

RECLAMATION DISTRICT NO. 1614

**AGENDA FOR
REGULAR BOARD OF TRUSTEES MEETING
2:00 P.M. APRIL 4, 2022**

**3121 WEST MARCH LANE, SUITE 100
STOCKTON, CA 95219**

**Teleconference Location
3863 Brook Valley Circle
Stockton, CA 95219**

AGENDA

1. Call to Order/Roll Call.
2. Public Comment. The public may comment on any matter within the District's jurisdiction that is not on the agenda. Matters on the agenda may be commented on by the public when the matter is taken up. All comments are limited to 5 minutes for general public comment and per agenda item in accordance with Resolution 2014-06.
3. Approval of Minutes of March 7, 2022, and March 23, 2022, meetings of the Board.
4. Presentation of Financial Status Report. Discussion and possible action.
5. Calaveras Levee and Channel Maintenance. Discussion and possible action regarding Calaveras Levee and Channel Maintenance report by San Joaquin County Officials.
6. Encroachment Permit. Discussion and possible action to approve encroachment permit submitted by San Joaquin Area Flood Control Agency
7. Presentation of Engineer's Report. Discussion, direction, and possible action for following items:
 - a. Rock Slope Protection Project
 - i. City of Stockton Update
 - ii. Apartment Owners – Halo Managers Corporation Update
 - b. Wisconsin Pump Station Project
 - i. Proposed Contract Change Order No. 005. Review and seek authority from the Board of Trustees to award CCO 005 to Arnaudo Construction Co. to resolve incompatibility of existing 480-volt controls with new PLC.
 - c. Rock Slope Protection Projects – Report, Discussion, Direction, and Possible Action:
 - i. Bid Summary. Review and seek authority from the Board of Trustees to award to the lowest responsive and responsible bidder of the 2021-22 Rock Slope Protection Project.
8. Presentation of Superintendent's Report; request for direction.
9. Town Hall. Discussion and direction on Town Hall meeting agenda and date.

This agenda shall be made available upon request in alternative formats to persons with a disability, as required by the Americans with Disabilities Act of 1990 (42 U.S.C. § 12132) and the Ralph M. Brown Act (California Government Code §54954.2). Persons requesting a disability related modification or accommodation in order to participate in the meeting should contact Rhonda Olmo at 209/948-8200 during regular business hours, at least forty-eight hours prior to the time of the meeting.

Materials related to an item on this Agenda submitted to the Trustees after distribution of the agenda packet are available for public inspection in the office of the District Secretary at Neumiller & Beardslee, 3121 West March Lane, Suite 100, Stockton, California during normal business hours. The agenda is also available on the Reclamation District website at: <http://www.rd1614.com/>

10. District Newsletter. Discussion and direction.
11. Report on Meetings Attended.
12. District Calendar.
 - a. Next Meeting is May 2, 2022.
13. Director Reports. Discussion and Possible Action.
 - a. Trustee Gulli Memorandum regarding Smith Canal Gate and questions to be answered by FEMA and other governing authorities.
14. Items for future meetings.
15. Correspondence. Discussion and direction.
16. Motion to Approve of Bills.
17. Report on San Joaquin Area Flood Control Agency's Smith Canal Gate Structure Project.
18. Closed Session.
 - a. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: Levee Superintendent
 - b. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: District Secretary
19. Employee Contracts. Discussion and possible action regarding changes to Levee Superintendent and Secretary contracts.
20. Adjournment.

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**AGENDA PACKET
RECLAMATION DISTRICT 1614
APRIL 4, 2022**

<u>ITEM</u>	<u>COMMENTARY</u>
1.	Self-explanatory.
2.	Self-explanatory.
3.	Please see attached.
4.	Please see attached.
5.	Self-explanatory.
6.	Please see attached.
7.	Please see attached.
8.	Please see attached.
9.	Self-explanatory.
10.	Please see attached.
11.	Self-explanatory.
12.	Please see attached.
13.	Please see attached.
14.	Self-explanatory.
15.	Self-explanatory.
16.	Please see attached.
17.	Self-explanatory.
18.	Self-explanatory.
19.	Please see attached.
20.	Self-explanatory.

ITEM 3

MINUTES OF SPECIAL MEETING OF BOARD OF TRUSTEES
FOR RECLAMATION DISTRICT 1614
HELD TUESDAY, MARCH 7, 2022

The March Special Meeting of the Board of Trustees of Reclamation District 1614 was held on Monday, March 7, 2022, at the hour of 10:00 a.m.

Roll Call of Board Members and Staff:

President Kevin Kauffman attended via teleconference, and Trustee Christian Gaines, Trustee Dominick Gulli, Attorney Andy Pinasco, Engineer Chris Neudeck, all attended in person. The following members of the public were present, Paul Guerrero, landowner, Chris Elias, SJAFCA, and Brian Koper attended virtually, FEMA.

Absent were: District Secretary Rhonda Olmo and District Superintendent Able Palacio were absent.

Item 1. Call to Order/Roll Call. President Kauffman called the meeting to order at 10:00 a.m.

Item 2. Public Comment. Mr. Guerrero commented that the morning meeting time was convenient for him.

Item 3. Conditional Letter of Map Revision (CLOMR). Discussion and possible action regarding CLOMRs for Smith Canal Closure Structure and Wisconsin Pump Station.

Mr. Brian Koper of FEMA attended the meeting virtually, answering various questions from the Trustees regarding the CLOMRs for the Smith Canal Project and Wisconsin Pump Station. Trustee Gulli asked questions of Mr. Koper related to technical interpretations of the two CLOMRs, the previous FIRMs, and levee accreditation. Mr. Koper was not prepared to answer such questions, but confirmed that the Smith Canal Closure Structure CLOMR and the Wisconsin Pump Station CLOMR were both valid, and that they are dependent upon each other. There was also general discussion of FEMA map modernization efforts and that FEMA accreditation requires ongoing updates to information relevant to levee accreditation.

On a motion by Trustee Gulli, seconded by President Kauffman, the Trustees agreed that the Trustees would consider and agree upon specific information requests at a future District meeting in order to present to Mr. Koper for response.

Ayes: Gulli, Gaines, Kauffman
Noes: None
Abstain: None
Absent: None

Item 4. Approval of Minutes of January 10, 2022, January 18, 2022, and February 7, 2022, meetings of the Board.

Mr. Pinasco provided an oral report of the minutes. On a motion by President Kauffman, seconded by Trustee Gaines, the Trustees present voted unanimously to approve the minutes of February 7, 2022, by the following vote.

Ayes: Gulli, Gaines, Kauffman
Noes: None
Abstain: None
Absent: None

On a motion by President Kauffman, seconded by Trustee Gaines, the Trustees present voted unanimously to approve the minutes of January 18, 2022 by the following vote.

Ayes: Gulli, Gaines, Kauffman
Noes: None
Abstain: None
Absent: None

On a motion by Trustee Gaines, seconded by President Kauffman, the Trustees present voted to approve the minutes of January 10, 2022, by the following vote. Trustee Gulli noted that he disapproves of action minutes and favors minutes that include a narrative along with action reports.

Ayes: Gaines, Kauffman
Noes: Gulli
Abstain: None
Absent: None

Item 5. Presentation of Financial Status Report. Discussion and possible action.

Mr. Pinasco, provided a written and oral report of the District's revenues and expenditures.

After review,
Trustee Gulli made a motion to approve the Financial Report as presented. Trustee Gaines seconded the motion.

Ayes: Gulli, Gaines, Kauffman
Noes: None
Abstain: None
Absent: None

Item 6. Encroachment Permit. Discussion and possible action to approve encroachment permit submitted by San Joaquin Area Flood Control Agency

The District's consulting engineer does not have a recommendation at this time. No action taken.

Item 7. Presentation of Engineer's Report. Discussion, direction, and possible action for the following items:

Mr. Neudeck provided a written and oral report on the following:

FROM ENGINEER'S REPORT:

I. ROCK SLOPE PROTECTION PROJECT

A. KSN Inc. is finalizing its coordination with City of to seek the dedication and easement refinement.

II. WISCONSIN PUMP STATION NO. 7

A. Contract Administration:

- None

B. Schedule:

- Construction activities completed to date include:
 - Clearing & grubbing
 - Install temporary pump discharge piping
 - Initial levee grading and fill import
 - Placement of bedding stone for ArmorFlex
 - Construct outfall structure
 - Placement and grouting of ArmorFlex mats
 - Install welded steel discharge piping
 - Structural reinforcement of existing sump including change order work to reinforce west wing
 - Site electrical work
 - Construction of electrical concrete pad
 - Structural reinforcement for new pumps
 - Installation of new pumps and remaining pipe
 - Construction of concrete pump supports
 - Completion of levee fill
 - All-weather road at levee crown
 - Install pipe supports and check valves
 - Install electrical panels inside the pump station
 - Install chain link fencing
 - Procurement of railing material
- Expected construction activities in March:
 - Install railing at outfall structure
 - Replace pipe gate at levee crown road
 - Install check valve supports at the outfall structure
 - Install the remaining steel supports at the west side of the sump
 - Delivery of remaining electrical equipment

C. Miscellaneous Construction Issues:

- Procurement of the electrical equipment continues to cause delays. The latest delivery date we have received from the factory re: the main switchboard is March 11 with delivery hopefully by the end of March. The PG&E power switchover would then occur afterwards in April.

III. ROCK SLOPE PROTECTION PROJECTS

A. KSN has nearly completed the Plans and Specifications. KSN's goal is to have the project out to bid in a couple of weeks and Bids for the Board of Trustees consideration and award at our Monday, April 4th Board meeting.

- Bidding Docs ready on 3/17
- Advertise on 3/18 and 3/25
- Pre-Bid Walk on 3/29
- Bid Opening on 4/1

1. Henry and Carole Stratton / 1742 South Tuxedo Ave, Stockton CA 95204/ APN # 123-204-100-000.
2. Christina and Francisco Vitela / 2220 Canal Drive, Stockton CA 95204/ APN # 123-300-190-000.
3. Carol And Solbjor / 2204 Canal Drive, Stockton CA 95204 / APN # 123-300-430-000.
4. American Legion Karl Ross Post No. 16 / 2020 Plymouth Road Stockton CA, 95204 / APN # 123-040-350-000.
5. Amblers Club / 2000 Amblers Lane Stockton CA 95204 / APN # 121-100-060-000, Mailing Address: PO Box 174 Stockton CA 95201.
6. Reggie Stone / 2001 Mission Road Stockton CA 95201 APN# 123-130-23.

Item 8. Presentation of Superintendent's Report; request for direction.

The Trustees reviewed the written report provided by the District's Superintendent. Mr. Palacio was absent, so no oral report provided.

Item 9. Town Hall. Discussion and Direction.

Mr. Pinasco provided an oral report that the Town Hall meeting was scheduled to take place on April 14, 2022, from 6 pm to 9 pm at the Ambler's Club in Stockton. The Trustees directed staff to hold this item for next regular meeting to agree upon items to include on the agenda.

Item 10. District Newsletter. Discussion and Direction.

The Trustees reviewed the draft newsletter provided by the District's public outreach consultant. The Trustees provided direction to staff as to desired edits, and requested that the newsletter be considered for approval at the next regular meeting.

Item 11. Report on Meetings Attended.

No reports.

Item 12. District Calendar.

Mr. Pinasco reported that the District's next regular meeting is scheduled for April 4, 2022.

Item 13. Director Reports.

Trustee Gulli provided an oral report on Risk Map 2.0 and Database Updates. Mr. Neudeck indicated that this topic is new and information is continuing to be developed. He will be taking a closer look at the Risk Map 2.0 impacts to the District.

Trustee Gulli provided an oral report on the Lower San Joaquin River Project.

Trustee Gulli provided an oral report on impacts to the District's levees resulting from Calaveras Levee and Channel Maintenance. The Trustees present directed Mr. Pinasco to reach out to Erik Ambrees and Erik Zadar of the County and request that they attend a future meeting to discuss such impacts.

Item 14. Items for Future Meetings.

The Trustees directed legal counsel to report to the Trustees at a future meeting on the Federal Torts Act and the Tucker Act as to applicability to the District.

Item 15. Correspondence. Discussion and direction. None

Item 16. Motion to Approve of Bills.

After review,

Trustee Gaines made a motion to approve the February bills as presented. Trustee Gulli seconded the motion.

Ayes:	Gulli, Gaines
Noes:	None
Abstain:	None
Absent:	Kauffman

Item 17. Report on San Joaquin Area Flood Control Agency's Smith Canal Gate Structure Project.

Mr. Neudeck left the meeting due to an apparent conflict of interest. Upon Mr. Neudeck's exit, Mr. Elias provided an oral report on the Project's progress

Item 18. Adjournment. Trustee Gulli made a motion to adjourn the meeting at 12:05 p.m. Trustee Gaines seconded the motion.

Draft Minutes of Reclamation District 1614
March 7, 2022
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Secretary: The agenda for this meeting was posted at 3121 West March Lane, Suite 100, Stockton, California at least 72 hours preceding the meeting.

