

CENTRAL VALLEY FLOOD PROTECTION BOARD EXECUTIVE OFFICER'S REPORT

January 26, 2018



ENVIRONMENTAL SERVICES AND LAND MANAGEMENT BRANCH Status Report and Work Activities

- **2017 Central Valley Flood Protection Plan Conservation Strategy Implementation Advisory Committee**
 - The first meeting of the Advisory Committee post 2017 Central Valley Flood Protection Plan (CVFPP) adoption was held on December 13. Topics included methods to improve permitting efficiencies and the development of processes to track ecosystem and flood benefits and progress relative to the 2017 CVFPP goals. The second meeting will occur on January 24, at 1:30 p.m. at the Joint Operations Center and will include a presentation by DWR on tracking and metrics and an update on the Feather River Habitat Conservation Plan. There will also be a presentation by MBK consultants regarding the corridor management planning activities along the Bear River.

- **USACE Sacramento District Annual Awards Ceremony**
 - Board environmental staff attended and provided input for the recommendation of Ryan Larson, Chief of the Flood Protection and Navigation Section, for the George Weddell Award for Professional Excellence on December 15th, 2017. Mr. Larson was awarded and recognized by his peers for his work in 2017. The purpose of the George Weddell Award is to recognize the Sacramento District professional whose performance, over a period of one year or more, has reflected the highest level of professionalism within his/her chosen discipline.

- **Lower Elkhorn Basin Levee Setback Project - Yolo and Sacramento Bypasses**
 - The Department of Water Resources (DWR) plans on releasing the Draft Environmental Impact Statement/Environmental Impact Report (DEIS/EIR) for public review in March 2018. DWR environmental staff will likely give an information briefing to the Board prior to the release of the public draft. The Draft EIS/EIR will have a 45-day public review period. Board staff are continuing to participate in the Project Delivery Team meetings for early and ongoing coordination for design and environmental planning activities.

- **Yolo Bypass Core Biological Opinion (BiOp) Planning**
 - Board staff continues to participate in the Yolo Bypass Core BiOp Planning effort. The U.S. Bureau of Reclamation (USBR) is the lead agency in accordance with NEPA and DWR is the CEQA lead agency for the preparation of the Yolo Bypass Salmonid Habitat Restoration and Fish Passage Draft EIS/EIR. Board staff are continuing to work with DWR and USBR to identify issues related to permitting and consistency with the CVFPP. A Draft EIS/EIR was released in November 2017 for public comment. Public meetings to accept oral and written comments are scheduled for January 17, 2017 in Woodland and January 18, 2018 in West Sacramento. Public comments are due February 15, 2018. A Final EIS/EIR is expected to be released in October 2018.

- **Marysville Ring Levee Project**
 - DWR and USACE plan to release the Marysville Ring Levee (MRL) Draft Environmental Assessment/Initial Study/Mitigated Negative Declaration (EA/IS/MND) for public review in March 2018. The draft EA/IS/MND will have a 30-day public review period. DWR and USACE plan to host a public meeting on the Draft EA/IS/MND in Marysville, this meeting is intended to inform the public and stakeholders of the EA/IS/MND, the Project elements and construction schedule. DWR environmental staff plan to give an informational briefing to the Board prior to the release of the Draft EA/IS/MND. Board staff continues to coordinate with DWR staff regarding the MRL project, the EA/IS/MND, and upcoming public meeting.

- **Feather River Habitat Conservation Plan (HCP) EIS/EIR**
 - A draft HCP was made available in December 2017 for internal agency review. Board staff will continue to work with DWR staff, attend future meetings, review the Draft HCP and continue to coordinate on a Draft HCP EIS/EIR.

- **Western Pacific Interceptor Canal (WPIC) Culvert Replacement Project - WPIC**
 - Board staff presented the WPIC Culvert Replacement Project to the Board at the December 15, 2017 Board Meeting, recommending the Board consider adopting of the Initial Study/Mitigated Negative Declaration (IS/MND), the Mitigation Monitoring and Reporting Plan (MMRP), and to approve the project through Resolution 2017-12. The Board approved Resolution 2017-12 at the December 15, 2017 Board meeting, adopting the IS/MND, MMRP and approving the WPIC Culvert Replacement Project. Board staff continues to coordinate with DWR staff regarding schedule and budget. Board staff is continuing to work on securing the necessary permits for construction of the Project. The Project will likely begin during the 2018 construction season.

