



THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

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Project Status Report dated May 4, 2009

(Submitted to The Central Valley Flood Protection Board for the May 15, 2009 meeting)

A progress report of the various phases of the Three Rivers Levee Improvement Authority (TRLIA) project is provided in the followings sections of this document. Updates are indicated with italics and underline.

1. Administrative and Other Items:

- a. TRLIA Counsel drafted a letter to Board Counsel to confirm the parties' understanding that there is no need to amend the Second Implementation Agreement as a result of the changed funding sources and that TRLIA and Yuba County have met their obligations in regard to regulating development. Board Counsel has agreed with TRLIA Counsel's understanding and has referred the matter to the Board Executive Officer.
- b. DWR has submitted Prop 1E payment requests to the State Controller's office for the TRLIA EIP Feather River Levee project. As of 5-4-09 TRLIA has not received this next payment from the State.
- c. TRLIA is attempting to form a Benefit Assessment District to raise additional funds for levee maintenance of the RD 784 levees that TRLIA has improved. Ballots for the Assessment District were mailed on March 26, 2009 and must be returned to TRLIA no later than May 12, 2009. TRLIA continues the public information program to inform the community of the need for the assessment and how the assessment will be used. Results of the election will be known on June 2, 2009.

2. Levee Design and Construction Work:

- a. **Phase 4 – Yuba River Levee between Simpson Lane and the Goldfields:**
 - 1) TRLIA has submitted an application to DWR for this fiscal year EIP program. TRLIA is coordinating with DWR on application information. DWR is processing the application. Hopefully, the results of the review will be known by the June 2009 CVFPB meeting.

b. Phase 4 – Feather River Levee between Bear and Yuba Rivers:

1) Segment 1:

- a) Segment 1: Nordic Inc. is done with levee work except for future work required for the crack (next item in this report).
- b) Segment 1 Crack: TRLIA continues to monitor the site. Updated information has been and is being shared with the Corps, DWR and the CVFPB. The site continues to stabilize. Movement has essentially ceased. TRLIA met with CVFPB and DWR Technical Personnel on April 17 to resolve final technical questions and agree on a repair for the crack. Based on the discussions from the April 17th meeting TRLIA provided on April 24th a Final Draft of a consolidated comprehensive Technical Memorandum on the crack which included a proposed repair. This Technical Memorandum was sent to a wide range of individuals in the CVFPB, the Corps and DWR. At the conclusion of the April 17th meeting between CVFPB, DWR and TRLIA, DWR stated that it would provide meeting notes that would summarize the discussion that occurred. These notes were received on the afternoon of April 24, 2009 after TRLIA had sent the consolidated Technical Memorandum report. These meeting notes contained several unresolved issues that were not mentioned at the April 17th technical meeting. To address these meeting notes, TRLIA will provide by May 22, 2009 an addendum to the consolidated Technical Memorandum. The addendum will provide responses to each additional unresolved issue identified in the meeting notes. On April 27 the CVFPB provided a letter to TRLIA that transmitted and agreed with a DWR letter dated April 17th which stated DWR considers the Segment 1 crack incident as unresolved and will not recommend to the Board acceptance of the proposed corrective action until a more comprehensive evaluation is received and reviewed. TRLIA understands the main reason that the issue with the crack is considered unresolved is due to the lack of a consolidated comprehensive Technical report that both CVFPB and DWR technical people can review. As stated TRLIA has supplied that Technical report and will shortly provide the addendum. TRLIA is waiting for comments on the Technical memorandum and the proposed crack repair project.

