



THREE RIVERS LEVEE IMPROVEMENT AUTHORITY AGENDA

SEPTEMBER 12, 2006

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

Unless otherwise indicated

- 2:00 P.M. I **CALL TO ORDER**
- II **ROLL CALL** – Directors Rick Brown, Mary Jane Griego, Dan Logue, Richard Webb
- III **PUBLIC COMMUNICATIONS**: Any person may speak about any subject of concern provided it is within the jurisdiction of the Levee Improvement Authority and is not already on today's agenda. The total amount of time allotted for receiving such public communication shall be limited to a total of 15 minutes and each individual or group will be limited to no more than 5 minutes.
- IV **CONSENT AGENDA**
- V **ACTION ITEMS**
- A. Receive advisory committee recommendation for fifth Director and take action as appropriate.
- B. Adopt resolution authorizing Executive Director to achieve a work schedule which completes all needed work prior to flood season for the Yuba River Levee Repair project.
- VI **BOARD AND STAFF MEMBERS' REPORTS**
- VII **ADJOURN**



THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

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MARYSVILLE, CA 95901-5273
(530) 749-7575 (530) 749-7312 Fax

September 12, 2006

TO: Three Rivers Levee Improvement Authority Board
FROM: Paul Brunner, Executive Director *PAB*
Scott Shapiro, Special Counsel
SUBJECT: Double shift activity on Yuba River levee repair

Recommended Action

Instruct the Executive Director to work with Nordic Industries to try to achieve a schedule which completes all needed work prior to the flood season, and to consult with the County of Yuba to obtain any necessary permits to facilitate any such schedule. Find that the use of Public Resources Code Section 21080(b)(4) is appropriate in this circumstance and direct the Executive Director to take all necessary actions in furtherance thereof.

Background

On July 18, 2006 the Three Rivers Levee Improvement Authority ("Three Rivers") Board adopted a resolution to adopt the Initial Study and Mitigated Negative Declaration ("IS/MND") for the Yuba River Levee Repair Project. On that same day the Three Rivers Board awarded a contract for construction of the Phase 4 Yuba River Levee Repair Project and authorized the Chairman to execute upon review and approval of counsel. Despite these two approvals of July 18, 2006 a Notice to Proceed was not issued to Nordic Industries until Wednesday, August 30, 2006 because Three Rivers did not receive the necessary State Reclamation Board permit for construction and did not receive the necessary funding until Wednesday, August 30, 2006.

The IS/MND presumed that the work to be performed would be done in single shifts during the hours of 7:00 am to 10:00 pm, consistent with the Yuba County Noise Ordinance and without application of one of the listed exceptions to the ordinance. Nordic Industries is proceeding with the necessary construction activities, and has already degraded substantial sections of the levee to allow for the construction of a slurry wall, but has also presented a schedule to Three Rivers that demonstrates that under the current operations plan of single shifts, the necessary work would not be completed until some time in December, after the November 1 Reclamation Board deadline to finish levee construction.

Discussion

If the work cannot be completed prior to November 1, Three Rivers will be forced to restore the elevation of sections of the levee without addressing the known deficiencies within and underlying the levee. The work to be performed will address conditions on sections of the Yuba River levee that are geotechnically similar to the stretch of the Yuba River levee that failed in 1986 inundating thousands of acres of land and resulting in a half a billion dollar legal settlement between the victims and the State of California, and Three Rivers has received information from a registered geotechnical engineer indicating that this stretch of levee should be repaired this year (see attached e-mail). Nordic Industries has worked with Three Rivers management to prepare a schedule that shows that under an operations plan with double shifts all of the necessary work can be completed by November 1, prior to the Reclamation Board imposed deadline to finish levee construction (see attached chart).

A review of the Yuba County Noise Ordinance has demonstrated that Three Rivers may proceed with a double shift operations plan, thus allowing construction during the hours of 10:00 pm until 7:00 am, either by requesting a permit under 8.20.710 from the Department of Planning and Building Services, or by determining that the work falls under the definition of 8.20.120(g). Staff has reviewed the issue of noise impacts and does not believe that the noise impacts would necessarily be significant, but in an abundance of caution recommends that the Board proceed with a CEQA exemption under Public Resources Code Section 21080(b)(4). A review of the case of *CalBeach Advocates v. City of Solano Beach*, 103 Cal. App. 4th 529 (2002), in which the court found appropriate the use of Section 21080(b)(4) where repairs were needed for an eroded beach cliff despite the fact that the repairs were previously planned and the repairs were intended to prevent, rather than to respond to, an emergency, demonstrates the appropriateness of the use of that exception in this case as well.

