



Sutter Butte Flood Control Agency

Board of Directors Agenda – Regular Meeting, November 10, 2021, 1 p.m.
City of Yuba City – Council Chambers - 1201 Civic Center Blvd., Yuba City

MODIFIED BROWN ACT REQUIREMENTS IN LIGHT OF COVID-19

In Compliance with CA Executive Orders N-25-20 and N-29-20 members of the Board of Directors and members of the public will participate in this meeting in person or by teleconference. The call in information for the Board of Directors and the public is as follows:

Zoom Meeting URL: https://us06web.zoom.us/webinar/register/WN_CTR3yAyBQjeOg6PAtm0fuw

Any member of the public on the telephone may speak during Public Comment or may email public comments to admin@sutterbutteflood.org and comments will be read from each member of the public. During this period of modified Brown Act Requirements, Sutter Butte Flood Control Agency will use best efforts to swiftly resolve requests for reasonable modifications or accommodations with individuals with disabilities, consistent with the Americans with Disabilities Act, and resolving any doubt whatsoever in favor of accessibility.

County of Sutter

Mat Conant
Mike Ziegenmeyer
Alt. Karm Bains
Alt. Nicholas Micheli

County of Butte

Bill Connelly
Tod Kimmelshue

City of Yuba City

Shon Harris
Grace Espindola
Alt. Marc Boomgaarden

City of Live Oak

Lakhvir Ghag
Alt. Luis Hernandez

City of Gridley

Bruce Johnson

City of Biggs

Bo Sheppard
Alt. Chuck Nuchols

Levee District 1

Charlie Hoppin
Al Montna
Alt. Vacant
Alt. Drew Stresser

Levee District 9

Mike Morris
Chris Schmidl

AGENDA SUMMARY

REGULAR MEETING/CALL TO ORDER

- Roll Call
- Pledge of Allegiance

PUBLIC COMMENT

Members of the public will be allowed to address the Sutter Butte Flood Control Agency’s Board of Directors on items of interest to the public that are within the subject matter jurisdiction of the Board. Any member of the audience who may wish to bring a matter before the Board that has not been placed on the agenda may do so at this time; however, State law provides that no action may be taken on any item not appearing on the posted Agenda.

CONSENT CALENDAR

The Consent Calendar groups together those items which are considered noncontroversial or for which prior policy direction has been given to staff and that require only routine action by the Board. The Chair will advise the audience that the matters may be adopted in total by one motion; however, the Board may, at its option or upon request of a member of the public, consider any matter separately.

1. Approval of the Minutes for the October 13, 2021 Board Meeting
2. Approve and authorize the Executive Director to execute Task Order 26 Amendment No. 1 with HDR for services related to the closeout of the Feather River West Levee Project O&M Manual updates
3. Consider approval of Resolution 2021-11 Authorizing Remote Teleconference Meetings under the Brown Act

PRESENTATION, DISCUSSION & ACTION ITEMS

4. Approve a Memorandum of Understanding (MOU) between members of the Feather River Regional Flood Management Planning Group and grant authority to the Executive Director to execute the MOU on behalf of the Agency
5. Strategic Plan Update

INFORMATIONAL AND POSSIBLE APPROVAL ITEMS

6. Presentation and File Monthly Financial Report
7. Presentation and File Program/Project Update

ADJOURNMENT

The next regularly scheduled Board of Directors meeting will be held on Wednesday, December 8, 2021 at 1 p.m.



Sutter Butte Flood Control Agency

Board of Directors Minutes Regular Meeting, October 13, 2021, 1 p.m.

MODIFIED BROWN ACT REQUIREMENTS IN LIGHT OF COVID-19

The Sutter Butte Flood Control Agency (Agency) Board of Directors (Board), State of California, met on the above date at 1 p.m. in Compliance with CA Executive Orders N-25-20 and N-29-20 members of the Board of Directors and members of the public participated in this meeting by teleconference.

These minutes do not represent a transcript of the meeting and are intended to be a summary of the most important points. For a complete record, please refer to the video recording of the meeting, which is posted on SBFCA's website: <http://sutterbutteflood.org/board/meetings-agendas/>

MEMBERS PRESENT

County of Sutter:	Mat Conant, Mike Ziegenmeyer
County of Butte:	Tod Kimmelshue, Bill Connelly
City of Yuba City:	Grace Espindola, Shon Harris
City of Biggs:	Bo Sheppard
City of Gridley:	Bruce Johnson
City of Live Oak:	Lakhvir Ghag
Levee District 9:	Mike Morris
Levee District 1:	Charlie Hoppin, Al Montna

MEMBERS ABSENT: Chris Schmidl

STAFF PRESENT: Michael Bessette, Executive Director; Agency Counsel; Scott Shapiro; Seth Wurzel, Budget Manager; Kim Floyd, Public Outreach; Chris Fritz; and Terra Yaney, Board Clerk

MEETING/CALL TO ORDER

At 1:00 p.m., Director Tod Kimmelshue opened the meeting and led the group in the pledge of allegiance.

PUBLIC COMMENT

No public Comment

CONSENT CALENDAR

1. Approval of the Minutes for the August 11, 2021 Board Meeting
2. Approval of a Contract amendment with Western Properties, dba InContext to complete a Regional Ethnographic Study for the Feather River West Levee Project
3. Adoption of a resolution approving the Sutter County Multi-Jurisdictional Local Hazard Mitigation Plan, dated May 2021
4. Authorize the Executive Director to submit an application for grant funds from the California State Department of Parks and Recreation and authorize the Executive Director to execute an agreement for the Oroville Wildlife Area/Thermalito Afterbay Outlet Park and Recreation Area Project and to file a Notice of Determination pursuant to the California Environmental Quality Act (CEQA)
5. Termination of 2018 Funding and Services Agreement with LD 1 and LD 9 Associated with the Formation of the Feather River West Levee Financing Authority

6. Approval of Task Order 15 Amendment No. 1 under the Master Services Agreement with WSP (formally Parsons Brinckerhoff, Inc.) to provide construction management services for the Yuba City Boat Ramp Sediment Removal Project
7. Approve Resolution No. 2021-10 Authorizing Remote Teleconference Meetings of Sutter Butte Flood Control Agency Pursuant to the Brown Act

A motion to approve the Consent Calendar was made by Director Mat Conant and seconded by Director Mike Morris. The motion passed with no objection. The Consent Calendar was approved as follows:

- Mat Conant– yes
- Bill Connelly - yes
- Grace Espindola– yes
- Lakhvir Ghag - yes
- Shon Harris- Yes
- Charlie Hoppin - yes
- Bruce Johnson- yes
- Tod Kimmelshue - yes
- Al Montna– yes
- Mike Morris - yes
- Bo Sheppard - yes
- Mike Ziegenmeyer - yes

No public Comment

The entire discussion is available on the SBFCA website at: <http://sutterbutterflood.org/board/meetings-agendas/>

INFORMATIONAL AND POSSIBLE APPROVAL ITEMS

8. Approve and Post the ULOP EVD-1 “Substantial Evidence in the Record” for the Feather River West Levee Project 1, acting as the Local Flood Management Agency, and approve Resolution No 2021-09 renaming the project in honor of Francis Silva

Executive Director Michael Bessette gave a brief presentation. He reported that SBFCA and Levee District No. 1 have completed the levee construction to achieve our stated goal of 200-year level of flood protection for our urban levees, and our design team has assembled the EVD-1 packages documenting this fact. He went onto report that the packages have been thoroughly reviewed and approved by our Independent Panel of Experts and they have produced a report that is included in the EVD-1 package. Following Mr. Bessette’s report a recognition event was held to mark this milestone. Community members and local and state leaders spoke on the certification of 200-year level of flood protection for urban areas in the Sutter-Butte Basin. A video honoring Director’s Francis Silva and Sally Serger who passed away this year.

The entire discussion is available on the SBFCA website at: <http://sutterbutterflood.org/board/meetings-agendas/>

A motion to approve and post the ULOP EVD-1 Substantial Evidence in the Record for the FRWLP1 was made by Director Grace Espindola and seconded by Director Mike Morris. The motion passed with no objection. The Item was approved as follows:

- Mat Conant– yes
- Bill Connelly - yes
- Grace Espindola– yes
- Lakhvir Ghag - yes
- Shon Harris- Yes
- Charlie Hoppin - yes
- Bruce Johnson- yes
- Tod Kimmelshue - yes
- Al Montna– yes
- Mike Morris - yes
- Bo Sheppard - yes
- Mike Ziegenmeyer - yes

A motion to approve Resolution No. 2021-09 Renaming the FRWLP1 in honor of Francis Silva was made by Director Al Montna and seconded by Director Mat Conant. The motion passed with no objection. The Resolution was approved as follows:

- Mat Conant– yes
- Bill Connelly - yes
- Bruce Johnson- yes
- Tod Kimmelshue - yes

- Grace Espindola– yes
- Lakhvir Ghag - yes
- Shon Harris- Yes
- Charlie Hoppin - yes

- Al Montna– yes
- Mike Morris - yes
- Bo Sheppard - yes
- Mike Ziegenmeyer - yes

8. Presentation and File Monthly Financial Report

No oral report.

INFORMATIONAL AND POSSIBLE APPROVAL ITEMS

9. Program/Project Update

No oral report.

The entire report is available on the SBFCA website at: <http://sutterbutterflood.org/board/meetings-agendas/>

ADJOURNMENT

With no further business coming before the Board, the meeting was adjourned 2:21 p.m.

ATTEST BY: _____

Terra Yaney, Board Clerk

Board Chair



Sutter Butte Flood Control Agency

A Partnership for Flood Safety

November 10, 2021

TO: Board of Directors

FROM: Michael Bessette, Executive Director

SUBJECT: Approve and authorize the Executive Director to execute Task Order 26 Amendment No. 1 with HDR for services related to the closeout of the Feather River West Levee Project O&M Manual updates

Recommendation

It is recommended that the Board of Directors authorize the Executive Director to execute Task Order 26 Amendment No. 1 with HDR to provide services related to the closeout of the Feather River West Levee Project O&M Manual updates under the Master Services Agreement subject to legal counsel's final review and approval.

Background

The HDR team, in support of the Sutter Butte Flood Control Agency, prepared designs for the Feather River West Levee Project (FRWLP), from Thermalito Afterbay to the north end of the Star Bend setback levee (Project Areas B, C and D – FRWLP Phase I). Designs and construction documents for FRWLP Phase I improvements were prepared between year 2013 and year 2014, then constructed from year 2013 to year 2020. The HDR team provided support to SBFCA and its construction manager during construction and has assisted with various closeout efforts including preparation of construction closeout reports, record drawings, FEMA accreditation packages, and Urban Levee Design Criteria (ULDC) certification. Improvements to the FRWL also necessitated updates to the existing USACE Operation and Maintenance (O&M) Manuals. The intent of the O&M Manual updates is to provide information related to the as-constructed facilities.

The intent of this Task Order Amendment No. 1 is to provide SBFCA with the continued services necessary for the final closeout of the O&M Manual updates. The HDR team previously prepared O&M Manual updates for Units 144, 148, and 152. Updates have not yet been approved by USACE and coordination is currently on-going. On September 15, 2021, USACE provided new comments on previously updated O&M Manuals for Units 144 and 148. The USACE also requested that the Unit 152 O&M Manual be updated following a new format. HDR will perform the tasks as listed in the scope with direction from SBFCA's Executive Director.

Fiscal Impact

There is no net budgetary impact from the Board's approval of staff's recommendation. Budget for the closeout of the FRWLP is included with the Board Approved FY 2021 through 2024 budget. Costs associated with the project are cost-shared with the State via SBFCA's Urban Flood Risk Reduction grant with the California Department of Water Resources. Approval of Task Order 26 Amendment No. 1 with HDR will obligate SBFCA to pay for the associated services delivered (which are provided on a time and materials basis) up to the task order budget limitation. With the Amendment, the total maximum limit for Task Order 26 will be increased by \$26,654 from \$512,199 to \$538,853. Budget for this effort is included with the costs of SBFCA's FRWLP. Budget for all closeout related efforts has been included within Expenditure Accounts 731-99-5001/6001-66531, 68930, 65679, 67202, 68202 and 68802.