2) Segment 2:

- a) Part A of encroachment permit:
- Earth moving operations began in late April and are currently placing 37,000 cubic yards of embankment each day depending on the weather.
 - On April 9, 2009, the State Mining and Geology Board (“SMGB”) heard TRLIA’s request for an exemption from the California Surface Mining and Reclamation Act (“SMARA”). TRLIA sought a determination that the Platter/JTS Borrow and the Ella Borrow sites were each exempt from SMARA as either onsite construction or as a one-time exemption (Public Resources Code § 2714(b), (f)). At the SMGB meeting the Board voted unanimously to require TRLIA to submit a reclamation plan and financial assurances for the two borrow sites. However, the Board also made it clear at the meeting that they wanted the project to continue given public safety concerns if the project was delayed. On April 15th the SMGB issued

TRLIA an Order to Comply for surface mining operations at the Platter/JTS and Ella borrow sites. The SMGB Order transmittal letter and Order require TRLIA to accomplish the following items:

1. Letter: Provide proposed interim financial assurance amount to SMGB by April 30th. Status: Submitted on April 17, 2009. SMGB to hear on May 14.
2. Order: Obtain an approved SMGB State Reclamation Plan by July 9th for the Platter/JTS and Ella Borrow sites. Status: The Plan is being prepared and will be submitted by mid May.
3. Order: Obtain approved SMGB financial assurance by July 9th for the Platter/JTS and Ella Borrow sites. Status: The financial assurance is being prepared and will be submitted by mid May.
4. Order: Obtain an approved County surface mining permit. Status: TRLIA has coordinated the SMGB action with Yuba County. The County has determined that the Ella site does not require any further permits, and that the Platter/JTS site does require a mining permit. Per discussion with the County, TRLIA has applied for an Ordinance amendment that provides a process for the County to allow for excavation/earthwork (mining) for flood protection purposes at the Platter/JTS site in a residential zone (not currently allowed). The CUP is for the actual mining activity for that portion of the project that is not exempt from SMARA.

This matter will be heard at the July 9, 2009 SMGB meeting.

Part B: of encroachment permit:

- TRLIA received the Section 404 Permit from the Corps of Engineers on December 16, 2008 and Section 408 approval to alter the levee on December 12, 2008.
 - The TRLIA Safety Assurance Review (SAR) Plan was approved by the Corps on April 24. This allows construction to begin at the setback tie-ins.
- An intact archaeological feature and prehistoric cultural midden deposit including skeletal elements of an infant and an adult have been discovered in the vicinity of the south tie-in of the setback levee. The subsurface material is within the footprint of the proposed levee and stabilization berm. Efforts to more precisely determine the lateral extent of the site have been completed. TRLIA continues coordination with the Corps and the Enterprise Rancheria according to the protocols established in the adopted Historic Properties Treatment Plan to determine mitigation measures to offset impacts at this cultural site. Construction at the southerly tie-in will be delayed until later in the 2009 construction season pending the outcome of what needs to be done. The Rancheria has agreed on an alternative design (widen levee and cover the cultural site) at the

cultural site. TRLIA has initiated a design modification at this location and will coordinate with CVFPB, DWR and the Corps for approval of the modification.

- The Section 104 credit for the Tie-In work was issued by the Corps on April 3, 2009
- Department of Fish and Game (DFG) has not finalized the 2081 permit. This impacts work in the South Tie-In area.
- The tie-in foundation and continuing embankment work was awarded on April 22 to Teichert. Work has begun on clearing the foundation and preparing for foundation slurry wall work at the North Tie-In.

b) TRLIA submitted an encroachment permit application on November 17, 2008 for degradation of the existing Feather East levee being replaced by the Feather Setback levee. Degradation is proposed to begin when the Setback Levee is substantially complete around mid summer 2009. The proposed encroachment is on the June 2009 Board meeting agenda for consideration. Now that the Section 104 Credit has been approved by the Corps for the levee degrade the following item for this proposed permit remains to be worked by CVFPB staff and TRLIA:

- TRLIA is attempting to obtain Corps support for the degradation of the existing levee during the 2009 construction season. TRLIA has provided information to the Corps and CVFPB Staff. TRLIA met with the Corps on April 28 to discuss criteria for degradation this summer. While criteria have not been finalized, there does appear to be criteria acceptable to the Corps for early degradation. TRLIA is scheduling a meeting with CVFPB Staff to discuss this issue.

