

Draft Meeting Notes
CALFED Bay-Delta Program Levee and Channel Technical Team
Assurances Workgroup Sub-Team
December 17, 1997 at 2:00 pm in room 1603 of the Resources Building

Attendance List:

Rob Cooke, CALFED (chair)
Lester Snow, CALFED
Michael Norris, DWR Central District (minutes)
Lynn O'Leary, Corps of Engineers / CALFED
Margit Aramburu, Delta Protection Commission
Gilbert Cosio, Murray Burns and Kienlen
Mike Heaton, CALFED Consulting Team
Tom Zuckerman, Central Delta Water Agency
Gwen Knittweis, DWR
Alex Hildebrand, South Delta Water Agency/San Joaquin Region Flood Control Association
Don Wagenet, Resource Management International (RMI) Inc.

Rob Cooke convened the meeting. Rob had everyone introduce themselves.

Rob outlined the agenda for the meeting including sub-items A through D under item "V" on the page numbered "10" in the handout which is the version of the Delta Levee System Integrity Plan that has been seen by the BDAC Assurances Workgroup. According to Mike Heaton, the handout is a "Draft Assurances Proposal" that went to the BDAC Assurances Workgroup on 11-25-97 and it represents a "strawmans proposal". Previous versions have been discarded.

Tom Zuckerman said we needed to get away from the idea that we needed \$1 billion or \$2 billion to fix the Delta and instead latch on to the idea that we need \$25 million (or some other number) annually on a continual basis. Tom said we can't do all the work at once anyway and we need to introduce the concept of a "steady stream of financing" in order to revive Delta interests. Alex Hildebrand reminded the group that there could be problems with getting the work done if we only had permission to do the work during the month of October for instance.

Margit Aramburu said a steady stream of financing has the benefits of rotating the impacts. Margit said it's best to pick a maximum number of Delta levees (say 10%) to work on each year.

Rob said that he hoped that all the money made available to Levee System Integrity would go to levee rehabilitation and not to habitat mitigation work. Margit suggested a habitat mitigation bank or oversight from an agency like Fish and Game.

Alex said the problem in the Delta is that we no longer have the equipment and a steady stream of financing will revive Delta interests and result in the equipment becoming available in the future.

Lester Snow arrived at the meeting and said he agreed with the concept of a steady stream of financing. Lester said we need a "Delta Conservancy" of sorts so we can tie into the Habitat Conservation Plan (HCP). It was mentioned that the mission of the Delta Protection Commission (DPC) might be rewritten for this sort of thing.

Funding for Delta improvements were discussed by the group. Lester floated the notion of conditioning a permit on monies being made available to something else like Delta levee improvements. Lester felt that both the ecosystem and levee programs need to be linked to potential water supply alternatives to guarantee that those programs continue in perpetuity. Alex wondered about conditions being attached to projects and gave the example of the salinity standard at Vernalis not being met even though it was attached as a condition to USBR dams. The notion of selling bonds for annual levee maintenance was discussed and the group didn't think that was doable. Lester pointed out that accumulated interest from bond sales goes to the General Fund and cannot be set aside for something like maintenance. The group wondered if a budget could be passed that set aside a certain percent for levee work (like what happens with education) but the group didn't think that would fly either.

In addition to a steady stream of financing, Tom thought we needed linkage with issues like permit streamlining and the Endangered Species Act (ESA).

The notion of "supplemental funding" was discussed and the group didn't not think that was a reliable funding source and used the example of the monies being taken away from Senate Bill 34 when the legislature knew that \$25 million was available from Proposition 204.

Lester mentioned that boating and water fees are what has supported Delta programs in the past but it would be difficult to expect those groups to start paying for levee improvements now.

Rob said we need an off-levee habitat banking system and Margit said its being done right now by Fish and Game. However, Gil Cosio noted it's hard to get projects through.

Alex said we should have habitat being put on the levees but off of them. Lynn O'Leary said some habitat on the waterside can serve to protect the "levee proper" and used Staten Island as an example.

Tom said that the results of the monitoring program for Delta Smelts (that is done for the operation of the pumps) is not being released for use to the reclamation districts for their levee projects. Tom said the districts are being told that the monitoring is not specific enough to be certain there are no Delta Smelt present. Rob thought a consultant from Mega Sand is using the monitoring results for his projects. Tom thought the blanket attitude of "no you can't do any work because there might be one Delta Smelt out there" causes a lot of problems.

