



# Sutter Butte Flood Control Agency

*A Partnership for Flood Safety*

September 8, 2021

**TO:** Board of Directors

**FROM:** Michael Bessette – Executive Director

**SUBJECT:** Receive and File Program/Project Update Report

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## Recommendation

Receive and file the September 2021 Program/Project update report and receive staff's monthly Program/Project presentation.

## Background

The purpose of this report is to provide a regular, monthly update on SBFCA program and project activities:

### *Proposition 68 Sediment Management Project*

The Live Oak Boat Ramp project began construction on July 18. The contractor, Dixon Marine Services, Inc., has successfully completed all contract work and final inspections are now taking place. The work that was completed included; temporary removal of boat dock, removal of invasive primrose vegetation, dredging of sediment, off-haul of sediment and vegetation, resurfacing and restriping of parking lot.

The Yuba City Boat Ramp project, also being constructed by Dixon Marine Services, Inc., began in-water work on July 23<sup>rd</sup> after receiving the required 404/408 approvals from the U.S. Army Corps of Engineers (USACE). The contractor is currently working 12 hours per day, seven days per week in order to remove as much sediment as possible prior to the cutoff date of October 15. The work that is taking place at this project site includes; temporary removal of boat dock, dredging of sediment, replacement of boat dock, and disposal of sediment at the Marysville wastewater ponds. All in-water construction work is scheduled to be completed by October 15 as required by the project's environmental permits.

### *Feather River Regional Flood Management Planning*

The RFMP team is advancing the flood management priorities of the region while at the same time collaborating with the State as they develop the 2022 Central Valley Flood Protection Plan (CVFPP) update. SBFCA's primary interests in the regional planning effort is to advance OMRR&R activities for Cherokee Canal, advance the multi-benefit OWA Robinson's Riffle project, advance critical repairs along the Sutter Bypass east levee, participate in FEMA National Flood Insurance Program reform, and identify other regional flood risk reduction projects. Monthly coordination meetings organized by the Department of Water Resources are taking place along with team focused meetings. SBFCA staff are also participating in the Mid and Upper Sacramento River RFMP as it relates to the Sutter and Tisdale Bypass Corridor Management plan to ensure our regional interests are met.

As reported last month staff is monitoring the Three Rivers Levee Improvement Authority's (TRLIA) 500-year flood protection project. This project factors in the future New Bullard's Bar Secondary Spillway project to be constructed by the Yuba Water Agency (YWA). The secondary spillway along with forecast informed reservoir operations, both at New Bullard's Bar and at Oroville Dam, will lower water surface elevations in the Yuba and Feather rivers by 2-3 feet (as reported by YWA). This project is scheduled to be completed in four to five years once full project funding is secured by YWA. Other elements of TRLIA's proposed 500-year protection project may include features such as minor levee raises, relief well installations, and landside berm construction. Staff

submitted a comment letter on TRLIA's Notice of Preparation, which is part of their environmental documentation for the project (see attached).

#### *Sutter Bypass Critical Repairs*

Staff continues to actively pursue funding through DWR for Sutter Bypass Critical Repairs. A coordination meeting with DWR's Flood Maintenance Office to share geotechnical information was held on August 26. At this meeting staff presented our geotechnical information supporting SBFCA's request for levee repair funding. DWR staff present at the meeting did not fully agree with the "urgency" of the repairs and this dialogue is continuing. At the same time we are utilizing the approved contract amendments to the Tudor Small Community Study and the Sutter Small Community study to advance our levee investigations (both geotechnical and environmental). In addition, staff is also coordinating with DWR and the California Office of Emergency Services (CalOES) to pursue federal FEMA grant funding for the proposed bypass levee repairs.

#### *Sutter Basin Flood Risk Management Project (federal project)*

USACE's contractor, Forgen, continues to close out their contract with USACE on the 5-mile Cypress to Tudor levee improvement project including addressing punch-list items identified by the design team and Local Maintaining agencies (Levee District 1 and State MA3). A coordination meeting on these outstanding items is being scheduled for early September. SBFCA staff continues to participate in frequent USACE project management team and construction coordination meetings in order to advance the project, and is working with USACE on project crediting reports and other remaining project closeout items. These two items of work will continue to be a focus of discussion and coordination between SBFCA and USACE. Staff will also initiate discussions with the San Joaquin Area Flood Control Agency (SJAFCA) on a potential federal credit transfer agreement.

