



THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
Yuba County Government Center, Board Chambers
915 Eighth Street, Suite 109A
Marysville, California

APRIL 20, 2010 – 2:00 P.M.

CALL TO ORDER: Welcome to the Three Rivers Levee Improvement Authority (TRLIA) meeting. As a courtesy to others, please turn off cell phones, pagers, or other electronic devices which might disrupt the meeting. Thank you.

I **ROLL CALL** – Directors Rick Brown, Jerry Crippen, Don Graham, Mary Jane Griego, John Nicoletti

II **CLOSED SESSION**

Pending litigation pursuant to Government Code §54956.9(a) regarding TRLIA versus the following:

- i. Heir Family Trust YCSCCVED 08-0000242
- ii. Rice YCSCCVED 07-0000633
- iii. Hadley YCSCCVED 08-0000243

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. Prior to this time, speakers are requested to fill out a "Request to Speak" card and submit it to the Clerk of the Board of Supervisors.

IV **CONSENT AGENDA:** All matters listed under the consent agenda are considered to be routine and can be enacted by one motion.

- A. Approve minutes of the regular meeting of April 6, 2010.

V **ACTION ITEMS**

- A. Adopt resolution approving the Upper Yuba River Levee Improvement Project Initial Study/Mitigated Negative Declaration (IS/MND), approving a mitigation monitoring and reporting program, approving the project, and authorizing filing of a notice of determination.

VI **BOARD AND STAFF MEMBERS' REPORTS**

VII **ADJOURN**

The complete agenda, including backup material, is available at the Yuba County Government Center, 915 8th Street, Suite 109, the County Library at 303 Second Street, Marysville, and www.trlia.org. Any disclosable public record related to an open session item on the agenda and distributed to all or a majority of the Board of Directors less than 72 hours prior to the meeting are available for public inspection at Suite 109 during normal business hours.

In compliance with the American with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need disability-related modifications or accommodations to participate in this meeting, please contact the Clerk of the Board's office at (530) 749-7510 or (530) 749-7353 (fax). Requests must be made one full business day before the start of the meeting.



THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

APRIL 6, 2010

MINUTES

A meeting of the Board of Directors of the Three Rivers Levee Improvement Authority (TRLIA) was held on the above date, commencing at 3:30 p.m., within the Government Center, Marysville, California, with a quorum being present as follows: Directors Rick Brown, Jerry Crippen, Don L. Graham, Mary Jane Griego, and John Nicoletti. Also present were Executive Director Paul Brunner, Assistant Counsel Andrea Clark, and Clerk of the Board of Supervisors/Secretary Donna Stottlemeyer. Chair Griego presided.

I **ROLL CALL** – Directors Rick Brown, Jerry Crippen, Don Graham, Mary Jane Griego, John Nicoletti - All Present

II **CLOSED SESSION:** The Board retired into closed session at 3:33 p.m. to discuss the following:

Pending litigation pursuant to Government Code §54956.9(a) regarding TRLIA versus the following:

- A. Heir Family Trust YCSCCVED 08-00000242
- B. Rice YCSCCVED 07-00000633
- C. Hadley YCSCCVED 0800000243
- D. Berdina Cornwell Anderson YCSCCVED 08-00000245 APN 014-370-006 and 039

Director Crippen left closed session at 4:06 p.m. during discussion of ligation regarding Berdina Cornwell Anderson due to a conflict of interest.

The Board returned from closed session at 4:15 p.m. with all present as indicated above. There was no announcement from closed session.

III **PUBLIC COMMUNICATIONS:** No one came forward.

IV **CONSENT AGENDA:** All matters listed under the consent agenda are considered to be routine and can be enacted by one motion.

A. Approve minutes of the regular meeting of March 16, 2010.

MOTION: Move to approve MOVED: Jerry Crippen SECOND: John Nicoletti
AYES: Rick Brown, Jerry Crippen, Don Graham, Mary Jane Griego, John Nicoletti
NOES: None ABSTAIN: None ABSENT

V **ACTION ITEMS**

A. Approve Amendment No. 1 to agreement with Kleinfelder West in the amount of \$374,000 for additional Geotechnical Exploration Services for the Upper Yuba Levee Improvement Project and authorize the Executive Director to execute same upon review and approval of counsel.

Design Manager Larry Dacus recapped the need for services and additional analysis and responded to Board inquiries.