Respectfully submitted,

Rhonda L. Olmo
District Secretary

Reclamation District 1614
February 2022 Bills

NAME	INVOICE #	AMOUNT	TOTAL \$	WARRANT #	CHECK #	SUBVENTION FUND
Kevin Kauffman		\$100.00		6047		
			\$100.00			
Christian Gaines		\$50.00		6048		
			\$50.00			
Dominick Gulli		\$50.00		6049		
			\$50.00			
Rhonda Olmo		\$987.50		6050		
			\$987.50			
Neumiller & Beardslee	324350	\$3,525.53		6051		
			\$3,525.53			
Kjeldsen, Sinnock, & Neudeck	32246	\$1,955.00		6052		
	32247	\$436.25				
	32248	\$135.00				
	32249	\$132.50				
	32250	\$132.50				
	32251	\$120.00				
	32252	\$586.25				
	32253	\$20.00				
	32254	\$336.25				
	32255	\$61.75				
	32256	\$5,472.25				
	32257	\$765.00				
			\$10,152.75			
Kaman Industrial Technologies	D203260	\$6,542.86		6053		
			\$6,542.86			
Delk Pest Control	137264	\$220.00		6054		
			\$220.00			

Reclamation District 1614
February 2022 Bills

Amblers Club		\$300.00		6055	
			\$300.00		
Alan Spragg and Associates	8092132	\$1,300.00		6056	
	8092133	\$395.00			
			\$1,695.00		
Abel Palacio - February Payroll		\$1,064.05			Direct Deposit
			\$1,064.05		
State of California Payroll Taxes - February		\$52.65			online
			\$52.65		
Federal Government Payroll Taxes - February		\$414.20			online
			\$414.20		
Sprint		\$100.96			online
			\$100.96		
Comcast		\$128.28			online
			\$128.28		
Visa		\$254.54			online
			\$254.54		
PG&E		\$984.45			online
			\$984.45		

WARRANT TOTAL:	\$23,623.64
CHECKING TOTAL:	\$2,999.13
TOTAL BILLS PAID	\$26,622.77

MINUTES OF SPECIAL MEETING OF BOARD OF TRUSTEES
FOR RECLAMATION DISTRICT 1614
HELD WEDNESDAY, MARCH 23, 2022

The March Special Meeting of the Board of Trustees of Reclamation District 1614 was held on Monday, March 23, 2022, at the hour of 3:00 p.m.

Roll Call of Board Members and Staff:

President Kevin Kauffman, Trustee Christian Gaines, Trustee Dominick Gulli, Attorney Andy Pinasco, Engineer Chris Neudeck, District Secretary Rhonda Olmo, and District Superintendent Able Palacio. The following members of the public were present, Chris Elias (SJAFCA) and Jordan Baldwin (Ridgeline).

Absent were: None.

Item 1. Call to Order/Roll Call. President Kauffman called the meeting to order at 3:02 p.m.

Item 2. Public Comment. Mr. Chris Elias reported on potential Federal Funding Regional Flood Control Projects.

Item 3. Encroachment Permit. Discussion and possible action to approve encroachment permit submitted by San Joaquin Area Flood Control Agency

Mr. Jordan Baldwin, consulting Engineer from Ridgeline Engineering, reviewed his Gate Impact Review Findings and Recommendations with the Board. Lengthly discussion was held. The Board directed attorney Andy Pinasco to draft the Encroachment Permit for review. Upon Board approval of the draft Encroachment Permit, the Board authorized attorney Pinasco to forward it to SJAFCA for their review and comment.

Item 4. Adjournment. Trustee Gulli made a motion to adjourn the meeting at 5:23 p.m. Trustee Gaines seconded the motion.

Secretary: The agenda for this meeting was posted at 3121 West March Lane, Suite 100, Stockton, California at least 24 hours preceding the meeting.

Respectfully submitted,

Rhonda L. Olmo
District Secretary

ITEM 4

RECLAMATION DISTRICT 1614
FINANCIAL REPORT MEETING APRIL 2022 MEETING
% OF FISCAL YEAR ELAPSED THROUGH END OF MARCH - 75%

Budget Item		Budget Amount	Expended MTD	Expended YTD	% YTD
GENERAL FUND					
Administrative					
G1	Annual Audit	\$ 6,000.00	\$0.00	\$0.00	0.00%
G2	Public Communication & Noticing	5,000.00	\$0.00	1,152.50	23.05%
G3	Election Expense	0.00	\$0.00	0.00	0.00%
G4	Superintendent	50,000.00	\$1,968.30	24,010.21	48.02%
G4a	Secretary	14,000.00	\$1,062.50	10,875.00	77.68%
G5	Workers' Compensation	6,000.00	\$809.50	1,194.98	19.92%
G6	Trustee Fees	4,000.00	\$200.00	2,200.00	55.00%
G7	County Assessment Administration	7,500.00	\$601.00	6,344.31	84.59%
G7A	General Assessment Administration (Engineers)	3,500.00	\$47.50	4,162.51	118.93%
G8	Office Supplies	700.00	\$0.00	558.88	79.84%
G9	Communication (phones, radios, etc.)	4,000.00	\$229.26	2,063.94	51.60%
G12	Education/Memberships	2,550.00	\$0.00	2,224.00	87.22%
G13	Non Management Staff	7,500.00	\$0.00	0.00	0.00%
	TOTAL	\$110,750.00	\$4,918.06	\$54,786.33	49.47%
Consultants					
G14	General Engineering	\$ 30,000.00	\$1,197.30	\$22,111.80	73.71%
G15	General Legal	30,000.00	<u>\$7,824.72</u>	<u>37,648.86</u>	<u>125.50%</u>
	TOTAL	\$ 60,000.00	\$9,022.02	\$59,760.66	99.60%
Property & Equipment					
G16	Operation & Maintenance	\$ 3,000.00	\$0.00	\$2,320.09	77.34%
G16A	District Vehicle Expenses	4,000.00	\$0.00	579.46	14.49%
G17	Acquisitions	0.00	\$0.00	0.00	0.00%
G18	Flood Fight Supplies	0.00	<u>\$0.00</u>	<u>0.00</u>	<u>0.00%</u>
	TOTAL	\$ 7,000.00	\$0.00	\$2,899.55	41.42%
Other					
G19	Insurance	\$ 15,000.00	\$0.00	\$13,988.76	93.26%
	TOTAL	\$ 15,000.00	\$0.00	\$13,988.76	93.26%
	TOTAL GENERAL FUND	\$ 192,750.00	\$ 13,940.08	\$ 131,435.30	
RECURRING EXPENSES					
Levee					
R1	General Maintenance	\$ 15,000.00	\$431.25	9,986.50	66.58%
R1A	Engineering - General	25,000.00	\$525.00	8,691.91	34.77%
R1C	Riprap and Levee Repair	250,000.00	\$6,189.30	72,873.66	29.15%
R1D	DWR 5 Year Plan	15,000.00	<u>\$728.75</u>	<u>1,810.50</u>	<u>12.07%</u>
	TOTAL	\$ 305,000.00	\$7,874.30	\$93,362.57	30.61%
Drainage					
R2	Electricity	\$ 15,000.00	\$894.19	\$9,521.43	63.48%
R3	Sump Cleaning	50,000.00	\$0.00	5,192.84	10.39%
R4	Plant O&M	75,000.00	\$825.00	35,369.87	47.16%
R4A	Pest Control	3,000.00	\$220.00	2,063.20	68.77%
R5	Wisconsin Pump Station Design	0.00	\$0.00	\$3,880.10	0.00%
R6	Capital Improvement Project	1,500,000.00	<u>\$180.00</u>	<u>1,106,280.85</u>	<u>73.75%</u>
	TOTAL	\$ 1,643,000.00	\$2,119.19	\$1,162,308.29	70.74%
	TOTAL RECURRING EXPENSES	\$ 1,948,000.00	\$ 9,993.49	\$ 1,255,670.86	
	TOTAL EXPENSE BUDGET	\$ 2,140,750.00	\$ 23,933.57	\$ 1,387,106.16	

INCOME

Anticipated

Assessment - Existing	\$ 433,300.00	\$0.00	\$265,527.76	61.28%
Assessment - Wisconsin	97,090.00	\$0.00	\$66,479.39	68.47%
Interest	5,000.00	\$0.00	\$7,824.00	156.48%
Property Tax	150,000.00	\$195.54	\$93,696.93	62.46%
Subvention Reimbursement (2019/2020)	125,000.00	\$0.00	\$16,881.00	13.50%
2019-2020 DWR 5-Year Plan	15,000.00	\$0.00	\$0.00	0.00%
Delta Grant II - Flood Fight Supplies	14,500.00	<u>\$13,164.99</u>	<u>\$13,164.99</u>	<u>90.79%</u>
TOTAL	\$ 839,890.00	\$13,360.53	\$463,574.07	55.19%

TOTAL NET INCOME (LOSS)

\$ (1,300,860.00)

O&M Fund Balance (as of 3/31/2022)

2,239,035.09

Wisconsin Fund Balance (as of 3/31/2022)

5,374.42

Proposed Expenses

23,933.57

TOTAL CASH

\$ 2,220,475.94

Checking Account Balance (as of 3/31/2022)

22,388.75

TOTAL CASH ON HAND

\$ 2,242,864.69

- 1/5/2022 Transferred \$492,918.87 from Wisconsin to General Account to pay Progress #1 (\$227,553.50) & # 2 (\$265,365.37) leaving a balance in Wisconsin of \$237,053.86
- 1/5/2022 Transferred \$231,315.14 from General Account to Wisconsin to pay Progress #3 (\$468,369.00)
- 2/3/2022 Transferred \$66,386.00 from General Account to Wisconsin to pay Progress #4 (\$66,386.00)

ITEM 6

<p>RECORDING REQUESTED BY, AND WHEN RECORDED MAIL TO:</p> <p>ANDY PINASCO NEUMILLER & BEARDSLEE A PROFESSIONAL CORPORATION POST OFFICE BOX 20 STOCKTON, CALIFORNIA 95201-3020</p>	
	<p>SPACE ABOVE THIS LINE FOR RECORDER'S USE</p> <p>Documentary Transfer Tax not applicable. Public agency is Grantee.</p> <hr/> <p>Secretary, Reclamation District 1614</p>

**LEVEE ENCROACHMENT PERMIT
RECLAMATION DISTRICT 1614**

This Levee Encroachment Permit is issued for that real property located within the boundaries of Reclamation District No. 1614, identified by the following physical address and Assessor's Parcel Number (APN), to the Owner(s) of an easement recorded in the Official Records of San Joaquin County which demonstrates Owner's rights of entry and continued possession for the construction, improvement, maintenance, repairs, operations, and replacement of the Smith Canal Closure Structure:

Address: **3800 COUNTRY CLUB BOULEVARD**
STOCKTON, CA 95204

APN: **109-020-060**

Recorded Easement Document Number: **[DOCUMENT NUMBER]**

Easement Owner(s) of Record: **SAN JOAQUIN AREA FLOOD CONTROL AGENCY**
22 EAST WEBER AVENUE, SUITE 301
STOCKTON, CA 95202

Permit Terms and Conditions

1. Permittee warrants that it is the owner of an easement recorded in the Official Records of San Joaquin County with a right of immediate entry and continued possession for the construction, improvement, maintenance, repairs, operations, and replacement of the Encroachment and its related facilities at that certain real property located in San Joaquin County, California, commonly referred to 3800 Country Club Boulevard, Stockton, CA (APN 109-020-060-000), as described in the easement recorded in the Official Records of San Joaquin County attached hereto and incorporated herein by this reference as Exhibit "A".
2. The District issues this Permit pursuant to its jurisdiction over levee inspection, maintenance, repair, and related flood control matters as conferred by California Water Code section 50900 *et seq.*
3. Permittee agrees to comply with all terms and provisions of the District Levee Encroachment Standards as the same now exist, or as they may hereafter from time to time be amended, and with the terms and conditions of the permits issued to Permittee by the Board or by the District.
4. The Encroachments authorized by the District by issuance of this Permit are set forth in Exhibit "B," which is attached hereto, and incorporated by reference. The Encroachment shall be subject to the District's Conditions of Approval for the Encroachment and constructed in accordance with the plans submitted with the application dated September 21, 2021. Any revisions to the Encroachment will require the submittal of revised plans to the District for review and approval. Permittee understands that any other encroachments are prohibited unless authorized by a separate Permit issued by the District.
5. The Conditions of Approval for the Encroachments authorized by the District are set forth in Exhibit "C," which is attached hereto, and incorporated by reference. Permittee understands that this Permit will not be effective for any purpose unless all Conditions of Approval remain in compliance during the term of this Permit.
6. This Permit shall not be effective for any purpose unless and until the Permittee files with the District, as the grantor, an insurance policy which shall have the limits in the amount of no less than \$1,000,000 per occurrence, \$2,000,000 general aggregate, \$2,000,000 products/completed operations aggregate. The required limits may be provided by a combination of General Liability Insurance and Commercial Excess or Commercial Umbrella Liability Insurance. The District, its officers, agents, and employees shall be expressly listed as named insured under the required insurance policy and the policy shall provide coverage for general negligence claims, claims of errors and omissions, and shall cover inter-insured suits between District and Permittee and include a "separation of insureds" or "severability" clause which treats each insured separately. The Permittee shall be responsible to keep the required insurance policy in full force

and effect for the entire term of this Permit. The cost of any and all premiums for the required insurance shall be borne by the Permittee. In the event of claims against the policy, the Permittee shall be responsible for payment of any deductible amounts. A Certificate of Insurance shall be provided to the District Secretary and shall verify that the insurance coverage may not be cancelled without thirty (30) days written notice to the District's Secretary.

7. This Permit shall not be effective for any purpose unless and until Permittee reimburses the District all actual costs incurred by the District for 1) the District's evaluation and review of information and technical data regarding levee segments within the boundaries of the District as related to this Permit; 2) the District's evaluation and review of the impacts of the encroachments allowed by this Permit on the levee segments within the boundaries of the District, long-term operation of the levee resulting from this Permit; 3) determining impacts of costs of reviewing and writing comments and conditions of approval resulting and related to this Permit; 4) any and all other impacts resulting from this Permit reasonably related to the District's authority to do all things necessary or convenient for accomplishing the purposes for which it was formed.
8. This Permit shall not be effective for any purpose unless and until Permittee executes with an acknowledged signature the District's Covenants, Release, and Indemnification Agreement, attached hereto as Exhibit "C".
9. Permittee understands and agrees that non-compliance may result in revocation of this Permit. Any encroachment(s) on or about the levee or the easement of District which are not expressly permitted to be maintained by both the Standards and by valid permit(s) may be removed by District, and Permittee hereby grants the District express permission to enter Permittee's property and easement, and to remove any such encroachment(s), if such encroachment(s) are not removed by Permittee within thirty days of notice to remove given by District to Permittee, without liability to Permittee; provided, however, that in case of emergency, no such notice need be given and entry and removal by the District may be immediate, without liability to Permittee.
10. The terms and conditions of this Permit shall extend to and be binding upon the heirs, successors, administrators and assigns of the Permittee.
11. The Permittee has read and understands each of the conditions set forth for issuance of this Permit and on behalf of San Joaquin Area Flood Control Agency, and being duly authorized to do so, accepts the Permit subject to these conditions.