#### *Engineering Design*

The Design team continues their work to produce the Urban Level of Protection EVD-1 findings report which we now anticipate taking to the Board for approval in October due to the timing of a Levee District 1 pipe relining project. This pipe-relining project needs to be completed in order for SBFCA to make a 200-year level of flood protection certification in accordance with the State's Urban Levee Design Criteria (ULDC). In addition, the team is continuing to make progress on the low-risk/long-term items identified in the EVD-1 and USACE Periodic Inspection report that will require addressing later this year and into the future. USACE recently completed their "routine" levee inspection which started in June and took approximately three weeks to complete. We have been informed by USACE that we won't receive the inspection results until early next year.

The design team continues to process the encroachment permits for facilities (pipes, electrical, levee ramps, etc.) modified by the Feather River West Levee Project (FRWLP). Those permits are processed through the Central Valley Flood Protection Board after approval by the Corps of Engineers. The scoping work on developing the encroachment permits for the Second Street properties in Yuba City is anticipated to be completed this summer and an informational letter will be issued to the property owners later this month. Lastly, the design team is coordinating closely with USACE on the review and approval of the Operation and Maintenance manuals for the FRWLP levee improvements (3 separate manuals) which must be submitted to USACE for approval. We have requested to set up a monthly meeting with USACE in order to advance this review and approval process.

#### *Environmental Documentation/Permitting/Monitoring/Mitigation*

ECORP Consulting continues to provide environmental and cultural permit compliance monitoring and documentation for all active projects (OWA project, FRWLP closeout activities, Sediment Removal project, and the USACE Cypress to Tudor levee improvement project as needed).

ICF continues to work on the Sutter and Butte Cultural Resources Mitigation reports that are required for the FRWLP. These reports require both USACE and tribal reviews prior to closeout. The Sutter draft report is with the USACE for review and will be transmitted to the United Auburn Indian Community for their review. The Butte internal draft report was completed in October 2020 and the final draft was completed and transmitted to USACE in June for their review.

Work on the Star Bend and Mathews Property environmental mitigation sites continues. SBFCA staff and the Sacramento Valley Conservancy team continue to work on completing all the associated land transfers, easement establishments, regulatory reviews, and other associated activities required to establish and manage the mitigation sites in perpetuity. The revised draft management plan and associated easement documents were sent to California Department of Fish and Wildlife (CDFW) and the US Fish & Wildlife Service for their respective reviews in mid-May. Coordination calls have been held with the agencies to help closeout this process. Staff continues to coordinate with Levee District 1 on the required land transfer and ongoing maintenance cost reimbursement at Star Bend.

#### *Right of Way*

The Right of Way team is working on the few remaining acquisitions for the FRWLP, including the easements needed from the affected public agencies and several outstanding privately owned parcels. Coordination with PG&E on the easements SBFCA was required to acquire for their relocated facilities is also taking place. DWR will cost share in these property easement acquisitions through SBFCA's UFRR Funding Agreement. The SBFCA right-of-way team and DWR (real estate branch and geodetics group) continue to conduct monthly coordination meetings to streamline the real estate acquisition reimbursement process and ultimate transfer of property to the State.

#### *Regional Development Impact Fee*

At last month's SBFCA Board meeting the board unanimously approved the development of a Regional Development Impact Fee (DIF) Program to help fund implementation of the SBFCA Strategic Plan and directed staff to proceed on completing an AB1600 compliant Nexus Study. The DIF would be imposed on new development within the Sutter-Butte Basin, collected by the land-use agency members and the funds would be remitted to SBFCA to build additional projects. Staff is preparing drafts of the Nexus Study and Collection Agreement. Staff will coordinate review of the draft documents with the member agency staff prior to presentation to land-use agencies' boards for approval.

#### *Feather River West Levee Financing Authority (FRWLFA)*

SBFCA staff continue to assist the FRWLFA with the development of a benefit assessment district to adequately fund the operations and maintenance activities of Levee Districts 1 and 9. The consultant team HDR/Willdan is working on the initial Task Order 2 activities which consist of development of a Preliminary Engineer's Report and implementation and execution of the public outreach strategy.

#### *State & Local Funding and Coordination*

##### *EIP / UFRR Agreement*

SBFCA staff continues to work with DWR to process additional payments and reimbursement requests for various items of work. The last payment received and reported to the Board was in the amount of \$783,081.81 on June 4, 2021 for costs incurred during the 27<sup>th</sup> Quarter. SBFCA is currently requesting one payment totaling \$2.5 Million from DWR for release of retention on Emergency Work on Reaches 14-16.