Fiscal Impact

This may be a fiscal impact associated with moving to a double shift operational schedule. However, that fiscal impact is believed to be less than the fiscal impact from demobilizing in November and then mobilizing again in the spring.

3 Attachments

1. Ray Costa e-mail, September 7, 2006
2. Double Shift Time line from Nordic, Industries
3. Proposed Resolution

Brunner, Paul

From: Ray Costa [RCosta@kleinfelder.com]
Sent: Thursday, September 07, 2006 2:03 PM
To: Ric Reinhardt
Subject: Yuba River Levee
Attachments: 20060907135007779.pdf

Ric:

As you are aware, Kleinfelder has performed geotechnical studies along the Yuba River left bank levee from Simpson Lane to SPRR. The results of our findings were included in our report to HDR entitled "Problem Identification Report Yuba River Left Bank Levee SPRR to Simpson Lane (Approximate PLM 0.9 to 2.2) Reclamation District 784 Yuba County, California," dated 29 August 2005. Because of calculated exit gradients which do not meet USACE criteria we recommended underseepage remediation be performed for this entire reach. The recommended remediation was a slurry cutoff wall extending to depths of about 80 feet below the existing top of levee.

Our study detected an historic channel located beneath the levee alignment (see attached Plate 2A from our report). This channel was also projected to underlie the location of the 1986 levee breach immediately downstream of this area. Historic seepage/boils have been reported by RD 784 maintenance personnel.

It is my recommendation that underseepage remediation work be completed as soon as is reasonably possible. Completion of work prior to this flood season would reduce the risk of failure of a levee with known deficiencies. Given that a construction contract has been awarded, the contractor should take the necessary actions to accelerate the repairs to allow completion prior to November 1, 2006.

Ray Costa, GE
Kleinfelder, Inc.

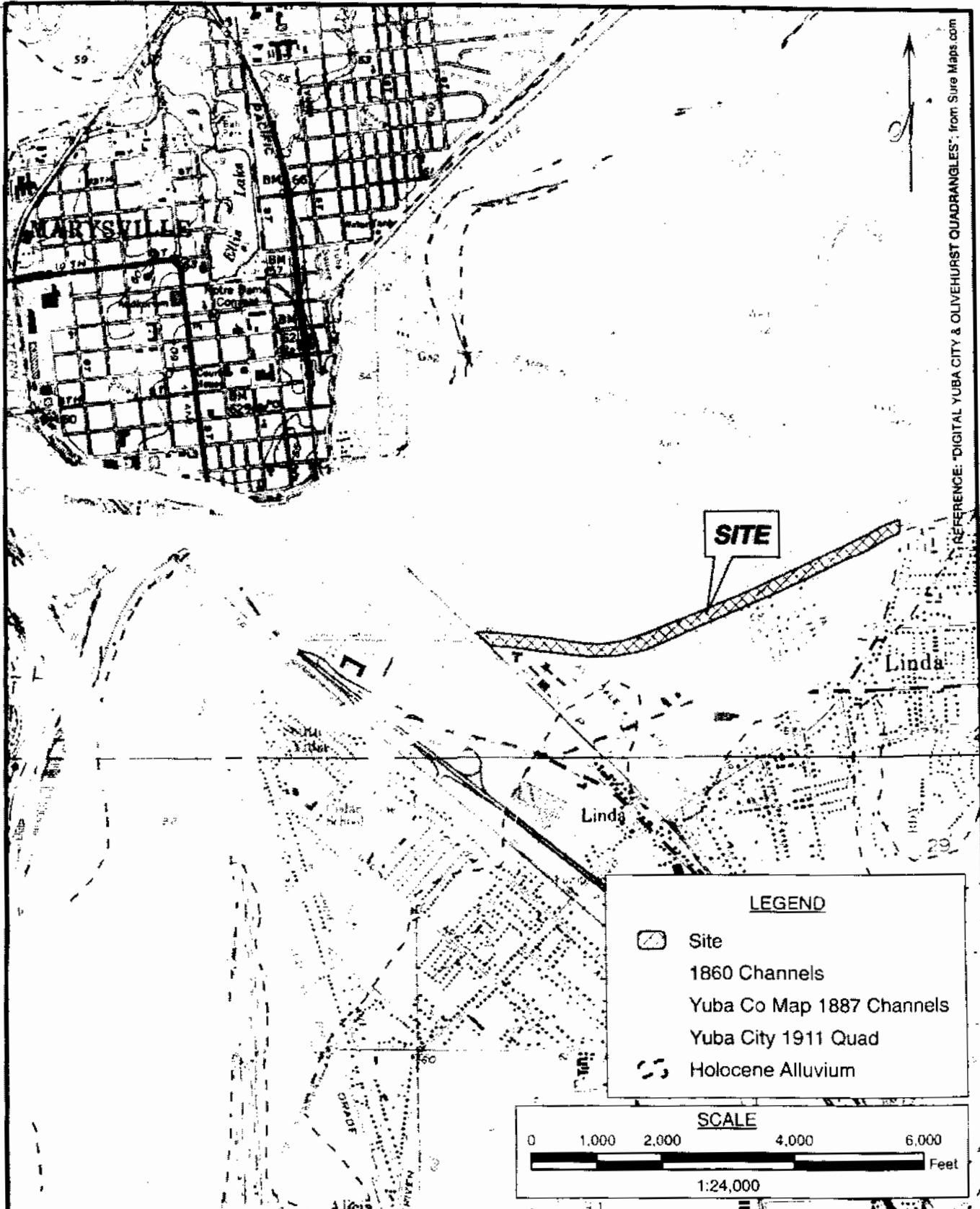
KLEINFELDER
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9/7/2006