Attachment: HDR Task Order 26 Amendment No. 1 Scope and Fee

HDR Engineering Inc.

Task Order 26 – Amendment 1

FRWLP – Engineering and Closeout Services

This Task Order Amendment is associated with the Master Agreement between the Sutter Butte Flood Control Agency and HDR Engineering Inc., dated July 14, 2010.

Scope of Work

See attached scope dated October 22, 2021.

Schedule

The assumed schedule is included in the scope of referenced above.

Budget

The budget for this amendment is not-to-exceed \$26,654 based on the provisions of the Master Agreement. The total budget for the Task Order is increased from \$512,999 to \$538,853. An assumed breakdown of work effort for the amendment is provided in the attached Fee Summary table included with the Scope of Work.

Special Provisions

None

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the day and year first written above.

SUTTER BUTTE FLOOD CONTROL AGENCY

HDR ENGINEERING INC.

By: _____

By: _____

DATED: _____

DATED: _____



Scope and Fee Estimate for Engineering Services

Task Order 26 – Amendment 1

Feather River West Levee Project

O&M Manual Updates

Sutter Butte Flood Control Agency

Yuba City, California

October 22, 2021

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Introduction

The HDR team, in support of the Sutter Butte Flood Control Agency (SBFCA), prepared designs for improvements to the Feather River West Levee (FRWL) from Thermalito Afterbay to the north end of the Star Bend setback levee (Project Areas B, C and D – FRWL Phase I - project station 512+00 to 1674+37 and station 1769+31 to 2368+36). Designs and construction documents were prepared between 2013 and 2014, then constructed between 2013 and 2019. Improvements to the FRWL necessitated updates to existing USACE Operation and Maintenance (O&M) Manuals. The intent of the updates is to provide operation and maintenance information related to the as-constructed facilities.

The HDR team previously prepared O&M Manual updates for Units 144, 148, and 152. Updates have not yet been approved and coordination with USACE is currently on-going. On September 15, 2021, USACE provided new comments on previously updated O&M Manuals for Units 144 and 148. In addition, USACE requested that the Unit 152 O&M Manual be updated following a new format

The following scope has been prepared to outline additional services related to updating the above referenced O&M Manuals.

Scope of Work

The work outlined in this scope has been divided into tasks in accordance with the work break down structure (WBS) shown below and in the attached fee summary. The work outlined in this scope includes activities that fall within the following tasks:

- Project Management
- USACE O&M Manual Updates

1 Project Management

HDR's project manager will manage the contract scope, schedule, and budget for HDR's team project activities outlined for this Task Order amendment. HDR's project manager will follow the existing Project Management Plan for other SBFCA FRWL project Task Orders.

Assumptions:

- Work will be completed by March of 2023.

Deliverables:

- Invoices and progress reports.

2 USACE O&M Manual Updates

The HDR team will continue working with the USACE and SBFCA to finalize the Unit 144, 148, and 152 O&M Manuals. The team will address new comments from USACE and revise the manuals accordingly. Manuals will also be formatted based on USACE's latest guidance and in accordance with ER 1110-2-401.

Assumptions:

- Information previously gathered and included in the draft Unit 144, 148, and 152 O&M Manuals will be utilized for preparing the updates.
- The Unit 152 O&M Manual was previously updated and accepted by USACE, though not approved. Updates to the Unit 152 O&M Manual are anticipated to be for format and consistent with the Unit 144 and 148 O&M Manuals.

Deliverables:

- Updated Unit 144, 148, and 152 O&M Manuals and associated exhibits (PDF).

Fee Estimate

Attached please find HDR's fee estimate for the scope of work described herein for Task Order 26. Amendment 1.

**OPERATION AND MAINTENANCE MANUAL UPDATES
FEATHER RIVER WEST LEVEE PROJECT
TOTAL FEE SUMMARY - TASK ORDER 26 - Amendment 1**

No.	Task Description	HDR	WR	Total Costs
Engineering and Closeout				
1	Project Management			
1.1	Project Management, Invoicing, and Progress Reports	\$ 3,086	\$ -	\$ 3,086
		\$ -	\$ -	\$ -
	Subtotal Project Management	\$ 3,086	\$ -	\$ 3,086
2	Operation and Maintenance Manual Updates			
2.1	USACE O&M Manual Updates	\$ 1,292	\$ 21,732	\$ 23,024
		\$ -	\$ -	\$ -
		\$ 1,292	\$ 21,732	\$ 23,024
	Subconsultant Markup (2.5%)			\$543
	Subtotal Effort	\$4,378	\$21,732	\$26,110
	Subtotal Effort w/ Sub Markup	\$4,921	\$21,732	\$26,654

**OPERATION AND MAINTENANCE MANUAL UPDATES
FEATHER RIVER WEST LEVEE PROJECT
TOTAL FEE SUMMARY - TASK ORDER 26 - Amendment 1**

No.	Task Description	Labor												Acct	Clerical	Total Hours	Total Labor (\$)	Expenses	Total	
		E7	E6	E5	E4	E3	E2	E1	T4	T3	T2	T1	Survey							
	Rates	274.00	241.39	228.34	215.29	195.71	169.63	156.57	150.04	130.48	104.38	85.31		123.94	97.86			2.5%		
Engineering and Closeout																				
1	Project Management																			
1.1	Project Management, Invoicing, and Progress Reports															0	\$ -	\$ -	\$ -	
	Subtotal Project Management	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$ -	\$ -	\$ -	
2	Operation and Maintenance Manual Updates																			
2.1	USACE O&M Manual Updates															130	\$ 21,202	\$ 530	\$ 21,732	
	Subtotal Operation and Maintenance Manual Updates	0	0	16	0	6	0	90	10	0	0	0	0	0	8	130	\$ 21,202	\$ 530	\$ 21,732	
TOTAL EFFORT		0	0	16	0	6	0	90	10	0	0	0	0	0	8	130	\$ 21,202	\$ 530	\$ 21,732	

Sutter Butte Flood Control Agency

RESOLUTION NO. 2021-11

**AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF SUTTER BUTTE
FLOOD CONTROL AGENCY PURSUANT TO THE BROWN ACT**

WHEREAS, Sutter Butte Flood Control Agency (“Agency”) is committed to preserving public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the Agency are open and public, as required by the Ralph M. Brown Act (Gov. Code, §§ 54950 – 54963) (“Brown Act”), so that any member of the public may attend, participate, and watch the Agency’s legislative body conduct its business; and

WHEREAS, Assembly Bill 361 added Government Code section 54953(e) to make provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body determines that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, as a condition of extending the use of the provisions found in Section 54953(e), the Board of Directors must reconsider the circumstances of the state of emergency that exists in the District; and

WHEREAS, such conditions persist in the District, specifically, the March 4, 2020 State of Emergency Proclamation remains active in California due to the continued threat of COVID-19; and

WHEREAS, the Board of Directors does hereby find that meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, the Board of Directors does hereby find that the Agency shall conduct its meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that the Board shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, all meeting agendas, meeting dates, times, and manner in which the public may participate in the public meetings of the Agency and offer public comment by telephone or internet-based service options including video conference are posted on the Agency website and physically outside of the Agency office.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF SUTTER BUTTE FLOOD CONTROL AGENCY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Risks to Health and Safety of Attendees. The Board hereby determines that meeting in person would present imminent risks to the health or safety of attendees.

Section 3. Remote Teleconference Meetings. Agency staff are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution, including conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 4. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) December 10, 2021, or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Agency may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Directors of Sutter Butte Flood Control Agency, this 10th day of November, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:



Sutter Butte Flood Control Agency

A Partnership for Flood Safety

November 10, 2021

TO: Board of Directors

FROM: Michael Bessette, Executive Director

SUBJECT: Approve a Memorandum of Understanding (MOU) between members of the Feather River Regional Flood Management Planning Group and grant authority to the Executive Director to execute the MOU on behalf of the Agency.

Recommendation

Approve a Memorandum of Understanding (MOU) between members of the Feather River Regional Flood Management Planning Group (FRRFMPG) related to a grant provided by the State of California Department of Water Resources, and grant authority to the Executive Director to execute the MOU on behalf of the Agency.

Background

The partner agencies in the FRRFMPG include: Three Rivers Levee Improvement Authority (TRLIA), Yuba Water Agency, Marysville Levee Commission, Sutter Butte Flood Control Agency, and Reclamation District 1001. In addition, representatives of several key local levee maintaining agencies, including Levee District 1 in Sutter County, are involved. In June 2020 TRLIA was identified as the lead agency for the State contract and has been working in close conjunction with these partner agencies and other stakeholders to advance the flood management priorities of the Region while at the same time aligning with the Central Valley Flood Protection Plan (CVFPP) to the extent feasible. This currently funded regional planning work is scheduled to be completed at the end of 2022.

This new MOU between the partner agencies has been drafted now that the Executive Director of TRLIA, Paul Brunner, is retiring at the end of this year. The MOU states that SBFCA will take over the day-to-day coordination of the planning activities of the Feather River Region, and TRLIA will remain the administrator of the DWR funding agreement and consultant contracts. This new MOU will replace the previous MOU approved in June 2020.

With adoption of the CVFPP 2017 Update, regional flood management planning efforts will now shift to supporting Plan implementation. One key issue identified in the 2017 CVFPP update was the need for adequate operations, maintenance, repair, rehabilitation & replacement (OMRR&R) of State Plan of Flood Control (SPFC) facilities. The State has begun making significant investments in the SPFC with general funds and bond funding, including programs like the Deferred Maintenance (DMP) and Flood Maintenance Assistance (FMAP) programs. The active participation of the Region will be key in directing these investments to the Feather River Region and ensuring that these investments occur efficiently and maximize flood risk reduction benefits.

Additionally, the FRRFMPG has an opportunity to implement the Feather River Corridor Management Plan to support long-term OMRR&R of the channels in ways that improve and promote ecosystem benefits. The Region has also started developing a Corridor Management Plan along the Bear River and has an opportunity to complete similar plans on the Cherokee Canal and Yuba River. Additional efforts will include advancing options for more efficient Regional flood management governance and improvements to emergency operations and

response activities in the region. The following are the ten approved tasks that are funded by the grant.

GRANT FUNDED TASKS

- Task 1 – Project Administration, Management, and Reporting
- Task 2 – Communication and Engagement
- Task 3 – RFMP Activity Updates and Participation in the 2022 CVFPP Update
- Task 4 – Financial planning and Funding Support
- Task 5 – Regional Governance
- Task 6 – Multi-Benefit Opportunities and Performance Tracking
- Task 7 – Regional Climate Resilience
- Task 8 – Institutional Barriers and Process Improvements
- Task 9 – NFIP Related Activities
- Task 10 - Region Specific Activities

At this time, Staff recommends the Board approve the attached MOU and authorize the Executive Director to execute the MOU on behalf of the Agency.

Fiscal Impact

The approval of the attached Memorandum of Understanding is in relation to a State grant in the amount of \$1,050,000 for the Feather River Regional Flood Management Planning Group. The grant funding agreement and the associated consultant agreements carrying out the scope of work will be administered by Three Rivers Levee Improvement Authority (where feasible) on behalf of the FRRFMPG. The scope of work is funded 100% by the grant. It is expected that staff time will be provided on a WIK basis, however consultant costs will be submitted directly to TRLIA and funded by TRLIA through the grant. The MOU indicates that if any activities are denied funding by DWR under the grant, the member Agencies will split the costs equally between the parties. SBFCA has included approximately \$200,000 within the FY 2021 through 2024 board approved budget (under program 731-2001) for costs that would be submitted to TRLIA for reimbursement under the grant in the event costs are incurred by SBFCA. As a result, there is no net budgetary impact as a result of the Board’s approval of staff’s recommendation at this time.