SBFCA staff and DWR have finalized the last amendment (Amendment 7) to the Construction Funding Agreement which was received in late December. Ultimately, the final amendment only provided additional funding for the Oroville Wildlife Area project in the amount of \$3.74 million. The additional funding for acquiring Right of Way, in Fee, related to the Laurel Avenue FSRP project (\$342,000) and additional funding for the FRWLP (\$452,178) was not made available. Staff was able to incorporate the acquisition of the Laurel Avenue Right of Way into the scope of the amendment which will allow any cost savings resulting in available State funding to be applied to cost sharing in Laurel Avenue Right of Way.

The table below presents the funding status of the Agency's UFRR Grant.

**FRWLP DWR EIP/UFRR Funding**

**Agreement**

	<u>Design</u>		<u>Construction</u>		<u>Total</u>
Agreement No.	#4600009480		#4600010296		
Capital Outlay Amount	\$9,000,000		\$56,780,000		\$65,780,000
Amendment 1	\$0	[1]	\$0	[2]	\$0
Amendment 2	\$14,869,280	[3]	\$57,803,791	[4]	\$72,673,071
Amendment 3	\$0		\$43,861,587		\$43,861,587
Amendment 4	\$0		\$40,828,931		\$40,828,931
Amendment 5	-\$2,529,451	[5]	\$31,730,451	[5]	\$29,201,000
Amendment 6	\$0		\$0	[1]	\$0
Amendment 7	\$0		\$3,744,017	[6]	\$3,744,017
<b>TOTAL FUNDING</b>	<b>\$21,339,829</b>		<b>\$234,748,777</b>		<b>\$252,344,589</b>
Receipts					
Payments to Date	\$21,339,829		\$219,119,441		\$240,459,270
Pending	\$0		\$2,499,794		\$2,499,794
<b>TOTAL PAYMENTS</b>	<b>\$21,339,829</b>		<b>\$221,619,235</b>		<b>\$242,959,064</b>
<b>GRANT BALANCE</b>	<b>\$0</b>		<b>\$13,129,542</b>		<b>\$13,129,543</b>

- [1] Amendment 1 to the Design Agreement and Amendment 6 to the Construction Agreement amended the terms of the agreements (time extensions only).
- [2] Amendment 1 to the Construction Agreement amended the scope agreement to include the closure of gaps (at reaches 13 and 24) in Area C.
- [3] Amendment 2 to the Design Agreement increased the cost share from 50% to 76% State Cost Share and increased the State funding limit.
- [4] Amendment 2 to the Construction Agreement increased the scope to include Areas B & D2A and increased the State funding limit. It also incorporated many of the guideline provisions of the UFRR Program.
- [5] Reflects pending transfer of remaining design funding to the CFA and additional funding from DWR for emergency work (\$25,000,000 for R 14 – 16 and \$4,201,000 for emergency storm response).
- [6] Additional funding for other scope items (OWA) included in Amendment 7 are included in the above analysis.

*OWA (CDFW & WCB) Grant Agreements*

SBFCA staff is working with the WCB and CDFW to process payments for the ongoing OWA work. Recent payments were received for all of the WCB grants in the amount of \$5,451,818 to date and for the CDFW Berm, Canal & Bridges grant in the amount of \$5,386,984 through the 8<sup>th</sup> Quarter, with \$66,177 for the 9<sup>th</sup> Quarter submitted and pending payment. Payments on the CDFW Veg Planting grant for the first and second quarters were received in the sum amount of 517,703 with pending payment for the 3<sup>rd</sup> and 4<sup>th</sup> Quarters amounting to 98,939. SBFCA also presently has \$1,906,724 in pending payments due from all additional WCB packages that were recently resubmitted with modifications and updates at WCB's request.

The table(s) below presents the funding status of the Agency's WCB Grants and CDFW Grants, respectively.

