

Delta Levees and Habitat Advisory Committee &  
California Bay-Delta Public Advisory Committee  
Delta Levees and Habitat Subcommittee  
Nov. 5, 2004  
The Bay Room  
650 Capitol Mall, 5<sup>th</sup> Floor  
Meeting Notes

**1. Welcome/Self Introductions/Announcements**

The meeting began at approx. 9:08 a.m. Bob Orcutt chaired the meeting. He explained the difference between the two meetings. One basic difference is that the first meeting is about things being done and the second is about things that are being planned or studied.

There were self-introductions.

Paul Bowers of the Corps said that the President had signed HR 2828 on Oct. 25<sup>th</sup>. This bill authorized \$90 million for reconstruction of the levees. He will talk more about it in the second meeting.

**2. Minutes of October 1, 2004 meeting**

Patricia Fernandez of the Authority made a comment about the posting of the meeting minutes on the Authority website. Since not all members had the chance to review the minutes, approval will be withheld until the next meeting. In the future the meeting minutes will be sent out with the meeting notice to subcommittee members.

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

Curt Schmutte of DWR is working on program legislation since the program expires in about 1 ½ years. A concept paper has been prepared to extend the program. Tom Zuckerman requested that the concept paper come to the Levee Subcommittee for review.

Curt handed out the “Delta Levee Maintenance Subventions – Program Status dated Nov. 5, 2004. The Reclamation Board approved the ’04-’05 program budget. There was discussion about the disparity between the initial request and final approval of funds. A Notice of Intent was one idea presented that would be a way of identifying intent of participation in the levee program. Setting priorities was an issue at the last Reclamation Board meeting.

Tom suggested that the amount of the shrink in funds is due to a lack of available equipment and work windows. He asked if the engineers could give a dollar value to this shrink in funds from the amount requested to the amount funded. The program is looking for suggestions to modify the reimbursement application process.

Gil Cosio of MBK Engineering said that most times they don't know how much money is available when they apply for funding in June before the State budget is finalized. \$15,000/mile is the maximum amount funded. Some maintenance districts exceed this amount. The applications also do not include FEMA disaster funds.

Paul mentioned that it helped the levee program morale that many members spoke at the last Reclamation Board meeting in support of the program.

Curt has been working on the Comprehensive Program Evaluation (CPE). There was a suggestion that a Reclamation Board member attend the levee subcommittee meetings. Dave Mraz of DWR has been in contact with Jay Punia of DWR Flood Management. Curt will bring the issue to Dave that there has been a disconnect between the levee Subcommittee and the Reclamation Board. A subcommittee has been formed between DWR and the Reclamation Board to discuss levee program issues.

#### **4. Update on Department of Fish and Game AB 360 Program**

Bob Orcutt reported that they are receiving Subventions claims: 30 claims are in and 30 are final. Five inspections have been performed and five claims approved. To streamline the process the inspections are scheduled prior to receiving claims. DFG is working on two streambed alteration agreements. There are some changes with who writes agreements at his office. Wardens will no longer write agreements. However, agreements will still come to Bob or his staff. DFG is working with DWR on legislation to ensure the language is consistent with the 10-year finance plan. They are controlling weeds on Decker Island and spraying pepperweed on Decker Ph. 2. They are also assisting with CEQA documents by covering state permits for the reclamation districts.

Chris Neudeck of KSN, Inc. said that DFG has been helpful with the pumpout activities after the Jones Tract levee failure. They have been available and cooperative with the reclamation districts.

Dec. 18, 2004 is the proposed date to complete the pump out of Jones Tract. DFG biologists are evaluating if a fish rescue effort will work. Pelicans have been catching the fish off Jones Tract as the water level on the island lowers.

#### **5. Levee Rehabilitation Activities Report by Roberta Goulart**

Roberta Goulart from the Contra Costa Water District (CCWD) has been involved with Delta planning issues since before the regional group that preceded the Delta Protection Commission representing local planning issues for Contra Costa County. CCWD looks at water issues affecting the County. She has been working with the Corps of Engineers on ship channel navigation activities. She has also been working with DWR on the potential for using dredge material from Suisun Bay Channel on Sherman Island. She wants to learn from the levee program and get feedback on a proposal. A copy of her draft proposal was handed out.