MOTION: Move to approve MOVED: Don Graham SECOND: John Nicoletti
AYES: Rick Brown, Jerry Crippen, Don Graham, Mary Jane Griego, John Nicoletti
NOES: None ABSTAIN: None ABSENT

VI **BOARD AND STAFF MEMBERS' REPORTS:** Reports were received on the following:

Executive Director Paul Brunner:

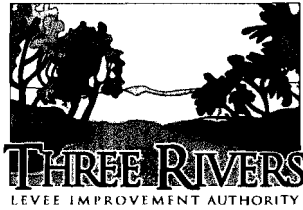
- Draft newsletter to be distributed to the entire county
- Summer internship program
- State funding agreement amendment for Feather River project for \$154 million which included cost share on segment one
- Board of Senior Consultants comments and response
- Central Valley Flood Protection Board meeting held Friday April 2, 2010 regarding Corps findings for 100 year storm event
- Assimilating documentation for FEMA certification for 100 year certification
- Video on historical aspect of flood protection project

VII **ADJOURN:** 4:47 p.m. by Chair Griego.

Chair

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

Approved: _____



THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

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April 20, 2010

TO: Three Rivers Levee Improvement Authority Board
FROM: Paul Brunner, Executive Director *PAB*
Anja Raudabaugh, Environmental Manager
SUBJECT: Upper Yuba Levee Improvement Project, Initial Study and Mitigated Negative Declaration

Recommended Action

To adopt the attached resolution approving the Upper Yuba Levee Improvement Project (UYLIP) Final Initial Study and Mitigated Negative Declaration, approving the UYLIP Mitigation Monitoring and Reporting Program, approving the UYLIP, and authorizing the filing of a Notice of Determination under the California Environmental Quality Act (CEQA).

Background

In 2003 the Lower Feather River Floodplain Mapping Study was completed and identified deficiencies on the Reclamation District 784 levees, including the lower Yuba River. To address the identified deficiencies, TRLIA developed a comprehensive Levee Improvement Program for RD 784. Phase 4 of the TRLIA Levee Improvement Program included the Phase 4 Yuba River Levee Repair Project which consisted of strengthening the existing Yuba River South Levee ("YRSL") above the South Pacific Railroad crossing to Simpson Lane and adding a seepage berm adjacent to the SPRR crossing. Phase 4 of the Yuba River Levee Repair Project also consists of improving the remaining portion of the YRSL from Simpson Lane to the Yuba Goldfields. After the hydraulic model was updated in December 2008, TRLIA and Kleinfelder reevaluated the portion of the YRSL from Simpson Lane to the Yuba Goldfields in 2010 and concluded that there are significant problems related to under and through seepage along the YRSL. MBK Engineers has also identified short reaches of the YRSL that have subsided below the design elevation and need to be corrected.

In response to these issues TRLIA has proposed to improve a segment of the YRSL to correct through seepage, under seepage, and levee geometry deficiencies and improve flood protection on the YRSL. The UYLIP would improve the YRSL between Simpson Lane and the Yuba Goldfields (3.9 miles).

Discussion

In accordance with CEQA, an Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared for the UYLIP documenting environmental impacts. The draft IS/MND was circulated for public review between February 11, 2010 and March 15, 2010. TRLIA received 7 comment letters in response to the draft IS/MND, which have been addressed in the Final IS/MND.

Comment letters received included those from the following entities: the U.S. Army Corps of Engineers, Yuba County, Linda Fire Protection District, the Federal Emergency Management Agency, the Central Valley Flood Protection Board, Caltrans, and the Law Offices of Thomas Eres on behalf of his clients, Gene Ginochio and Frances Hofman.

The Final IS/MND concludes that the project would not have any significant effects on the environment once mitigation measures are implemented. Key areas of mitigation for this project include air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, public services, and transportation/traffic. TRLIA has developed a Mitigation Monitoring and Reporting Program in order to provide for the implementation of the mitigation measures identified in the IS/MND. Copies of the Final IS/MND, the Mitigation Monitoring and Reporting Program, and the Draft IS/MND have been distributed to the TRLIA Board Members and are on file at the Clerk of the Board's Office at 915 8th Street, Marysville, CA.

Fiscal Impact

There is no fiscal impact of this action. The project will be funded through an Early Implementation Project (EIP) funding agreement with the State, which was executed on October 20, 2009.