- **Encroachment Permitting Assistance**
 - Environmental staff are continuing to assist encroachment permit applicants by conducting pre-application meetings to discuss compliance with the Board's

regulations under Title 23 and Title 33, USC Section 408. On January 11, 2018, Board staff conducted a pre-application meeting at the request of the City of West Sacramento for the Riverwalk Trail Extension Project. The proposed project extends the existing riverwalk trail north along the Sacramento River levee in West Sacramento in Yolo County.

- **Delta Levee Habitat Advisory Committee Meeting**

- Board staff attended the Delta Levee Habitat Advisory Committee Meeting on Friday, January 5, 2018. Local maintaining agencies in attendance continued to voice concerns that Assembly Bill (AB) 732 was not approved this year. AB 732 would have extended the July 1, 2018 sunset date to July 1, 2020 for the Delta Levees Maintenance grant program cost-share provisions. A request was made for a Delta Stewardship Council Member to attend the next meeting on February 2, 2018 at 9:30 a.m. at the Joint Operations Center.

- **Delta Levees Investment Activity Interagency Coordination Group**

- Board staff participated in five meetings with the DSC/DWR/CVFPB Delta Levees Investment Activity Interagency Coordination Group. The group discussed AB 97 budget language requiring written certification of consistency of DWR's Delta Levees Special Projects Proposition 1 funding with the Delta Levee Investment Strategy (DLIS). The group also discussed how to build Delta Stewardship Council's DLIS prioritization into the Delta Levees Special Projects guidelines and proposal solicitation packages in the future.

**RIGHT-OF-WAY AND REAL ESTATE
SUPPORT**
Status Report and Work Activities

- **Sacramento-San Joaquin Drainage District (SSJDD) Leases:** Below is a summary of completed and recommended activities to the SSJDD leases:
 - Work is ongoing with DWR Fiscal Staff to ensure lessees make payments in a timely manner. For Oil & Gas Lease No. 650, SSJDD received annual rents for 2018 from Atlantic Oil Company in the sum of \$2,345.25; covers 469.05 acres.
 - Billed PG&E annual rents of \$25.00 for access/pole line easement under deed contract No. 912, located in east Sutter County. Period covers 2018.
 - Work is ongoing fielding lessee calls regarding a variety of property issues. Sutter County Tax Assessor's Office issued Possessory Interest Notice to SSJDD; lease status said SSJDD property verified to county.
 - CVFPB Lessees are required to participate in a state-wide discharge water control program by registering with local discharge water regulating authorities (in lieu of lessee participation property owners would be mandated to register, participate and provide required fees). All CVFPB lessees required to participate are now registered locally, consistent with the program as mandated by Central Valley Regional Water Quality Control Board.
 - Work is ongoing with the State Lands Commission (SLC) to create a system whereby the scope of work of the interagency agreement between the Board and the SLC to administer the SSJDD oil and gas leases is maximized to the benefit of the Board.
 - Work is ongoing to determine best option for obtaining current fair market value for SSJDD leases, to obtain updated maps and exhibits for SSJDD leased properties, to obtain a legal review of relevant Water Code of SSJDD lease public bid process to ensure proper procedures are followed in lease renewal process, and to prepare SSJDD lease renewals.
 - Work is ongoing to convert out-of-date SSJDD land surveyor drawings and tracings to aerial picture shape files of existing SSJDD leased parcels.

