

August 25, 2016

Civil Grand Jury – Foreperson
725 Court Street
P. O. Box 431
Martinez, CA 94553-0091

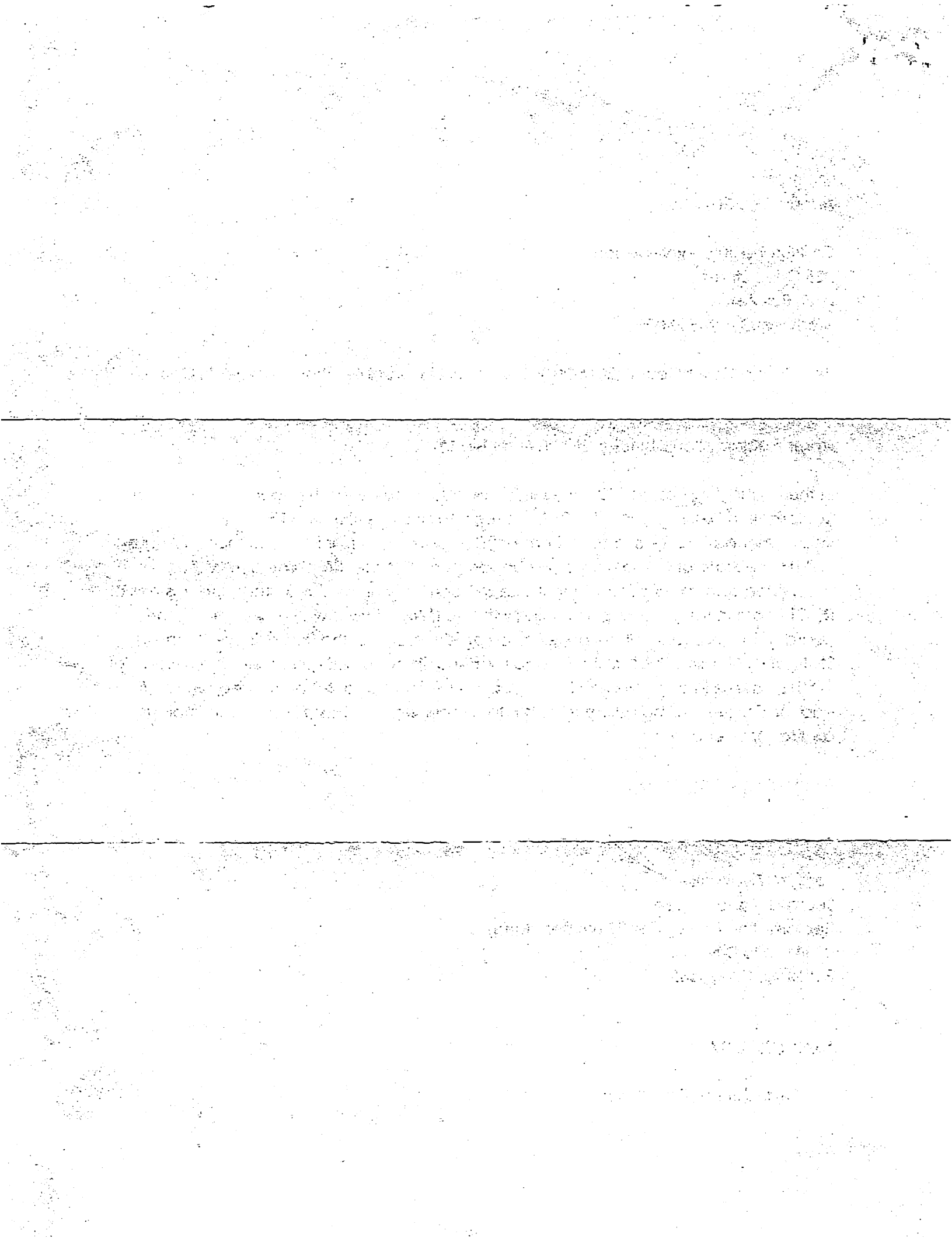
Re: Contra Costa County 2015-2016 Grand Jury Report 1607 (Delta Levees in Contra Costa County)

From: Reclamation District # 2122 (Winter Island)

In the Grand Jury Report 1607, the Civil Grand Jury has asked the Board of Trustees of Reclamation District # 2122 (RD 2122) to reply to Findings 4, 5, 11 – 17, 21 and Recommendations 2 – 5. The Trustees of RD 2122 wanted to inform you that on August 1, 2016 the State of California via the Department of Water Resources (DWR) has purchased about 585 acres of the entire 591 acres of Winter Island. Thus, the Trustees of RD 2122 are in the process of deciding with the DWR how we will be transferring the Board of Trustees (and all the duties associated thereof) of the RD 2122 over to the State of California. This transfer over to DWR should occur in September. The Trustees of RD 2122 agree in principle with Findings 4, 5, 11 – 17, 21 and Recommendations 2 – 5 and the Trustees will be asking the DWR to concur with the Trustees on those findings and recommendations.