Atch 1
10F2



REFERENCE: "DIGITAL YUBA CITY & OLIVEHURST QUADRANGLES"; from: Sure Maps.com

KLEINFELDER

HISTORIC STREAM CHANNELS
 TRLIA PHASE 2
 YUBA RIVER LEFT BANK LEVEE
 RECLAMATION DISTRICT 784
 YUBA COUNTY, CALIFORNIA

Plate

2A

Graphic By: D. Anderson
 Date: 6/10/05

Project No: 55887
 File Name:

Atch 1
 2 of 2

TRLIA Phase 4 Yuba
Double Shift Schedule

ID	Task Name	Notes	Duration	Start	Finish	Predecessors
1	Notice to Proceed		1 day	Thu 8/31/06	Thu 8/31/06	
2	Stripping and Cleaning		3 days	Fri 9/1/06	Mon 9/4/06	2
3	Degrade Levee		4 days	Tue 9/5/06	Fri 9/8/06	3
4	Levee Fills		5 days	Sat 9/9/06	Thu 9/14/06	5
5	Set-up slurry system/equipment move-in		10 days	Fri 9/1/06	Tue 9/12/06	2
6						
7						
8						
9						
10						
11	Slurry Crew -A (Nordic) Sta- 35+00 to 60+00	2500 lf	28 days	Thu 9/14/06	Mon 10/16/06	
12						
13	Slurry Crew- B (Envirocon) Sta 60+00 to 91+00	3100 lf	35 days	Mon 9/11/06	Fri 10/20/06	
14						
15	Slurry Crew- C (Envirocon) Sta 104+32 to 91+00	1300 lf	30 days	Mon 9/18/06	Sat 10/21/06	
16						
17	Remove slurry equipment		5 days	Mon 10/23/06	Fri 10/27/06	15
18						
19						
20	Re-construct levee		10 days	Wed 10/25/06	Sat 11/4/06	11FS+7 days
21						
22						
23	Place AB on levee		2 days	Mon 11/6/06	Tue 11/7/06	20
24						
25	Clean-up and erosion control		3 days	Wed 11/8/06	Fri 11/10/06	23



Task

Split

Progress

Milestone

Summary

Project Summary

External Tasks

External Milestone

Deadline

Project: TRLIA Phase 4 Yuba- double
Date: Wed 9/6/06

Attach 2

RESOLUTION NO. 2006-__

**A RESOLUTION BY THE BOARD OF
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
IN REGARD TO THE NEED FOR 24 HOUR CONSTRUCTION
OF LEVEE IMPROVEMENTS ALONG THE YUBA RIVER**

