

**CENTRAL VALLEY FLOOD
PROTECTION BOARD
EXECUTIVE OFFICER'S
REPORT
September 28, 2018**



**ENVIRONMENTAL SERVICES AND
LAND MANAGEMENT BRANCH**

Status Report and Work Activities

Environmental Services Section

1. Project Planning and Coordination

- **Yolo Bypass/Cache Slough Complex Partnership Implementation**
 - Board staff are continuing to participate in the Yolo Bypass/Cache Slough Complex Workshops. The purpose of the workshop is to build a shared regional and state agency vision for the Yolo Bypass/Cache Slough Complex. The Project Working Group discussed the Program Management Actions that will provide the framework upon which the Yolo Bypass Partnership (Partnership) will establish next steps and future actions. The participants plan to bring this work effort to the Partnership at an October 2018 meeting. Board staff is assigned to the Programmatic Section 408 Permitting sub-group. An informational briefing with DWR will be presented to the Board this month.

2. State Agency Committee Meetings and Coordination

- **Delta Levee Habitat Advisory Committee Meeting (DLHAC)**
 - Board staff attended the monthly meeting on Friday, September 14, 2018. The Committee presented a history of Delta subventions activities. The Delta Stewardship Council (DSC) provided an update on the DWR/DSC/CVFPB MOU Implementation Workgroup. The DSC will report on the integration between DWR's Delta Special Projects Proposal Solicitation Package (PSP) at the DSC October 2018 meeting.

- **DWR/DSC/CVFPB MOU Implementation Working Group**

- Board staff attended the September 19th meeting of the DWR/DSC/CVFPB MOU Implementation Working Group. The objective of this bimonthly meeting group is to share information, coordinate, and work collaboratively on Delta levee programmatic activities. Discussions at the September meeting included the Delta Levee Special Project Solicitation Packages (PSP), co-management of the Delta Levee Investment Strategy Decision Support Tool, and the upcoming October 17, 2018 California Water Commission meeting. DWR and DSC staff will provide a joint presentation on the PSP and Delta Levee Investment Strategy at this meeting. The next meeting of the DWR/DSC/CVFPB MOU Implementation Working Group will be on October 3, 2018.

- **CVFPB Non-Federal Sponsor Permitting Support for USACE Section 408 Decisions**

- Board staff assisted the USACE with six (6) Section 408 requests requiring tribal consultations pursuant to Section 106 of the National Historic Preservation Act (NHPA). Under Section 106, federal agencies are required to consider the effects of federal projects on historic/tribal properties. The USACE has requested Board staff assistance to obtain access to non-federal land because under USACE regulations, the USACE does not grant or negotiate right of entry to non-federal land for third parties and Tribes. The assistance that Board staff provides is key to completing Section 106 consultations required prior to USACE Section 408 approvals and subsequent Board approvals for encroachment permits.

Land Management Section – Sacramento-San Joaquin Drainage District (SSJDD)

1. Local Assessments

- County assessments for levee repair and maintenance are being paid on an ongoing basis. A Thirty-year pre-payment was made to SAFCA for Capital Assessment District (CAD) in 2008, but said CAD district was dissolved and the new Capital Assessment District 2 (CAD 2) was formed. Sacramento County was mistakenly invoicing SSJDD for said assessments. This situation has now been resolved, and the thirty-year payment credit has been carried over to the CAD 2 assessments for SSJDD.

2. Leases

- Work is ongoing with the State Lands Commission (SLC) for the development of a scope of work to manage CVFPB-owned oil and gas leases. The DWR Accounting Office has submitted the annual financial statements for Oil and Gas Leases and Traditional Agricultural Leases. Accounting has received \$600,050.00 in rents and \$73,260.81 in royalties for Oil and Gas leases for the Fiscal Year 2017 – 2018.
- SSJDD Mineral Rights - SSJDD has one lease for sand excavation under lease with Asta Construction Company, located in Rio Vista, CA. For the Fiscal Year 2017 – 2018, SSJDD received \$40,000 annual rent and \$512,337.11 in royalties.
- Work is ongoing to renew the CVFPB's leases (Term 30-years) from SLC for levee construction, bank protection, and maintenance at six locations: Sacramento River, Feather River, American River, Georgiana Slough, Steamboat Slough, and Cache Slough.
- **Lease Renewals – Fair Market Value**
 - Board staff are determining the best option for obtaining fair market value for SSJDD leases. Considerations include the use of contracted appraisals or Department of General Services (DGS) drafted appraisals. Property descriptions, updated maps and exhibits for SSJDD leased properties for appraiser(s) are in progress.
 - Board staff is developing a public bid process in compliance with DGS public bid procedures for SSJDD lease renewals. Leases are being analyzed based on Bid Process eligibility and exemptions from the Bid Process. Contact with DGS Property Manager for guidance is ongoing. Bender Rosenthal Inc. has been hired to appraise the Schreiner Lease & property to facilitate the Bid process consistent with DGS Bid and Lease review process.
 - The CVFPB tenant, Asta Construction Company, Inc. is operating in a holdover status. The firm provides sand for levee repair to DWR and flood control agencies in the Sacramento area. To facilitate the DGS Bid Process, a minerals and land appraisal is required to determine the value of the site. SSJDD is negotiating with DWR's contract appraiser for mineral and land values. The estimated deliverable date is September 2018. Randy Bertholf, a specialist in mineral appraisals, has been selected to appraise the mineral value of the property.