SIGNATURES ON NEXT PAGE

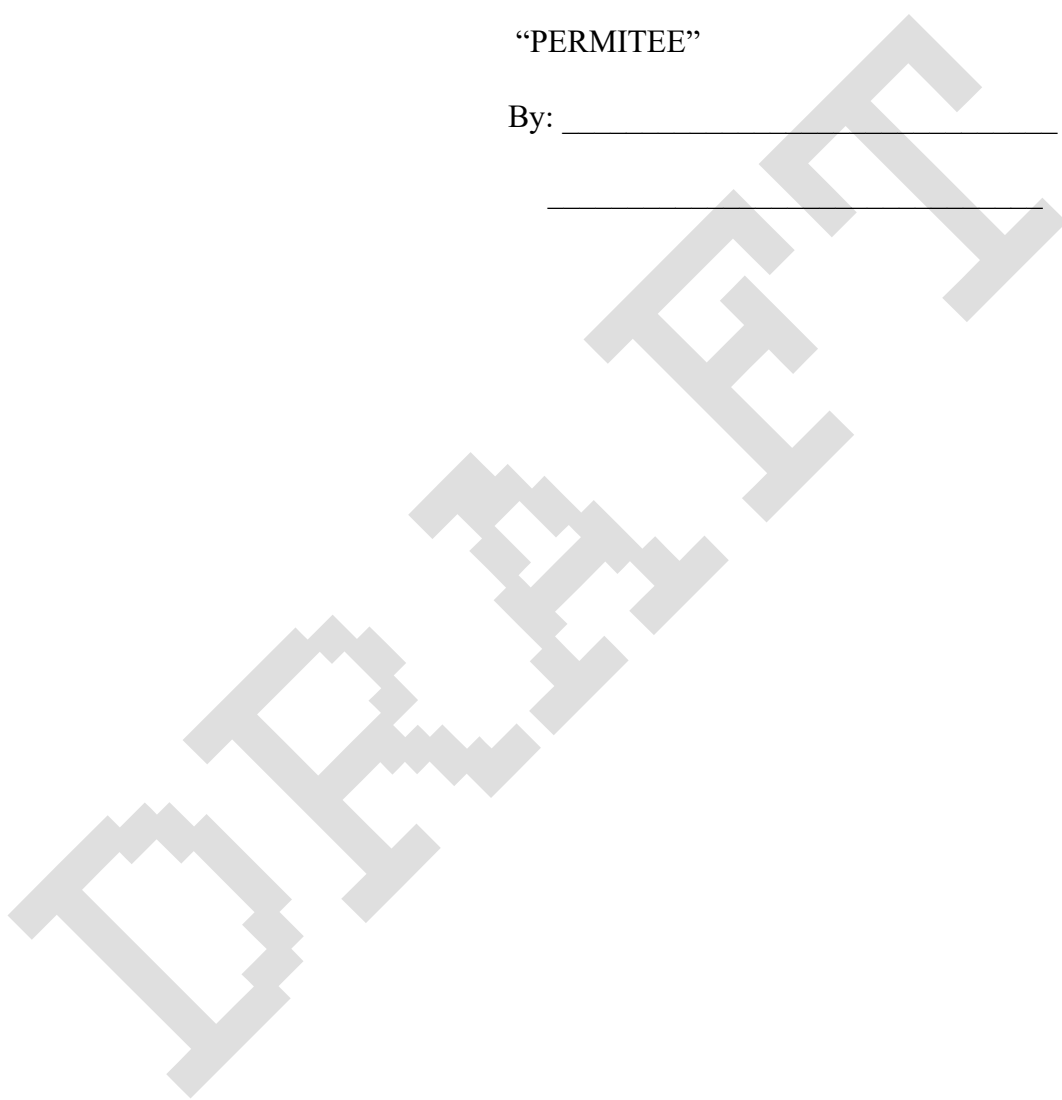
“DISTRICT”

RECLAMATION DISTRICT 1614

By: _____
President, Board of Trustees

“PERMITEE”

By: _____



NOTARY ACKNOWLEDGEMENT CONTINUED ON NEXT PAGE

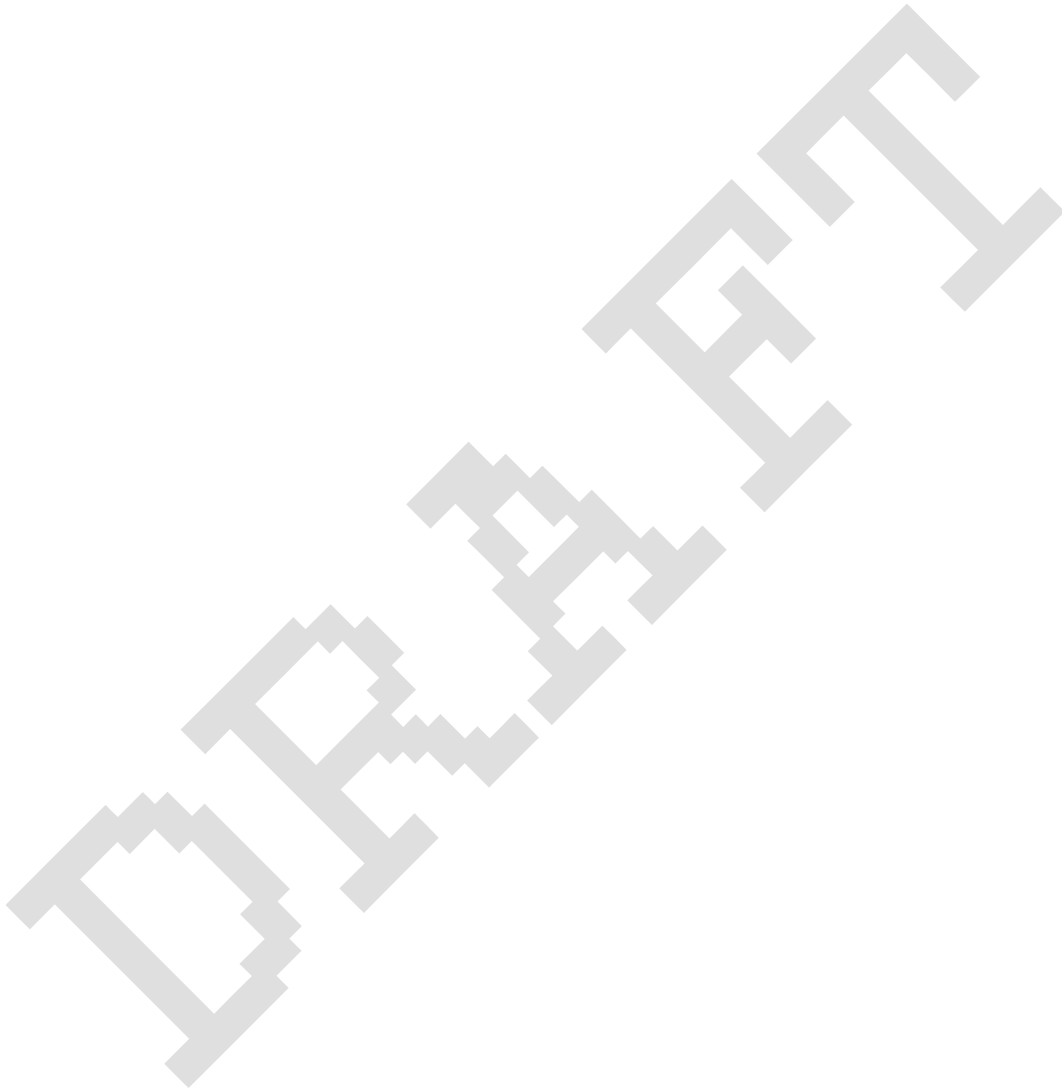
EXHIBIT "A"

SJAFCA Easement for 3800 Country Club Boulevard, Stockton, CA recorded in the Official Records of San Joaquin County



EXHIBIT "B"

The levee encroachments approved under this permit are particularly described as follows:



Index No. _____ Lot No. _____

APPLICATION FOR APPROVAL OF PLANS AND/OR ENCROACHMENT PERMIT

1. Application to the RD 1614 for approval to _____

Construct improvements on the RD 1614 levee required for connection with the Smith Canal Gate project which primarily include (see attached Sheet C-862 and others for notes and details): Cellular sheet pile wall cells(s), two (2) Single sheet pile walls parallel to the levee, grass pavers area, scour protection along existing levee embankment, ornamental steel gate and fence, and radial anti-climb collars.

Note: Vertical Datum used is North American Vertical Datum 83 (NAVD88), Horizontal Datum used is California Coordinate System - State Zone 3 (CCS83-3)

- a. Location or vicinity map, to scale, showing location of proposed work in relation to known topographic features, to permit visitation and/or inspection of work.
- b. A complete plan of the proposed work, to scale, showing dimensions, materials of construction, and relationship of the proposed work to adjacent or affected project features.
- c. A cross section of the levee, berm, and stream area with dimensions and elevations of the levee crown, levee toes, floodplain, low water levee, etc., with reference to the U.S. Geological Survey, U.S. Corps of Engineers, or other datum generally used within the locale.
- d. Profiles of existing or proposed levees, fills, or other obstructions in the stream or overflow area with reference to the U.S. Geological Survey, U.S. Corps of Engineers, or other datum generally used within the locale.

3. Please Print or Type:

<u>Name of Applicant</u>	<u>Address-Zip Code</u>	<u>Telephone Number</u>
Juan Neira, San Joaquin	22 E Weber Ave #301, Stockton	
<u>Area Flood Control Agency</u>	<u>CA 95202</u>	<u>Office 209-397-8113 Home</u>

Signature *Juan Neira* Date 9/13/21

4. Endorsement

We, the Trustees of RD 1614 at its meeting held on the _____ day of _____, 20____, hereby approve and give consent to the execution of the encroachment permit subject to the following conditions:

- Conditions listed on the back of this form
- Additional attached conditions.
- No conditions

Date _____

Board of Trustees,
RD 1614

Index No. _____ Lot No. _____

- 5. Name and address of owners of adjacent land parcels sharing a length of point of common boundary with the land upon which the contents of this application apply.

<u>Name</u>	<u>Address</u>	<u>Zip Code</u>
Stockton Golf and County Club	3800 Country Club Blvd	95204
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Conditions:

1. Comply with RD 1614 Levee Encroachment Standards.
2. Submit new application for any future encroachment within ten (10) feet of levee toe.
3. Signing and recording of permit
4. _____
5. _____
6. _____
7. _____

SEE ATTACHED ADDITIONAL CONDITIONS. IF BOX CHECKED ON FRONT PAGE

EXHIBIT “C”

The Conditions of Approval required under this permit are particularly described as follows:

1. The Permittee or Successors-in-Interest shall keep the Encroachment and its related facilities properly maintained in accordance with all applicable current or future local, State, and Federal laws, permits, and standards.
2. The Permittee or Successors-in-Interest shall be solely and fully responsible for all costs to operate, repair, and maintain the Encroachment and its related facilities.
3. The Permittee shall notify the District’s Superintendent and District Engineer at least 48 hours prior to any exercise or operation of the Encroachment or its related facilities.
4. The Permittee shall be liable for any damage to the Smith Canal and its levees that may occur as a result of the Encroachment and/or its related facilities.
5. The Permittee shall submit a draft Operations and Maintenance Manual for the Encroachment to the District for approval prior to Permit’s adoption being effective.
6. The Permittee shall consider and provide a written response to District for all recommendations contained in the District’s Special Engineer’s Report (attached on following page) for Velocity Increase Considerations, Gate Operation Considerations, Seepage Considerations, and Levee Stability Considerations.
7. Permittee shall assure that the Encroachment and its related facilities will be maintained and operated in a manner that assures all potential design flaws including the priority that the Smith Canal drain to the Delta in a manner that is equivalent to its pre-project conditions.

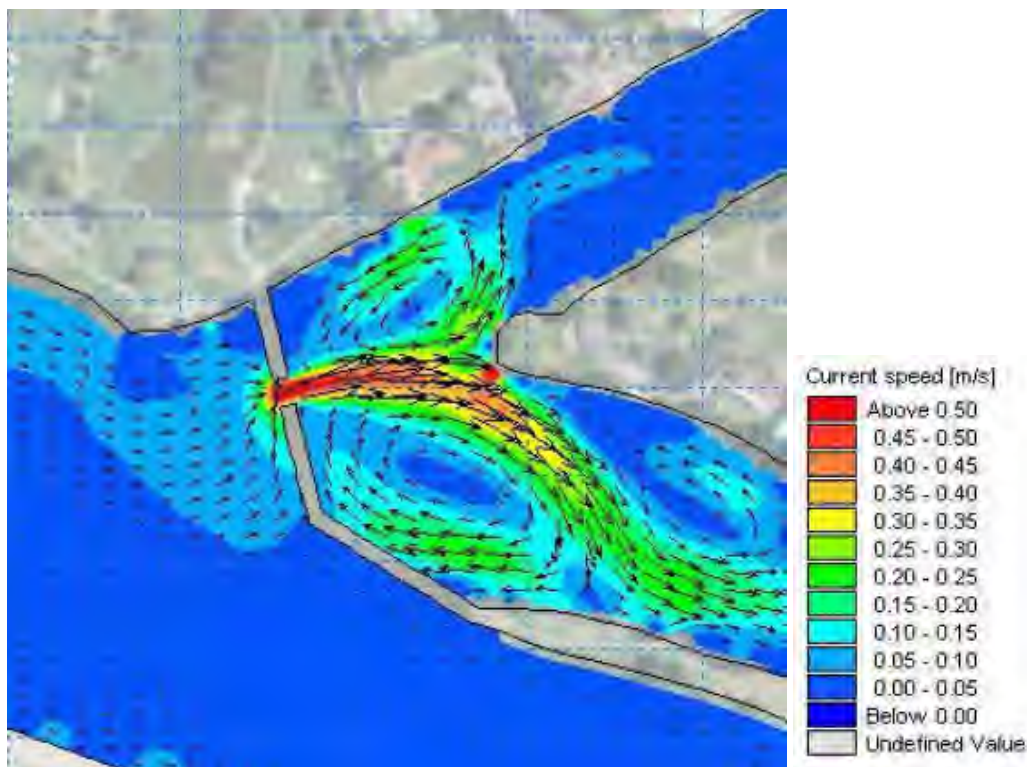
District’s Special Engineer Report Begins on Next Page

District Special Engineer's Report

The Smith Canal gate project documents have been reviewed to identify potential impacts the project may pose to RD 1614 levees and private property. Requests for information have also been submitted to SJAFCA. The following summarizes areas of concern, investigative findings, and associated recommendations.

