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**RECLAMATION DISTRICT NO. 2065
(VEALE TRACT)**

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September 9, 2016

Via email to epant@contracosta.courts.ca.gov
and First Class U.S. Mail to:

Attn: Civil Grand Jury
Contra Costa County
P.O. Box 431
Martinez, CA 94553-0091

Re: Grand Jury Report No. 1607, "Delta Levees in Contra Costa County."

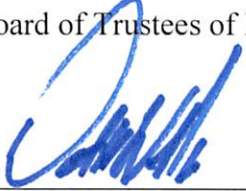
Dear Civil Grand Jury:

Thank you for your interest in Delta levees and for your efforts in investigating and addressing the challenges faced in connection therewith.

Enclosed please find RD 2065's Board of Trustee's responses to the findings and recommendations set forth in the above-referenced report. If you have any questions or need any additional information, please do not hesitate to contact me.

Very truly yours,

The Board of Trustees of RD 2065

By: 
Dante John Nomellini, Jr.
Secretary of RD 2065

Enclosure

RD 2065 (Veale Tract)
Grand Jury Report Comments
September 9, 2016

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: The recommendation will not be implemented in the manner suggested because it is not warranted. The District has no full-time staff and a limited number of landowners. The District Engineer is a registered civil engineer with broad representation in the Delta and well acquainted with the procedures for accomplishment of work and applying for assistance. The engineer is well acquainted with the condition of the levees. There are numerous forums addressing levee issues in the Delta in which the District Engineer participates and for which he is paid in part by the District. The additional cost and burden of yet another collaboration is unwarranted. The needs of individual districts are specific to their respective levee systems and communication among the engineers is ongoing. DWR publishes a directory of Flood Officials who can be contacted as to any concerns and information. If the District encounters significant levee threats the State Flood Control Center and the County Office of Emergency Services is to be notified. Efforts are underway to complete Emergency Operation Plans for each Reclamation District in map format that are expected to be posted on the County Office of Emergency Services web site.

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 Associates (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 recommendation is being implemented in substance without a "module" as such. We understand that preparation of an emergency response video for general use is underway. For multiple owner Districts levee regulations are typically in place. Ethics training mechanisms are in place. Brown Act Requirements are a matter of oral instruction typically by counsel for the District. The Special Districts Association provides comprehensive training for Boards of public agencies which is available to the Trustees of Reclamation Districts.

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.