

Public Meeting Notes

Friday, July 31, 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:

Andrea Lobato, DWR, 916-651-9295, alobato@water.ca.gov
Avery Estrada, DWR, 916-651-0865, astrada@water.ca.gov
Barbara Daly, Delta Stakeholder, bdalymns@citlink.net
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Dave Mraz, DWR, 916-651-7017, dmraz@water.ca.gov
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1. Announcements/guests

Jay Chamberlin (DWR) chaired the meeting since Bob Orcutt was on vacation. Jay performed his duties as committee co-chair and provided Fish and Game's update report. DFG is awaiting final signatures on the Streambed Alteration Agreement on Bouldin Island. Implementation of a Programmatic Mitigation plan is still underway, with coordination between DWR and DFG to create and use mitigation banks specifically for the Delta Levee Program. DFG is researching alternatives to reduce the amount of vegetation removed while creating intertidal enhancement on the Sherman Island Setback Levee enhancement project. Coordination also continues between the USACE, DWR and DFG on the Bethel Island Horseshoe Bend Project.

Jay noted that DWR and DFG staff have been working "behind the scenes" to develop a habitat (mitigation) banking approach that will improve the efficiency of the Program's levee repair and rehabilitation work. Program staff are nearing completion on an approach that will allow for development of a "demonstration project" approach in the coming year, which will draw on modeling and forecasting that has taken place through a contract with Jersey Island (RD 830). DWR and DFG have met with a number of engineering firms to get their feedback on the proposed approach, and Jay indicated that, with the Committee's blessing, he intended to return to the meeting in the fall to make a longer presentation about the approach and opportunities for Delta levee districts.

Mike Mirmazaheri announced that as of July 1, 2009, the Delta-Suisun Marsh Office is now within the FloodSAFE Environmental Stewardship and Statewide Resources Office (FESSRO), and Gail Newton has replaced Dale Hoffman-Floerke as Chief of FESSRO. New FESSRO staff members Jon Wright, Felipe Garcia and Nathan Evenson were also introduced.

2. Meeting notes from June 5, 2009

There were no comments on the notes. Compliments were given to Sam Miller (DWR) for taking such in-depth notes.

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

Mike M. reported that all 07/08 Subventions claims are in the hands of the DWR Accounting Office or State Controller's Office (SCO) and that there is a heavy back log sitting at the SCO. Mike M. asked all RD representatives to please notify DWR when they receive their payment checks from the State, because the program staff will not be notified otherwise. Dominick Gulli asked where contractor's can find out where in the process their payments currently stand, and Mike M. responded that only the SCO has that information. Chris Neudeck asked if there is still a priority/exempt list for the release and allocation of funding as presented by Gail Chung from the DWR budget office three months ago, and Mike replied that the priority list is still in effect and that the 07/08 Subventions claims are on that list. Bill Darsie questioned whether the payments will continue to be halted due to budget problems, and Mike M. responded that the freeze of bond monies and lack of bond sales in combination with the State Budget problems are the primary causes. Bill Darsie commented that a CALFED webpage made it appear that funding for levee projects was currently ongoing, and Mike M. responded that all bond funded

projects are currently halted. Terry Macaulay, a CALFED representative, is looking into the webpage.

Mike M. distributed the latest list of received 09/10 Subventions applications and announced that all 09/10 Subventions applications are due on July 31, 2009. Currently, 53 districts have submitted applications totaling \$68.3 million. Mike M. mentioned that the funding level for the FY 09/10 Subventions Program may be between \$12 and \$15 million and asked all RD representatives to provide input to DWR. He also commented that an overestimate in Subventions takes funding away from potential Special Projects and emphasized that it is difficult to reallocate funding if it is appropriated and not used in Subventions program. Chris Neudeck commented on the funding issue between balancing Special Projects and Subventions due to the low cost share aspect of Subventions, and the competitive grant process in Special Projects. Neudeck also commented that the Subventions program is critical to local agencies that do not submit Special Projects proposals or do not receive the competitive grants. Nate Hershey commented that 09/10 Subventions funding should not be based upon 08/09 Subventions data, because this year is an anomaly due extenuating circumstances surrounding the previous and current fiscal year's funding. A more in-depth discussion of the Subventions Program funding was concluded. Further discussion on funding shall be continued in a smaller meeting between RD engineers and DWR.

Mike M. announced that the 08/09 Special Projects work agreements are being drafted and are in routing for signature and comments. All work for these agreements have to be completed within 2 years. All 5-year plans are still awaiting signature. RD Engineers requested an updated inventory of submitted 5-year plans. Dominick Gulli asked if work can be performed on 5 Year Plans, and Mike M. responded that work agreements are not complete until they receive all of the required signatures. Work is ongoing for the 09/10 Special Projects Near-Term guidelines. Mike M. discussed that the passage of Parata's bill states that DWR has 2 years to make a financial commitment and 2 years to spend that committed funding. Mike Moncrief asked if the 5 Year Plans need to be complete before submittal of 09/10 Special Projects as stated in the 08/09 Special Projects interim guidelines, and Mike M. responded that discussion continues regarding alternative options of the 5 year plan submittals due to the freeze of funding for the 5 Year Plans. A public meeting regarding the interim guidelines feedback is scheduled for September 2, 2009 in Walnut Grove from 1pm to 4pm. Gil Labrie asked if DWR will send out their submittal concerns, so that the meeting will be more productive.