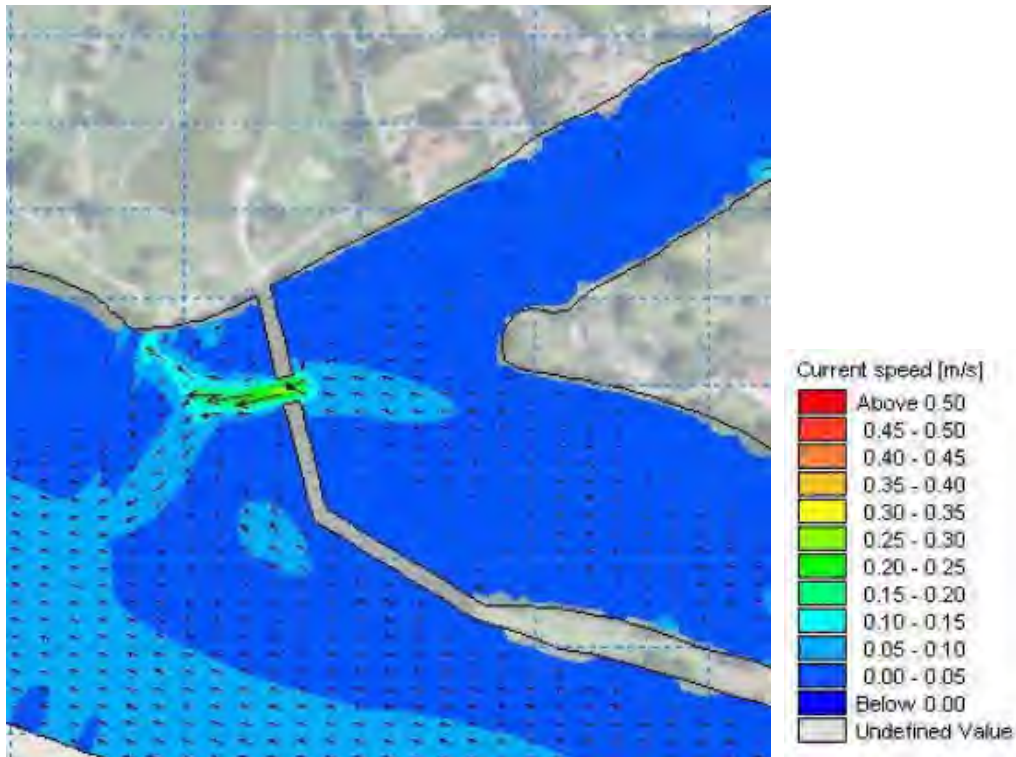
Velocity Increase Considerations

Taken from the hydrodynamic modeling report dated 2-24-2015, the following figure illustrates modeled flood tide velocity vectors resulting from the presence of the gate structure. A localized eddy can be observed in the vicinity of the dock located at 2300 Virginia Lane, approximately 300 feet northeast of the project tie-in. Increased velocities can also be observed along the levee approximately 150 southwest of the project tie-in.



The following figure illustrates ebb tide velocity vectors resulting from the presence of the gate structure. Increased velocities can also be observed along the levee up to approximately 250 southwest of the project tie-in.

District Special Engineer's Report



The following figure illustrates how the modeled velocities through the gate compare to existing conditions.

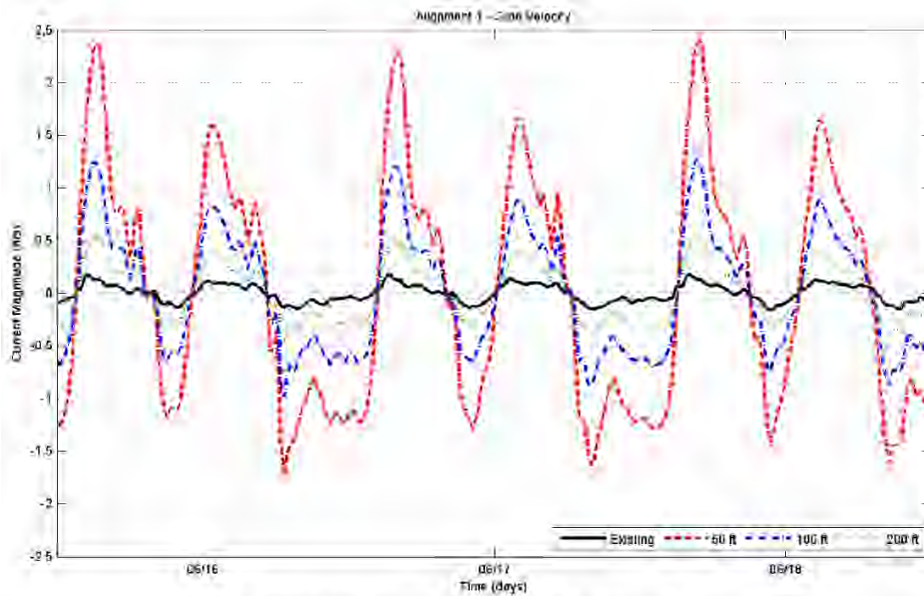


Figure 5-10: Velocity at Gate of Alignment 1

District Special Engineer's Report

Per both the hydrodynamic model calibration results (Section 4.2.2.1) and the model validation results (Section 4.2.2.2), measured discharge spikes at the Rough and Ready Island station were not captured within the model (see Figure below).

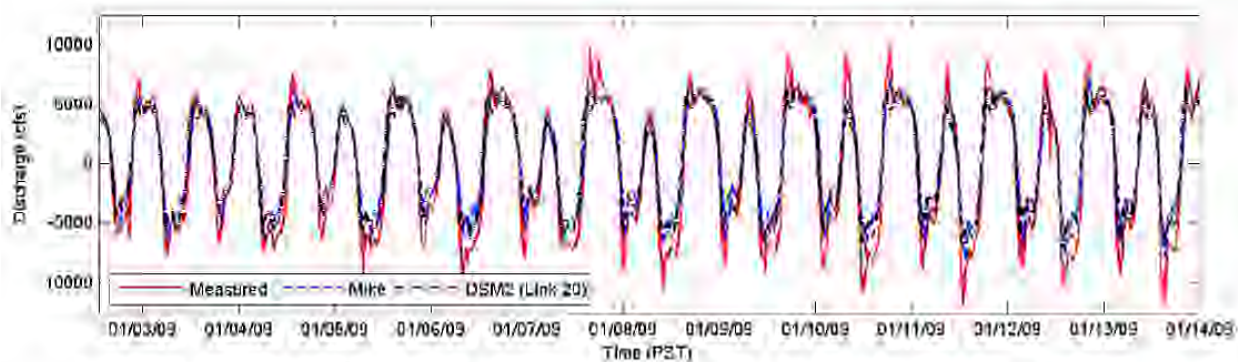


Figure 4-16: HD Model Validation Time Series Plots at Transect 002 (RRI Gage)

If the discharge measurements are accurate, the model could be underestimating peak ebb and flood discharges (on the order of a 50% increase between modeled and measured). This may translate to greater than reported peak velocities through the gate structure and associated velocity fields and eddies within the vicinity. The velocity analysis also only considered a two-month period from June through July 2007, which does not necessarily represent peak probable conditions.

Sheet C-201 of the plans specify rock slope protection within 115 feet of the project tie-in location with an abrupt 2:1 transition to existing; Sheet C-301 specifies a $\frac{3}{4}$ inch aggregate base bedding material. Since increased velocities are expected to impact the levee outside of the proposed limits, additional armoring should be provided.

Recommendation: *Condition that levee be adequately armored in all areas affected by increased velocities. Armoring should include an adequate transition to existing that will not promote scour and should be supported by appropriate bedding material. Potential impacts to the existing dock caused by increased velocities should also be investigated.*

Gate Operation Considerations

The hydrodynamic report indicates a high tide velocity of 2.4 feet per second through an open gate. It is suspected that a temporary backup and redistribution would occur in the event a gate closure blocks the passage of flow in and out of the canal. This effect could presumably be largely eliminated if the gate is only closed when discharges are at or near zero (e.g. the point in time when an ebb tide ends and a flood tide begins). It was requested that SJA FCA provide hydrodynamic modeling results in the event of a gate closure so that local effects within the vicinity of the RD 1614 levee could be reviewed. Juan Neira with SJA FCA responded in an email dated 3-7-2022 by stating the “gate will be in the Delta Pool which is essentially a very slow moving 61,000 acre lake with a nearly level water surface. In a high

District Special Engineer's Report

stage event, the gate will be closed, “walling off” the 85 acre Smith Canal and Atherton Cove (0.14% of the wetted area of the Delta).” The response also indicated a HEC-RAS model showed no stage rise for the 100-year and 200-year floods between pre-project and closed gate conditions, although no model specifics were provided. To minimize local disturbance, gate re-opening should only occur when water surface levels are equal and discharges are at or near zero.

Recommendation: *Condition the O&M manual specify appropriate conditions for gate closure and re-opening that will minimize local disturbance. RD 1614 should be notified when closures and re-openings will occur.*

Seepage Considerations

Sheet C-102 of the plans specify PZ40 sheet pile walls to extend approximately 30 feet left and right of the cellular wall. When asked to present analyses that justify the tie-in horizontal length, Juan Neira with SJAFCA responded in an email dated 3-7-2022 by stating the tie-in extents were based on “the judgement of the Project’s engineering team”. Since no specific analysis was provided, a monitoring plan should be implemented.

Recommendation: *Condition a piezometer be installed at the low point past the toe of the levee adjacent to the tie-in location for long-term monitoring and reporting to RD 1614.*

Levee Stability Considerations

Pile driving activities will impart substantial vibrations throughout the existing levee section. The ground vibration monitoring and control plan dated 6-17-2020 states that vibrations shall not exceed 0.50 inch per second as measured at the property line and 0.10 inch per second at a structure. Since the plan appeared to be specific to monitoring structures, a request was made for an analysis detailing the impact of vibrations on the specific subsurface profiles. Juan Neira with SJAFCA responded in a letter dated 2-18-2022 stating the “Project’s ground vibration monitoring program criteria are based on the Federal Transit Administration’s criteria for maximum peak particle velocity which is 0.2 in/sec within 100’ for timber/masonry buildings.” He later states, “ground vibrations at 0.2 in/sec are not anticipated to cause any stability issues in the existing levee.” Due to the unsubstantiated nature of the monitoring approach, levee conditions should be carefully investigated.

Recommendation: *Condition vibration monitoring sensors be installed (i) adjacent to the sheet pile installation that is within approximately 80 feet of an existing structure (sta 0+40, offset 40 feet right) and (ii) on foundation of structure (sta -0+20, offset 40 feet right). Monitored values should be reported to RD 1614. Also condition pre- and post-construction HD scan of levee section within 50 feet of sheet pile installation.*

EXHIBIT “D”

COVENANTS, RELEASE AND INDEMNIFICATION AGREEMENT

WHEREAS, Permittee warrants that it is the owner of an easement with a right of immediate entry and continued possession for the construction, improvement, maintenance, repairs, operations, and replacement of the Smith Canal Closure Structure Encroachment and its related facilities at that certain real property located in San Joaquin County, California, commonly referred to 3800 Country Club Boulevard, Stockton, CA (APN 109-020-060-000), as described in the easement recorded in the Official Records of San Joaquin County as Document Number **DOCUMENT NUMBER**.

WHEREAS, the undersigned Permittees have made an application dated September 13, 2021, to Reclamation District 1614 – Smith Tract, a political subdivision of the State of California (“District” or “RD 1614”), for approval of plans to construct improvements on the RD 1614 levee required for connection with the Smith Canal Gate project (hereinafter collectively referred to as “Proposed Works”): (1) on or near the banks or slopes surrounding or adjacent to the levees located along Smith Canal and the San Joaquin River within the said District; (2) in or near the waters within said District; and (3) near any other facility of said District;

WHEREAS, the governing board of said District is of the opinion that said Proposed Works interfere with and are a handicap in the repairing and maintenance of RD 1614’s banks, slopes, waterways or other facilities should an emergency arise or should it at any time become necessary that work be performed on or near RD 1614’s banks, slopes, or waterways or other facilities at or about the location where the Proposed Works of Permittees are to be constructed or undertaken;

WHEREAS, the Proposed Works may cause damage to RD 1614’s facilities or property of neighboring landowners due to slippage, erosion, or other causes and it is the intent of RD 1614 and the Permittees that the Permittees will indemnify, defend, and hold RD 1614 harmless against any and all such liability.

NOW THEREFORE, in consideration of the governing board of said District granting approval of said plans in writing to the Permittees, it is agreed as follows:

Permittees do hereby agree that at all times during and after the construction of the proposed work that Permittees shall, upon demand, either written or verbal, by said District perform at their own cost and expense and within the time limits set by said District all levee, bank, slope, and bulkhead rehabilitation, maintenance or repair work ordered to be performed by said District on the lands of said Permittees in the immediate area of said proposed work.