- CVFPB staff received a proposal from Groteguth Farms to lease property near Chico for grazing on approximately 400 acres. Based on property reviews with DGS, the leases will be subject to and undergo an open bid process. The lease has been appraised as required prior to advertising on DGS's website, Financial Information System for California (FISCAL).
- Bender Rosenthal, Inc. has submitted its restricted appraisal for SSJDD's leasehold value for a 140-acre property (Schreiner Lease) planted in lima beans and white corn, situated in Meridian, Sutter County. The lease expired and is currently being leased on a holdover basis. The appraised lease value is \$350 per acre, otherwise an annual rent of \$49,000. This value will be used toward a public Bid Process to establish a new lease.

3. Real Property Conveyances and Real Estate Transactions for Board Encroachment Permits

- Acquisitions are in process for flood control levee easements (or licenses) as required by permit conditions for the following Encroachment Permits (EP):

EP No. 18313 - West Sacramento Area Flood Control Agency (WSAFCA),
West Sacramento, CA;

- Applicant wishes to construct a 3,000-linear-foot seepage cutoff wall on the crown of the left (south) bank levee of the Sacramento Bypass, and to construct a 1,000-linear-foot seepage cutoff wall on the crown and relief wells on the landside toe of the right (west) bank levee of the Sacramento River.

EP No. 18257 - Atlas Tract Reclamation District (RD) 2126, Stockton, CA;

- Applicant applied to place engineered fill to relocate approximately 4,000 linear feet of existing project levee approximately 40 feet to the west of the existing levee including all necessary access ramps and embankment materials to accommodate a future perpendicular crossing of the relocated levee for extension of Otto Drive to the west between Bear Creek and Mosher Slough.

The work remaining involves needed land exchanges between the Developer, Spanos, the City of Stockton and the SSJDD. DWR's Geodetic Branch reviewed the legal description and maps. Currently, staff is awaiting corrected documents from the applicant to issue the final deeds.

EP No. 17858 - Mossdale Marina, Lathrop, CA;

- The land exchange at the Marina has been on hold in conjunction with the City of Lathrop's vacation of existing right of way of adjacent Stewart Road and the dedication of new right of way, consistent with updated improvements. SSJDD Acquisitions has reached out to the applicant and is working to determine what will be required for any future SSJDD acquisitions.

EP No. 15178-1 - Marysville Wastewater Treatment Plant (WWTP) easement;
EP No. 14455 - License Renewal for gas line in the Sutter Bypass;

- DWR Geodetic Branch is working with TRLIA and City of Marysville to perfect legal descriptions and deeds. A new package with proposed deeds and maps has been received for review.

EP No. 14389-1 - The Rivers Development (Formerly West Levee Lighthouse Marina), West Sacramento, CA;

- Seven of nine acquisitions are fully executed and recorded; seven Litigation Guarantees were acquired and reviewed; the last remaining two easements are with the applicant for consideration and execution.

4. Property Access, Easements and Parcel Acquisitions

- SSJDD Property Descriptions – Board staff are verifying existing SSJDD flood control property rights; legal descriptions for state standards; and providing exhibits. DWR's Geodetic Branch work is ongoing to resolve out-of-date SSJDD land surveyor drawings and tracings. DWR staff is creating geographic information system (GIS) shape files that will include existing SSJDD leased parcels, clarify map details and improve storage and retrieval of CVFPB property holdings (deeds, documents, and maps).
- Easement Acquisition – Negotiations are ongoing to acquire an easement from the City of Sacramento for an existing water line within the Garden Highway levee near Orchard Lane. The City of Sacramento is working to provide the necessary legal description documents for staff's review.
- Easement Acquisition – The U.S. Bureau of Reclamation (USBR) has applied for an Encroachment Permit to construct a four-pump water-lift station and water pipeline system that will provide federal water to the Sutter National Wildlife Refuge Area. The water lift station and pipeline will be located at the

east borrow ditch levee of the Sutter Bypass. Board staff are working with USBR and U.S. Fish and Wildlife Service (USFWS) to provide an easement for the construction. CVFPB and USBR have negotiated a two-year Temporary Entry Permit (TEP) for Biological Site Surveys and Topographical Site Surveys.

- Easement Acquisition – Board staff are coordinating with Caltrans to allow entry on to SSJDD parcels for the replacement of the Wadsworth Canal Bridge on Highway 20. Caltrans has proposed the use of a Memorandum of Agreement to allow entry.
- Parcel Acquisition – Work is ongoing to acquire a parcel in fee from the American River Flood Control District (ARFCD) on La Rivera Drive at Howe Avenue along the left bank of the American River, to establish a staging area to support emergency flood-fights. ARFCD will be responsible for operations and maintenance of the parcel. ARFCD's land surveyor is drafting a legal description for DWR Geodetic Branch's review.
- Parcel Acquisition – Natomas Basin, Reach B: six appraisals have been received, two of which will go to DGS for review; negotiations with Bender Rosenthal, Inc. are planned for the remaining four. Natomas Basin, Reach H: prepared offers were sent out to property owners; subsequent meetings are ongoing until documents are executed.