- **Real Property Conveyances:** *real estate transactions resulting from Board approved permits.*
 - Work is ongoing to acquire flood control levee easements or licenses as a special condition of the following Permits:
 - No. 18313 for West Sacramento Area Flood Control Agency (WSAFCA), West Sacramento, CA
 - No. 18257 for Atlas Tract Reclamation District (RD) 2126, Stockton, CA
 - No. 17858 for Mossdale Marina, Lathrop, CA

- No. 15178-1 Marysville Wastewater Treatment Plant (WWTP) easement
- No. 14455 License Renewal for gas line in Sutter Bypass.
- ** Working with five grantors on nine easements on forty-three parcels to finalize flood control levee and slope control easements as a special condition of Permit No. 14389-1 for the Rivers Development (Formerly West Levee Lighthouse Marina) West Sacramento, CA. With seven of nine fully executed and recorded, seven Litigation Guarantees were acquired and reviewed; the last two easements have been executed and by the grantor and are being processed for recordation.

- **Right of Way and Real Estate Support Activities**

- Work is ongoing to provide real estate support services in conjunction with the DWR Geodetic Branch for the Board in the form of verifying existing SSJDD flood control property rights and providing exhibits. The Geodetic Branch continues to verify existing SSJDD flood control property rights and to provide exhibits as needed.

- **Other Miscellaneous Activities**

- Working with Lake County Department of Water Resources, on multiple invoices (annual assessment) for local flood fighting, levee maintenance and levee patrolling of Zone 8 levees. Lake County reports CVFPB is 17 years in arrears. CVFPB Real Estate staff is working to resolve discrepancy.
- Working with Board of Equalization for payment of Assessment charges in the sum of \$186.39 for period from 07/01/16 to 6/30/17. The assessment has been paid.
- Work is ongoing to acquire a parcel in fee from the American River Flood Control District (ARFCD) on La Rivera Drive at Howe Avenue on the left bank of the American River for the primary use of establishing a staging area to support emergency flood fights; ARFCD will be responsible for O&M of the parcel. ARFCD's land surveyor is drafting a legal description.
- Negotiations are ongoing to acquire an easement from the City of Sacramento for a water line in the Garden Highway levee near Orchard Lane and for an existing water line the City recently acquired. The City is working to provide the necessary legal description documents for staff's review.
- Working with Board Staff, USBR Staff & USFWS Staff to provide access on to a SSJDD Parcel for the Sutter National Wildlife Refuge Lift Station Project. USBR to seek permit for water lift station construction at East Borrow Ditch levee and water pipeline to refuge. Request for EP in process.
- Board staff is coordinating with California Department of Transportation (Caltrans) and DWR Geodetic Branch Staff on two Caltrans highway widening projects (Highways 20 and 99); Caltrans is seeking access onto SSJDD parcels for construction for replacing the Wadsworth Canal Bridge on Hwy 20. The Hwy 99 widening project has already been completed. Caltrans is seeking to acquire

portions of fee owned SSJDD parcels for these two projects. Currently, Caltrans is working with Board staff to acquire the necessary permits. Staff is also working with Caltrans staff to provide them temporary access during construction pending the permanent acquisition of an easement of flood control rights.

- Staff is working with Western Area Power Administration (WAPA) and Sacramento Municipal Utility District (SMUD) to provide access to approximately a dozen SSJDD parcels in Sutter County to perform studies for an environmental review for the purposes of creating an EIR/EIS for options to install a new transmission line across these parcels. The studies are estimated to take three (3) years to complete.
- Work is ongoing fielding calls from interested parties to provide documentation of ownership rights:
 - CVFPB recently provided Jay Punia, Wood Roger, Inc., copies of standard covenants and restrictions of CVFPB flowage easements.
 - CVFPB/DWR Geodetic Branch provided deed and agreement search to attorney Nomellini for RD 17 Union Pacific Rail Road Crossing at Mossdale, CA. Documents were between Western Pacific Rail Road Company and SSJDD.
 - Provided deed information to Public Records Act request made by property owner Douglas McDonald. Information passed to Lorraine Pendlebury at the Board.
- Work is ongoing with DWR Geodetic Branch and Chris Ragan, P.E., of McKay & Soms, on Lathrop South Commerce Center to satisfy state's geodetic requirements prior to taking further action. (State requires all maps/legal descriptions to be accurate and consistent.) Mr. Ragan wants CVFPB to waive it's right to veto/comment (to City of Lathrop) on the parcel subdivision of an adjacent parcel intended to be a part of the Commerce Center. Geodetic is reviewing maps for discrepancies; inconsistencies still exist.