In the event that Permittees fail to perform said work as ordered or if RD 1614 elects to perform said work then Permittees agree upon demand, either written or verbal, by said District, to remove any and all such works which are located within the waterways, bank slope or levee or other areas so as to permit said District or its agents, employees or contractors to enter in, upon or around the aforesaid levees, banks, and slopes, Permittees agree and acknowledge that decks and other structures located on or near the slopes and water areas are subject to differential movement both in the horizontal and vertical direction

Permittees do hereby, to the fullest extent permitted by law, hereby agrees to indemnify, defend, and hold harmless RD 1614, its governing board, agents, employees and contractors, from any and all liability, penalties, costs, losses, damages, expenses, causes of action, claims, or judgments, including attorney’s fees, which arise out of or are in any way connected with the Proposed Works, including but not limited to the Proposed Works having been approved, constructed, undertaken, operated, or removed including, without limitation, any liability, costs or expenses associated with damage to RD 1614’s facilities or to the property of neighboring landowners. To the extent legally permissible, this indemnity and hold harmless agreement by

Permittee shall apply to any acts or omissions, whether active or passive, on the part of Permittee or his agents, employees, and representatives, resulting in liability irrespective of whether or not any acts or omissions of the parties to be indemnified hereunder may also have been a contributing factor to the liability. This indemnity obligation shall not be limited in any way by any limitation on the amount or type of damages.

Permittees represent and warrant that they are all of the Permittees and own an easement on a portion of the real property described as follows:

Address **3800 COUNTRY CLUB BOULEVARD, STOCKTON, CA 95204**

Parcel Number **109-020-060-000**

Recorded Easement Document Number _____

The terms and conditions herein shall bind the successors, heirs, assigns, executors, administrators and transferees of RD 1614 and Permittees in perpetuity and constitute covenants that shall run with the land for the benefit of all other lands within RD 1614 thereby binding all future owners.

This document constitutes the final, complete and exclusive agreement between RD 1614 and the Permittees pertaining to the subject matter of this Agreement, all oral agreements being merged herein, and supersedes all prior understandings or agreements.

Dated and executed at _____, California, this _____ day of _____, 20__.

Permittee's Name: (Signature)

Permittee's Name: (Signature)

Permittee's Name: (Printed)

Permittee's Name: (Printed)

NOTARY ON FOLLOWING PAGE

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document/

STATE OF CALIFORNIA)
)
COUNTY OF SAN JOAQUIN)

Subscribed and sworn to (or affirmed) before me on the ____ day of _____, 2021,
by _____, proved to me on the basis of satisfactory evidence to
be the person(s) who appeared before me.

Notary Public

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document/

STATE OF CALIFORNIA)
)
COUNTY OF SAN JOAQUIN)

Subscribed and sworn to (or affirmed) before me on the ____ day of _____, 2021,
by _____, proved to me on the basis of satisfactory evidence to
be the person(s) who appeared before me.

Notary Public

ITEM 7

Kevin Kauffman, President
Christian Gaines, Trustee
Dominick Gulli, Trustee

**RECLAMATION DISTRICT NO. 1614
SMITH TRACT**

Andrew J. Pinasco, Counsel
Rhonda L. Olmo, Secretary
Christopher H. Neudeck, Engineer
Abel Palacio, Superintendent

BOARD OF TRUSTEES MEETING

MONDAY, APRIL 4, 2022

2:00 PM

ENGINEER'S REPORT

I. ROCK SLOPE PROTECTION PROJECT

- A. KSN Inc. is finalizing its coordination with City of to seek the dedication and easement refinement.

II. WISCONSIN PUMP STATION NO. 7

- A. Miscellaneous Construction Issues:

- Procurement of the electrical equipment continues to cause delays. The latest delivery date we have received from the factory re: the main switchboard is in April now. The PG&E power switchover would then occur afterwards in May.

- B. Review and seek authority from the Board of Trustees to award Contract Change Order (CCO) No. 005 to Arnaudo Construction Co. to resolve incompatibility of existing 480-volt controls with new PLC.

EXHIBIT A: CCO No. 5 dated 3/21/22.

III. ROCK SLOPE PROTECTION (RSP) PROJECTS

- A. KSN has bid the project and are seeking the Board of Trustees authority to award the contract to the lowest responsive/responsible bidder Dino & Son Ditching Service Inc..

EXHIBIT B: Bid Recommendation and Summary dated April 1, 2022.

EXHIBIT C: Plan Set for the RSP project.

Exhibit A



PROPOSED CHANGE ORDER NO. 005

SUBJECT: Control Wiring Modifications of Existing System

DATE: 03/21/22

PROJECT: Wisconsin Pump Station

JOB NO: 21008

TO: Reclamation District 1614
711 North Pershing Ave
Stockton, CA 95203

FROM: Matt Yerian

ATTN: Erik Almaas

DESCRIPTION

The existing system has some 480 volt controls that are not compatible with the new PLC that is installed. This field change order is for control wiring modifications required to make the existing system compatible with the new.

ITEM	DESCRIPTION	QTY	UM	UNIT	TOTAL
001	DL Payne	1	LS	\$5,950.00	\$5,950.00
002	Mark-Up	15	%	\$5,950.00	\$892.50

TOTAL AMOUNT **\$6,842.50**

APPROVAL

BY: _____

BY: 
Matt Yerian

DATE: _____

DATE: 3/21/22

Exhibit B



Stephen K. Sinnock, P.E.
Christopher H. Neudeck, P.E.
Neal T. Colwell, P.E.
Barry O'Regan, P.E.

0806-0650
10-700

April 1, 2022

Reclamation District No. 1614
Board of Trustees
c/o Kevin Kauffman, President
P.O. Box 4807
Stockton, CA 95204

Re: Reclamation District No. 1614 - Smith Tract
Rock Slope Protection Project – FY 2021/2022
Recommendation for Award of Construction Contract

Dear Mr. Kauffman,

On April 1, 2022, bids were received for the referenced project at the office of the District Engineer, Kjeldsen, Sinnock & Neudeck, Inc. (KSN) at 711 North Pershing Avenue, Stockton, California. Three bids were received and opened, and a general summary of bid results is shown below in Table 1. A detailed summary of bid results is enclosed herein.

Table 1 - General Bid Results Summary

Bidder	Bid Total
Dino and Son Ditching Service, Inc.	\$215,400.00
Asta Construction Co., Inc.	\$262,513.00
Ford Construction Company, Inc.	\$297,800.00
<i>Engineer's Estimate</i>	<i>\$218,000.00</i>

KSN has reviewed the Bid Form (including supplements) and the Bid Bond submitted by the apparent low bidder, Dino and Son Ditching Service, Inc., and has found all submitted documents to be in accordance with the Bidding Documents for the project. Based on our review, KSN hereby recommends that the Board of Trustees of Reclamation District No. 1614 award the construction contract for the referenced project in the amount of \$215,400.00 to Dino and Son Ditching Service, Inc. of Stockton, California.

Please feel free to contact me if you have any questions. Thank you.

Sincerely,
KJELDSSEN, SINNOCK & NEUDECK, INC.

Erik Almaas, P.E.

w/enclosure

RECLAMATION DISTRICT NO. 1614 - SMITH TRACT
 RD 1614 - ROCK SLOPE PROTECTION PROJECT - FY 2021/2022
 STOCKTON, CALIFORNIA

Bid Date: 4/1/2022
 Bid Time: 10:00 am

BID RESULTS

Item	Description	Qty	Unit	Dino and Son Ditching Service		Asta Construction		Ford Construction		Engineer's Estimate	
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
Base Bid											
1.	Mobilization	1	LS	\$11,000.00	\$11,000.00	\$9,313.00	\$9,313.00	\$20,000.00	\$20,000.00	\$10,000.00	\$10,000.00
2.	Clearing & Grubbing	1	LS	\$45,000.00	\$45,000.00	\$103,500.00	\$103,500.00	\$92,300.00	\$92,300.00	\$50,000.00	\$50,000.00
3.	Debris Removal	1	LS	\$55,000.00	\$55,000.00	\$23,800.00	\$23,800.00	\$18,000.00	\$18,000.00	\$50,000.00	\$50,000.00
4.	Levee Fill	50	TN	\$60.00	\$3,000.00	\$152.00	\$7,600.00	\$100.00	\$5,000.00	\$80.00	\$4,000.00
6.	Riprap	1,300	TN	\$78.00	\$101,400.00	\$91.00	\$118,300.00	\$125.00	\$162,500.00	\$80.00	\$104,000.00
<i>Subtotals:</i>					\$215,400.00		\$262,513.00		\$297,800.00		\$218,000.00
Project Totals:					\$215,400.00		\$262,513.00		\$297,800.00		\$218,000.00

Exhibit C

RECLAMATION DISTRICT NO. 1614 SMITH TRACT

STOCKTON, CALIFORNIA

ROCK SLOPE PROTECTION PROJECT FY 2021/2022



SHEET INDEX

GENERAL	SHEET NO.	DESCRIPTION
G-001	1	TITLE SHEET
G-002	2	GENERAL NOTES
C-001	3	BASE MAP
C-101	4	MISSION CONSTRUCTION PLAN
C-102	5	MISSION CROSS SECTIONS
C-101	6	MISSION CONSTRUCTION PLAN
C-201	7	MISSION CROSS SECTIONS
C-301	8	MISSION CONSTRUCTION PLAN
C-302	9	MISSION CROSS SECTIONS
C-401	10	MISSION CONSTRUCTION PLAN
C-402	11	MISSION CROSS SECTIONS
C-501	12	MISSION CONSTRUCTION PLAN
C-502	13	MISSION CROSS SECTIONS
C-601	14	MISSION CONSTRUCTION PLAN
C-602	15	MISSION CROSS SECTIONS
C-701	16	MISSION CONSTRUCTION PLAN
C-702	17	MISSION CROSS SECTIONS
C-801	18	MISSION CONSTRUCTION PLAN
C-802	19	MISSION CROSS SECTIONS

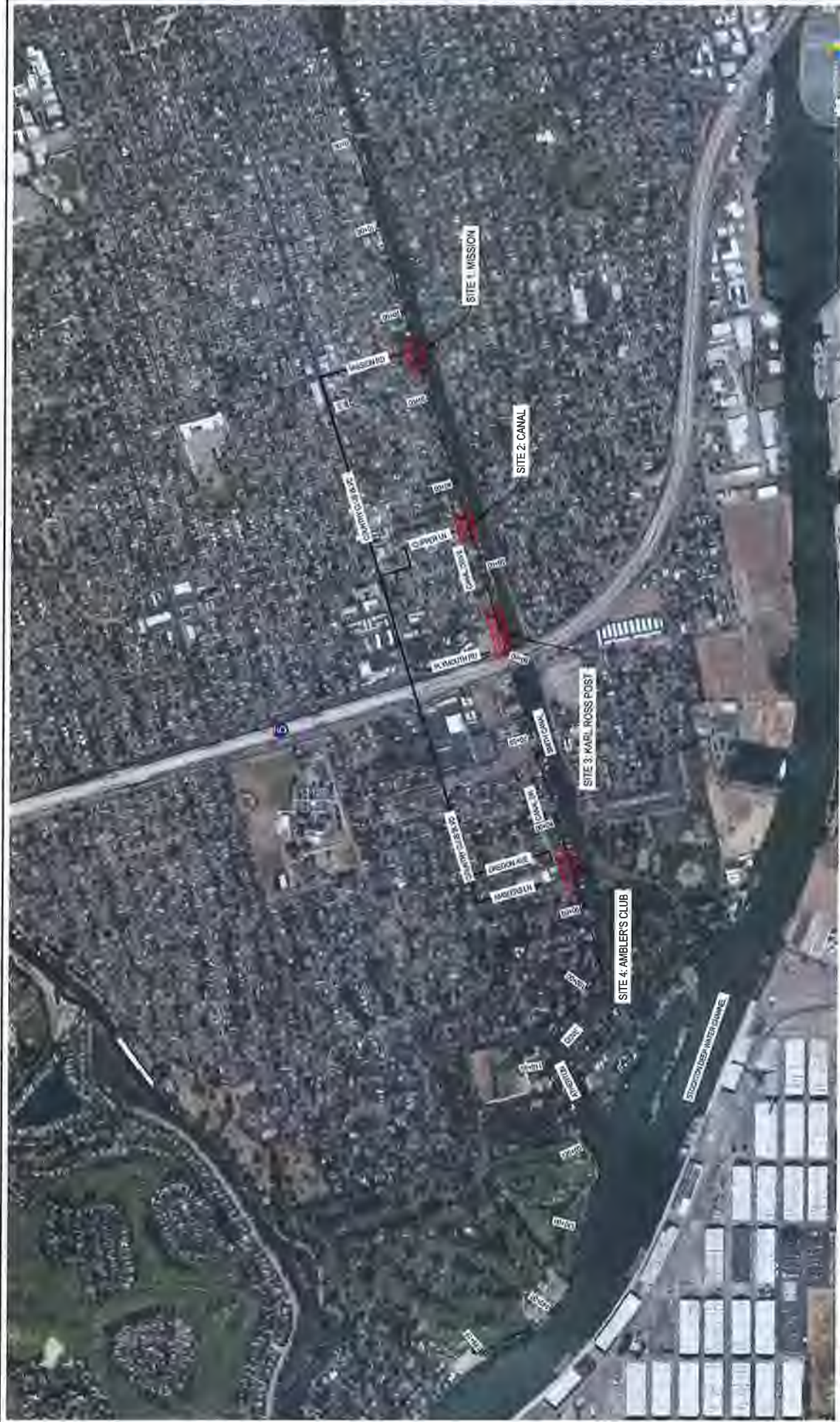


DATE	DESCRIPTION
3/17/2021	DESIGN
	DATE
	USER
	NO.
	DESCRIPTION

KSN
K. JELDSEN
SINNOICK
NEUDECK
www.ksninc.com
916-405-5300

DATE	MARCH 17, 2022
SHEET IDENTIFICATION	G-001
SHEET 1 OF 19	
NSN PROJECT FILE NO.	0885-0550

RECLAMATION DISTRICT NO.	1614
SMITH TRACT	
STOCKTON, CALIFORNIA	
TITLE SHEET	



																	
811 Call Before You Dig 1-800-4-A-DAWG		PROJECT ENGINEER M. J. JENSEN REG. NO. 25230-001		DATE / APPR. _____ / _____		DESIGN BY: EEA DRAWN BY: JDP CHECK BY: CHN		DRAINAGE SCALE 1" = 500'		ORIGINAL DRAINAGE SCALE 0" = 1"		DRAINAGE SCALE 0" = 1"		RECLAMATION DISTRICT NO. 1614 SMITH TRACT STOCKTON, CALIFORNIA		DATE: MARCH 17, 2022 SHEET IDENTIFICATION: C-101 SHEETS OF: 10 (CSN PROJECT FILE NO. 0865-RS5)	
KJELDSEN SINNOCK NEUDECK INC. 711 N. PARKWAY AVENUE STOCKTON, CA 95210 (209) 943-8383 455 HAZELWOOD BLVD. HAYWARD, CA 94541 (415) 483-5900 www.ksninc.com		PROJECT ENGINEER M. J. JENSEN REG. NO. 25230-001		DATE / APPR. _____ / _____		DESIGN BY: EEA DRAWN BY: JDP CHECK BY: CHN		DRAINAGE SCALE 1" = 500'		ORIGINAL DRAINAGE SCALE 0" = 1"		DRAINAGE SCALE 0" = 1"		RECLAMATION DISTRICT NO. 1614 SMITH TRACT STOCKTON, CALIFORNIA		DATE: MARCH 17, 2022 SHEET IDENTIFICATION: C-101 SHEETS OF: 10 (CSN PROJECT FILE NO. 0865-RS5)	



- NOTES:**
- 1. ALL REMOVED MATERIALS SHALL BECOME THE PROPERTY OF THE CONTRACTOR AND SHALL BE HULDED IN COMPLIANCE WITH LOCAL ORDINANCES.
 - 2. ALL EXISTING UTILITIES THAT ARE TO REMAIN SHALL BE PROTECTED IN PLACE.
 - 3. CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND SHALL BE RESPONSIBLE FOR ANY DAMAGE TO EXISTING UTILITIES.
 - 4. CONTRACTOR SHALL SECURE ACCESS TO AND BETWEEN THE ADJACENT BUILDINGS DURING CONSTRUCTION.