Attachment:

- Memorandum of Understanding Regarding Feather River Regional Plan for Flood Protection

MEMORANDUM OF UNDERSTANDING REGARDING FEATHER RIVER REGIONAL PLAN FOR FLOOD PROTECTION

This Memorandum of Understanding (MOU) is executed this _____ day of _____, 2021 between Three Rivers Levee Improvement Authority (TRLIA), Sutter Butte Flood Control Agency (SBFCA), Yuba Water Agency (YWA), Marysville Levee Commission (MLC), and Reclamation District No. 1001 (RD1001). The parties to this MOU will be referred to herein, collectively, as the “Parties.”

RECITALS

WHEREAS, in 2008 the California Legislature enacted and the Governor signed the Central Valley Flood Protection Act, which directed the Department of Water Resources (DWR) to prepare and the Central Valley Flood Protection Board (CVFPB) to adopt a Central Valley Flood Protection Plan (CVFPP) by July 1, 2012; and

WHEREAS, on June 29, 2012 the CVFPB did adopt a CVFPP which establishes a vision and process for reducing flood risk in the Sacramento and San Joaquin River basins; and

WHEREAS, the CVFPP calls for the creation of a regional working group representing the Feather River Region to collaborate and update flood management priorities for the region in the form of a Regional Flood Management Plan (RFMP); and

WHEREAS, DWR and CVFPB are preparing a recurring 5-year update to the CVFPP, which is scheduled for completion by July 1, 2022 and the Feather River Region RFMP is a required element of this update; and

WHEREAS, TRLIA, SBFCA, YWA, MLC, and RD1001 entered into this MOU in 2020 to establish a Coordinating Committee to collaborate in the update of the RFMP, to set forth a governance structure for the Coordinating Committee, and to appoint TRLIA as a representative of the Coordinating Committee for purposes of administration of a directed funding agreement with DWR; and

WHEREAS, with the retirement of the TRLIA Executive Director at the end of 2021, the Coordinating Committee wishes to transfer day-to-day coordination of RFMP planning activities for the Feather River Region to SBFCA, notwithstanding TRLIA’s continuing role as administrator of the DWR funding agreement and consultant agreements; and

WHEREAS, TRLIA, SBFCA, YWA, MLC, and RD1001 acknowledge that this MOU replaces all previous MOUs and Agreements related to the RFMP.

AGREEMENT

1. The Parties hereby establish a Coordinating Committee comprised of the following five representatives. Each Party may delegate no more than one representative. It is the intent

that the representative will be active participant and ideally is a senior leader in their organization (i.e., General Manager or Assistant General Manager):

2. The purposes of the Coordinating Committee include, but are not limited to: (a) provide regional insights and options for the RFMP to consider; (b) help SBFCA and RFMP consultants develop insights, options, and recommendations in performing day-to-day coordination of the RFMP planning effort; (c) guide staff members and consultants of the Parties in the update to the RFMP for the Feather River Region; (d) help implement recommendations within the region; (e) assist TRLIA in the management of the funding agreement with DWR pursuant to Paragraph 5, below; (f) direct staff members and consultants of the Parties in scheduling and carrying out workshops or other informational briefings to other stakeholders and to the public.
3. The Coordinating Committee representatives shall keep their constituents informed in written and oral reports, which will be developed by staff members and consultants of TRLIA, SBFCA, YWA, MLC, and/or RD1001.
4. It is expected that the Coordinating Committee will act by consensus; however, to the extent that a vote is required, no vote shall be effective unless supported by three of the five representatives of the Coordinating Committee.
5. Administration of the directed funding agreement with DWR and the selected consultants for regional planning will be performed by TRLIA. TRLIA agrees to provide regular reporting to the Coordinating Committee and staff of the Parties on the status of the expenses related to the regional planning effort and funding through the agreement with DWR.
6. Coordination of day-to-day planning and coordination with consultants for regional planning and implementation of the RFMP actions will be performed by SBFCA. This role will not give SBFCA any special rights or control over the regional planning effort not also shared with the other Parties.
7. The staff and consultants of SBFCA, TRLIA, YWA, MLC, and RD1001 will provide periodic written reports to the Coordinating Committee and other interested agencies throughout the region related to the RFMP.
8. For costs that are the responsibility of the Parties and not covered by the anticipated funding agreement with DWR, the Parties intend to split the costs equally among all Parties.
9. The Parties agree to meet and agree upon all cost expenditures not covered by the DWR grant.

10. For costs incurred in completing the regional planning efforts after a DWR grant is placed that are not covered by the DWR grant, TRLIA agrees to front these costs and will request reimbursement from SBFCA, YWA, MLC, and RD1001. The Parties agree to split these costs as described in Section 7.

Agreed to this day by authorized representatives of the Parties:

**THREE RIVERS LEVEE IMPROVEMENT
AUTHORITY**

By: _____

Date: _____

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YUBA WATER AGENCY

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**SUTTER BUTTE FLOOD CONTROL
AGENCY**

By: _____

Date: _____

APPROVED AS TO FORM BY:

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MARYSVILLE LEVEE COMMISSION

By: _____

Date: _____

APPROVED AS TO FORM BY:

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RECLAMATION DISTRICT NO. 1001

By: _____

Date: _____

APPROVED AS TO FORM BY:

By: _____

Date: _____



Sutter Butte Flood Control Agency

A Partnership for Flood Safety

November 10, 2021

TO: Board of Directors

FROM: Michael Bessette, Executive Director

SUBJECT: Updated SBFCA Strategic Plan

Recommendation

Staff recommends that the Board receive a presentation from staff on the draft Updated Strategic Plan, provide input back to staff, and direct staff to bring the final plan back to the Board in December for approval.

Background

The Board adopted the first SBFCA Strategic Plan on January 13, 2016, and the first update to the plan on April 11, 2018. The Strategic Plan guides Agency efforts to complete stated goals and provides transparency for SBFCA's operations. It informs and promotes alignment among the public, the State of California (Executive and Legislative branches) and relevant flood managers at federal, State and local levels.

The Strategic Plan describes:

- a common **vision** for outcomes
- **what** is to be accomplished to achieve outcomes
- **who** is involved

Since adoption of the first Strategic Plan and the 2018 update, a number of accomplishments and events have occurred:

- Construction of the Francis Silva Memorial Feather River West Levee Project (FRWLP) was completed.
- The FRWLP was certified to provide 200-year level of flood protection for the urban portion of the basin.
- Construction of the Oroville Wildlife Area Flood Risk Reduction Project was substantially completed.
- The Sutter Basin Flood Risk Management Project (federal project) was substantially completed.
- Funding from DWR was received for the Feather River Regional Flood Management Project
- Funding from the CA Natural Resources Agency was received for the Live Oak Boat Ramp and Yuba City Boat Ramp Sediment Removal Projects.

Accordingly, the 2021 Strategic Plan has been updated to reflect these new developments. In sum, the update includes only minor changes to objectives. The vision, goals and context remain unchanged.

Fiscal Impact

While the Strategic Plan sets forth the vision, goals and objectives of the Agency, Board approval of the Strategic Plan does not make legally binding commitments to any particular project or program (notwithstanding current actions). Thus, Board approval of the recommended action has no net impact on the current Board approved budget. The approved SBFCA budget has been prepared under the aegis of the 2016 Strategic Plan. Future

updates to the budget and any associated fiscal impact analyses will remain consistent with the updated Strategic Plan.



SUTTER BUTTE FLOOD CONTROL AGENCY

A Partnership for Flood Safety

2021 Strategic Plan Update

-Draft-

November 10, 2021

Sutter Butte Flood Control Agency Strategic Plan Updated November 2021

1.0 Introduction

The Sutter-Butte Basin (Basin) covers 300 square miles bordered by the Cherokee Canal to the north, the Sutter Buttes to the west, the Sutter Bypass to the southwest and the 44-mile long Feather River to the east—see Figure 1. The Basin is home to 95,000 residents and encompasses \$7 billion of damageable assets (as estimated by the U.S. Army Corps of Engineers, or USACE). The region has sustained numerous floods, including the 1955 levee failure on the Feather River, which resulted in the deaths of at least 38 people. The personal safety and economic stability of large segments of the population are reliant on flood management systems that, until recent efforts, did not begin to meet modern engineering standards. Numerous projects and programs have been implemented in the Basin over the years to reduce flood risk, including the Feather River West Levee Project and the Sutter Basin Flood Risk Reduction Project.¹

The Sutter Butte Flood Control Agency (SBFCA) leads the planning and implementation efforts in the Basin to reduce the risk of catastrophic, riverine flooding. In this role, SBFCA collaborates with local, regional, state, tribal and federal agencies and organizations. On January 13, 2016, the SBFCA Board of Directors adopted a Strategic Plan to guide these efforts, and on April 11, 2018, the SBFCA Board of Directors adopted - the first update to the plan. This is the plan's second update. This update takes into consideration the attainment of certain goals reflected within prior versions of the plan and updated time frames for the attainment of outstanding goals and objectives.

2.0 Purpose of the Strategic Plan

The purpose of the Strategic Plan is to help formulate and articulate a vision for flood management within the Basin and to describe an approach to achieve this vision. This Strategic Plan will be implemented and referenced by the SBFCA Board of Directors, SBFCA staff and consultants, SBFCA member agencies, and partner agencies. It will inform and promote alignment among the interested public, the State of California (Executive and Legislative branches), and involved flood managers at federal, State and local levels. The Strategic Plan will be updated at least every five years, or more often if warranted.

The **Strategic Plan** describes:

- a common **vision** for desired future flood management conditions;
- **what** will be accomplished within the next 10 years to begin realizing the vision (Goals and Objectives); and
- **who** will be involved to accomplish the goals and objectives (Partners).

¹ Note that while the Federal project protects the Sutter-Butte Basin, the Federal government refers to it as the Sutter Basin.

Separate, supporting planning tools make up **SBFCA's Implementation Plan** that outline:

- **how** SBFCA will accomplish the objectives established in this Strategic Plan; and
- **projects and programs** that are to be implemented by SBFCA and/or third parties to accomplish those objectives.

The Implementation Plan is much more dynamic and tactical than the Strategic Plan; as a living set of files, it is frequently updated. The Implementation Plan lists specific actions, schedules, resources, partnerships, funding and financing that may be required to accomplish the objectives established in this Strategic Plan. Neither the Strategic Plan nor the Implementation Plan irrevocably commits SBFCA to any particular project or course of action. Any projects proposed by SBFCA or a third party in order to achieve the vision, goals, and objectives of this Strategic Plan, including those projects specifically identified in the Implementation Plan, will be considered by SBFCA at a later date, and environmental review of all such projects will comply with the California Environmental Quality Act and/or other applicable laws. The goals and objectives of SBFCA described in this Strategic Plan and the Implementation Plan ultimately manifest themselves in the adoption of SBFCA's Annual Budget which represents SBFCA formal approval to projects and programs.

3.0 Background

3.1 SBFCA Joint Powers Authority

The Sutter Butte Flood Control Agency (SBFCA) was formed in 2007 for the purpose of consolidating efforts of several agencies and communities with flood management responsibilities, and implementing locally led flood protection projects. SBFCA is a joint powers authority (JPA) composed of the cities of Biggs, Gridley, Live Oak, and Yuba City, the counties of Sutter and Butte, and Levee Districts 1 and 9. Among member agencies, the cities and counties bear the responsibility for making key land use decisions and managing the floodplain. The member levee districts are responsible for the operation and maintenance of flood control facilities within their jurisdiction, including levees and appurtenant structures.

The SBFCA Board of Directors (SBFCA Board) is the sole authorizing body for all SBFCA operations and actions. All SBFCA programs, projects, funding, financing and policy decisions are approved by the SBFCA Board unless authority has been delegated to the

Executive Director. The SBFCA Board is composed of 13 regular members, each of whom is a representative of a SBFCA member agency.

