



THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

NOVEMBER 16, 2004 –SPECIAL MEETING

Yuba County Government Center
Board of Supervisors' Chambers
915 Eighth Street, Suite 109A
Marysville, California

Unless otherwise indicated.

No other business shall be conducted at this meeting. The public shall have an opportunity to address the Authority only with respect to items set forth in this agenda. Each individual or group will be limited to no more than five minutes. Prior to this time, speakers must fill out a "Request to Speak" card and submit it to the Clerk of the Board of Supervisors.

2:00 P.M.

I CALL TO ORDER

II ROLL CALL – Directors Rick Brown, Mary Jane Griego, Dan Logue, Richard Webb

III ACTION ITEMS

- A. Minutes: Approve minutes of the meeting of November 9, 2004.
- B. Grant Application: Adopt resolution approving grant application submittal to California Department of Water Resources for Bear-feather Rivers Setback Levee Design Project.
- C. Environmental Impact Report: Consider resolution certifying Final Environmental Impact Report and adopting Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program for the Feather-Bear Rivers Levee Setback Project.

IV ADJOURN

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

COUNTY OF YUBA

MINUTES – BOARD OF DIRECTORS

NOVEMBER 9, 2004

A meeting of the Board of Directors of the Three Rivers Levee Improvement Authority was held on the above date, commencing at 2:00 p.m., within the Government Center, Marysville, California, with a quorum being present as follows: Directors Rick Brown, Mary Jane Griego, Dan Logue, Richard Webb. Also present were Executive Director Kent McClain, County Counsel Daniel Montgomery, and Clerk of the Board of Supervisors/Secretary Donna Stottlemeyer. Chairman Webb presided.

BOARD AND STAFF MEMBERS' REPORTS

Reports were received on the following:

Secretary Donna Stottlemeyer:

- Vacancy for At-large Director and current applications received

Chairman Webb formed an advisory committee of Director Logue and himself to review applications and recommend an appointment.

FORM
AD HOC

ACTION ITEMS

A. Minutes: Upon motion of Director Logue, seconded by Director Brown, and unanimously carried, the Board approved the minutes of the special meeting of October 26, 2004 as written.

APPROVE
MINUTES

B. Invoice Payment: Upon motion of Director Logue, seconded by Director Griego, and unanimously carried, the Board authorized the Yuba County Auditor-Controller to pay an invoice in the amount of \$1,287,855 to Nordic Industries for work on the Yuba River Levee Project.

APPROVE
PAYMENT

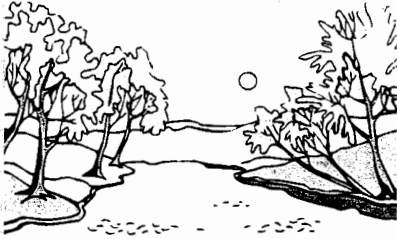
ADJOURNMENT

There being no further business to come before the Three Rivers Levee Improvement Authority the meeting was adjourned at 2:10 p.m. by Chairman Webb.

Chairman

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS
AND SECRETARY OF THE PUBLIC AUTHORITY

Approved: _____



THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

COPY OF REFERENCED
DOCUMENT ON FILE WITH
CLERK OF THE BOARD

November 16, 2004

TO: Three Rivers Levee Improvement Authority
FROM: Randy Margo, Assistant County Administrator *Randy Margo*
SUBJECT: Grant Application to California Department of Water Resources for Bear-
Feather Rivers Setback Levee Design Project

Recommended Action

Approve submittal of \$3,232,100 grant application to the California Department of Water Resources for labor and expenses pertaining to the design of the setback levee project on the Bear and Feather Rivers.

Reason for Recommended Action

The Three Rivers Levee Improvement Authority (TRLIA) is seeking grant funding under the Yuba Feather Flood Protection Program of the Safe Drinking Water, Clean Water, Watershed and Flood Protection Act of 2000, commonly referred to as Proposition 13. Under Proposition 13, \$70 million is authorized for area flood protection. This grant application will enable TRLIA to prepare a detailed design of the proposed setback levee project along the Bear-Feather Rivers, including preparation of a construction bid, environmental compliance and program management.

Background

TRLIA's consulting engineers have previously identified geological issues in certain portions of the levee system that result in less than one in 100-year chance of flooding in any given year for the South Yuba Basin Area. The setback levee project is intended to provide flood protection that on average will provide a one in 200-year chance of flooding in any given year, or twice the standard for statistical protection required by the Federal Emergency Management Agency (FEMA). The grant funding sought by this application will be used to prepare engineering plans and specifications for the setback levee project, including preparation of a construction bid, environmental compliance and obtaining required federal and state permits, as well as program management.

Fiscal Impact

The grant application seeks \$3,232,100, which includes \$250,000 for program management for County staff to contract back to TRLIA, as well as \$421,000 set aside for contingencies.