(N) BRAP
 (E) ASP AND/OR BRICK CONCRETE

	SUBMITTAL NO. _____ DATE _____		DESIGN BY: EEL DRAWN BY: JDP CHECK BY: CHN HORIZONTAL DATUM: CGS83 ZONE 3 VERTICAL DATUM: NAVD83	DRAWING SCALE: 1" = 20' ORIGINAL DRAWING SCALE: 0' = 1"		KJELDSEN SINNICK NEUDECK INC. 171 N. Emery Avenue Stockton, CA 95210 (209) 486-0288 1850 Labor Blvd., Suite 312 Heat, Stockton, CA 95210 www.ksninc.com 916-643-8300	RECLAMATION DISTRICT NO. 1614 SMITH TRACT STOCKTON, CALIFORNIA	DATE: MARCH 17, 2022 SHEET IDENTIFICATION: C1-101 SHEET # OF 15 CON PROJECT FILE NO. 0065-0550
	SITE 1: MISSION SITE PLAN							



NO.	DATE	DESCRIPTION



DATE: 3/17/2022

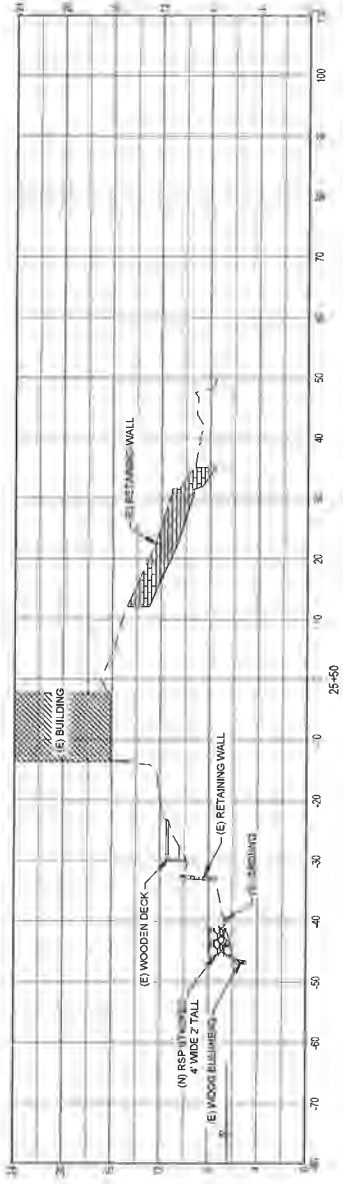
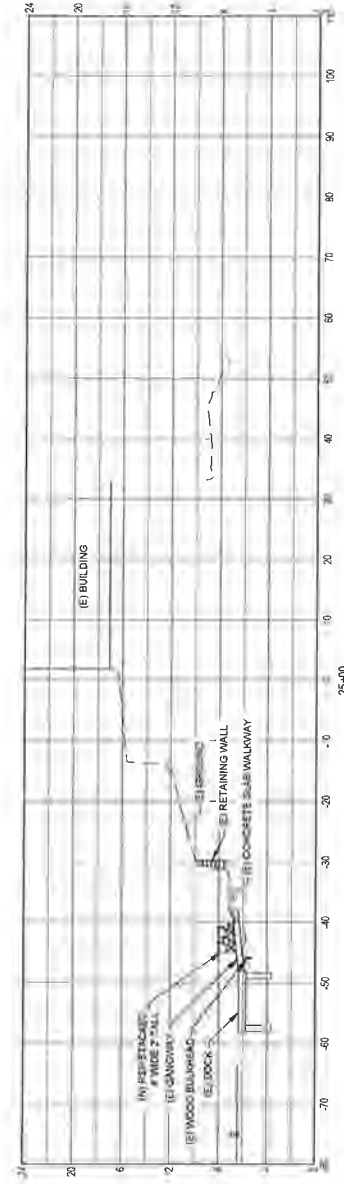
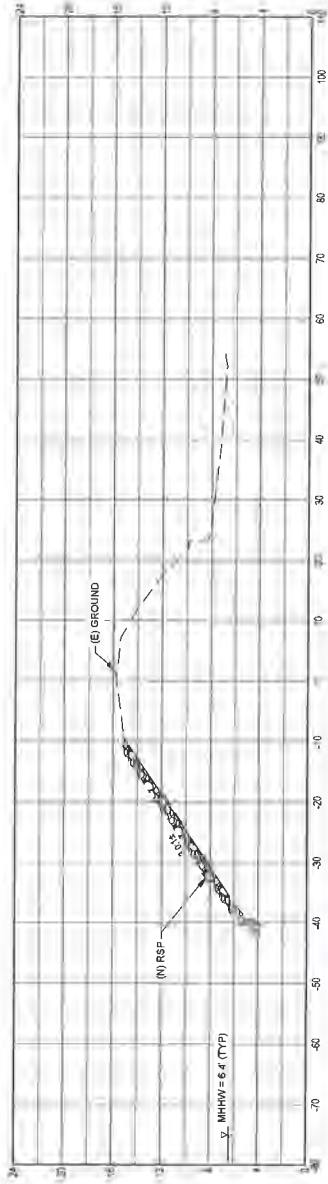
DATE	USER	DESCRIPTION

DESCRIPTION	DATE
DESIGNED BY: EEA	
DRAWN BY: GP	
CHECKED BY: CHL	
PROJECT NO.: 2021-03-17	
PROPOSED ZONE: CCS33 ZONE 3	
VERTICAL CURVE: 1	
VERTICAL ALIGNMENT: 1	

KSJ INC.
 KJELDSEN SINNOCK NEUDECK
 CIVIL ENGINEERS ARCHITECTS
 1515 G Street, Suite 202
 Menlo Park, CA 94025
 www.ksjinc.com
 650-326-6560

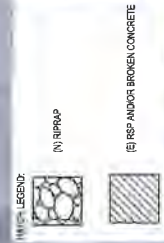
RECLAMATION DISTRICT NO 1514
 STOCKTON CALIFORNIA
 SITE 1: MISSION SECTIONS
 STA 24+50 TO STA 25+50

DATE: MARCH 17, 2022
 SHEET IDENTIFICATION: C1-301
 SHEET 6 OF 15
 NSI PROJECT FILE NO: 0805-050





- NOTES:**
1. ALL REMOVED MATERIALS SHALL BECOME THE PROPERTY OF THE CONTRACTOR AND SHALL BE HAULED AND DEPOSED OFFSITE. REMOVE BRUSH, SHRUBS, AND SAPLINGS 3" IN OR LESS, TRIM GRASS TO MIN 1/4" OR LESS, TRIM TREE CANOPIES TO 6 FT MIN, AND REMOVE ALL STUMP REMAINS. CONTRACTOR SHALL PLACE PLYWOOD OR OTHER ACCEPTABLE MEANS ALONG THE ENTIRE ACCESS PATH IN ORDER TO PROTECT EXISTING SURFACES AND TREATMENT'S ABSOLUTELY NO EQUIPMENT SHALL COME IN CONTACT WITH EXISTING LAWN, TURF, LANDSCAPING, PAVEMENT, CONCRETE, OR HARDSCAPING ALONG THE ACCESS PATH.
 2. CONTRACTOR SHALL BE RESPONSIBLE TO AND BETWEEN THE PROPERTIES DURING NON-WORKING HOURS.



	SUBMITTAL: _____ DATE: _____			PROJECT NUMBER: _____ DATE: 3/17/2022 APPROVAL: _____		711 N. Folsom Avenue Stockton, CA 95202 (209) 943-8822 WWW.KJELDSBEN.COM	RECLAMATION DISTRICT NO. 1614 SMITH TRACT STOCKTON, CALIFORNIA SITE 2: CANAL SITE PLAN	DATE: MARCH-17, 2022 SHEET IDENTIFICATION: C2-101 SHEET OF 11 NSN PROJECT FILE NO: 0806-0550
	DESIGN BY: EEA DRAWN BY: JDP CHECK BY: CAN PERCENTAL SYSTEM: CCSO ZONE 3 VERTICAL DATUM: NAVD83							

DATE: MARCH 17, 2022
 SHEET IDENTIFICATION: C2-301
 SHEET OF 15
 PWS PROJECT FILE NO: 0806-0650

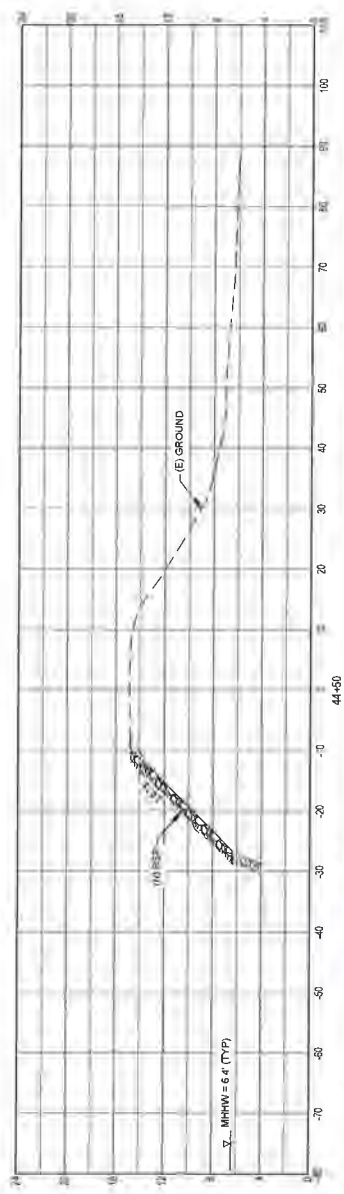
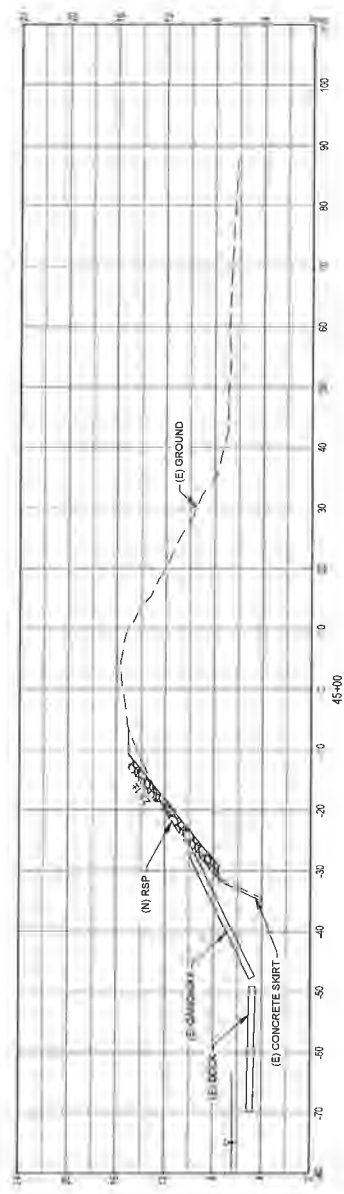
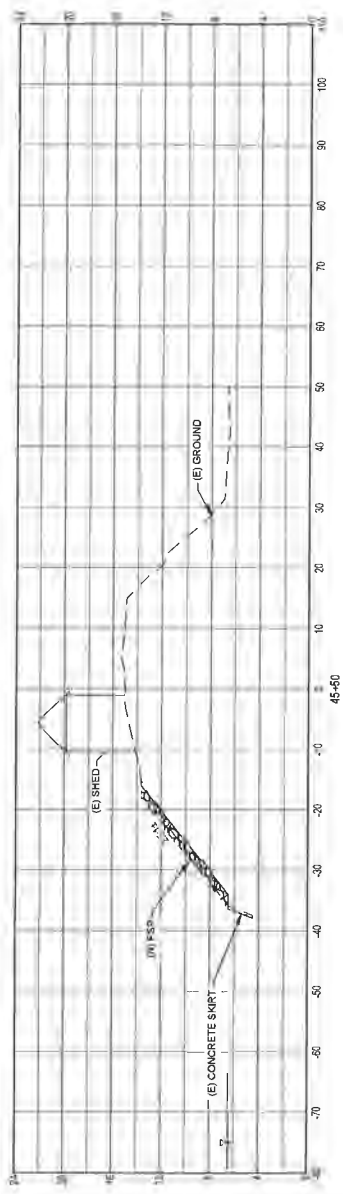
RECLAMATION DISTRICT NO 1614
 SMITH TRACT
 STOCKTON CALIFORNIA
 SITE 2: CANAL
 SECTIONS
 STA 44+50 TO STA 45+00