As provided for in the SBFCA JPA, SBFCA may exercise a broad suite of powers within its jurisdictional boundaries, including, but not limited to:

1. Plan and implement the ways and means to control flood waters within SBFCA boundaries.
2. Enter into contracts.
3. Evaluate, rehabilitate, reconstruct, repair, replace, improve, or add to the facilities of the State Plan of Flood Control in the Central Valley.
4. Acquire, develop, control, construct, manage, maintain, improve, operate, repair, and replace flood control facilities within the SBFCA boundaries.
5. Enter into agreements with any agency/department of the United States of America, the State of California, or any other governmental agency to provide funding necessary for SBFCA projects and programs.
6. Acquire property, by eminent domain or otherwise, and to hold and dispose of property necessary for SBFCA projects and programs.
7. Incur debts, liabilities or obligations.
8. Levy and collect special benefits assessments, special capital assessments, and issue revenue bonds.
9. Impose and collect property-related fees, special taxes and general taxes.
10. Prescribe, revise and collect fees as a condition of land development.
11. Apply for, accept and receive State, federal or local licenses, permits, grants, loans or other aid from any agency of the United States of America or the State of California.

A Benefit Assessment District, compliant with California Proposition 218, was created in 2010 to fund specific SBFCA operations, projects and programs. Thus, while SBFCA has certain operational authority under the JPA, SBFCA must also exercise fiscal management of Assessment District funds, limiting their use to only certain allowed purposes. For example, capital funds can only be spent on specific, defined projects and initiatives consistent with the Engineer's Report which was approved through the Proposition 218 process.

In addition to funding from the Assessment District, SBFCA has sought and received grant funding through a variety of sources (primarily from State of California grant programs). SBFCA must comply with the additional fiscal requirements of these grants and associated funding agreements executed with the State and federal government. These funding agreements were executed following the formation of the JPA and Assessment District.

In order for SBFCA to be economically viable to fulfill its mission, new funding sources must be identified and pursued. This Strategic Plan update includes several funding options that SBFCA can pursue.

3.2 Flood Risk

In this Strategic Plan, flood risk is defined by the probability of flooding combined with the damages that result when flooding occurs. Thus, flood risk reduction requires actions to reduce the frequency and severity of floods, as well as to reduce or mitigate the damages caused when flooding occurs. No matter how much is done to reduce the likelihood of floods, there will always be some probability of flooding, resulting in ongoing flood risk or “residual risk.” The two elements of flood risk for the Basin (flood probability and flood damages) are defined by geography, geomorphology, flood protection infrastructure (waterways, levees, dams and reservoirs, drainage canals), and the decisions of early and present-day inhabitants including the development of damageable structures.

3.3 Physical Setting

The Basin slopes gently to the south and west, with the deepest floodplain bounded by the lower Feather River and the Sutter Bypass—this area is referred to as the southern sub-basin. Gold Rush era settlers founded their communities in the shallower, less hazardous floodplain in the northern two-thirds of the Basin, referred to as the northern sub-basin. Correspondingly, the deepest and most dangerous southern floodplain has historically been reserved for farming with little residential development to date. Native American populations were concentrated on the natural high ground bordering the Feather River before manmade levees were located along many of those same alignments.

As shown on Figure 1., the Feather River levees are set back from the incised channel—a distinction from many Sacramento River system levees that were set close to the channel. Much of these areas between the levees have been formally set aside for wildlife reserves. On the west side of the basin, the Sutter Bypass is home to a National Wildlife Refuge and a number of privately-held conservation areas.

3.4 Institutional Setting

Flood management in the Central Valley has historically involved multiple, and often overlapping, authorities and interests including public agencies, regulators, public and private investment, tribal governments, and non-governmental organizations, many of whom are outside the direct control or influence of SBFCA. In addition, over the past decade there have been significant and generally positive developments in State and federal policies, laws and funding for flood management that are only now being fully realized as tangible projects and programs—a relatively brief period for the complex institutional and legal framework that comprises California flood management. Local

agencies (like SBFCA), State agencies and the federal government typically implement flood management projects and programs using various cost-share formulas and collaborative roles, and with requirements that are unique to each funding entity. In addition, Native American tribes, property owners, private parties, NGO's, and other entities play a role in the implementation of flood management projects. Against this complex backdrop, SBFCA must navigate, adapt and fit multiple elements into an actionable plan that targets defined objectives. At the same time, the Strategic Plan must accommodate frequent course corrections and operational flexibility, thus the plan does not commit the agency to any particular project or course of action.

Three planning documents frame much of the SBFCA Strategic Plan. The first of these is the 2014 California Water Action Plan (including the 2018 Water Plan Update and the 2020 CA Water Resilience Portfolio), which lays out the challenges, goals and actions needed to put California's water resources on a safer, more sustainable path. The second document is the Central Valley Flood Protection Plan, first released in 2012 and updated on a 5-year cycle--this is the State's blueprint for flood management in the Central Valley; State flood management policy, legislation and funding decisions for the Central Valley flow from this high-level document. The third key document is the Feather River Regional Flood Management Plan (FRRFMP), completed in 2014, updated in 2018, and again in 2022. One of six regional plans that comprise the Central Valley, the FRRFMP outlines the long-term vision and priorities for flood risk reduction from the perspective of the Feather River region.

4.0 Vision

Vibrant communities and rural areas that are protected from the consequences of catastrophic, riverine flooding.

SBFCA and/or an alternate agency(s) will provide leadership and work with other local, regional, State, tribal and federal entities to achieve this vision. SBFCA will invest the funds provided by the Assessment District, State Propositions 13, 1E, 84, 1, 68 and other sources to reduce flood risk in the Basin within the next 10 years in a manner that is consistent with the vision. In order to fully achieve the SBFCA vision, additional funds beyond those currently available must be secured.

5.0 Goals

To attain the SBFCA vision, goals must take into account not just the hazards but also the consequences of flooding; the Strategic Plan therefore addresses both flood control infrastructure and floodplain management. Moreover, recent State laws and policies such as Assembly Bill 1147 (2000), Senate Bill 5 (2008), the California Water Action Plan (2014), the Central Valley Flood Protection Plan (2012, 2017), and the California Water Resilience Portfolio (2021) compel flood management agencies to take an integrated, multi-benefit approach to planning and implementing flood risk reduction projects. Evolving federal policy and guidance also encourage this approach that includes: enhancement of wildlife and fisheries habitats,

recreation, water quality, protection of cultural resources, and enhancement of other resource values where compatible with project purposes.

Agency Goals are as follows:

1. 200-year level of flood protection for the northern sub-basin

Construct robust and resilient flood control features to protect at-risk communities in compliance with State law. Facilitate the establishment of a fiscally sustainable process that ensures 200-year level of flood protection for the northern sub-basin is maintained in perpetuity.

Status - The goal of constructing robust and resilient flood control features has been achieved as of this 2021 update to the Strategic Plan. The later portion of this goal has been updated to reflect SBFCA's ongoing efforts to ensure the improved system continues to provide the requisite enhanced level of protection.

2. FEMA accreditation for the northern sub-basin

Facilitate the availability of affordable flood insurance and reduce the regulatory burden imposed in the FEMA floodplain.

Status – SBFCA will soon complete FEMA Accreditation Package for Butte County and is currently working to finalize the Sutter County Packages.

3. 100-year level of flood protection for the southern sub-basin

Due to the deficient condition of levees protecting the southern sub-basin and reliance on decades-long State and federal implementation processes, the southern sub-basin is subjected to unacceptably high risk. The long-term plan is to achieve a 100-year level of flood protection to increase public safety and reduce regulatory burdens in the FEMA floodplain through coordination with partners. This may require a progressive approach, to include limited levee repairs and other risk reduction measures, to increase public safety until comprehensive improvements are implemented.

Status – Improvements / repairs to the West Feather River Levee have been completed in the rural portion of the basin to the Highway 99 crossing. SBFCA is currently seeking funding to complete critical repairs to the Sutter Bypass East Levee.

4. Support improved residual risk management

Because no flood control structures can reduce all flood risk (regardless of condition), reduce or mitigate the consequences of extreme floods that could overwhelm the region's dams and levees.

Status – SBFCA has completed a basin-wide Floodplain Management Plan and a Flood Safety Plan. SBFCA is participating in the Feather River Regional Flood Management Planning effort and coordinating with the Region's partners. Work within this plan includes increasing flood protection through improvements to New Bullard's reservoir, implementing critical repairs along the Sutter Bypass East Levee, and completing plans

to improve maintenance activities within the Feather River and Cherokee Canal corridors.

5. Facilitate the development of long-term funding and governance for Operations, Maintenance, Repair, Rehabilitation, and Replacement (OMRR&R) of flood control infrastructure

Changes to existing O&M requirements, as well as additional federal responsibilities for the repair, replacement and rehabilitation of flood control facilities have created unfunded burdens on the State of California and local maintenance agencies (LMAs). While SBFCA plans no future role in performing long-term OMRR&R of flood infrastructure, OMRR&R funding is critical to protect capital investments and comply with funding commitments, regulations and other agreements with the State and federal government.

Status – SBFCA is supporting the implementation of the Feather River West Levee Financing Authority’s efforts to implement a new Assessment District to increase funding for the locally maintained Feather River levees.

6.0 Objectives

Achievement of Agency goals requires the integration of State, federal and local investment, as well as respective policies and laws, into a defined set of objectives. Objectives are formulated within the context of: 1) ongoing and completed work, 2) the relationship between the CVFPP and federally authorized project, 3) the distinctions between the northern and southern sub-basins and 4) long-term and interim risk reduction.

6.1 Ongoing and Completed Work

To date, SBFCA has planned, permitted, designed, and completed construction of 35 miles of Feather River West Levee Phase I Project (FRWLP1) from Thermalito Afterbay in the north to Star Bend in the south, plus approximately one additional mile of levee rehabilitation in the vicinity of Laurel Avenue. In doing so, SBFCA has addressed a number of significant engineering, permitting, funding and environmental challenges, including the discovery of significant cultural resources during construction. Over 27 miles of slurry walls, 1.5 miles of seepage berms, replacement or removal of 118 pipe penetrations and another 211 encroachments have been completed. This project provides the physical flood control measures required for 200-year level of flood protection for the northern sub-basin and increased protection for the southern sub-basin. Design, permitting, and construction of the federally authorized project (below) between Star Bend and Laurel Avenue is nearing completion. The USACE also completed levee improvements from Laurel Avenue to the Highway 99 bridge with the installation of a slurry cutoff wall. This project was authorized and funded through the federal P.L. 84-99 rehabilitation program. SBFCA also prepared the final design and permitting of the Oroville Wildlife Area Flood Stage Reduction (Unit D) Project which further improves flood protection, flood O&M, the natural environment, recreation and State Water Project O&M. The construction of this project was completed in 2020. As required by state grants and federal project authorization (below), SBFCA has completed a basin-wide Floodplain Management Plan and a Flood Safety Plan that will be implemented to reduce residual risk.

6.2 CVFPP and Federal Authorizations

Provisions of both the State CVFPP and federal authorization(s) must be integrated with local efforts to achieve SBFCA goals. Congress has authorized the federal Sutter Basin Project from approximately Sunset Weir in the north to a half-mile south of Laurel Avenue². This authorization describes the federal risk reduction plan and associated federal fiscal interest in the region. Importantly, the federal government agreed to cost share the project from Sunset Weir (near Live Oak) in the north to the southern project limit, leaving the funding of northern levee improvements to State and local sources. SBFCA successfully secured federal and state appropriations to construct the final 5-mile segment of the federally authorized project, between Star Bend and Laurel Ave. The majority of the federal investment is directed at levee improvements, but the authorized project also includes “non-structural,” residual risk management measures to reduce the consequences of flooding, such as a levee relief cut and an associated emergency response plan.

¹ The Water Resources and Reform Development Act of 2014 (WRRDA 2014) authorized the Sutter Basin Flood Risk Management Project as approved by the USACE Chief of Engineers on March 12, 2014. In 2016, the Water Infrastructure Improvements for the Nation Act (WIIN 2016) reauthorized only the national economic development plan, essentially the levee from Sunset Weir to just south of Laurel Avenue.

The federally authorized project comports with the broader 2012 and 2017 CVFPP and must be integrated with subsequent updates. This integration is essential to provide for the State's endorsement as the non-federal sponsor (along with SBFCA) and to leverage further benefits for the region from State investments through the CVFPP. For example, proposed CVFPP improvements of Fremont Weir and Yolo Bypass may complement the federal Sutter Basin project.