Respectively Submitted,

Larry W. Zwakenberg
Secretary and Trustee
Reclamation District # 2122 (Winter Island)
293 Pueblo Drive
Pittsburg, CA 94565



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September 8, 2016

Contra Costa County Grand Jury
Mr. Michael Simmons, Foreperson
725 Court Street
PO Box 431
Martinez, CA 94553

Dear Mr. Simmons and Members of the Contra Costa County Grand Jury:

On behalf of Reclamation District No. 2122 (RD 2122), MBK Engineers is submitting the attached comments in response to Grand Jury Report No. 1607.

The comments included in the attached document address issues where RD 2122 agrees, disagrees, or partially disagrees, with the findings of the Grand Jury, as well as the required responses to the recommendations. Other comments have also been included that the Grand Jury may find of interest.

Please call me at (916) 456-4400 if you have any questions or if you require any additional information.

Sincerely,
MBK Engineers
Engineers for Reclamation District No. 2122



Nathan J. Hershey, P. E.

cc: Daniel Riordan
Jesse Barton

Grand Jury Report Comments

RECLAMATION DISTRICT NO. 2122

Section 1 - General Comments (not required)

Page 3, last paragraph, the last sentence states, "Project levees conform to the highest level of flood protection standards..." This statement is not accurate. Project levees do not meet FEMA standards under the National Flood Insurance Program. This statement is repeated on Page 4 in the second paragraph.

Page 5, 3rd paragraph, states, "The collision damaged approximately 150 feet of levee, causing a serious breach." This statement is not technically correct. The collision caused serious damage, however a breach did not occur. A breach would have caused water to inundate the island.

Page 8. The text indicates multiple barriers were installed. Only one barrier was installed.

Page 15, 1st bullet, 1st paragraph. Suggested edits are as follows (underlined). "However, the reimbursement is limited to levee maintenance, not ~~to~~ the support of ancillary equipment, no matter how essential that equipment might be. For example, clearing toe ditches adjacent to the levee of vegetation is eligible, but not pump repair."

Page 15, 1st bullet, 2nd paragraph, 2nd line. Replace "proposal" with "application."

Page 15, 1st bullet, 3rd paragraph. The proposal to remove the sunset is actually for the funding levels for the Subventions program, not Prop 1E. The Program is scheduled to revert to a 50% State cost share if the sunset remains unchanged. This should be clarified.

Page 16, 1st paragraph, 3rd line. Replace "engineering specifications and drawings" with "more detailed information."

Page 16, Table. RD 2025, Holland Tract, was not included in the table.

Section 2 - Required Responses - Findings (4, 5, 11-17, 21)

F4. The levees in the County's portion of the Delta have been built up or otherwise strengthened on a piecemeal basis over the century or more of their existence.

Position: Agree

F5. Because the levees remain vulnerable to natural hazards and human activities, they require constant vigilance - i.e., frequent inspection coupled with timely maintenance and prompt repairs.

Position: Agree

F11. There is no formal or standardized educational or training resource available to the districts for levee inspection, maintenance, and repair, which can support new levee superintendents or managers

while they acquire the experience to recognize problems early, learn how to appropriately respond, and learn how to balance environmental regulations with maintenance protocols.

Position: Partially disagree. While resources are somewhat limited, the California Department of Water Resources offers flood fighting instruction courses free to government agencies and non-profit organizations. A flood fight methods manual is available in both hardcopy and electronic formats, as well as other publications. A pre-season flood coordination meeting is also conducted each fall.

F12. Levee management requires recognizing seasonal timeframes and juggling multiple deadlines, including preparing for storm season and the "no-mowing" period, when local bird populations nest, as well as timely application for the subvention and/or special projects funding programs.

Position: Agree

F13. Unpermitted encroachments can hinder visual inspection of the levee surface and create new structural weaknesses or potential conduits for seepage.

Position: Agree

F14. Education about the potential danger of unpermitted encroachments can be a highly effective management tool for mitigating this type of hazard because increased understanding of the potential consequences of such encroachments can support longer-term adherence to levee regulations and protocols.

Position: Agree

F15. Since early recognition of potential trouble spots and prompt repair work are critical to maintaining levee integrity, while resources for levee patrols are limited, the presence of an educated and aware residential population can supply additional eyes to provide the constant vigilance that is crucial to safeguarding the levees.

Position: Agree

F16. In addition to permitting procedures and intermittent newsletters, there are other opportunities to educate the public, and especially residents of reclamation districts, about the hazards that can damage or impair the levees.

Position: Agree

F17. Explaining the hazards to levees by multiple means at appropriate times -- i.e., just before the start of storm season in the fall - can help to keep awareness at a heightened and effective level.