Rob moved on the next topic and passed out a list of Assurances dated 12-17-97. There was discussion about whether these assurances were meant to be for "Alternative 3B" which was the

alternative that groups had used as an exercise. It was thought that the BDAC Assurances Workgroup used "3B" but the Levee Assurances Sub-Team didn't have to. Mike Heaton thought it was useful to assume "3B" and then put forth levee assurances based on that. However, Alex didn't think there was any way to assure Delta interests based on "3B".

Tom said the groups he interact with don't have a problem with Alternatives 1 or 2 but Mike Heaton said the USFWS is adamantly opposed to Alternative 2.

Rob discussed "averaging of costs" and used an example of where we might have \$20 million one year and \$40 million the next. The group wondered whether costs could be carried forward to following years.

Rob discussed "cost sharing" where the locals pay their share with things they already have like easements. "Priorities" were discussed and Tom didn't think that concept was supposed to mean that Bouldin Island work had to be totally completed before Empire Tract could start their work as an example. Limitations on work was discussed and Gil noted that the Subventions Program presently has a cap on levee work of \$100,000 per year per mile of levee.

Under Design and Construction Management, the wording of "an organization comprised of local interests" was discussed and the idea of using the DPC for this was again discussed.

Margit asked about the "Base Level Protection Plan" and Rob noted it was PL84-99 for levee design and \$30 million per year for funding.

Alex asked about a definition for Special Projects and Rob said it was "above and beyond the minimum standard". Alex wondered about the basis for selecting Special Projects.

Local cost sharing with monies occurs at the Special projects level. Rob said it was a new concept that the locals would pay their local share with easements at the Base Level. Michael Norris thought that Dante Nomellini had floated the notion at the Levee and Channel meeting the prior week of the locals cost sharing with monies at the Base Level but not at the Special Projects level, the latter being funded 100 percent by the State. Alex was pretty sure his district would require cash payments to farmers adjacent to levees from farmers who were not adjacent to the levee if it meant, in the case of the former, that the farmers had to give up their land.

The notion of the Environmental Restoration Program Plan (ERPP) paying for environmental levee enhancements that Special Projects might otherwise have to pay and again noted he hoped all Special Projects monies could go to levee integrity.

The group briefly discussed the prioritization process and noted most monies in the past had been spent on land the State owned and the State was the one setting the priorities.

Don Wagenet thought the \$30 million for Base Level and \$10 million for Special Projects should

be entirely separate entities. Margit wondered if we needed \$10 million for Special Projects annually forever. Lynn said they would rework the prioritization process and better define Special Projects.

With regards to Subsidence Control, Margit thought we didn't know enough right now to ask for \$5 million per year being set aside. The notion of a grant program being instead put into place was discussed and this concept was accepted. Michael Norris wondered whether farmers paying their local share at the Base Level with land easements could be extended to include a buffer zone away from the toe of the levee to serve for subsidence control but the group didn't think the locals would accept this at all. It was discussed that we didn't know enough about subsidence control to know if the buffer zone should be 400 feet or 2000 feet and both ranges have been presented in the past.

Tom thought the access problem had to be addressed. He noted that there could be problems down the road if there was an implication that access to the levees would be provided to all. Rob thought that levee integrity is more important than recreational access but Tom didn't think we needed to make any more enemies than we already had and the recreational sector could protest if that statement was advertised. It was decided to scratch the sentence.

Rob said the discussion material needed to include a viable emergency response plan and Rob said it wasn't there because he simply ran out of time and couldn't write a separate page for every topic. There were questions to consider on the last page of Rob's handout. Rob noted that topics like the Endangered Species Act that Lester had discussed aren't on the handout and would probably have to be added.

With regards to "strings and conditions for levee improvements above PL84-99", it was noted by the group that they didn't want integration of the levee group and ERPP and this could present a problem down the road although Rob thought there could be integration in some areas. Rob assured the group that Dick Daniel stated that ERPP components would never jeopardize levee integrity.

Rob concluded the meeting by noting he would put together a revised packet to be sent to the meeting attendees before the regular meeting of the Levee and Channel Technical Team that was scheduled for January 7, 1998.

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