6.3 Sub-basins

The northern and southern sub-basins are connected both hydraulically and financially—northern levee reaches that protect the small communities of Biggs and Gridley received State urban levee funding primarily because these same levees protect the larger, urban communities of Yuba City and Live Oak, as well as northern and western evacuation routes. At the same time, floodplain management and flood control goals differ for each sub-basin:

Northern sub-basin: Ongoing improvements to the existing Feather River levee will achieve 200-year level of riverine flood protection for the northern sub-basin. The northernmost limit of the northern sub-basin is formed by the Cherokee Canal floodplain, which is subject to frequent shallow flooding. Though impacts to the SBFCA service area are minimal, conveyance capacity and associated maintenance of the Cherokee Canal remain an important regional issue; therefore, SBFCA seeks to improve flood management within the adjacent floodplain through the Feather River Regional Flood Management Plan.

Southern sub-basin: This sub-basin is home to a vibrant agricultural economy that has been largely unaffected by development pressure that would otherwise put large populations at risk in this deep floodplain. It has been long recognized that agriculture is a wise use of the floodplain; the accordant, thriving agricultural economy in the southern floodplain is not only wise land use, but also funds the existing Assessment District, flood O&M, and future flood risk reduction. This sub-basin was mapped into a FEMA Special Flood Hazard Area prior to SBFCA's assessment district formation in 2010. This resulted in mandatory flood insurance requirements plus stringent restrictions on repair and construction of homes and agricultural buildings, which could devastate the agricultural economy and open up the region to other riskier land use.

Although the west Feather River levees have been improved, the Sutter Bypass and Wadsworth Canal (including associated interceptor canals) present a significant flood hazard to the southern sub-basin. The sub-basin cannot achieve 100-year levels of flood protection unless and until these hazards are addressed. Under California Water Code 8361, the State is obligated to operate and maintain these structures to the original design standard. Consequently, the SBFCA Assessment District was approved under the premise that the State would eventually repair these structures to their original design

standards while SBFCA would repair the Feather River levees. Since this time, however, the 2012 and 2017 CVFPP have stipulated that any improvements to the Sutter Bypass and Wadsworth Canal levees must be incorporated into the State's broader, system-wide investment strategy. Leading proposals of the system-wide plan (in-progress) include a widened Fremont weir and Yolo Bypass that may reduce flood risk for the southern sub-basin. The State is also evaluating new Feather River bypasses and widening of the Sutter Bypass. It is SBFCA's policy position that, before considering these new or widened facilities, the State should demonstrate that existing facilities are operated and maintained in a manner which conveys flood flows as originally designed. This is essential in light of potentially adverse impacts of these proposals on local farming operations and the greater local economy.

6.4 Progressive Risk Reduction in the Southern Sub-basin

Despite the ongoing improvements to the Feather River west levee, the southern sub-basin, with a population of approximately 7,000 and valuable agricultural infrastructure, will continue to be imperiled by the low level of flood protection provided by the remaining levees surrounding the basin. These levees, including the lower Feather River west levee (west of Hwy 99 Bridge), the Sutter Bypass east levee and Wadsworth Canal levees are estimated to currently provide 10-year level of flood protection. While SBFCA will work closely with the State to implement critical levee repairs on these levees as rapidly as feasible, the overall level of flood protection will likely fall short of 100-year FEMA accreditation criteria, until the State implements system-wide improvements now in the planning stage. Thus, while pursuing the long term goal of 100-year flood protection for the southern sub-basin that achieves the dual goals of reducing flood risk and regulatory/financial burden in the FEMA floodplain, SBFCA will concurrently pursue a three-track approach. First, SBFCA will prioritize limited improvements of critically deficient levees that provide the greatest risk reduction at least cost. Second, SBFCA and its partners will seek appropriate FEMA regulatory relief for the agricultural floodplain. And third, SBFCA will work with local agencies to plan and implement residual risk management measures.

6.5 Agency Objectives

Based on the regulatory framework, the unique challenges facing the SBFCA region, and the implementation status reflective of completed work to date described above, the Agency's updated specific objectives are summarized below:

1. Complete project closeout of the FRWLP1 by the end of 2021

Project closeout work includes completion of right-of-way acquisition and conveyance of properties to the state, encroachment resolution, mitigation compliance, as-built documentation, ULDC and Urban Level of Protection (ULOP) documentation, and all other contractual and administrative requirements. **(Status – *Nearing Completion*):**

2. Restore and enhance the Oroville Wildlife Area

The Oroville Wildlife Area Flood Stage Reduction Project (OWA FSRP) is a multi-benefit component of the FRWLP1 that will reduce flood stage, provide resiliency for small flood events, improve operations and maintenance, help accommodate climate change, provide significant rearing habitat for out-migrating salmonids, restore and enhance natural floodplain processes (including wetland and terrestrial habitat) and improve recreational opportunities. **(Status – *OWA-FSRP in the Unit D Area Completed, SBFCA currently pursuing grant funding for additional OWA improvements*)**

3. Support for member agencies' ULOP adequate progress findings, through 2020

Provide member land-use agencies with deliverables from Objectives 1 and 2 to support annual findings of adequate progress toward achieving ULOP, as required under SB 5, until the FRWLP1 is completed and ULDC certification is achieved. **(Status – *Completed, EVD – Type 1 findings support provided in 2021*)**

4. ULDC certification and support for member agencies' ULOP findings for northern sub-basin

As mandated by SB 5, Feather River west levees will meet ULDC in order for constituent land use agencies to demonstrate ULOP. Future ULDC/ULOP compliance activities such as mandatory 5-year reviews will be supported by SBFCA or a successor agency in order to maintain ULDC certification. **(Status – *Initial ULDC Certification Completed, Future 5-Year Reviews Ongoing*)**

5. FEMA accreditation for northern sub-basin by 2026

Construction of the FRWLP and associated work will meet Title 44 CFR Section 65.10 and other requirements necessary for accreditation by FEMA. **(Status – *Butte County Accreditation Package Complete, Sutter County Accreditation Package Ongoing*)**

6. Rehabilitation or replacement of the east levee of the Sutter Bypass, Wadsworth Canal, Interceptor Canals and the southern 1.5 miles of the lower Feather River to 100-year level of protection and FEMA regulation relief.

These improvements would substantially improve public safety and provide FEMA regulation relief, while at the same time State law limits or prevents unwise development that would increase overall risk. This goal requires substantial investment in the larger flood system that is beyond SBFCA's financial capability, thus investment by the State and/or federal government is essential. State investment would require

major policy and fiscal decisions by the State through the CVFPP. Federal investment decisions could be facilitated through future USACE Civil Works studies, the Sacramento River General Reevaluation Report, Central Valley Integrated Flood Management Study, FEMA Grant Programs, or legislation. **(Status – Completed Small Community Flood Risk Reduction Feasibility Studies, advancing State and Federal Support for funding critical repairs.)**

7. To the extent funding is available, complete critical repairs in the southern sub-basin by 2025

The large, system-wide work described in Objective 6 will take decades to plan and implement, exposing residents and property in the southern sub-basin to unacceptable interim risk from existing structures. Accordingly, critically deficient levees in the southern sub-basin will be repaired on a risk-prioritized basis as SBFCA concurrently pursues long-term, comprehensive solutions; these repairs will also progressively reduce risk as part of the longer term solution. Annual, routine State appropriations for critical levee repairs and deferred maintenance are essential to reduce interim risk. **(Status – Rehabilitation of the Feather River West Levee has been completed to the Highway 99 Bridge. SBFCA has completed Small Community Flood Risk Reduction Feasibility Studies, and is advancing State and Federal Support for funding critical repairs.)**

8. Advocate for improved implementation of existing FEMA floodplain regulations that facilitates wise agricultural land use by 2023

By removing FEMA obstacles that might otherwise prevent the agricultural economy from thriving, the potential for increased residual risk due to development is substantially reduced. In collaboration with other Regional Flood Management Planning Programs, and without requiring new legislation, the Feather River Region will advocate for practical implementation of existing regulations that support wise agricultural land use of the floodplain with minimal or no obligation to the National Flood Insurance Program (NFIP). SBFCA will also investigate local floodplain management measures and actual hazard to inform and potentially mitigate the fiscal impacts of proposed guidance improvements. These investigations will be coupled with the preparation of emergency response plans (including a potential flood relief structure/cut) to inform a comprehensive flood management plan that is specific to the southern sub-basin. Property owners and land use agencies will realize the benefits of this advocacy by 2023. **(Status – Ongoing, Coordination with congressional representatives to include language within the National Flood Insurance Program reauthorization is currently taking place. The NFIP reauthorization by Congress may occur in 2022.)**

9. Complete project closeout of the Sutter Basin Flood Risk Reduction Project by 2022

Authorized by Congress in WRRDA 2014 and reauthorized in WIIN 2016, the Sutter Basin Project required federal appropriations in order to be implemented. This project improved five miles of some of the highest hazard levees in the Basin; this reach of levee is immediately south of the recently completed FRWLP1 and ends at the 0.9 mile of levee at Laurel Avenue also improved by SBFCA. Construction of the project began in 2019 and was substantially completed in 2020. Project closeout activities include; completion of construction punch-list items, satisfaction of all federal project authorization elements, and completion of federal crediting packages for both the 5-mile project and the additional 22 miles north up to the Sunset weir. This federal credit is a potential future funding source for SBFCA and is further described in item 15 below. **(Status – Ongoing, Federal Credit Packages are actively being prepared and submitted to USACE.)**

10. Update the Sutter Butte Basin Floodplain Management Plan by 2022

Implementation of an integrated, comprehensive plan will lessen residual risk for the Basin. The 2013 Floodplain Management Plan which was completed by SBFCA as a component of the USACE Sutter Basin Feasibility Study will be updated as required by the Federal Project Partnership Agreement (PPA) for the Federal project. **(Status – SBFCA is coordinating with USACE on the required update)**

11. Turn over OMRR&R of FRWLP1 to local and State Maintenance Areas by 2020 and facilitate long-term funding for LMAs

Comply with DWR funding requirement for Local Maintaining Agencies to accept responsibility for OMRR&R in accordance with current State and federal standards and facilitate funding for LMAs to perform these responsibilities. **(Status – All OMRR&R responsibilities have been transferred and the requisite OMRR&R Agreements have been approved. SBFCA is coordinating with USACE and CVFPB to finalize OMRR&R supplemental manuals and transference to the LMA. SBFCA is coordinating with FRWLFA to implement long term funding.)**

12. Implement a governance structure for long-term OMRR&R by 2020 and passage of a Proposition 218 election by 2022

While SBFCA has no intention to perform long-term OMRR&R, a sustainable governance structure and suitable funding for OMRR&R is essential for effective flood risk reduction. This is a key objective of the Feather River Regional Flood Management Plan (under the auspices of the CVFPP). The first step in the process, the formation of the Feather River West Levee Financing Authority (FRWLFA), was completed in 2020. This new Joint Powers Agency was formed by Sutter County, Levee District 1 and Levee District 9. The next step is the development of an Engineer's Report to support the establishment of a new assessment district via a Proposition 218 election of benefitting properties. SBFCA is assisting in this process through a Services Agreement with FRWLFA.

13. By the end of 2018, adopt a plan to scale SBFCA operations to an appropriate level

By design, SBFCA was conservatively organized and planned to flexibly scale operations to a level commensurate with workload without the burden of long-term contracts or employees. The SBFCA Board has received reports and assessed the remaining actions and obligations of SBFCA in light of the approved strategic plan. The Agency is in a position to scale back its operations to an appropriate level at the right time which would consider completion of its remaining objectives and ongoing obligations. In January 2019 the existing Executive Director left the Agency and the Director of Engineering was promoted to Executive Director. Currently the Director of Engineering position duties are being addressed by a consultant, leaving the full time position unfilled. While a formal plan has not yet been adopted, the Agency's staff levels have been adapted and can be flexibly adjusted based on workload demands. **(Status – Staffing levels have been evaluated in the context of remaining objectives and ongoing obligations. The Agency's Operating Fund budget has sufficient balance available to maintain staffing at current levels until all remaining objectives are addressed.)**

15. Identify and pursue additional funding sources for sustainable Agency objectives and operations

Currently SBFCA has identified three additional funding sources to facilitate the attainment of the outstanding objectives; a regional development impact fee, sale and/or reimbursement of RD 784 Fee Credits, and sale of excess federal credits. In order to implement a regional development impact fee the SBFCA Board will approve an AB 1500 nexus study and work with its member agencies with land use authority to adopt, collect and transfer the fees to SBFCA. SBFCA has approximately \$1.7M in Fee Credits from RD 784 as part of the borrow material acquisition work for the FRWLP. This credit can be sold to willing buyers or be reimbursed over time from developers who develop property within the RD 784 jurisdiction. SBFCA plans to transfer its share of excess federal credits associated with the Sutter Basin Flood Risk Reduction Project to another federally authorized project through the approval of a comprehensive plan by the USACE where the Central Valley Flood Protection Board is the common non-Federal sponsor of the two authorized projects. This approach requires SBFCA to support finalize the Sutter Basin Flood Risk Reduction Project crediting packages which would generate approximately \$25 million of credit that SBFCA controls, and then find a buyer who can utilize this federal credit within their federally authorized project.

