

**MINUTES OF THE BOARD OF DIRECTORS OF THE
SUTTER BUTTE FLOOD CONTROL AGENCY
SPECIAL MEETING OF
JULY 9, 2014**

The Sutter Butte Flood Control Agency (Agency) Board of Directors (Board), State of California, met on the above date at 1:15 p.m. in the City of Yuba City Council Chambers, Yuba City, California.

MEMBERS PRESENT

County of Sutter:	James Gallagher, Stan Cleveland
County of Butte:	Bill Connelly, Steve Lambert
City of Yuba City:	John Dukes, Kash Gill
City of Gridley:	
City of Live Oak:	Ray Rogers
City of Biggs:	Bo Sheppard
Levee District 1:	Francis Silva, Barbara LeVake
Levee District 9:	David Lamon

MEMBERS ABSENT: Gary Baland, Jeff Draper, Al Montna, Chris Schmidl

STAFF PRESENT: Mike Inamine, Executive Director; Michael Bessette, Director of Engineering; Scott Shapiro, Agency Counsel; Seth Wurzel, Budget Manager; Sarah Modeste, Administrative Manager

SPECIAL MEETING/CALL TO ORDER

Board Chair Steve Lambert opened the special meeting at 1:15 p.m. and led the group in the pledge.

PRESENTATION, DISCUSSION & ACTION ITEMS

- 1) **Approve an Addendum to the Agency's 5-Year Capital Budget to incorporate the Oroville Wildlife Area Flood Stage Reduction Project (OWA FSR) and authorize Executive Director to approve associated task orders and amendments to professional services agreement for the design and permitting of the project**

Budget Manager Seth Wurzel introduced the item and stated that three consultant task orders are associated with the Oroville Wildlife Area work: Peterson Brustad (\$534,219), HDR (\$516,299) and ICF International (\$125,222). The balance of the grant will serve as contingency, support legal and other administrative activities.

No public comment.

Director John Dukes stated that the finance committee discussed that this project will add additional flood protection and assist with the environmental components. Most importantly, this work will increase the state cost share for the project by 5 percent. Director Dukes stated that this is a win-win project.

Director James Gallagher asked for an overview of the Oroville Wildlife Area project. Mr. Inamine stated that the project has been considered for many decades as it improves the hydraulics in the upper reaches of the Feather River in the Oroville Wildlife Area, which is an area that is always subject to flooding and impacts the project levees on the west bank. One of the many benefits is that it will reduce risk to the public and potentially some costs. By restoring the natural flood plain, hydraulics will be improved for flood management, fish and other wildlife, and recreation, and will qualify the project for a more favorable financial cost share from the State.

The grant covers 100% of the design and permitting costs of this program and the construction costs will be realized when the new DWR guidelines are finalized.

Director Gallagher asked if this will assist in mitigation costs throughout the basin. Mr. Inamine responded that this project is in line with the state led objectives of providing system-wide benefits. It is a levee repair project, but the state also has an interest in promoting system-wide benefits which includes eco-restoration, recreation and the flood control benefits.

Director Stan Cleveland asked if this allows the USACE to feel more comfortable in approving the Locally Preferred Plan of the Sutter Basin Feasibility Study. Mr. Inamine said that it does reduce risk and is therefore beneficial to the project.

On motion of Director John Dukes, and seconded by Director Stan Cleveland, the Addendum to the Agency's 5-Year Capital Budget to incorporate the Oroville Wildlife Area Flood Stage Reduction Project (OWA FSR) and authorize the Executive Director to approve associated task orders and amendments to professional services agreement for the design and permitting of the project was approved as follows:

- Bo Sheppard – Yes
- John Dukes – Yes
- Kash Gill – Yes
- David Lamon – Yes
- James Gallagher – Yes
- Stan Cleveland – Yes
- Bill Connelly – Yes
- Steve Lambert – Yes
- Ray Rogers – Yes
- Barbara LeVake – Yes
- Francis Silva – Yes

2) Status Update on Cultural Resource Discoveries

Mr. Inamine stated that the details regarding the cultural resources discoveries are very dynamic and changing daily. Mr. Inamine stated that the cultural resources impacts are the discovery of Native American artifacts and remains. Currently, 12 cultural sites have been uncovered throughout the project area which must be carefully addressed through State and Federal law; construction activities have been shut down in these areas. Of the 12 sites, there are four burial sites. Section 106 compliance is required under Section 408. Currently, SBFCA estimates that the cost of compliance could cost nearly \$11 million, which is reasonably conservative.

Director of Engineering Michael Bessette stated that SBFCA has been negotiating with the USACE over the last six weeks in order to finalize a site specific treatment plan. SBFCA does not want to introduce any elements into the project that will impact public safety, which is the primary focus of the Feather River West Levee Project.

Currently, there are seven conventional wall headings in construction and one deep mixing machine working. More headings and shifts will be added. Construction work is continuing to move forward, however SBFCA is incurring impacts because the cultural sites have been ruled no-work areas. Additional real estate has been acquired in Area B, which was not originally planned, so the contractor can now complete more work in that area during this construction season.

Director Stan Cleveland asked for clarification that the Native American tribes are not asking for increased excavation. Mr. Inamine responded that in general, those that are most impacted are the Native American tribes as the remains are their ancestors and the artifacts are from their family. They would prefer that the artifacts and remains be left where they are, and not treated as an academic study. That is also SBFCA's interest, but the USACE has the final say as the regulator.

Director Barbara LeVake asked what SBFCA originally budgeted for cultural resources. Mr. Inamine stated that it was several hundred thousand dollars, so not to the magnitude of the current findings.

Director Gallagher stated that the regulation is really what needs to be changed as the law is contradictory to what the tribes have requested and is not respectful to tribal interests.

No action taken.

PUBLIC COMMENT

No public comment.

ADJOURNMENT

With no further business coming before the Board, the meeting was adjourned at 1:55 p.m.

ATTEST BY:



SARAH MODESTE



STEVE LAMBERT, CHAIR