

CENTRAL VALLEY FLOOD PROTECTION BOARD EXECUTIVE OFFICER'S REPORT

October 26, 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 participated in the Yolo Bypass/Cache Slough Complex Partnership (Partnership) Workshop on October 12th. The purpose of the workshop was to present a shared vision for the Yolo Bypass/Cache Slough Complex with the federal partners in attendance. The Partnership discussed the program management actions that will provide the framework upon which the Partnership will establish next steps and future actions. The next meeting of the executive-level members of the Partnership is tentatively scheduled for November 14, 2018.

2. State Agency Committee Meetings and Coordination

- **CVFPB Non-Federal Sponsor Permitting Support for USACE Section 408 Decisions**
 - The U.S Army Corps of Engineers posted draft documents for the Categorical Permission for Section 408 Requests on October 9, 2018, and has an open public comment period until November 8, 2018. In accordance with Engineering Circular (EC) 1165-2-220, the Sacramento District proposes to implement a categorical permission in order to create efficiencies in the review process for Section 408 requests for minor alterations to USACE projects within the civil works boundaries of the district. The proposed Categorical Permission would encompass a list of potential alterations that are similar in nature and have similar impacts. Draft documents for the Categorical Permission for Section 408 Requests can be found at:

http://www.spk.usace.army.mil/Portals/12/documents/usace_project_public_notices/408_Documents/CategoricalPermission_PublicDraft_04October2018.pdf?ver=2018-10-05-105640-107

- Board staff assisted the USACE with three (3) 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 in requesting 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.

- USACE 408 Completeness Determinations - The USACE will begin to send out to the CVFPB, as the non-federal sponsor/Section 408 requestor, correspondence that identifies incomplete encroachment permit applications. The oldest applications will be reviewed first. The notifications will include a 30-day response period based on the new EC 1165-2-220 Policy and Procedural Guidance for Processing Requests to Alter USACE Civil Works Projects Pursuant to 33 USC 408. CVFPB and USACE staff will be coordinating efforts for contacting encroachment permit applicants on responses received and next steps.

- **Delta Levee Habitat Advisory Committee Meeting(DLHAC)**
 - Board staff attended the monthly meeting on Friday, October 5, 2018. 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) and Delta Levee Investment Strategy at the California Water Commission's October 17, 2018 meeting. DWR Delta Levees Program reported that the Delta Levees Special Flood Control Projects Draft PSP is out for public review and comment.

- **DWR/DSC/CVFPB MOU Implementation Working Group**
 - Board staff attended the October 3, 2018 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. The October meeting included a discussion of DWR and DSC's joint presentation on the Delta Levees

Special Flood Control Projects PSP and Delta Levee Investment Strategy at the upcoming October 17, 2018 California Water Commission meeting. The next meeting of the DWR/DSC/CVFPB MOU Implementation Working Group is not yet scheduled.

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. SSJDD has paid approximately \$1,854 in Levee District Assessments for this month.

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.
- 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 BidProcess.
 - 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. Bender Rosenthal, Inc. has submitted its restricted appraisal for SSJDD's leasehold value for Asta Construction lease for gravel and sand extraction. The leasehold property is under environmental preliminary review to be eligible for continued lease purposes.

- 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). The leasehold property is under environmental preliminary review to be eligible for leasing out.

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 – Board staff are continuing to coordinate with Caltrans to allow entry on to SSJDD parcels for the replacement of the Wadsworth Canal Bridge on Highway 20. The encroachment permit is

expected to be completed late this year.

- Parcel Acquisition – Phase 1 Environmental Review began this month. 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.