6.6 Partners

Achievement of the Vision, Goals and Objectives requires the collaboration and performance of several partners, many of whom are outside SBFCA's direct control or influence; these include: Assessment District property owners, USACE, California Department of Water Resources (Division of Flood Management, Sutter Yard, Division of

Multi-Benefit Initiatives, and Division of Operations and Maintenance), Central Valley Flood Protection Board, Federal Emergency Management Agency, California Department of Fish and Wildlife, tribal governments, Yuba-Sutter Farm Bureau, Butte Farm Bureau, FRRFMP agencies and non-governmental organizations. Brief descriptions of these entities are included in Appendix 1.

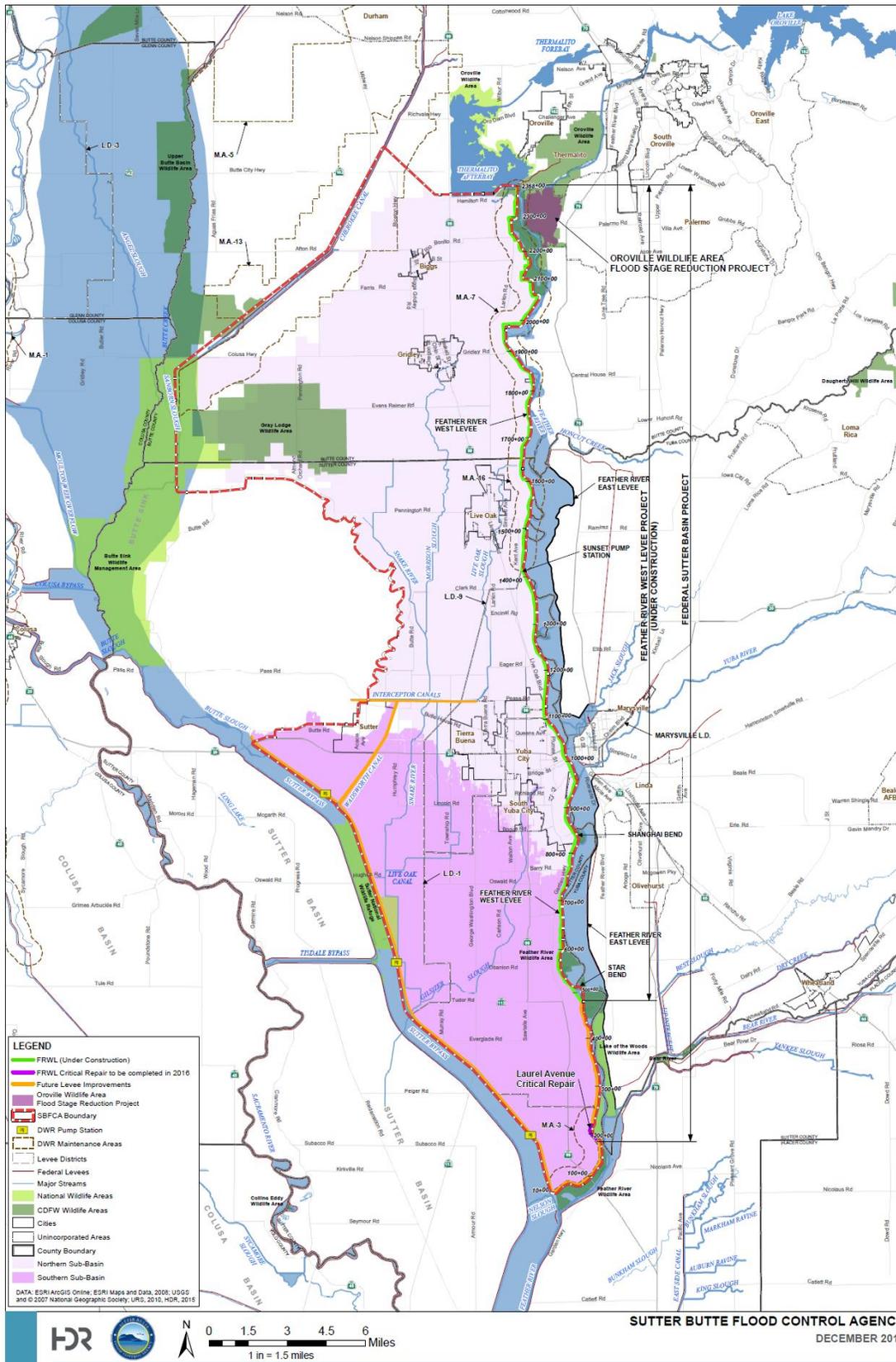


Figure 1. Sutter Butte Flood Control Agency Service Area

APPENDIX 1: Partner Descriptions

Assessment District Property Owners

These are property owners within the geographical boundaries of the Assessment District who receive a benefit from SBFCA activities. In 2010, property owners in the Basin receiving a benefit from SBFCA's proposed projects authorized the creation of an assessment district whereby each would pay an assessment to fund SBFCA projects. Projects and actions funded by the assessment are limited to the scope of actions and projects identified in the SBFCA Engineer's Report and on the ballot.

California Department of Fish and Wildlife (DFW)

DFW serves a dual role. It is the State's primary agency that manages the native fish, wildlife, plant species and natural communities for their intrinsic and ecological value. In addition, it serves a regulatory role for the protection of natural resources, enforcing the California Endangered Species Act (CESA) and Fish and Game Code 1600 (Streambed Alteration Agreements). DFW also manages numerous Wildlife Areas on the Feather River and within the Sutter-Butte Basin for the conservation and protection of species and habitat.

California Department of Water Resources (DWR), Division of Flood Management and Division of Multi-Benefit Initiatives

DWR, through two of its divisions, plays a number of critical strategic and funding roles. DWR provides overarching leadership and the blueprint for the State's vision of flood management for the Central Valley through the Central Valley Flood Protection Plan. Funding is provided, primarily on a cost-shared basis, through General Obligation Bonds, such as state bonds sold pursuant to Propositions 1e, 84, 13, 1 and other grant programs. The Department also informs and recommends State and Legislative positions on funding decisions.

California Department of Water Resources, Division of Flood Management, Sutter Yard

Sutter Yard operates and maintains flood management facilities in five important areas within the Sutter-Butte Basin. These include State Maintenance Areas 3, 7 and 16; under California Water Code §8361, Sutter Yard is responsible for operating and maintaining capacity of the major flood control channels in the region, including the Sacramento River, Feather River, the Sutter Bypass/Wadsworth Canal and Cherokee Canal. DWR also operates and maintains the interior drainage system and pumping plants in the Sutter County portion of the Basin.

California Department of Water Resources, Division of Operations and Maintenance

State Water Project (SWP) Facilities along the northern reaches of the Feather River are either directly impacted by SBFCA programs and projects or play a role in achieving SBFCA objectives. Operation of Oroville Dam directly impacts flood operations and maintenance

on the Feather River. The DWR Division of O&M administers, operates and maintains SWP facilities.

Central Valley Flood Protection Board (CVFPB)

The CVFPB has jurisdictional authority throughout the drainage basin of the Central Valley and for the 1.7 million acres within 14 counties that make up the Sacramento-San Joaquin Drainage District, including facilities of the Central Valley Flood Control System. Under California law, any modification to the State/federal flood control system, encroachment, or project on or near the Sacramento and San Joaquin Rivers or their tributaries must be approved by the CVFPB. In this regulatory role, the CVFPB also serves as the liaison between the State of California, residents, property owners, Central Valley agencies, and the United States government, with the goal of providing high levels of flood protection to California's Central Valley, while also considering environmental and habitat concerns. The CVFPB is governed by a board consisting of seven Governor-appointed and Senate-confirmed members, plus two non-voting ex-officio members from the California Legislature. The CVFPB works in close partnership with local agencies, DWR and the USACE to reduce the risk of catastrophic flooding in California's Central Valley.

While USACE has historically been the primary source of funding for flood improvement projects, the State and many local government agencies have stepped forward in recent years to provide funding for projects in advance and in the absence of federal funding. In its agreements with USACE, the CVFPB fulfills the State's cost-sharing responsibilities to the federal government by providing lands, easements, rights-of-way, relocations, and cash payments for USACE-constructed or cost-shared flood control projects. When a project is completed and local maintaining agency (LMA) assurance agreements are secured, the CVFPB accepts responsibility for the project and transfers it to the local agency (such as LD1 and LD9) to operate and maintain.

Feather River Regional Flood Management Program Partners (FRRFMP): SBFCA, Three Rivers Levee Improvement Agency (TRLIA), Yuba Water Agency (YWA), Reclamation District 1001, and Marysville Levee Commission (MLC) are collaborating on a regional flood management plan under the auspices of the State of California Central Valley Flood Protection Plan.

Federal Emergency Management Agency (FEMA)

FEMA carries out emergency management programs that help communities prepare for disasters, including floods, and recover in their aftermath. FEMA maps floodplains and prepares studies to identify areas of likely flooding based on existing and planned development and existing flood control facilities. FEMA also administers the National Flood Insurance Program (NFIP) which provides flood insurance and flood disaster assistance for communities and land-use agencies that meet its requirements to reduce flood risk.

Non-Governmental Organizations (NGOs): There are many NGOs whose involvement ranges from direct and active implementation of SBFCA programs/projects to those who are merely interested in SBFCA actions. American Rivers, a conservation organization, is an example of an NGO directly involved in implementing a multi-benefit project in the Oroville Wildlife Area and has executed a Memorandum of Understanding with SBFCA agreeing to partner in seeking funding for projects that reduce flood risk.

Tribal Governments

Tribes have a unique government-to-government relationship with the United States Government through treaties, federal law, and executive orders. Tribal governments are responsible for providing for the health, safety and welfare of all of their members, and have a vested interest in managing their heritage. Many ancestral tribal lands are adjacent to, or coincide with, flood control infrastructure. As a result, flood protection activities may intersect with tribal heritage sites and cemeteries, which require respectful and appropriate consideration in the planning process.

United States Army Corps of Engineers (USACE)

The USACE regulates federal project levees and floodways. Under Section 408, the Secretary of the Army, through the USACE, grants permission for the alteration or occupation or use of USACE civil works projects to ensure that the activity will not be injurious to the public interest and will not impair the usefulness of the project. USACE also has primary responsibility for regulating the placement of dredged or fill material in the "waters of the United States" under Section 404, which includes the Sacramento and Feather rivers.

In addition to its regulatory authority, USACE has a long history of building flood protection projects. Traditionally, Congress authorizes and appropriates funds for specific USACE projects, which are then cost-shared with non-federal sponsors.

USACE also administers other important federal programs: PL 84-99 gives USACE emergency management authority to prepare for and respond to flood emergencies, as well as to rehabilitate flood control facilities; the Sacramento River Bank Protection Project evaluates levees along the Sacramento River and associated floodways and reduces stream bank erosion to minimize the threat of flooding.

