approximately \$600 million. The 07/08 Subventions claims are to be funded from bonds from Prop 84, and all bonds sold under Prop 84 require an internal detailing process performed on an individual project basis. Mraz estimated that funds will reach his office and be eligible for payment to RDs by July 1st. Chris Neudeck commented that Gail Chung from DWR's financial office spoke at the previous meeting, and had said that the payments estimated to be available for distribution in late May or early June, and asked Mraz if the payments were ever "in the cue." Mraz replied yes, and distributed a spreadsheet list of projects that had the authority to be paid, including \$13 million for subventions payments. Mraz blamed the delay of distribution of funds on the tax certifications required for this bond and the large list of projects that needed to be checked.

Gil Labrie asked if the subventions payments were funded by Prop 84, and Mraz confirmed this. Neudeck commented that the delay of payment was very frustrating and asked if the payments would be delayed for another 30 days. Mraz replied by stating the payments had been processed by his staff and it would be a matter of when the funding would be available. Neudeck asked about a column on the list of projects that was distributed. Mraz stated that the column designated whether the given project was under Start/Restart, Exempt or Other status. Coglianesse asked if the subventions payments fell under the Exempt category, and Mraz confirmed that they were not. Gil Cosio asked on the status of the 08/09 subventions claims, and Mraz told of 20 agreements that were not submitted prior to the hard freeze imposed on December 17, 2008 that might not be eligible for payment. Neudeck offered his services to Mraz as to any way to possibly expedite these payments or lobby in legislature on Mraz's behalf, and Mraz did not think that Neudeck could help at this point.

Marci Coglianesse commented that two recent topics at meetings, the "sunset" of the Subventions program and Special Projects funding were going to be affected by the Delta Levee Investment

Strategy, which Jerry Johns had said at a May BDCP meeting would soon be ready for steering committee review. Mraz said that consultant Bill Bechart was hired to assist with this project. Bechart told of a public process that would allow for detailing of the funding of Prop 1E, and a new policy for HMP and PL84-99 funding. Coglianese asked if DLHAC/BDPAC's recommendations would be given a priority in funding. Melinda Terry commented that decisions might be made behind closed doors at DWR without DLHAC/BDPAC involvement. There was a public comment on whether comments would be accepted on the draft or policy, and a question as to if there was any influence on DWR decision outcomes. Coglianese commented that she thought it was strange that DLHAC/BDPAC heard about these decisions second hand, and asked about the principles behind the new policy, specifically if it involved dual conveyance or a peripheral canal. Mraz replied by stating that the principles behind the policy was to preserve the Delta for the future. Mraz stated that there were provisions on standards for islands, and individual goals of RDs, like those on a five year plan, would have impact on these decisions. Additional provisions were limited funding for achieving levee goals above PL84-99, and more equal policies for the legacy towns.

Mraz then distributed the 08/09 Special Projects award list. Mraz stated that the comments provided by the RDs and DLHAC/BDPAC were considered by DWR, and a resulting reevaluation had taken place. Funding limits were honored on this incarnation of the spreadsheet, and a 90% cost share was given to HMP projects but limited in cases of overbuilding. Other cost sharing issues were addressed. Mraz then passed out the considerations on the ratings process, and admitted to a certain level of subjectivity that he thought was addressed by DWR by ranking the projects as a group. Neudeck pointed out that on the spreadsheet there was a column titled "comments" that he thought might have been intentionally left blank. Mraz told that any concerns should be brought up with Mike Mirmazaheri on an individual basis. There was a question on why the ranking spreadsheet DWR used was not distributed to the RD Engineers. Mraz did not know, but personally thought that the sheet should be publically shared. John Wilusz said that he believed that Mirmazaheri was encouraging a discussion on an individual basis as to avoid lengthy discussions and potential arguments between the RD Engineers and DWR staff. Tom Linn disagreed and thought that the ranking sheet should be a public discussion.