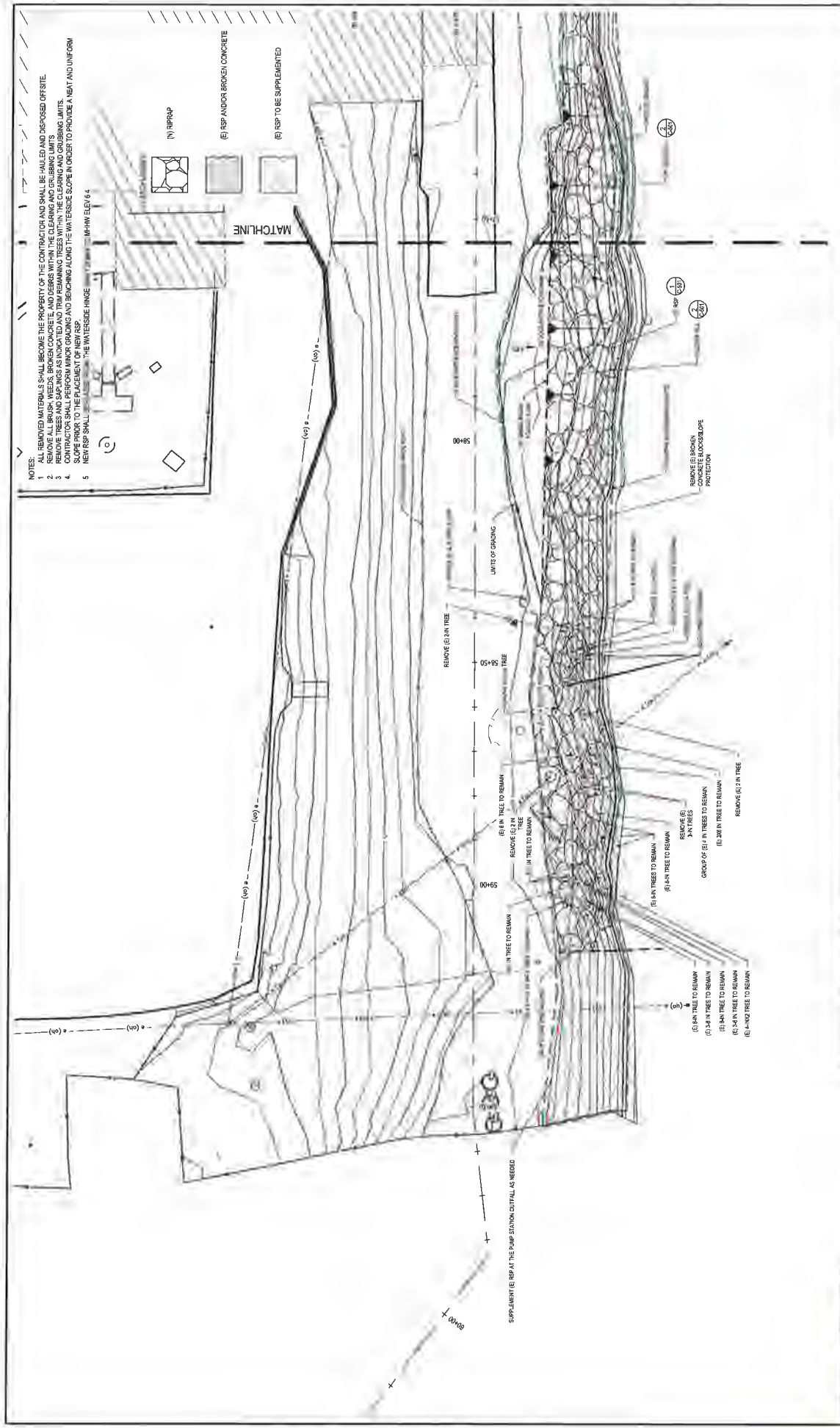
KSN
KJELDSEN SINNOCK NELUDECK
 CIVIL ENGINEERS & ARCHITECTS
 516-403-5800
 www.ksninc.com

DRAWING SCALE: HORIZ. T= 1"= 10'
 VERT. T= 5'
 ORIGINAL DRAWING SCALE: 0 1/4" = 1'
 CHECKED BY: JDP
 DRAWN BY: CHN
 PROJECT: CANAL RECLAMATION
 SHEET: C2-301
 DATE: 3/17/2022

811
 CALL BEFORE YOU DIG
 1-800-4-A-DIG







NOTES:

- 1 ALL REMOVED MATERIALS SHALL BECOME THE PROPERTY OF THE CONTRACTOR AND SHALL BE HAILED AND DISPOSED OFF-SITE.
- 2 REMOVE ALL BRUSH, WEEDS, BROKEN CONCRETE, AND DEBRIS WITHIN THE CLEARING AND GRUBBING LIMITS.
- 3 REMOVE ALL BRUSH, WEEDS, BROKEN CONCRETE, AND DEBRIS WITHIN THE CLEARING AND GRUBBING LIMITS.
- 4 CONTRACTORS SHALL BE RESPONSIBLE FOR GRUBBING AND TO BEGRUBBING ALONG THE WATER SIDE HINGE IN ORDER TO PROVIDE A NEAT AND UNIFORM SLOPE PRIOR TO THE PLACEMENT OF NEW RSP.
- 5 NEW RSP SHALL BE PLACED ALONG THE WATER SIDE HINGE.



	RECLAMATION DISTRICT NO 1614 STOCKTON, CALIFORNIA	DATE: MARCH 17, 2022	SHEET: C3-102	PROJECT FILE NO: 0816-0550
SITE 3: KARL ROSS POST CONSTRUCTION PLAN				
DRAWING SCALE: 1" = 10'				
ORIGINAL DRAWING SCALE: 0 75 1'				
DESIGN BY: ECA	DRAWN BY: DP	CHECK BY: CHN	PROJECT NO: 0816-0550	DATE: 03/17/22
PROJECT TITLE: KARL ROSS POST CONSTRUCTION PLAN		VERTICAL DATUM: NAVD83		
NO. 123456789		SCALE: 1" = 10'		

811
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1-800-4-A-DIG

811
 Call Before You Dig
 1-800-4-A-DAWG
 www.811.com



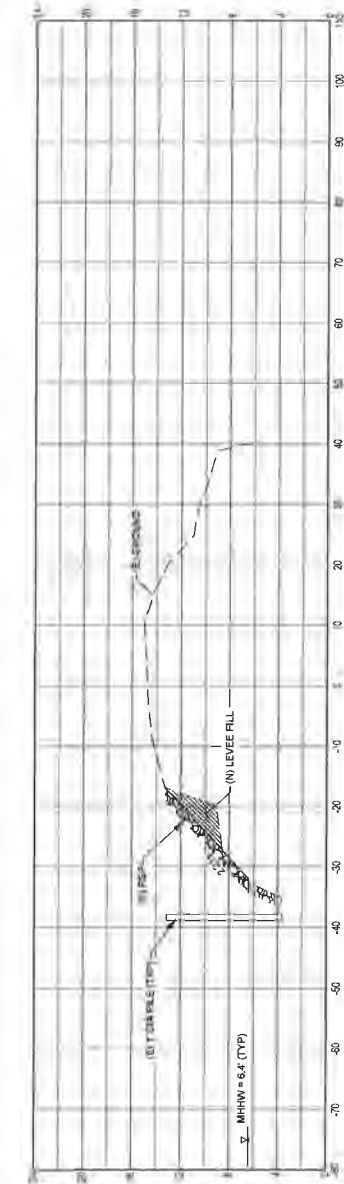
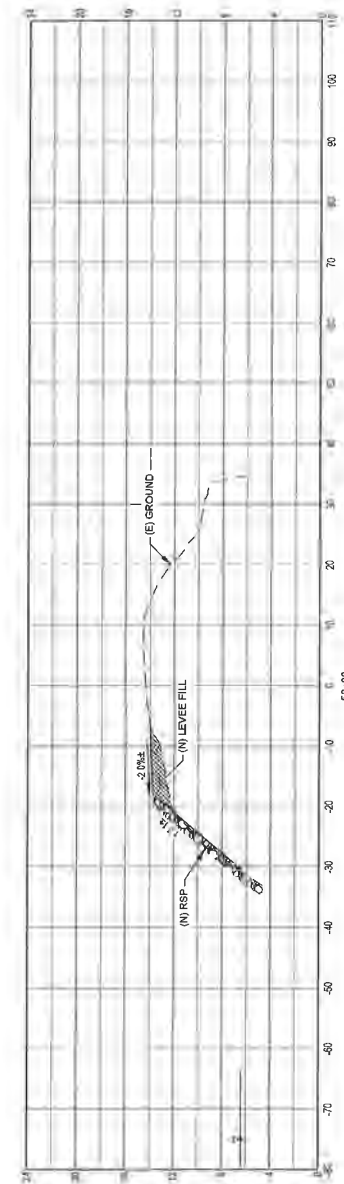
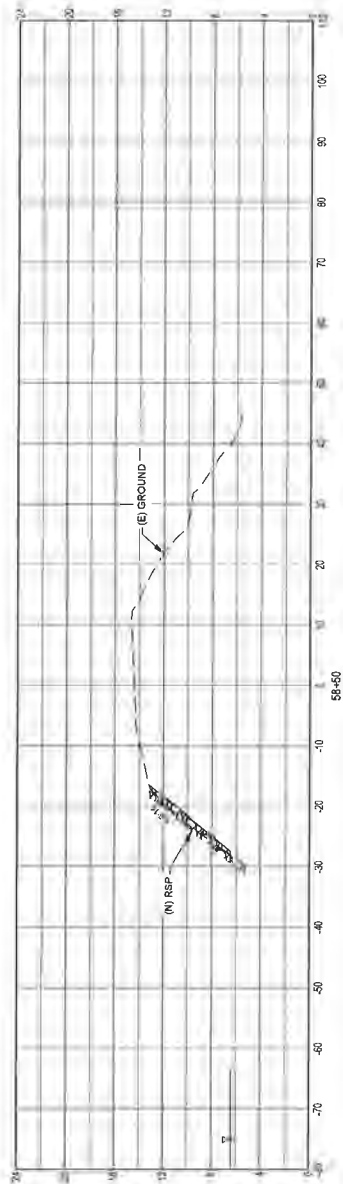
NO.	DESCRIPTION	DATE	BY	CHKD	APP'D

DESIGNED BY	EEA
CHECKED BY	CHN
PROJECT NO.	1514
DATE	03/17/2022
SCALE	AS SHOWN
ZONE	3
MAN/DOR	

KSJ INC.
KJELDSEN SINNOCK NEUDECK
 CIVIL ENGINEERS
 916-400-8800
 www.ksjinc.com

RECLAMATION DISTRICT NO 1514
 COUNTY OF BUTTE
 STOCKTON, CALIFORNIA
SITE 3: KARL ROSS POST SECTIONS
 STA 57+40 TO STA 58+00

DATE: MARCH 17, 2022
 SHEET NO: **C-3-302**
 NSR PROJECT FILE NO: 0805-4650



DATE: MARCH 17, 2022
 SHEET IDENTIFICATION: C-3-303
 PROJECT FILE # 111-100-000

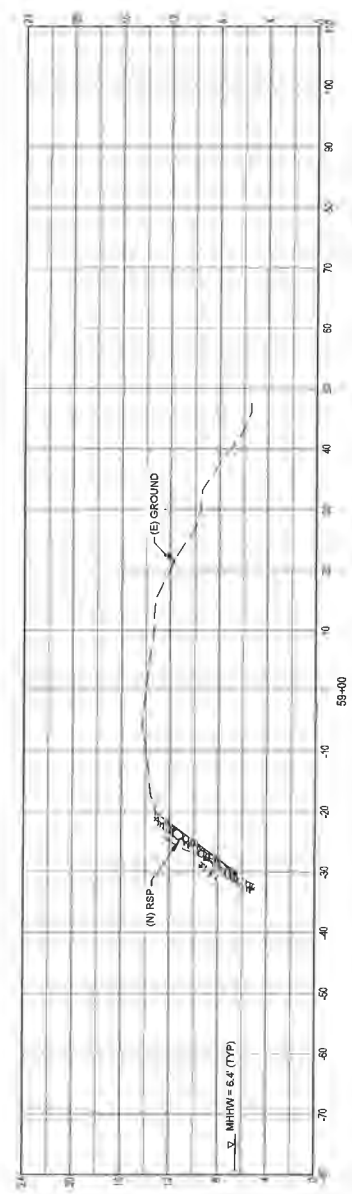
RECLAMATION DISTRICT NO. 1614
 SOUTH PLACENTIA
 STOCKTON, CALIFORNIA
 SITE 3: KARL ROSS POST
 SECTIONS
 STA. 58+00