Yuba-Sutter and Butte Farm Bureaus

Farming practices both within the floodway and protected areas are integral to effective flood risk reduction. The Farm Bureaus represent important land-use, economic and floodplain interests in the Sutter-Butte Basin

APPENDIX 2: Glossary

Federal Emergency Management Agency (FEMA) Accreditation: FEMA accredits a levee as providing adequate risk reduction on the Flood Insurance Rate Map (FIRM) if the certification and adopted operation and maintenance plan provided by the levee owner are confirmed to be adequate. An operations and maintenance plan specifies key operating parameters and limits, maintenance procedures and schedules, and documentation methods. FEMA's accreditation is not a health and safety standard – it only affects insurance and building requirements.

Flood Insurance Rate Map (FIRM): An official map of a community that displays the floodplains or--more explicitly--special flood hazard areas and risk premium zones, as delineated by the Federal Emergency Management Agency (FEMA).

Floodplain Management: Policies and programs that limit the exposure and vulnerability of people and assets to flooding.

Local Maintaining Agency (LMA): A local agency, such as a Reclamation District, Levee District, City or County, that is responsible for the long-term operations and maintenance of flood facilities.

National Flood Insurance Program (NFIP): The NFIP is a federal program created by Congress to mitigate future flood losses nationwide through sound, community-enforced building and zoning ordinances and to provide access to affordable, federally backed flood insurance protection for property owners. The NFIP is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods.

Non-Governmental Organization (NGO): An organization that is neither a part of a government nor a conventional for-profit business. Usually set up by ordinary citizens, NGOs may be funded by governments, foundations, businesses, or private persons.

Residual Risk: The level of flood risk for people and assets located in a floodplain that remains after implementation of flood risk reduction actions.

Residual Risk Management: Management of factors and actions that increase the ability of people and assets to return to pre-flood conditions and functionality in the aftermath of a flood including: post-disaster assistance programs, rebuilding of public infrastructure, flood emergency response and recovery, availability of insurance (NFIP, commercial, crop), flood and conservation easements, structural improvements to levees and other flood infrastructure.

Senate Bill 5 (SB 5): The centerpiece California law of a far-reaching package of flood management legislation passed in 2007.

Special Flood Hazard Area (SFHA): Areas defined by FEMA that will be inundated by a flood event having a 1 percent chance of being equaled or exceeded in any given year (1 out of 100 years). These areas are indicated on flood insurance rate maps (FIRMs).

Title 44 CFR Section 65.10: Title 44 of the Code of Federal Regulations (44 CFR) Section 65.10 provides the minimum design, operation, and maintenance standards levee systems must meet and continue to meet in order to be recognized as providing protection from the base flood (1 percent chance of exceedance in any given year) on a Flood Insurance Rate Map (FIRM).

Urban Areas: Pursuant to SB 5, urban areas are defined as communities that have 10,000 residents or more.

Urbanizing Areas: Pursuant to SB 5, an urbanizing area is a developed area, or an area outside a developed area, that is planned or anticipated to have 10,000 residents or more within the next 10 years.

Urban Levee Design Criteria (ULDC): Pursuant to SB 5, ULDC is criteria and guidance for the design, evaluation, operation, and maintenance of levees and floodwalls in urban and urbanizing areas. Levees meeting these criteria are intended to withstand flooding that has a 0.5 percent chance of occurring in any given year (1 out of 200 years).

Urban Level of Protection (ULOP): Pursuant to SB 5, ULOP is the level of protection that is necessary to withstand flooding that has a 0.5 percent chance of occurring in any given year (1 out of 200 years) using criteria consistent with, or developed by, the Department of Water Resources.



Sutter Butte Flood Control Agency

A Partnership for Flood Safety

November 10, 2021

TO: Board of Directors

FROM: Michael Bessette, Executive Director
Seth Wurzel, Budget Manager

SUBJECT: Receive and File Monthly Financial Reports (September 2021)

Recommendation

Staff recommends that the Board receive and file the September 2021 Financial Reports and receive staff's monthly financial report update.

Background

Staff will provide a brief presentation of SBFCA's current financial position and financial activities at the Board meeting and will be prepared to answer any questions. For this report, staff is presenting financial information for September 2021. Staff's oral presentation will cover the financial activities of the Agency through September 2021.

The monthly financial reports include the following information:

- Current Working Capital Position: The reports provide an update as to the liquidity of the Agency and ability to cover current obligations. This information is presented within the monthly financial reports prepared in coordination with Yuba City finance staff. The current and past month's financial report reflects the financial information as of September 2021. The information presented is compared to the Final Amended Final Budget for 2021/22.

Fiscal Impact

This is an informational item with no fiscal impact.

Attachments

(Note – The Monthly Financial Report is not available prior to the finalization of the Agenda Packet – the Monthly Financial Report will be provided and made available prior to the start of the Board Meeting)

Yuba City Finance Department Memorandum, November 10, 2021 re: Monthly Financial Report: September 2021



Sutter Butte Flood Control Agency

A Partnership for Flood Safety

November 10, 2021

TO: Board of Directors
FROM: Michael Bessette – Executive Director
SUBJECT: Receive and File Program/Project Update Report

Recommendation

Receive and file the November 2021 Program/Project update report and receive staff's monthly Program/Project presentation.

Background

The purpose of this report is to provide a regular, monthly update on SBFCA program and project activities:

Public Outreach

Staff is planning two near-term public outreach actions. First is the release of a newsletter that will highlight the recent 200-year level of flood protection milestone, current projects and activities to further reduce flood risk in the south Sutter basin, the completion of the Sediment Removal projects, and activities of the Feather River West Levee Finance Authority. The Second is to hold a public meeting on December 15 to discuss SBFCA's actions to reduce flood risk in the south Sutter Basin. Once meeting details such as place and time are finalized, staff will communicate this information to the Board.

Federal Advocacy

Due to the COVID-19 pandemic the 2021 Sacramento Metropolitan Chamber of Commerce sponsored Capitol-to-Capitol (Cap to Cap) advocacy trip to Washington D.C. was cancelled, and like last year was replaced with a series of video conference meetings that took place the week of October 25th. SBFCA's Executive Director and Agency Counsel participated in many of these meetings. The focus of SBFCA staff involvement was to advocate for modernization of FEMA's National Flood Insurance Program to incorporate sensible legislation to benefit agricultural communities. Meetings were held with representatives of: Congressman Doug LaMalfa, Congressman John Garamendi, House Committee on Financial Services, American Farm Bureau Federation, Senate Committee on Banking, Housing, and Urban Affairs, and FEMA. SBFCA's federal advocacy consultant Julie Minerva was instrumental in setting up these key meetings.

Proposition 68 Sediment Management Project

The Live Oak Boat Ramp project, which began construction on July 18, is now complete. The Construction Management team is closing out all contract documents and the final payment to the contractor.

The Yuba City Boat Ramp project, which began in-water work on July 23rd after receiving the required 404/408 approvals from the U.S. Army Corps of Engineers (USACE), is now substantially complete. The Construction Management team is performing final punch-list inspections, closing out all contract documents including as-builts, and will soon issue final payments to the contractor. Staff is pursuing additional funding opportunities in order to remove additional sediment from the confluence of the Feather and Yuba Rivers (phase 2 work). Existing environmental permits already acquired for the phase 1 work would cover this additional work.

Feather River Regional Flood Management Planning

The RFMP team is advancing the flood management priorities of the region while at the same time collaborating with the State as they develop the 2022 Central Valley Flood Protection Plan (CVFPP) update. DWR recently set up several meetings with Sutter County and Butte County supervisors to brief them on the 2022 CVFPP update. SBFCA's primary interests in the regional planning effort is to advance OMRR&R activities for Cherokee Canal, advance the multi-benefit OWA Robinson's Riffle project, advance critical repairs along the Sutter Bypass east levee, participate in FEMA National Flood Insurance Program reform, and identify other regional flood risk reduction projects. These priorities for SBFCA will also be documented within the 2022 CVFPP. SBFCA has also been in coordination with member agency staff, such as City of Gridley, to help develop and identify funding for beneficial multi-projects within the region.

Sutter Bypass Critical Repairs

Staff continues to actively pursue funding through DWR for Sutter Bypass Critical Repairs. At last month's board meeting this topic was discussed extensively with DWR Director Karla Nemeth and staff is following up with her team to identify and secure funding for advancing these repairs. At the same time, we are utilizing the approved contract amendments to the Tudor Small Community Study and the Sutter Small Community study to advance our levee investigations (both geotechnical and environmental). In addition, staff is also coordinating with DWR and the California Office of Emergency Services (CalOES) to pursue FEMA Building Resilient Infrastructure and Communities (BRIC) grant funding and Hazard Mitigation Grant funding for the proposed bypass levee repairs.

Sutter Basin Flood Risk Management Project (federal project)

USACE's contractor, Forgen, continues to close out their contract with USACE on the 5-mile Cypress to Tudor levee improvement project including addressing punch-list items identified by the design team and Local Maintaining agencies (Levee District 1 and State MA3). A coordination meeting was held in September which resulted in the action item for USACE to send the contractor a non-compliance letter on outstanding deficiencies. Ongoing coordination is taking place to ensure the contractor corrects the items. SBFCA staff continues to participate in frequent USACE project management team and construction coordination meetings in order to advance the project and is working with USACE on project crediting reports and other remaining project closeout items. These two items of work will continue to be a focus of discussion and coordination between SBFCA and USACE. Staff is in the process of scheduling a coordination meeting with the San Joaquin Area Flood Control Agency (SJAFC) on a potential local transfer of excess federal credit from the Sutter Basin Project to the Lower San Joaquin River Project.

Engineering Design

The Design team has completed their work to produce the Urban Level of Protection EVD-1 Engineer's Report, which was presented to and approved by the Board last month. Next steps are to coordinate with the member land-use agencies so they take the necessary actions required by Senate Bill 5. In addition, the team is continuing to make progress on the low-risk/long-term items identified in the EVD-1 and USACE Periodic Inspection report that will require addressing later this year and into the future. USACE completed their "routine" levee inspection which started in June and took approximately three weeks to complete. We have been informed by USACE that we will receive the inspection results early next year.

The design team continues to process the encroachment permits for facilities (pipes, electrical, levee ramps, etc.) modified by the Feather River West Levee Project (FRWLP). Those permits are processed through the Central Valley Flood Protection Board after approval by the Corps of Engineers. The scoping work on developing the encroachment permits for the Second Street properties in Yuba City is near completion and informational letters will be issued to the property owners later this month. Lastly, the design team is coordinating closely with USACE on the review and approval of the Operation and Maintenance manuals for the FRWLP levee improvements (3 separate manuals) which must be submitted to USACE for approval. We have recently set up a monthly coordination meetings with USACE in order to advance this review and approval process.

Environmental Documentation/Permitting/Monitoring/Mitigation

ECORP Consulting continues to provide environmental and cultural permit compliance monitoring and documentation for all active projects (OWA project, FRWLP closeout activities, Sediment Removal project, and

the USACE Cypress to Tudor levee improvement project as needed). The reburial of Native American remains and artifacts was completed in late September by SBFCA and the United Auburn Indian Community.

ICF continues to work on the Sutter and Butte Cultural Resources Mitigation reports that are required for the FRWLP. These reports require both USACE and tribal reviews prior to closeout. The Sutter draft report is with the USACE for review and will be transmitted to the United Auburn Indian Community for their review. The Butte internal draft report was completed in October 2020 and the final draft was completed and transmitted to USACE in June for their review.

Work on the Star Bend and Mathews Property environmental mitigation sites continues. SBFCA staff and the Sacramento Valley Conservancy team continue to work on completing all the associated land transfers, easement establishments, regulatory reviews, and other associated activities required to establish and manage the mitigation sites in perpetuity. The revised draft management plan and associated easement documents were sent to California Department of Fish and Wildlife (CDFW) and the US Fish & Wildlife Service for their respective reviews in mid-May. Coordination calls have been held with the agencies to help closeout this process. Staff continues to coordinate with Levee District 1 on the required land transfer and ongoing maintenance cost reimbursement at Star Bend.