Position: Agree

F21. Some reclamation districts that are unable to maintain the staff, equipment, and material stockpiles needed for emergency major repairs, rely on informal mutual aid arrangements.

Position: Agree

Section 3 - Required Responses - Recommendations (2-5)

R2. After identifying the necessary funding, the County reclamation districts should collaborate in establishing and supporting a shared website, possibly approaching one of the Districts that already has a website to take the lead. This website should include "Best Practices", a calendar of date- or seasonal-specific tasks, such as preparation for nesting season when certain work is prohibited, and dates when Subventions Program applications are due, and a common log of significant levee incidents to identify and track historical trouble spots.

Position: This recommendation is not economically feasible for Districts with few landowners. The creation and upkeep of a website will increase District overhead costs and reduces the District's limited funding resources available to perform maintenance and repairs. Even a shared website will place an undue financial burden on most Districts as they don't have the level of staff, or any staff, required to support this recommendation.

R3. After identifying the necessary funding, the County reclamation districts should consider taking turns hosting a short, local, annual conference for all District Board members and staff. Each conference should include an educational presentation on a matter of common interest, such as changes in regulations or levee standards, new technology or procedures for levee work, new sources of funding, and/or most effective techniques for successful grant applications.

Position: The recommendation has been implemented indirectly. Many of the recommended activities already occur and would be a duplication of the current efforts of the Department of Water Resources (DWR), the Delta Levees Habitat Advisory Committee (DLHAC), the Central Delta Water Agency (CDWA), the California Office of Emergency Services (OES), the California Central Valley Flood Control Association (CCVFCA), and the Delta Protection Commission (DPC), which provide many of these services and are available at no cost to all interested parties. Furthermore, this information is generally discussed at the District Board meetings by the District Engineers as changes to the standards, technology or general requirements arise. The effort to coordinate and set up conferences and presentations would be duplicative of services already provided to the Districts and again drain available maintenance funding.

R4. After identifying the necessary funding, reclamation districts should consider adding a "training module" for new and re-elected Board members to their required governance training (i.e. Brown Act and Ethics). This "module" or session should cover the district's levee regulations and protocols, the consequences of noncompliance with regulations and protocols, flood preparedness, and emergency response training - or at minimum a "back to basics" session with the consulting engineer to cover these concerns.

Position: The Special Districts Association provides comprehensive training for Boards of public agencies which is available to the Trustees of Reclamation Districts. Furthermore, the Reclamation District will suggest that the Trustees undergo executive training for SEMS/NIMS compliance.

R5. Reclamation districts should formalize, or at a minimum document, all "Mutual Aid" agreements for future reference as reclamation district personnel change over time.

Position: The recommendation has not yet been implemented, but will be implemented in the future. The County is participating in a State grant program to develop Emergency Operations Plans for each reclamation district in the county. The EOPs will document mutual aid agreements. The EOPs are scheduled to be complete by the end of 2016.

Section 4 - Other comments related to findings and recommendations

F23. The feasibility of interagency cooperative ventures to accomplish levee improvements has been demonstrated by multi-agency coalition for to improve the levees in Reclamation District No. 2028, Bacon Island.

Position: Multi-agency cooperative ventures only work when cooperating agencies have assets within the District that warrant the expenditure to protect it. There are only a few islands where this works and is therefore a limited resource.

R1. After identifying the necessary funding, LAFCO should consider including independent physical inspections of levee conditions, in addition to the self-reported evaluations of the conditions, in the MSRs of all County reclamation districts, if necessary by hiring an independent engineering firm to perform this function.

Position: This is not LAFCO's area of expertise, and could be problematic. Having yet another agency perform additional or redundant inspections only increases the cost to the Districts to assist with the inspection, review and comment on the results. Any additional inspections and reporting reduces the available funds for maintenance.

R6. After identifying the necessary funding, the County Tax Collector should consider including information material on flood preparedness or levee safety precautions, available at no charge from our County Flood control or Central Valley Flood Control Agency or DWR, with every property tax bill that has an address with a reclamation district.

Position: There is no Central Valley Flood Control Agency. There is the California Central Valley Flood Protection Board (primarily Project Levees). The Central Valley Flood Control Association is a membership group that is not a government operated agency, and whose primary function is lobbying efforts. This recommendation should be corrected to reflect the Grand Jury's intention.

R13. After identifying the necessary funding, the Board of Supervisors should consider directing the County's Transportation, Water, and Infrastructure Committee to establish a task force to obtain interim funding, including but not limited to grants or low-interest loans, to cover the initial two-year lag-time to obtain reimbursement for essential levee maintenance work from the Subventions Program.

Position: Reclamation Districts have limited legal authority to seek loans. Effectively, there are a few banks that will hold interest bearing warrants on behalf of a District. This recommendation is not necessarily practicable as Districts already have the ability to seek low interest lending; the problem lies with the Districts' ability to repay the debt once incurred.