3) TRLIA plans to construct erosion protection this summer at the confluence of the Feather and Yuba Levees in Segment 3. This erosion protection was identified as necessary by the Corps of Engineers and required before this reach of levee could be certified. TRLIA has applied for an encroachment permit and has asked that this permit be considered at the June Board Meeting.

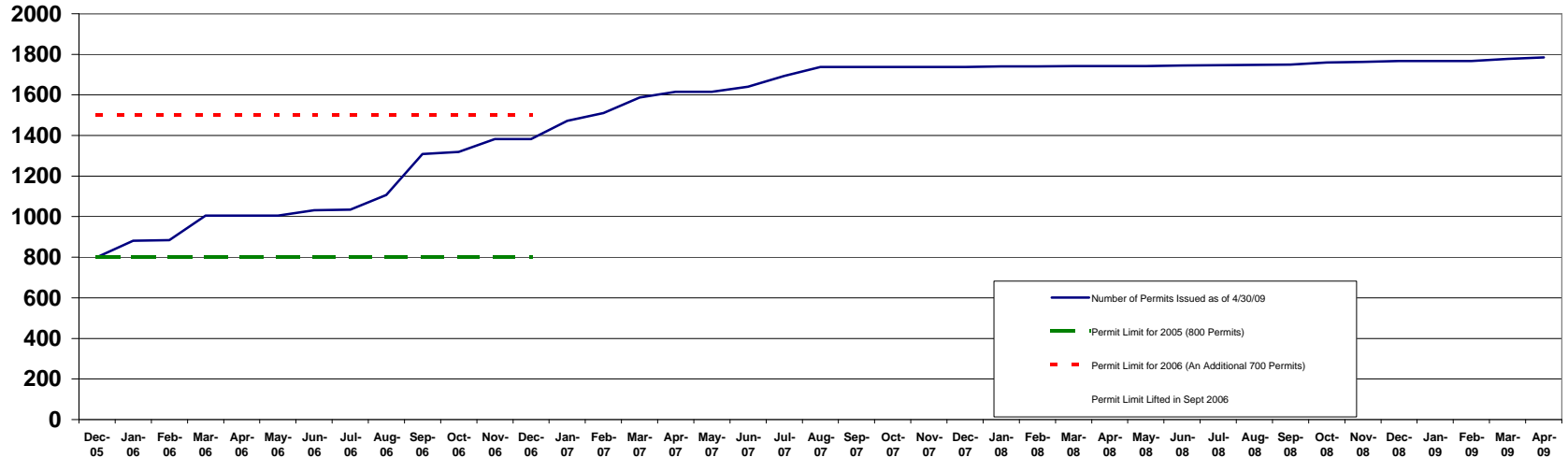
3. Building Permits Issued in Plumas Lake Specific Plan Area and North Arboga Study Area in 2009:

- a. The attached table and graph provides information related to residential building permits issued for the Plumas Lake Plan Area (PLSPA) and the North Arboga Study Area (NASA) within Yuba County in 2009.
- b. As shown in the table, a total of 18 building permits have been issued in 2009. Seven of the permits were issued in April of 2009.

Attachments:

1. Building permit graphic
2. Building permit table

Building Permits Issued in TRLIA Project Area



Plumas Lake Specific Plan Area and North Arboga Study Area - Building Permits Issued in 2009

Developer/Builder	Monthly Building Permits Issued for Plumas Lake and North Arboga Study Area												Total (By Builder)	
	Jan-09		Feb-09		Mar-09		Apr-09		May-09		Jun-09			
	Plumas	NASA	Plumas	NASA	Plumas	NASA	Plumas	NASA	Plumas	NASA	Plumas	NASA		
KB Homes North Bay						11		7						18
Cresleigh Homes														0
Forecast Homes/K Hovnanian														0
Homes by Towne/HBT Constr.														0
Beazer Homes														0
California Homes/Home Builders														0
Cassano Kamilos Homes														0
D.R. Horton/Western Pacific														0
Other														0
Monthly Totals	0		0		11		7		0		0		18	

As of April 30, 2009

Total Permits for 2009 18