Bob Orcutt commented that he thought although there was room for improvement, the special project selection process was more transparent than in years past and was more open to input. There was a public comment on the engineering work that went into preparing the special project proposals and if it was a waste of time for the RD Engineers. Neudeck asked if the methodology behind the selection process should be dispelled, and voiced a frustration with the process. Mraz offered to attempt to distribute the entire ranking spreadsheet to the RDs. Neudeck replied by stating he only wanted to know more about the implementation of the guidelines and understood that DWR has the authority to rank the proposals. Orcutt suggested forming a sub-committee that could address these issues, but Neudeck did not think this was a good idea. Coglianese said she thought a sub-committee was a good idea to get upper DWR management's attention. There were public comments on transparency, public input to selection criteria and proposal development, and Orcutt mentioned the need for more detailed selection criteria. Marc Hoshovsky suggested writing a letter that requested redeveloped guidelines.

Nate Hershey commented that he had spoken to Mike Mirmazaheri and he was going to form a Special Projects workshop to address application procedures for 09/10 Special Projects. Gil Cosio commented that he thought setting a procedure would be difficult. Bob Yeadon encouraged modifying rejected proposals to fit under the guidelines. Cosio commented that the existing guidelines favor enhancement and subsidence projects over levee projects, and believed that any subsidence project should be favored over a levee or flood control project. Neudeck agreed, and stated that he thought all enhancement and subsidence projects should be more of a responsibility to the State while levee projects should be left to RD Engineers. Mraz responded by saying a new set of guidelines is under development, and Mirmazaheri is going to have a workshop regarding this. Betchart commented that the time schedule for the 08/09 PSP was too limited. Neudeck and Cosio commented that more transparency was promised in the selection process last year by Mraz. Cosio also commented on the need for the Delta Levee Investment Policy. Moncrief commented that the investment policy encouraged the RDs to submit information on the islands to DWR, and commented that each project proposal costs a district \$3K -\$7K.

There was a public question on 09/10 funding, and another comment that under new state rules any island with an existing aqueduct should submit several project proposals. Mraz said that for FY 09/10 about \$95 million was allocated to his office, including \$20 M for Subventions and \$75 M for Special Projects. If the funds were not used, they would go back into the funding source and were eligible for reallocation. 2016 was the end of the funding stream for the bonds, and Mraz confirmed Prop 1E was not designated for a particular program. Neudeck asked if the bonds can be extended past 2016 due to the stop-work condition that is current, and commented that his RDs have asked him to stop billing them. Mraz replied by saying he is looking into extending the bonds, and DWR is not a strong advocate for this. Betchart commented that he didn't think the bonds were as much of the issue as restarting the work, and getting regular state programs any money was paralyzed. Moncrief asked if all the 08/09 funds would be fully used, and the remaining funds would be available to the RDs. Mraz confirmed that unused funds would revert but then able to be reallocated.

Bob Orcutt reported that inspections were completed recently by DFG staff and read a list of the islands and tracts they had recently inspected. Orcutt reported that he would be meeting with a DFG Wildlife Management supervisor and DWR staff to discuss long term management of Decker Island. Orcutt also reported that his staff was working with DWR staff on establishing programmatic mitigation banks for the levee program in the Delta.

4. Delta Emergency Operation Plan

Bob Yeadon of DWR reported that he had been attending emergency ops meeting and they are requesting more information from the RDs. Yeadon suggested that using PFAs to fund the RD engineers could save the State money and time by using existing consultants rather than hiring new consultants. Neudeck agreed with this idea. Yeadon suggested using the 5 year plans as a funding mechanism for the RDs work on this, and Neudeck thought that this work would be denied by Mike Mirmazaheri because it was not specifically on the 5 year plan work agreements. Yeadon was going to relay this message at the next emergency ops meeting.

5. Implementing Agencies/CALFED Report

Marci Coglianese asked if any USACE representatives were present and there were none. Coglianese also reported that CALFED had no new news to report and therefore no representatives were present this meeting.