Cc: Dean Sellers, Auditor-Controller
Kevin Mallen, Public Works Director
Dan Montgomery, County Counsel



THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

Mr. Dan Yamanaka
Department of Water Resources
Division of Flood Management
Floodplain Planning Branch
P.O. Box 942836
Sacramento, CA 94236-0001

Subject: Application for the Bear-Feather Rivers Levee Setback-Design, an Element of the Yuba-Feather Supplemental Flood Control Project

Dear Dan:

The Three Rivers Levee Improvement Authority (Authority) herewith submits three copies of an application for a grant in the amount of \$3,257,100 for design of the Bear-Feather Rivers Levee Setback Project, an element of the Yuba-Feather Supplemental Flood Control Project. The amount requested includes \$25,000 for reimbursement of the costs of preparing this application.

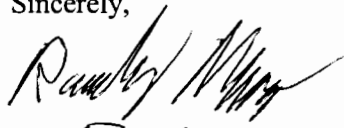
This application is pursuant to an authorizing resolution of the Board of Directors of the TRILIA dated November 16, 2004. The application includes the following forms and support materials:

1. A-1 Application Cover Sheet
2. A-2 Applicant's Representatives
3. A-3 and Attachment A-3 Project Budget - Labor and Expenses
4. A-4 Authorizing Resolution
5. A-5 Applicant's Authority and Capability
6. Attachment B-1 Levee Setback Task Breakdown
7. Attachment B-2 Levee Setback Schedule of Work by Task
8. A copy of the March 2004 Notice of Determination for the Yuba-Feather Supplemental Flood Control Project (on file with DWR)
9. A copy of the *Report on Feasibility Yuba-Feather Supplemental Flood Control Project* (on file with DWR).
10. A copy of Report on Feasibility of RD784 Supplemental Flood Control Improvements of the Yuba-Feather Supplemental Flood Control Project (on file with DWR).
11. A copy of November 2004 Notice of Determination for the Feather- Bear Rivers Levee Setback project.
12. Figure 1, *Water Development Facilities, Lower Yuba-Feather River Basin*, showing the Bear and Feather Rivers in relation to other flood control facilities.

Mr. Dan Yamanaka
November 12, 2004
Page 2

The proposed Scope of Work for Design of the Levee Setback Project includes environmental measures to mitigate the impacts of the project and to additionally provide environmental enhancement. We appreciate the help provided by DWR staff. Please call Naser Bateni at (916) 631-4562, if you have any questions during your review.

Sincerely,



FOR

Charles K. McClain
Executive Director
Three Rivers Levee Improvement Authority

Enclosure

cc: Naser Bateni, Bookman-Edmonston
Ric Reinhardt, MBK Engineers

BEFORE THE BOARD OF DIRECTORS
OF THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

In Re:

RESOLUTION AUTHORIZING DEPARTMENT)
OF WATER RESOURCES DESIGN GRANT)
APPLICATION FOR THE FEATHER-BEAR) Resolution No. _____
RIVERS LEVEE SETBACK PROJECT)

WHEREAS, the Authority proposes to design improvements for setback levees for portions of the Feather and Bear Rivers; and

WHEREAS, the Authority intends to apply for grant funding from the State of California Department of Water Resources for project design costs;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Three Rivers Levee Improvement Authority as follows:

1. Pursuant and subject to all of the terms and provisions of the California Safe Drinking Water, Clean Water, Watershed Protection and Flood Protection Act of 2000, application by this Authority be made to the State of California Department of Water Resources to obtain a design grant for the setback levees for portions of the Feather and Bear Rivers.

2. The Executive Director of the Authority is hereby authorized and directed to prepare the necessary data, make investigations, sign and file such application with the

State of California Department of Water Resources, and take such other actions as necessary, or appropriate to obtain the grant funding.

PASSED AND ADOPTED on the _____ day of November, 2004, by the Board of Directors of the Three Rivers Levee Improvement Authority, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairperson

ATTEST: DONNA SOTTLEMEYER
Secretary

APPROVED AS TO FORM: COUNSEL TO
THE AUTHORITY, DANIEL MONTGOMERY

**BEFORE THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
OF THE COUNTY OF YUBA**

IN RE:)
) **RESOLUTION No.** _____
RESOLUTION CERTIFYING FINAL ENVIRONMENTAL)
IMPACT REPORT, ADOPTING FINDINGS OF FACT,)
STATEMENT OF OVERRIDING CONSIDERATIONS)
AND MITIGATION MONITORING AND REPORTING)
PROGRAM FOR THE FEATHER-BEAR RIVERS)
LEVEE SETBACK PROJECT)
_____)

WHEREAS, as demonstrated by the Findings of Fact, submitted with this Resolution and incorporated as part of it, many of the significant environmental effects identified relative to the Feather-Bear Rivers Levee Setback Project (Project) can be either substantially lessened or avoided through the adoption of feasible mitigation measures, although some of the effects will remain significant and unavoidable despite the adoption of all feasible mitigation measures; and,

WHEREAS, because the adoption of all feasible mitigation measures cannot substantially lessen or avoid all significant effects on the environment associated with the Project, the Authority Board of Directors must consider the feasibility of alternatives, as set forth in the final Environmental Impact Report (EIR), that will be less environmentally damaging than the project with respect to the unavoidable significant effects associated with the project; and,