Dave Mraz commented that the Delta Levee Investment Strategy (DLIS) internal review is complete and is currently in the comment period for DWR management. The DLIS is part of the FloodSAFE organization to lay out the priorities of FloodSAFE California. Dave commented that there are some issues regarding the Delta and cost-benefit analysis utilized in the DLIS. Cost-benefit analysis of individual Delta Islands/Tracts is difficult; because the Delta is a system compromised of individual reclamation districts and should therefore be analyzed as a whole system. Dave Mraz commented that he is concerned that the Delta was not included on the critical projects list. Marci Coglianesse commented she thinks that DWR conveys the Delta negatively to the legislature, and proper education of the decisions-makers is necessary for changes to occur. Neudeck commented that cost-benefit ratios are not only difficult for the Delta, but any project, concluding that this analysis is not appropriate. Marci commented on that the Delta conditions meeting was held already and it seems as though DWR has already made

conclusions before public comments were received. Dave Mraz reiterated that the Delta needs to be considered a system and not individual islands.

4. Delta Emergency Operation Plan

Geoff Shaw reported DWR's emergency operations update. Outreach groups are scheduled for later this year. Formal integration with the USACE and DWR continue. A more integrated response system with DWR and the Delta is being formulated. Steve Bradley, DWR, reported that \$36 million is planned for FY 09/10 for emergency operations. Geoff also reported that emergency facility changes are scheduled and hopeful.

5. BDPAC Levee Subcommittee Co-Chairs' Report

Melinda Terry began with an update of the BDCP. A draft conservation strategy presentation was held on July 28, 2009, announcing the release of the 200 page draft conservation strategy. There are several work groups coordinating to resolve various issues. Melinda mentioned that most of the proposed projects are in fact flood projects, and there are not any flood experts currently involved in decision making process of BDCP. There are several dates, most to be determined, for public comment on the draft conservation strategy. A meeting for concerns with the Suisun/Yolo area will be held in Davis, CA on September 19, 2009. The N. Delta, S. Delta and potentially a W. Delta meeting will be held later in September. Melinda asked that all representatives attend the first public meeting and stress their concern regarding the proposed projects not being advised by flood experts. The proposed total goal of the conservation plan includes approximately 80,000 acres, not including 10,000 to 20,000 acres for highways, bridges, etc... The next phase of the BDCP is an effects analysis on the operational criteria. (e.g. Water Quality Standards) Marci Coglianese asked about the potential flow issues, and how they were addressed in regards to the potential sizing and operational criteria. Melinda responded that there is much debate over the operational criteria analysis and there is even debate over the semantics of the title "operational criteria." Marci commented on the cost effectiveness for the alternative foot prints for the canal. Melinda responded that there are many options being considered, including an underground pipeline, but no resolution regarding financing.

Bill Betchart questioned whether the proposed BDCP projects were in fact flood projects, and Melinda Terry quickly recited a project from the draft conservation strategy for the creation of new gates at the Sacramento Deepwater Ship Channel and creation of a lower flood bypass. Marci commented that there is no coordination with anyone from the BDPAC/DLHAC committee. Roberta Groulart emphasized the necessity for coordination and information sharing between the BDCP and the public. Brooke Schlenker commented that the USACE is working towards attaining a seat on the steering committee for permitting issues. Dave Mraz added that DWR executives continue discussion on conflicting ideas regarding the uses of the Delta and that one cannot assume that proposed plans are going to be actually completed. Until actual decisions are made regarding the uses of the Delta, we cannot give up on the levee system. Jay

Chamberlin stated that although a lot of the work for the BDCP has been completed by consultants, although not directly in coordination with DWR staff, it is unfair to say that it was completed without DWR's comments. Melinda Terry added that the intent of the strategy is to be vague and not too specific because it is a planning effort, emphasizing that there is not a flood expert on the steering committee participating in the decisions and planning efforts. Marci added that she will try to attend the next BDCP meeting to stress the need for a flood expert.

Roberta Groulart reported that she had been attending the governance meeting, stating that the BDCP bills are going to a conference meeting committee which consists of 6 members from the Assembly and Senate. The proposal is a package of bills including governance and conservation, which will go directly onto the floor for voting after the conference meeting before going to the Governor's desk for signature. Roberta stated that a policy committee will be meeting soon.

6. Implementing Agencies/CALFED Report

Brooke Schlenker reported that the USACE Levee Stability program is analyzing the proposals from the RD's in regards to the difference in project status since their submission in 2006. The project implementation reports (PIR) are nearly complete. The project management proposals are complete in preparation for the financial cost share agreement (FCSA). There are currently 5 to 6 projects scheduled to be through the PIR process by FY 10' and in construction by FY 11'.

The Delta Island Levee Feasibility Study historically has had funding issues, but recently has reprogrammed funding for further work to be completed. Currently, DILFS is coordinating with DWR to find out the direction the program should go. For the fiscal year 2010, an economics "white" paper has completed with a cost-benefit ratio in plan to justify the project on a national level for long-term planning. The USACE continues integration and coordination with many other groups, including the Delta Regional Work Group, in which the USACE is on the steering committee. Brooke introduced the new USACE Program Manager, Dennis Clark, replacing of Russ Rote.

7. Public Comment

Barbara Daly commented on the redundancy of coordination needs between various government created groups.

An announcement by Steve Bradley was made that the Central Valley Flood Protection Plan meeting will be held on August 4, 2009 in Rio Vista from 9am to 4pm.