**OWA WCB Funding**

Grant Agreement No.	<u>Agreement</u>				<u>Total</u>
	WC-1736BC	WC-1842AP	WC-1729SS	WC-1554MM	
Grant Amount	\$5,070,900	\$1,542,100	\$484,000	\$792,522	\$7,889,522
<b>TOTAL FUNDING</b>	<b>\$5,070,900</b>	<b>\$1,542,100</b>	<b>\$484,000</b>	<b>\$792,522</b>	<b>\$7,889,522</b>
<i>Payment Received</i>					
PMT 1	\$768,688		\$484,000		\$1,252,688
PMT 2	\$1,593,679				\$1,593,679
PMT 3	\$17,073				\$17,073
PMT 4	\$53,946				\$53,946
PMT 5	\$1,558,060				\$1,558,060
PMT 6	\$139,225				\$139,225
PMT 7	\$12,169				\$12,169
PMT 8	\$9,228				\$9,228
PMT 9	\$23,227				\$23,227
PMT 10					\$0
PMT 11				\$101,525	\$101,525
Previous Amounts Sum [1]				\$690,997	\$690,997
<i>Pending [2]</i>					
PMT 1		\$1,011,120			\$1,011,120
PMT 10	\$23,143				\$23,143
PMT 11	\$10,840				\$10,840
PMT 12	\$354,531				\$354,531
Retention Release	\$507,090				\$507,090
<b>TOTAL PAYMENTS</b>	<b>\$5,070,900</b>	<b>\$1,011,120</b>	<b>\$484,000</b>	<b>\$792,522</b>	<b>\$7,358,542</b>
<b>GRANT BALANCE</b>	<b>\$0</b>	<b>\$530,980</b>	<b>\$0</b>	<b>\$0</b>	<b>\$530,980</b>

[1] Amount includes payments 1 thru 10 for WC-1554MM grant.

[2] No payments yet received.

**OWA CDFW Funding**

Grant Agreement No.	<u>Agreement</u>		<u>Total</u>
	P1796010	Q1996015	
Grant Amount	\$5,648,836	\$1,716,847	\$7,365,683
<b>TOTAL FUNDING</b>	<b>\$5,648,836</b>	<b>\$1,716,847</b>	<b>\$7,365,683</b>
<i>Receipts</i>			
<i>Received</i>			
PMT 1	\$22,457	\$404,324	\$426,781
PMT 2	\$29,825	\$113,379	\$143,205
PMT 3a	\$3,253,250		\$3,253,250
PMT 3b	\$1,458,029		\$1,458,029
PMT 4	\$303,191		\$303,191
PMT 5	\$164,122		\$164,122
PMT 6	\$114,971		\$114,971
PMT 7	\$27,302		\$27,302
PMT 8	\$13,837		\$13,837

Pending			
PMT3		\$56,180	
PMT4		\$42,759	
PMT 7			
PMT 8			\$0
PMT 9	\$66,177		
<b>TOTAL PAYMENTS</b>	<b>\$5,453,161</b>	<b>\$616,642</b>	<b>\$6,069,804</b>
<b>GRANT BALANCE</b>	<b>\$195,675</b>	<b>\$1,100,205</b>	<b>\$1,295,879</b>

*CNRA Proposition 68 Sediment Management Project*

SBFCA staff finalized a grant with California Natural Resources Agency (CNRA) for Sediment Management along the Feather River in February 2020 for \$5,000,000. The first four invoice packages cover costs through March 31, 2021. A fifth invoice package is being formulated and will be submitted in near time. Additional invoices for subsequent quarters will proceed in coming months. SBFCA has been in close contact with CNRA to process payments.

**CNRA Sediment Removal Funding**

	<u>Agreement</u>	<u>Total</u>
Grant Agreement No.	R31866-0	
Grant Amount	\$5,000,000	\$5,000,000
<b>TOTAL FUNDING</b>	<b>\$5,000,000</b>	<b>\$5,000,000</b>

Receipts

Pending		
PMT 1	\$15,477	\$15,477
PMT 2	\$237,517	\$237,517
PMT 3	\$151,111	\$151,111
PMT 4	\$258,997	\$258,997
<b>TOTAL PAYMENTS</b>	<b>\$663,102</b>	<b>\$663,102</b>
<b>GRANT BALANCE</b>	<b>\$4,336,898</b>	<b>\$4,336,898</b>

*Oroville Wildlife Area (OWA) Flood Stage Reduction Project*

The project team is coordinating closely with DWR, CDFW and WCB on the documentation for closing out this project, including work on project closeout and on post-construction monitoring activities. Closeout for both remaining WCB grants is expected later this year. SBFCA staff also coordinated closely with DWR on filing the necessary documentation for closing out the project with FERC. SBFCA staff also continues to coordinate with River Partners regarding their ongoing work on the invasive species removal and the new vegetation planting efforts.