Her main issue of concern is levee rehabilitation. She feels that Delta levees have not been given priority through the CALFED process. Ecosystem enhancement should go hand in hand with levee maintenance. The Central Valley Board and DWR have conflicting mandates as it relates to water quality and water supply. The Central Valley Board looks at minutia, not the big picture. She wants to break the logjam to enable the Central Valley to look at the big picture. The Corps is reconsidering its federal navigation role in the Delta because of problems they have experienced from the Central Valley Board. There was a 1999 report that looked at rehandling facilities in the S.F. Bay. In-Delta sediments are being looked at as designated waste. Where will levees get dredge material? A short term solution would be to get waivers from the Central Valley or State Board if necessary to allow levee rehabilitation to work.

The Long Term Management Strategy (LTMS) is a good first step. LTMS for the Delta would look at dredging disposal.

DWR's waste discharge requirements have been stringent enough to not allow material to be brought to Sherman Island for the last two years. DWR met the Corps after the Trapper Slough issue and material could not go to Sherman Island as dredge reuse. Curt said that the Deputy Director of DWR has met with the Corps to discuss this issue.

Due to the LTMS program in the S.F. Bay, dredge material there is no longer available. Also, it is not economical to pump sediment a long distance. The S.F. Bay has four times the dredge material of the Delta. Permit coordination is needed. Margit nominated levee oversight and coordination as the area to spend this funding to address the long-term issues of the Delta.

Curt mentioned the different regulations from different regions. For instance, dredge material from Winter Island in Region 2 cannot be used on Sherman Island in Region 5. He also mentioned that the Port of Sacramento has authority under WRDA 2000 to get financial credit for beneficial reuse as a public entity. He has had a discussion with the State Board about this issue.

Marci told Roberta she hopes she will come back to our subcommittee meetings to bring a land use component discussion to the levee program.

### **Bay-Delta Public Advisory Committee Levees and Habitat Subcommittee**

#### **1. BDPAC Levees and Habitat Subcommittee Co-Chairs' Report**

Tom Z. handed out a draft letter to the Corps of Engineers regarding the subcommittee's interest in cooperating with the Corps in figuring out how to go through the appropriations process to use the funding authorized to the Corps under HR 2828. Paul B. recommended that the letter be addressed to Col. Light since he will be speaking at the Flood Management conference next Tuesday.

## **2. Bay-Delta Levee Program Update**

### **10-Year Finance Plan**

Kate Hansel of CBDA began the discussion on the 10-year finance plan. The latest funding tables were handed out. The numbers in the tables reflect assumptions. There is a finance plan public workshop scheduled for Nov. 15<sup>th</sup>. The plan goes to the Authority on Dec. 8<sup>th</sup> and 9<sup>th</sup>. The plan is still a “plan” and allocations and targets can change. Kate talked about funding targets and how to use available funds for levee maintenance and improvements. Changes have been made since the October 7<sup>th</sup> draft.

The \$12.5 million target for maintenance is status quo funding. The target of \$17 million for maintenance shows some growth based on what we may get out of the program evaluation as well as what locals can support. The \$17 million includes \$1 million for the first 1,000 miles of levee paid for by the local reclamation districts so it’s really a \$16 million program. Kate needs an e-mail from staff regarding the \$1,000/mile to show the changes to state and local share.

The CPE must be finished before bringing in Water User shares. Federal shares are brought in Year 6 up to 65% based on the maximum project split of 65% Fed and 35% non-Fed. The \$90 million for levees in HR2828 is spread over 6 years from 2005 to 2010. The legislation requires the Corps to prepare a report within 180 days and submit it to Congress showing the engineering and environmental documentation, projects, studies, funding, and schedules required to meet the authorization. The 180-day report will also identify the subsequent reports on 1) best management practices for controlling and reversing land subsidence on Delta islands, 2) an emergency management and response plan, 3) a risk management strategy that assesses risks to Delta levees, and 4) an evaluation of Suisun Marsh levees. The Corps is awaiting Federal appropriations before it can begin work based on the authorization. Appropriations for fiscal year 2006 will be released on the President FY06 Budget in January 2005 and with a FY06 appropriations work could begin in October 2005 (start of FY06).

Kate will work with the Corps to fill in the Federal portion. The \$90 million includes coordination, overhead, design and environmental documentation, construction, and supervision during construction. The benefits to the State will be reflected in the text and footnotes of the finance plan.