WHEREAS, on July 18, 2006 the Three Rivers Levee Improvement Authority ("Three Rivers") Board adopted a resolution to adopt the Initial Study and Mitigated Negative Declaration ("IS/MND") for the Yuba River Levee Repair Project; and

WHEREAS, on that same day the Three Rivers Board awarded a contract for construction of the Phase 4 Yuba River Levee Repair Project and authorized the Chairman to execute upon review and approval of counsel; and

WHEREAS, despite these two approvals of July 18, 2006 a Notice to Proceed was not issued to Nordic Industries until Wednesday, August 30, 2006 because Three Rivers did not receive the necessary State Reclamation Board permit for construction and did not receive the necessary funding until Wednesday, August 30, 2006; and

WHEREAS, the IS/MND presumed that the work to be performed would be done in single shifts during the hours of 7:00 am to 10:00 pm, consistent with the Yuba County Noise Ordinance and without application of one of the listed exceptions to the ordinance; and

WHEREAS, Nordic Industries is proceeding with the necessary construction activities, and has already degraded substantial sections of the levee to allow for the construction of a slurry wall, but has also presented a schedule to Three Rivers that demonstrates that under the current operations plan of single shifts, the necessary work would not be completed until some time in December, after the November 1, 2006 Reclamation Board deadline to finish levee construction; and

WHEREAS, if the work cannot be completed prior to November 1, 2006, Three Rivers will be forced to restore the elevation of sections of the levee without addressing the known deficiencies within and underlying the levee; and

WHEREAS, the work to be performed will address conditions on sections of the Yuba River levee that are geotechnically similar to the stretch of the Yuba River levee that failed in 1986 inundating thousands of acres of land and resulting in a half a billion dollar legal settlement between the victims and the State of California, and Three Rivers has received information from a registered geotechnical engineer indicating that this stretch of levee should be repaired this year; and

WHEREAS, Nordic Industries has also presented a schedule that shows that under an operations plan with double shifts all of the necessary work can be completed by November 1, 2006, prior to the Reclamation Board imposed deadline to finish levee construction; and

WHEREAS, a review of the Yuba County Noise Ordinance has demonstrated that Three Rivers may proceed with a double shift operations plan, thus allowing construction during the hours of 10:00 pm until 7:00 am, either by requesting a permit under 8.20.710 from the Department of Planning and Building Services, or by determining that the work falls under the definition of 8.20.120(g); and

WHEREAS, while the Board has reviewed the issue of noise impacts and does not believe that the noise impacts would necessarily be significant, in an abundance of caution the Board believes that proceeding with a CEQA exemption under Public Resources Code Section 21080(b)(4) is appropriate; and

WHEREAS, a review of the case of *CalBeach Advocates v. City of Solano Beach*, 103 Cal. App. 4th 529 (2002), in which the court found appropriate the use of Section 21080(b)(4) where repairs were needed for an eroded beach cliff despite the fact that the repairs were previously planned and the repairs were intended to prevent, rather than to respond to, an emergency, demonstrates the appropriateness of the use of that exception in this case as well; and

WHEREAS, the Board desires to take such actions as are necessary to allow the use of double shifts so that the risks associated with the existing levee section are substantially reduced.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board hereby instructs the Executive Director to work with Nordic Industries to try to achieve a schedule which completes all needed work prior to the flood season, and to consult with the County of Yuba to obtain any necessary permits to facilitate any such schedule.
2. The Board also finds the use of Public Resources Code Section 21080(b)(4) is appropriate in this circumstance and directs the Executive Director to take all necessary actions in furtherance thereof.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Three Rivers Levee Improvement Authority, on the 12th day of September 2006, by the following vote:

AYES:

NOES:

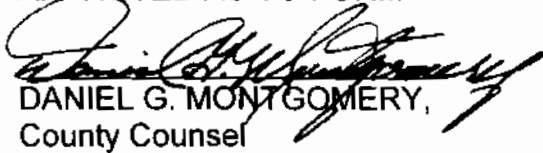
ABSENT:

Richard Webb, TRLIA Chairperson

ATTEST:

DONNA STOTTLEMEYER
Clerk of the TRLIA

APPROVED AS TO FORM


DANIEL G. MONTGOMERY,
County Counsel