With regards to funding, SBFCA staff continues to research potential grant opportunities to advance the OWA Robinson's Riffle Restoration Project. As previously report the grant request submitted the California Department of Fish and Wildlife last February was not successful. Staff has identified a grant opportunity through the State Parks Department and we have been coordinating directly with DWR and CDFW staff on the project elements which could possibly be funded under that grant. The application is due in November.

*Butte County FEMA Accreditation*

SBFCA staff submitted the Butte County FEMA accreditation package to FEMA in July of 2019. Following submittal, it was projected that the review and processing period with FEMA would take approximately 2 to 3 years before

the proposed mapping changes become effective. Butte County and SBFCA received a formal letter from FEMA on February 16, 2021 stating that they need additional time for processing the LOMR request due to the complexity of the project. SBFCA staff have recently been in contact with FEMA representatives and the accreditation and remapping package is now in the final stages of review.

#### *Sutter County FEMA Accreditation*

SBFCA staff continues to coordinate with Sutter County and City of Yuba City staff regarding future FEMA accreditation and floodplain remapping. SBFCA has finished with incorporating the updates to the post-FRWLP 100-year floodplain maps and the reports have been sent out to City and County staff. SBFCA staff has also been coordinating with County staff and participated in a workshop on June 22 for the Sutter County Board of Supervisors to brief them about the mapping changes. These updated maps could, if desired, potentially be utilized by the land use agencies as 'best available information' for floodplain administration purposes. It is anticipated that SBFCA, in coordination with Sutter County and Yuba City, will submit the 100-year accreditation package for the southern Feather River west levee reaches to FEMA in late 2021. Following submittal, it is anticipated that the review and processing period with FEMA will take approximately 3 to 5 years before the proposed mapping changes become effective. SBFCA staff has also been in contact with Yuba County staff and their consultants to help coordinate the ongoing hydraulic modeling efforts and to maintain consistency with recent levee work performed by both SBFCA and Three Rivers Levee Improvement Authority.

#### **Fiscal Impact**

This is an informational item only with no fiscal impact to SBFCA.

Attachment: Comment letter to TRLIA



**Sutter Butte Flood Control Agency**

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(530) 755-9859

[sutterbutteflood.org](http://sutterbutteflood.org)

**COUNTIES**

Butte County  
Sutter County

**CITIES**

City of Biggs  
City of Gridley  
City of Live Oak  
City of Yuba City

**LEVEE DISTRICTS**

Levee District 1  
Levee District 9

August 27, 2021

Paul G. Brunner, Executive Director  
Three Rivers Levee Improvement Authority  
1114 Yuba Street, Suite 218  
Marysville, CA 95901  
[pbrunner@co.yuba.ca.us](mailto:pbrunner@co.yuba.ca.us)

**SUBJECT: Notice of Preparation of an Environmental Impact Report for the 500-year Flood Protection Project**

Dear Mr. Brunner,

On July 9, 2021, the Three Rivers Levee Improvement Authority (TRLIA), as lead agency under the California Environmental Quality Act (CEQA), issued a notice of preparation (NOP) of an environmental impact report (EIR) for the 500-year Flood Protection Project, in accordance with Section 15082 of the State CEQA Guidelines. The NOP was revised and reissued on August 2, 2021.

As indicated in the NOP and at the scoping meeting held on July 20, TRLIA is proposing to provide 500-year flood protection to southwest Yuba County by implementing improvements to the Reclamation District (RD) 784 levee system in conjunction with Yuba Water Agency's (YWA) Secondary Spillway Project.

In general, the Sutter Butte Flood Control Agency (SBFCA) is supportive of the improvements proposed by YWA as part of their Secondary Spillway Project and is eager to learn more about the regional benefits and the potential for reducing peak flows along the downstream reaches of the Feather River.

SBFCA respectfully requests that the EIR for TRLIA's 500-year proposed project include a detailed hydraulic analysis which clearly demonstrates that there are no downstream adverse impacts associated with the proposed levee raises and other improvements.

SBFCA has enjoyed working closely with TRLIA as part of the Regional Flood Management Planning process and we look forward to continuing that collaborative effort as you move forward with your 500-year flood protection project.

If you have any additional questions or need any other information please do not hesitate to contact me at (530) 415-0983 or [m.bessette@sutterbutteflood.org](mailto:m.bessette@sutterbutteflood.org).

Sincerely,

A handwritten signature in blue ink that reads "Michael W. Bessette".

Michael W. Bessette, P.E.  
Executive Director  
Sutter Butte Flood Control Agency