George B. said that the State legislature came to the conclusion in 1973 that the present configuration of the Delta is essential to the benefit of the State of California to preserve the water quality in the Delta. He hopes the Corps will come to the same conclusion in their report.

## **Suisun Marsh**

Barbara McDonnell of DWR gave a brief background on the Suisun Marsh plan. Following completion of the CALFED Record of Decision (ROD) in 2000, the agencies involved (DWR, U.S. Bureau of Reclamation, DFG, and SRCD) embarked on a mini-CALFED process for Suisun Marsh. There is language in the ROD that says studies will be done to see if there are water quality benefits and ecosystem benefits that justify creating a Suisun Marsh levee program similar to the Delta levees program. However, there was no budget in the ROD for the Suisun Marsh program.

The Marsh involves comprehensive issues such as levee maintenance, permitting, water quality, endangered species, facilities management, etc. Over the last four years much technical work and a science conference has been completed. The project goal is to complete a ROD in 1.5 years. The last four years the Suisun Marsh group has done additional studies on water quality benefits for creating a Suisun Marsh levee program. The land use would primarily stay as it is currently. A request was made to fold in the Suisun Marsh into the Levee Program 10-year Finance Plan straw proposal. The scheduled mailing of the finance plan is Nov. 24<sup>th</sup>. Tom Zuckerman and Marci Coglianesse, the levee committee co-chairs did not feel comfortable putting Suisun Marsh in the funding plan. More time and understanding of Suisun Marsh is needed. It was agreed that it needs to be agency driven to get it into the plan. It was mentioned that Suisun Marsh representatives should regularly participate at levee subcommittee meetings. It was suggested that the Suisun Marsh be put on the agenda for the next meeting.

If the Suisun Marsh plan will not be in the 10-year Finance Plan, Steve Chappell of the Suisun Resource Conservation District (SRCD) requested that it at least be a placeholder so the plan can get the legislation and the recognition as being a part of CALFED. He said that Suisun Marsh levees are an issue that needs to be identified in the CALFED process and needs to move forward in an immediate time frame.

If Suisun Marsh was listed in the straw proposal there would be no allocation for funding in the plan for Suisun Marsh at this point. It was mentioned that the CALFED Ecosystem Restoration Program is funding the planning effort. If the Suisun Marsh is included in the 10-year Levee Finance Plan it would compete for the same funding as the Delta Levee Program. Margit noted that it is important to know if the funding for the Marsh needs to be established during or after the planning process.

Curt said the Suisun Marsh will incorporate levee improvements and habitat enhancements with water quality and ecosystem benefits. He suggested a separate committee be formed for Suisun Marsh. But Margit felt that it would not be effective to have another subcommittee given all the subcommittees CALFED has currently.

## **Comprehensive Program Evaluation (CPE)**

More information is needed for the CPE. A budget must be developed and the evaluation must be complete in 3 years. We are in the early scoping stage. There is no dollar target for the evaluation now but Kate will continue to talk to DWR. A proposed funding mechanism is needed to keep the process going.

Tom said that that origin of re-evaluation of the levee program stems from the water user fee issue. Water users want to know how they will benefit from the program before they will commit funding. It needs to be made clear what the CPE is for to help us decide where to spend the dollars we have. We need to clearly define what this study needs to evaluate. What issues do we not clearly understand? We need to recognize revised targets and set priorities. We must recognize the system of levees and complete the studies we have going such as the Risk Assessment Study.

Marci commented that it is very disturbing in light of the recent Jones Tract levee failure that there could be another failure relating to seismic issues and we are still trying to finish our Risk Assessment Study. She urged DWR to come up with a scoping process that will get to some conclusion to what the funding will be for and propose a funding mechanism that keeps studies going.

The State Water Contractors (SWC) are looking at the levee program with a lot of interest and working with DWR. They are focusing on the level of water supply reliability to bring information to the SWC Board. We need to demonstrate what we've done, where we are, and where we need to go. Tom Z. extended an open invitation to SWC to attend our levee subcommittee meetings.

### **3. Public Comment**

Marci received some comments on the draft subcommittee letter. She will incorporate the comments and finalize the letter.

### **4. Adjournment**

The meeting adjourned at approx. 11:30 a.m. The next meeting will be held Friday, December 3, 2004 at 650 Capitol Mall, 5<sup>th</sup> Floor in the Bay Room from 9 a.m. to 11 a.m.