6. BDPAC Levee Subcommittee Co-Chairs Report

Tom Zuckerman reported that he had recently attended a Delta Vision Foundation meeting as a stakeholder. One of his comments during this meeting was he did not believe that BDCP was addressing the Delta Vision Plan. Tom commented that the local Delta perspective was that there were many State and Federal failures in regards to the Delta. Tom believes that flood management needed to be addressed first, and then local governments should be consulted for planning. Tom commented that the State does not look past the export process in the Delta and does not address the environmental aspect. Tom commented that there is a rush for the BDCP conservation strategy that he thought was still incomplete and cited the new biological opinion on salmon recently released as an example that BDCP was moving too fast. The timeline on BDCP was recently moved back, and Tom views this as a positive and believed that other alternatives might be considered.

Tom commented that BDCP is too narrowly focused, and is still releasing the draft conservation strategy this month. There was a public comment that the steering committee was going to meet on June 19th but has been rescheduled to June 26th. Tom also commented that on the salmon summary report there were also environmental opinions on the Delta Smelt, the Long Fin Smelt and other fish, and the basic recommendation was that additional Sacramento River diversions would negatively impact most aquatic species. Tom commented that additional modeling needed to be performed. There was a public question on who wrote the report, and the answer was Essex Partnership. Marc Hoshovsky commented that an opinion on the terrestrial species would be coming next, and recommended that everybody visit the Delta Vision website.

Marci Coglianese commented that she believed there was a conflict between the implementation that BDCP did not address, and referred to a legislative report by Senator Pavely. Chris Neudeck commented that there was no mention of flood control and no reference to levees in the latest plan. Coglianese commented that the governor does not want Delta input on BDCP. Tom commented that the results of the May 19th special election might have had an impact on BDCP, he then reported that budget issues were going to be addressed in legislature in June, followed by a special session on water issues. There was a public comment on a new bill passing through the senate, SB458, and Tom commented that there was no funding for this bill. Melinda Terry commented that legislature needs to do something, and she recommended that there should be more focus on Delta conservancy.

Tom also commented that in the May revise, some of the SWP management powers held by DWR would be stripped away, with flood issues moving to the Central Valley Flood Protection

Board and water efficiency/quality moving to the State Water Resources Control Board. Marci commented that Bob Orcutt might be moved directly to the Resources Agency from DFG. Melinda commented that a back room budget deal would be likely and had little knowledge on what the state agencies actually do. Dave Mraz commented on the different budget reports his office had processed recently, and believed that his office would be looked on favorably because of the valuable state and private partnership the office promoted. Mraz commented that his program was a huge value to the state by contracting out to private engineers, and thought that by promoting his program it would keep the Delta levees in the forefront. Melinda commented that she thought the Delta levees were already in the forefront, and believed this current economic crisis would eventually produce favorable results. Neudeck commented that he felt he was blackmailed into going along with DWR because the Delta levees needed to be maintained regardless.

Mark Connelly commented that he worked for San Joaquin County, which contained about 1/3 of the Delta, and he disagreed with DRMS and wanted a seismic basis from the State and Federal sources. Marci reported that she attended the last California Water Plan Meeting which reviewed the Delta Regional Plan, and she thought that the plan addressed only the water export process and not the Delta. Marci then encouraged attendance to the earlier mentioned meeting on June 8th at the Ryde Hotel at either 1:00 PM or 6:00 PM. Neudeck asked if there will be any discussion on coordination at the meeting, and the answer was the presentation did not address this. Marci asked about interfacing, and the answer was it is encouraged. Mraz added that Floodsafe is a Delta Levees Program. Connelly commented that USACE has staff that tracks 49 different Delta initiatives, and commented the Delta Regional Plan would be published before the hydrology is updated. Neudeck commented that the hydrology would be using two different modeling techniques that could result in two different water surface elevations. Public comment was that a work group would define one elevation that would be published in future guidelines. Tom commented that he encouraged an integrated look to slow down flood rates, reestablish designated flood plains and recharge groundwater elevations.

7. Public Comment

An announcement was made that the DPC management plan was almost complete, and there would be a June 26 workshop. Mark Connelly reported that comments were received by San Joaquin County. Bob Yeadon asked if commissioners commented, and it was replied that commissioners would comment in August.

Chris Neudeck noted that the next meeting was scheduled for July 3rd, and due to the Independence Day holiday the meeting was moved to July 10th.