WHEREAS, the Authority Board of Directors has determined, for reasons set forth in the Findings of Fact, that the proposed alternatives to the Project are environmentally

preferable, are infeasible (for example, they fail to fully meet the Project objectives), or are neither environmentally preferable nor feasible; and,

WHEREAS, the Authority Board of Directors has determined, for reasons set forth in the Findings of Fact, that the preferred Project as described in the final EIR is feasible and meets the Project objectives; and,

WHEREAS, the Authority Board of Directors is required by the California Environmental Quality Act (CEQA) to adopt a Mitigation Monitoring and Reporting Program to ensure that the mitigation measures adopted by the Authority are actually implemented; and,

WHEREAS, a Mitigation Monitoring and Reporting plan for the Project has been prepared and is incorporated into this Resolution; and,

WHEREAS, because the adopted mitigation measures have not fully mitigated or avoided all identified significant environmental effects associated with the Project, CEQA requires the Authority Board of Directors to adopt a Statement of Overriding Considerations, which is included in the Findings of Fact; and,

WHEREAS, the Authority Board of Directors determines it appropriate to certify the final EIR, to adopt the Findings of Fact and Statement of Overriding Considerations and to approve the Mitigation Monitoring and Reporting Program.

NOW, THEREFORE, BE IT IS RESOLVED BY THE BOARD OF DIRECTORS OF THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY AS FOLLOWS:

1. The foregoing recitals are true and correct.
2. The Authority Board finds and determines as follows:
 - a) The Notice of Preparation for the draft EIR was duly prepared, noticed and properly circulated in accordance with the provisions of CEQA.

- b) The draft EIR was duly prepared, properly circulated and completed in accordance with CEQA.
- c) After providing adequate public notice, the draft EIR was duly circulated in accordance with the provisions of CEQA and a public hearing was properly noticed and conducted by the Authority in compliance with CEQA.
- d) All comments received during and after the period of public review have been duly considered and incorporated into the final EIR and, when necessary, replied to in accordance with the provisions of CEQA.
- e) The Authority provided written responses to all public agency comments received on the draft EIR at least ten days before certification of the final EIR pursuant to the provisions of CEQA.
- f) The final EIR for the Project has been properly completed in compliance with CEQA and has identified all significant environmental effects of the Project. There are no known potential environmental effects that are not addressed in the final EIR.
- g) The Project has been modified with mitigation measures to eliminate significant impacts or to reduce such impacts to a level of insignificance in almost all instances.

3. The Authority Board finds, determines and orders as follows:

- a) It is hereby certified that the final EIR has been completed in compliance with CEQA.
- b) It is hereby certified that the final EIR has been presented to the Authority Board of Directors and that the Authority Board reviewed

and considered the information and analysis contained in the final EIR prior to approving the Project.

- c) It is hereby certified that the final EIR reflects the independent judgment and analysis of the Authority Board of Directors.
- d) By adopting this Resolution, including the incorporated Findings of Fact, the Authority Board of Directors has satisfied its obligations pursuant to Public Resources Code, Section 21081 and CEQA Guidelines Section, 15091, in that the Findings of Fact (i) identifies all feasible mitigation measures that can substantially lessen or avoid the significant environmental effects associated with the Project, (ii) explains why certain proposed mitigation measures are rejected as infeasible, (iii) explains why the Project alternatives cannot feasibly and adequately satisfy the objectives of the Project, and (iv) explains why the preferred Project is considered feasible and has been adopted as the Project.
- e) By adopting this Resolution, including the Mitigation Monitoring and Reporting plan, the Authority Board of Directors has satisfied its obligations under Public Resources Code, Section 21081.6(a).
- f) By adopting this Resolution, including the Findings of Fact, the Authority Board of Directors has satisfied its obligation pursuant to Public Resources Code, Section 21081(b) which requires the issuance of a Statement of Overriding Considerations whenever a Project's significant environmental effects cannot be substantially lessened or avoided by the adoption of all feasible mitigation measures.

- g) The Authority Board of Directors authorizes and directs Authority staff to prepare and file a CEQA Notice of Determination within five working days following the date of adoption of this Resolution with the County Clerk of the County of Yuba and with the State of California and directs that copies of the final EIR be retained at the Authority's office for review.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Three Rivers Levee Improvement Authority, on the _____ day of November, 2004, by the following vote:

AYES:

NOES:

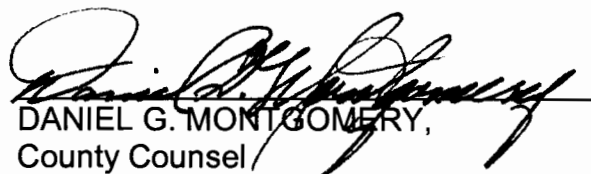
ABSENT:

ATTEST: DONNA STOTTLEMEYER
Clerk of the Board of Supervisors

By _____

Chairperson

APPROVED AS TO FORM


DANIEL G. MONTGOMERY,
County Counsel