Attachments

1. Resolution Approving the Upper Yuba River Levee Improvement Project IS/MND, Approving a Mitigation Monitoring and Reporting Program, Approving the Project, and Authorizing Filing of a Notice of Determination

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

RESOLUTION NUMBER _____

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
APPROVING THE UPPER YUBA RIVER LEVEE IMPROVEMENT PROJECT
IS/MND, APPROVING A MITIGATION MONITORING AND REPORTING
PROGRAM, APPROVING THE PROJECT, AND AUTHORIZING
FILING OF A NOTICE OF DETERMINATION**

WHEREAS, in 2003 the Lower Feather River Floodplain Mapping Study was completed and identified deficiencies on the Reclamation District 784 levees including the lower Yuba River; and

WHEREAS, to address the identified deficiencies, TRLIA developed a comprehensive Levee Improvement Program for RD 784. Phase 4 of the TRLIA Levee Improvement Program included the Phase 4 Yuba River Levee Repair Project which consisted of strengthening the existing Yuba River South Levee ("YRSL") above the South Pacific Railroad crossing to Simpson Lane and adding a seepage berm adjacent to the South Pacific Railroad crossing. Phase 4 of the Yuba River Levee Repair Project also consists of improving the remaining portion of the YRSL from Simpson Lane to the Yuba Goldfields; and

WHEREAS, after the hydraulic model was updated in December 2008, TRLIA and Kleinfelder reevaluated the portion of the YRSL from Simpson Lane to the Yuba Goldfields in 2010 and concluded that there are significant problems related to under- and through-seepage along the YRSL; and

WHEREAS, MBK Engineers has also identified short reaches of the YRSL that have subsided below the design elevation and need to be corrected; and

WHEREAS, TRLIA has proposed to improve a segment of the YRSL to correct through seepage, under seepage, and levee geometry deficiencies and improve flood protection on the YRSL ("Upper Yuba River Levee Improvement Project," or "Project"); and

WHEREAS, the Project includes installation of slurry walls, seepage berms, levee geometry corrections, and levee slope erosion protection along approximately 3.9 miles of the YRSL; and

WHEREAS, TRLIA arranged for the preparation of an Initial Study/Mitigated Negative Declaration (IS/MND) describing the Project and its potential environmental impacts,

WHEREAS, the IS/MND was circulated for public review from February 11, 2010 through March 15, 2010, and seven public comments were received; and

WHEREAS, TRLIA held a public information meeting about the Project on March 8,

2010 in Marysville; and

WHEREAS, a mitigation monitoring and reporting program was prepared to provide for the implementation of the mitigation measures identified in the IS/MND; and

WHEREAS, it is the professional judgment of TRLIA's environmental consultant that the potential impacts identified in the IS/MND would be mitigated to a less than significant level through implementation of the mitigation monitoring and reporting program.

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF THE THREE RIVERS LEVEE IMPROVEMENT DISTRICT FINDS AS FOLLOWS:

1. TRLIA has independently reviewed and analyzed the IS/MND and has considered all of the comments received.

2. The IS/MND has been prepared in accordance with the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and reflects the independent judgment and analysis of TRLIA.

3. The Project will have no impact on aesthetics, mineral resources, population and housing, and recreation.

4. The Project will have a less-than-significant impact on agricultural resources, greenhouse gas emissions, land use planning, and utilities and service systems.

5. With the inclusion of the proposed mitigation measures, the project will have a less-than-significant impact on air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, public services, and transportation.

6. On the basis of the whole record before it, there is no substantial evidence that the Project will have a significant effect on the environment.

7. All mitigation measures identified in the IS/MND as feasible mitigation measures are adopted and incorporated into the Project, and the mitigation monitoring and reporting program is adopted.

8. The Project is approved.

9. The Executive Director of TRLIA is authorized, on behalf of TRLIA, to sign and directed to file with the Clerk of Yuba County a Notice of Determination for the project.

9. The location of the documents which constitute the record upon which TRLIA's decision is based is TRLIA's main office, located at 1114 Yuba Street, Suite 218, Marysville, CA 95901. The custodian of such documents is Paul Brunner, Executive Director of TRLIA.

ADOPTED as a resolution of the Board of Directors of the Three Rivers Levee Improvement Authority at an adjourned meeting duly held on the 20th day of April, 2010.

VICE CHAIRMAN

ATTEST:

APPROVED AS TO FORM:

DONNA STOTTLEMEYER
CLERK OF THE BOARD

Andrea P. Clark for Scott Shapiro

SCOTT SHAPIRO
GENERAL COUNSEL

STATE OF CALIFORNIA)
COUNTY OF YUBA) ss
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY)

I, Donna Stottlemeyer, Secretary of the Board of Directors of Three Rivers Levee Improvement Authority, do hereby certify that the foregoing is a true and correct copy of Resolution No. _____ adopted by the Board of Directors of the Three Rivers Levee Improvement Authority, Yuba County, California, at a regular meeting thereof, held on the 20th day of April, 2010 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

DONNA STOTTLEMEYER, SECRETARY