

Meeting Notes
From
Delta Levees Habitat Advisory Committee
December 5, 2008 - Sacramento
And
Public Meeting at the Jean Harvie Community Center
December 9, 2008 - Walnut Grove

INTRODUCTION

Draft FY 2008-09 Interim Guidelines for this year, presented by Mike Mirmazaheri DWR is in the process of making more permanent guidelines for future available funds.

Local assistance funding this year:

\$20 million subventions

\$35.5 million special projects (of this \$4.5 million for habitat, \$3 million for reserve)

Tentative schedule

In early February receive applications

In early in March have priority ranking and/or list of projects to go forward

QUESTIONS/COMMENTS

Definitions

1. **"No-regrets"**: Clarify the definition of "no-regrets" or use another term altogether to avoid confusion. The Draft Interim Guidelines seem to use "no-regrets" differently than Delta Vision and BDCP.
2. **Semi-urban**: Why was a 1,000 population value used to define semi-urban? The legacy towns won't meet this.
3. **Habitat enhancement**: Define habitat enhancement more clearly and describe what is needed to be considered enhancement.
4. **Legacy towns**: Why are Courtland and Locke not considered legacy towns?
5. **Final accounting**: What is referred to by "final accounting" on page 8 of the Draft Interim Guidelines, where it lists "costs that the State does not authorize as part of final accounting" as ineligible?

6. Nominal funding: Define what is considered “more than nominal funding” (i.e., how much funding needs to come from other sources to receive the 5% additional State cost-share)?
7. Requirements & Mandates: “Existing agency requirements and mandates” is a vague ineligible cost.
8. Subventions: Is the subventions program being redefined as maintenance only? The subventions program currently allows some improvements in levees and is a very valuable and successful program.

Eligibility

9. Primary/Secondary zone: Are eligible projects limited to the primary zone?
10. Project/non-project levees: Are both project and non-project levees eligible?
11. Eligible districts: Are only Reclamation Districts eligible to receive funding?
12. Surplus money: Does a project have to meet the criteria even if there is plenty of money available?
13. Enhancement: Are enhancement-only projects eligible?
14. Design-only projects? Do applications have to be for complete projects or can they also be for engineering design only? Is there only one opportunity to submit a funding proposal for a project design or environmental engineering work for a project that hasn't been lined up yet?

Funding

15. Limit on 8 western islands: Does the \$2 million funding limit apply to the eight western delta islands?
16. Limits to small projects: The \$2 million funding limit will result in small projects.
17. Funding Duration: How long does the special project funding last?
18. Project Timing: What will be the project timing?
19. Reimbursement: Will districts have to pay costs of project construction and get reimbursed afterward?
20. Partnering: What about partners with cost-share?
21. Reserve: Does the \$3 million reserve carry over to the next flood season?

Cost Sharing

22. Cost-sharing: Why is cost-share a factor? Does the District's ability to share in the costs make a project more worthy of the funds?
23. 8-Western delta islands: Why distinguish between the 8 western Delta islands and the remainder of the Delta? Most of the districts are not in any better shape financially than the 8 western Delta islands.
24. Enhanced cost-sharing: Increase the additional State cost-share from "up to 5%" to "up to 10% or 20%" for each enhancement. Or establish a cost-share of 90% State and 10% local, instead of the proposed system of 75% State cost-share "with hoops" to increase that percentage.
25. Subsidence: Is proof of ongoing subsidence needed to receive enhanced cost-share for providing a buffer?
26. Enhancement for HMP: Some islands may not be able to fund improvements to HMP and may need enhanced cost-share for HMP.
27. Surplus money – 100%?: If more money is available than requests for money, would all projects be funded at 100%?

Eligible/Ineligible Costs

28. CEQA work: Include preferred alternative studies as an eligible cost. Expenses for studies to choose the preferred alternative is a CEQA requirement and the Draft Interim Guidelines list CEQA related work as a potential eligible cost. Should scale be a factor? Can it be described better?
29. Appurtenances: The Draft Interim Guidelines do not describe in sufficient detail what project components are eligible/ineligible for a project (e.g., paving on a levee road). Can eligible costs include appurtenances?
30. Subsidence Reversal: What subsidence reversal project costs are eligible?
31. FEMA certification: Is work related to FEMA certification eligible?
32. Emergency preparedness: What types of emergency response projects qualify?
33. Emergency preparedness -Mapping: Will the mapping efforts of San Joaquin County be eligible?
34. Soil borings: Are soil borings a separate item?
35. Borrow royalty: Would there be borrow royalty for construction projects?
36. Drainage: Are drainage projects eligible?

37. Agriculture: Are agriculture projects that include habitat-friendly agricultural practices eligible?
38. Habitat/levees: Will habitat protected by levees be considered?
39. Ability to Pay Study: Is the Ability to Pay Study reimbursable?

Project Selection

40. Relative importance (esp. HMP): How is a project's importance being considered in the selection process? It should be the highest priority to protect the Delta at least to an HMP level to be eligible for FEMA funds.
41. Ranking system: Adjust the ranking system to simultaneously consider need *and* benefit (instead of independently ranking for need and benefit) to better fit the CWC 12313 and DRMS.
42. Corps projects: Should districts submit applications for projects that have U.S. Army Corps of Engineers (Corps) funding as alternates? Would submitting these applications affect any other project that the District submits?
43. Partnerships: Explain the project selection criteria for significant partnerships. Consider using a step process (rather than 50%) to evaluate partnerships cost share.
44. Habitat Enhancement: Provide a greater score to projects with habitat enhancement.
45. Low-hanging fruit: Would there be allowances for "low-hanging fruit" (i.e., projects that could meet standards (PL 84-99) very cost-effectively)?

Application Process

46. Time schedule: Will the Special Projects Solicitation Packages be issued in the beginning of January or February?
47. Work overload: There is too much work to complete in 3 months. The four-week window between receiving the Special Projects Solicitation Packages and submitting the applications doesn't provide enough time for the districts to coordinate with the Corps.
48. Other agencies involved: Some islands have habitat projects that have involved other resource agencies.
49. Professional engineer: On page 14, the Interim Draft Guidelines states that a professional engineer has looked at the project description. This needs clarification. What does the engineer need to sign and evaluate?
50. Commitment: Would the commitment have to be a work agreement?

5-year plans:

51. FEMA funding: Mandate a survey at least every 5 years to determine each island/tracts' HMP status.
52. 5-year plan: Is a 5-year plan not required this year (09-10)?
53. Flexibility of 5-year plan: Can the sequence in the 5-year plans be changed after it has been submitted?
54. 5-year plans: 5-year plans should include enhancements.

Other

55. Suisun Marsh: Suisun Marsh levee standards are not explicitly discussed in the Draft Interim Guidelines. Suisun Marsh won't meet PL 84-99. Can this be addressed?
56. Redundancy: Will agencies work together to avoid redundancy?
57. Website: A website is needed.
58. Deadline: When is the deadline to submit public comments?