Right of Way

The Right of Way team is working on the few remaining acquisitions for the FRWLP, including the easements needed from the affected public agencies and several outstanding privately owned parcels. Coordination with PG&E on the easements SBFCA was required to acquire for their relocated facilities is also taking place. DWR will cost share in these property easement acquisitions through SBFCA's UFRR Funding Agreement. The SBFCA right-of-way team and DWR (real estate branch and geodetics group) continue to conduct monthly coordination meetings to streamline the real estate acquisition reimbursement process and ultimate transfer of property to the State. Discussions with DWR on the final transfer of property from SBFCA to the Sacramento San Joaquin Drainage District (the legal entity that holds property for the State) are now taking place.

Regional Development Impact Fee

At SBFCA's August Board meeting the board unanimously approved the development of a Regional Development Impact Fee (DIF) Program to help fund implementation of the SBFCA Strategic Plan and directed staff to proceed on completing an AB1600 compliant Nexus Study. The DIF would be imposed on new development within the Sutter-Butte Basin, collected by the land-use agency members and the funds would be remitted to SBFCA to build additional projects. Staff prepared drafts of the Nexus Study and Collection Agreement and is coordinating review of the draft documents with member agency staff prior to presentation to SBFCA and the land-use agencies' Councils/Boards for approval. A first meeting with Yuba City took place in late September and we anticipate receiving their comments on the draft documents soon.

Feather River West Levee Financing Authority (FRWLFA)

SBFCA staff continue to assist the FRWLFA with the development of a benefit assessment district to adequately fund the operations and maintenance activities of Levee Districts 1 and 9. The consultant team HDR/Willdan is working on the initial Task Order 2 activities which consist of development of a Preliminary Engineer's Report and implementation and execution of the public outreach strategy. The FRWLFA Board meeting in December will include a briefing on the status of the draft benefit area maps and proposed benefit assessment rates.

State & Local Funding and Coordination

EIP / UFRR Agreement

SBFCA staff continues to work with DWR to process additional payments and reimbursement requests for various items of work. The last payment received and reported to the Board was in the amount of \$783,081.81 on June 4, 2021 for costs incurred during the 27th Quarter. SBFCA is currently requesting four payments totaling \$4.5 Million from DWR including a release of retention for Emergency Repair Work on Reaches 14-16 and reimbursements of costs incurred in the 28th, 29th, and 30th Quarters of the Project.

The table below presents the funding status of the Agency's UFRR Grant.

FRWLP DWR EIP/UFRR Funding

	<u>Agreement</u>		
	<u>Design</u>	<u>Construction</u>	<u>Total</u>
Agreement No.	#4600009480	#4600010296	
Capital Outlay Amount	\$9,000,000	\$56,780,000	\$65,780,000
Amendment 1	\$0 [1]	\$0 [2]	\$0
Amendment 2	\$14,869,280 [3]	\$57,803,791 [4]	\$72,673,071
Amendment 3	\$0	\$43,861,587	\$43,861,587
Amendment 4	\$0	\$40,828,931	\$40,828,931
Amendment 5	-\$2,529,451 [5]	\$31,730,451 [5]	\$29,201,000
Amendment 6	\$0	\$0 [1]	\$0
Amendment 7	\$0	\$3,744,017 [6]	\$3,744,017
TOTAL FUNDING	\$21,339,829	\$234,748,777	\$252,344,589
Receipts			
Payments to Date	\$21,339,829	\$219,119,441	\$240,459,270
Pending	\$0	\$4,493,974	\$4,493,974
TOTAL PAYMENTS	\$21,339,829	\$223,616,416	\$244,953,245
GRANT BALANCE	\$0	\$11,135,361	\$11,135,361

- [1] Amendment 1 to the Design Agreement and Amendment 6 to the Construction Agreement amended the terms of the agreements (time extensions only).
- [2] Amendment 1 to the Construction Agreement amended the scope agreement to include the closure of gaps (at reaches 13 and 24) in Area C.
- [3] Amendment 2 to the Design Agreement increased the cost share from 50% to 76% State Cost Share and increased the State funding limit.
- [4] Amendment 2 to the Construction Agreement increased the scope to include Areas B & D2A and increased the State funding limit. It also incorporated many of the guideline provisions of the UFRR Program.
- [5] Reflects pending transfer of remaining design funding to the CFA and additional funding from DWR for emergency work (\$25,000,000 for R 14 – 16 and \$4,201,000 for emergency storm response).
- [6] Additional funding for other scope items (OWA) included in Amendment 7 are included in the above analysis.

OWA (CDFW & WCB) Grant Agreements

SBFCA staff is working with the WCB and CDFW to process payments for the ongoing OWA work. Recent payments were received for all of the WCB grants in the amount of \$5,451,818 to date and for the CDFW Berm, Canal & Bridges grant in the amount of \$5,386,984 through the 8th Quarter, with \$66,177 for the 9th Quarter submitted and pending payment. Payments on the CDFW Veg Planting grant for the first and second quarters were received in the sum amount of 517,703 with pending payment for the 3rd and 4th Quarters amounting to 98,939. SBFCA also presently has \$1,906,724 in pending payments due from all additional WCB packages that were recently resubmitted with modifications and updates at WCB's request.

The tables below present the funding status of the Agency's WCB Grants and CDFW Grants, respectively.

OWA WCB Funding

Grant Agreement No.	<u>Agreement</u>				<u>Total</u>
	WC-1736BC	WC-1842AP	WC-1729SS	WC-1554MM	
Grant Amount	\$5,070,900	\$1,542,100	\$484,000	\$792,522	\$7,889,522
TOTAL FUNDING	\$5,070,900	\$1,542,100	\$484,000	\$792,522	\$7,889,522
<i>Payment Received</i>					
PMT 1	\$768,688		\$484,000		\$1,252,688
PMT 2	\$1,593,679				\$1,593,679
PMT 3	\$17,073				\$17,073
PMT 4	\$53,946				\$53,946
PMT 5	\$1,558,060				\$1,558,060
PMT 6	\$139,225				\$139,225
PMT 7	\$12,169				\$12,169
PMT 8	\$9,228				\$9,228
PMT 9	\$23,227				\$23,227
PMT 10					\$0
PMT 11				\$101,525	\$101,525
Previous Amounts Sum [1]				\$690,997	\$690,997
<i>Pending [2]</i>					
PMT 1		\$1,011,120			\$1,011,120
PMT 10	\$23,143				\$23,143
PMT 11	\$10,840				\$10,840
PMT 12	\$354,531				\$354,531
Retention Release	\$507,090				\$507,090
TOTAL PAYMENTS	\$5,070,900	\$1,011,120	\$484,000	\$792,522	\$7,358,542
GRANT BALANCE	\$0	\$530,980	\$0	\$0	\$530,980

[1] Amount includes payments 1 thru 10 for WC-1554MM grant.

[2] No payments yet received.

OWA CDFW Funding

Grant Agreement No.	<u>Agreement</u>		<u>Total</u>
	P1796010	Q1996015	
Grant Amount	\$5,648,836	\$1,716,847	\$7,365,683
TOTAL FUNDING	\$5,648,836	\$1,716,847	\$7,365,683
<i>Receipts</i>			
<i>Received</i>			
PMT 1	\$22,457	\$404,324	\$426,781
PMT 2	\$29,825	\$113,379	\$143,205
PMT 3a	\$3,253,250		\$3,253,250
PMT 3b	\$1,458,029		\$1,458,029
PMT 4	\$303,191		\$303,191
PMT 5	\$164,122		\$164,122
PMT 6	\$114,971		\$114,971
PMT 7	\$27,302		\$27,302
PMT 8	\$13,837		\$13,837

<i>Pending</i>			
PMT3		\$56,180	
PMT4		\$42,759	
PMT 7			
PMT 8			\$0
PMT 9	\$66,177		
TOTAL PAYMENTS	\$5,453,161	\$616,642	\$6,069,804
GRANT BALANCE	\$195,675	\$1,100,205	\$1,295,879

CNRA Proposition 68 Sediment Management Project

SBFCA staff finalized a grant with California Natural Resources Agency (CNRA) for Sediment Management along the Feather River in February 2020 for \$5,000,000. The first four invoice packages cover costs through March 31, 2021. A fifth invoice package is being formulated and will be submitted in near time. Additional invoices for subsequent quarters will proceed in coming months. SBFCA has been in close contact with CNRA to process payments.

CNRA Sediment Removal Funding

	<u>Agreement</u>	<u>Total</u>
Grant Agreement No.	R31866-0	
Grant Amount	\$5,000,000	\$5,000,000
TOTAL FUNDING	\$5,000,000	\$5,000,000
 Receipts		
<i>Pending</i>		
PMT 1	\$15,477	\$15,477
PMT 2	\$237,517	\$237,517
PMT 3	\$151,111	\$151,111
PMT 4	\$258,997	\$258,997
TOTAL PAYMENTS	\$663,102	\$663,102
GRANT BALANCE	\$4,336,898	\$4,336,898

Oroville Wildlife Area (OWA) Flood Stage Reduction Project

The project team is coordinating closely with DWR, CDFW and WCB on the documentation for closing out this project, including work on project closeout and on post-construction monitoring activities. Closeout for both remaining WCB grants is expected later this year. SBFCA staff also coordinated closely with DWR on filing the necessary documentation for closing out the project with FERC. SBFCA staff continues to coordinate with River Partners regarding their ongoing work on the invasive species removal and the new vegetation planting efforts.

With regards to funding, SBFCA staff continues to research potential grant opportunities to advance the OWA Robinson's Riffle Restoration Project. As previously reported the grant request submitted to the California Department of Fish and Wildlife last February was not successful. Staff has identified a grant opportunity through the State Parks Department and we have been coordinating directly with DWR and CDFW staff on the project elements which could possibly be funded under that grant. The application is due in January and items necessary for the application were presented to the SBFCA board last month. Staff identified another Prop 68 State grant funding opportunity and recently submitted a Concept Proposal under DWR's Floodplain Management,

Protection, and Risk Awareness Grant Program. If the proposal is accepted then a formal grant application will be submitted.

Butte County FEMA Accreditation

SBFCA staff submitted the Butte County FEMA accreditation package to FEMA in July of 2019. Following submittal, it was projected that the review and processing period with FEMA would take approximately 2 to 3 years before the proposed mapping changes become effective. Butte County and SBFCA recently received a formal “determination document” letter from FEMA stating that they are issuing the draft maps for public review. The effective date for the Letter of Map Revision (LOMR) will be January 31, 2022 as long as no issues arise during the 90-day appeal period. The determination document stated that a notice of the map changes will be published in the Federal Register. This information was also to be published in the local newspaper on or about the dates listed below, and through FEMA’s Flood Hazard Mapping website at https://www.floodmaps.fema.gov/fhm/bfe_status/bfe_main.asp

LOCAL NEWSPAPER

Name: Chico Enterprise-Record

Dates: September 24, 2021 and October 1, 2021

Within 90 days of the second publication in the local newspaper, any interested party may request that FEMA reconsider this determination. Any request for reconsideration must be based on scientific or technical data. Therefore, this LOMR will be effective only after the 90-day appeal period has elapsed and SBFCA has resolved (in coordination with the County) any appeals that are received during the appeal period. Until this LOMR is effective, the revised flood hazard determination presented in this LOMR may be changed.

Sutter County FEMA Accreditation

SBFCA staff continues to coordinate with Sutter County and City of Yuba City staff regarding future FEMA accreditation and floodplain remapping. SBFCA has finished with incorporating the updates to the post-FRWLP 100-year floodplain maps and continues to coordinate with City and County staff. The Sutter County Board of Supervisors formally adopted the new maps as ‘best available information’ for floodplain administration purposes at their September 14 Board meeting. It is anticipated that SBFCA, in coordination with Sutter County and Yuba City, will submit the 100-year accreditation package for the southern Feather River west levee reaches to FEMA in early 2022 following the closeout of the Federal project. Following submittal, it is anticipated that the review and processing period with FEMA will take approximately 3 to 5 years before the proposed mapping changes become effective. SBFCA staff has also been in contact with Yuba County staff and their consultants to help coordinate the ongoing hydraulic modeling efforts and to maintain consistency with recent levee work performed by both SBFCA and Three Rivers Levee Improvement Authority.

Fiscal Impact

This is an informational item only with no fiscal impact to SBFCA.