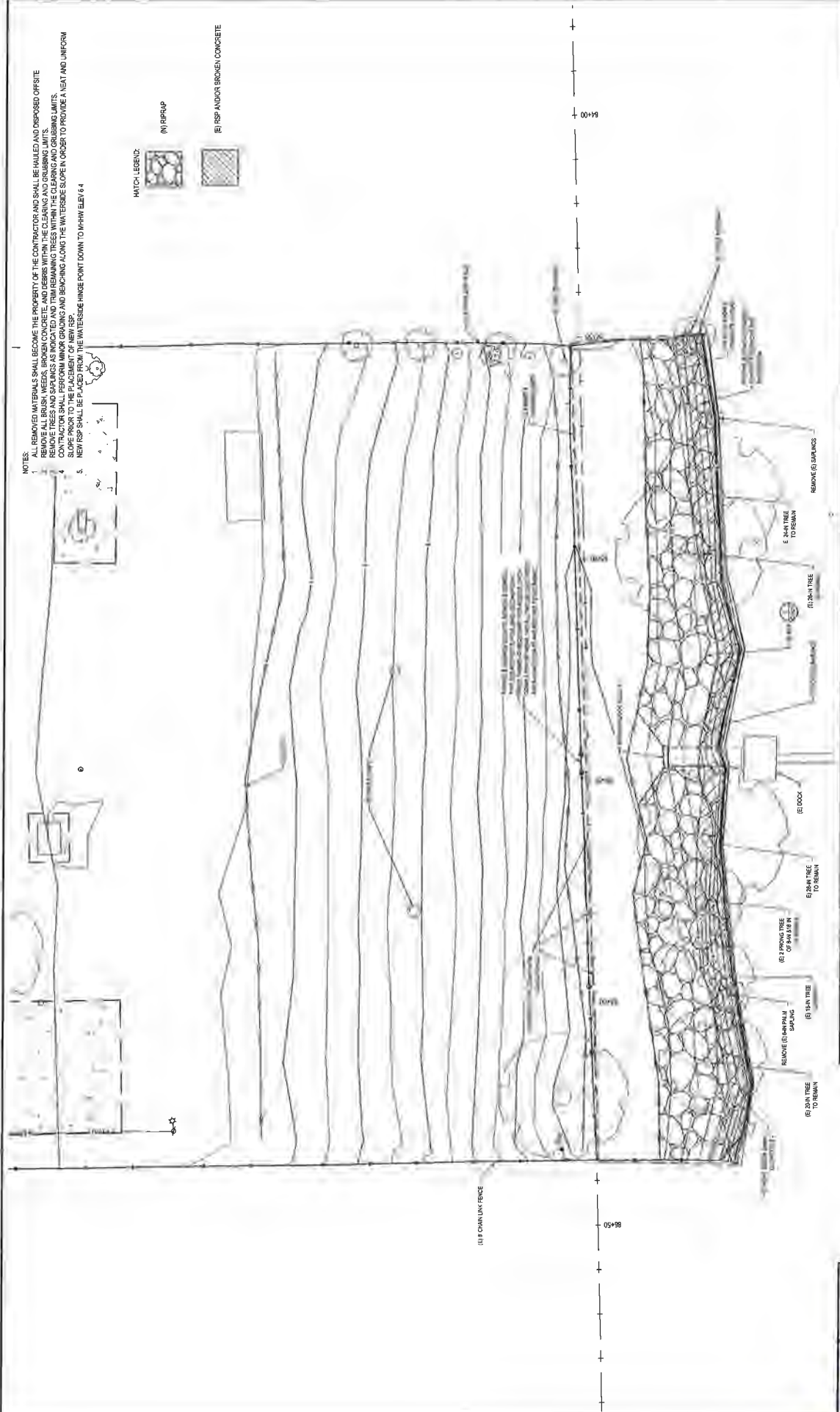


DESIGNER: EEA
 CHECKED BY: CHN
 PROJECT DATUM: CGCS83 ZONE 3
 VERTICAL DATUM: NAD83

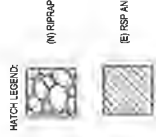
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 VERT: 1" = 5'
 ORIGINAL DRAWING SCALE
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DATE: 3/17/2021
 TIME: 10:23:07 AM

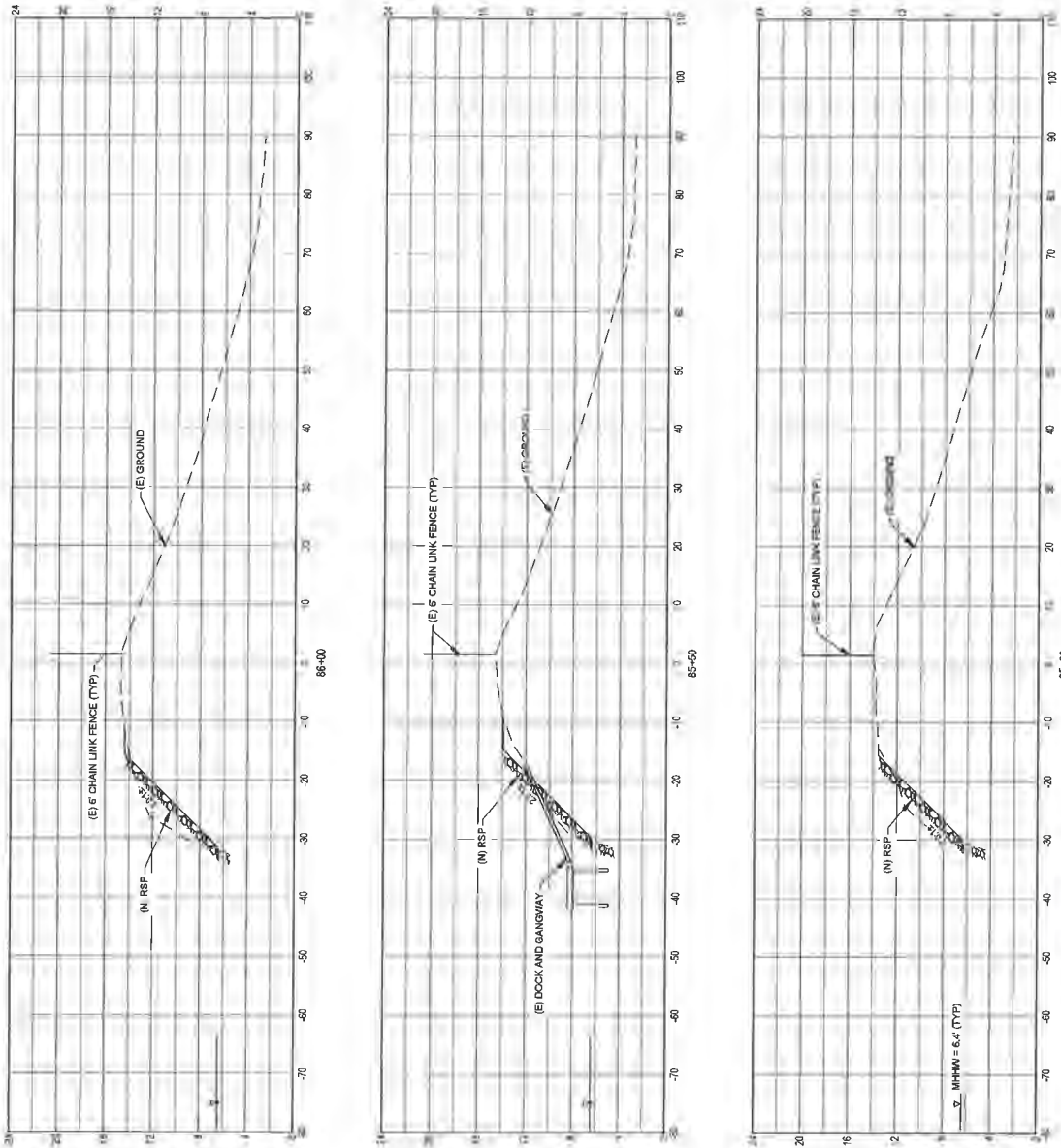




- NOTES**
1. ALL REMOVED MATERIALS SHALL BECOME THE PROPERTY OF THE CONTRACTOR AND SHALL BE HAILED AND DEPOSED OFFSITE. REMOVE ALL BRUSH, WEEDS, BROKEN CONCRETE, AND DEBRIS WITHIN THE CLEARING AND GRUBBING LIMITS.
 2. ALL REMAINING TREES WITHIN THE CLEARING AND GRUBBING LIMITS SHALL BE MAINTAINED AND PROTECTED.
 3. CONTRACTOR SHALL REFORM AND BACKFILL WITHIN THE CLEARING AND GRUBBING LIMITS.
 4. SLOPE PRIOR TO THE PLACEMENT OF NEW RSP.
 5. NEW RSP SHALL BE PLACED FROM THE WATERSIDE HINGE POINT DOWN TO MHHW ELEV 6.4



			RECLAMATION DISTRICT NO. 1614 SMITH TRACT STOCKTON, CALIFORNIA	DATE: MARCH 17, 2022
				SHEET IDENTIFICATION: C4-102 SHEET 17 OF 16 USN PROJECT FILE NO. 0065-0550
SUBMITTAL		DESIGN BY: EEA DRAWN BY: JDP		DRAWING SCALE: 1" = 10' ORIGINAL DRAWING SCALE: 0 1/2" = 1'
PROJECT LOCATION: CCS33, ZONE 3 VERTICAL DATUM: NAVD83		PROJECT NO.: 2018-001 PROJECT DATE: 03/17/2022		PROJECT LOCATION: CCS33, ZONE 3 VERTICAL DATUM: NAVD83
PROJECT NO.: 2018-001 PROJECT DATE: 03/17/2022		PROJECT NO.: 2018-001 PROJECT DATE: 03/17/2022		PROJECT NO.: 2018-001 PROJECT DATE: 03/17/2022



DATE: MARCH 17, 2022
 SHEET LIST FILE NO: C4-301
 SHEET NO: 3
 (SHEET PROJECT FILE NO: 0806-050)

RECLAMATION DISTRICT NO 1614
 COUNTY OF CALIFORNIA
 STOCKTON, CALIFORNIA
SITE 4: AMBLER'S CLUB
 SECTIONS
 STA 85+00 TO STA 86+00

KJELDBSEN SINNOCK NELUDECK INC.
 1714 11th Street, Suite 100
 Stockton, CA 95210
 Tel: 209.944.1100
 Fax: 209.944.1101
 www.ksninc.com

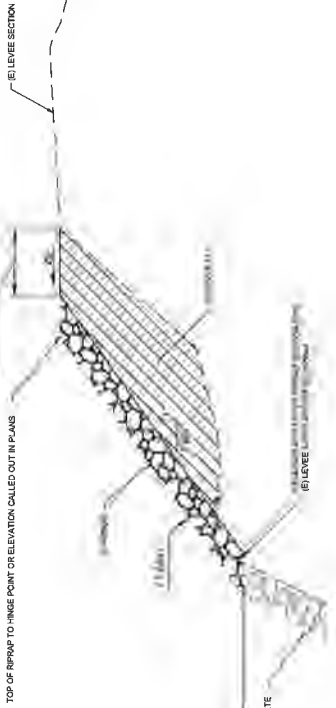
DRAWING SCALE
 HORIZ: 1" = 10'
 VERT: 1" = 5'
 ORIGINAL DRAWING SCALE
 0 1/2 1'

DESIGNED BY	EA
DRAWN BY	SM
CHECKED BY	SM
PROJECT NO.	20210001
PROJECT LOCATION	CCS&S ZONE 3
VERTICAL CURVE	NAVD88

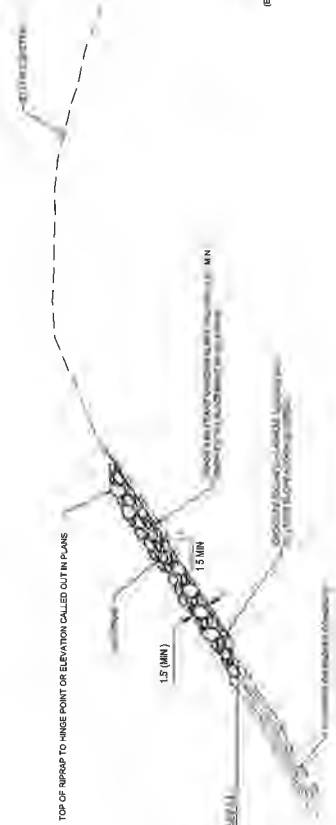
DATE	TIME	BY	REVISION



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 www.811.com



1 TYPICAL LEVEE SECTION WITH RSP AND LEVEL FILL
 SCALE: N.T.S.



2 TYPICAL LEVEE SECTION WITH RSP
 SCALE: N.T.S.



3 TYPICAL LEVEE SECTION WITH STACKED RSP
 SCALE: N.T.S.

NOTES:
 1 NEW RIPRAP SHALL NOT EXTEND BELOW MEAN HIGHER HIGH WATER (MHHW)



NO.	DATE	DESCRIPTION



DESIGN BY	EA	DRAWING SCALE	AS SHOWN
DRAWN BY	DJP	CHECK BY	CHN
PROJECT TITLE	RECLAMATION DISTRICT NO. 1614		
VERTICAL DATUM	NAVD83		
DATE			

KON
KJELDSEN SINNOCK NEUDECK
 11100 Wilshire Blvd., Suite 112
 West Sacramento, CA 95691
 916-942-8800
 www.koninc.com

DATE: MARCH 17, 2022
 SHEET IDENTIFICATION: C-501
 SHEET NO.:

RECLAMATION DISTRICT NO. 1614
 STATION, CALIFORNIA

DETAILS

USN PROJECT FILE NO.: 0806-0650

ITEM 8

During the Month of March of 2022, all District pump stations were inspected, tested and routine maintenance was performed . In addition, a Levee inspection was also performed. Below is a summary of this month's maintenance and inspection activity for the month of March

Pump Station : All pump stations are in good condition preventative maintenance was performed on all motors and pumps with a focus on building maintenance..

Levee inspection : The monthly waterside levee inspection was performed from the Districts boat on Wednesday, March 16, at 8:30am –11:30am.. Conditions were observed to be similar to the previous monthly inspection.with no problems to report at this time. However, unmanaged vegetation at numerous areas along the waterside slope continues to be an issue at the District. Please see the attached "Reclamation District 1614 Monthly Waterside Inspection Report" for a detail of that inspection..

This concludes My report .

Respectfully Abel Palacio - District Superintendent RD1614

Reclamation District 1614 Monthly Waterside Inspection Report

Personnel present: Abel Palacio (RD 1614 Superintendent), Aaron Lickingteller (KSN)

Inspection conducted: Wednesday, March 16, at 8:30am –11:30am. Low tide occurred at 1:00am (0.0 feet) and high tide occurred at 6:00pm (3.9 feet).

The wintertime brings a decrease in the quantity of dense vegetation overhanging the waters of Smith Canal. Although this vegetation may be considered perching platforms for raptors and Shaded Riverine Aquatic (SRA) for fish, it inhibits inspection of the waterside slopes where it exists. A few of the barely floating dilapidated boats that were docked inside the canal no longer exist and at least one property owner has performed some clearing of their property's vegetation along the waterside slope in preparation for future landscaping (see photos below).



1448 W. South Tuxedo Ave.: Excess vegetation encroaches into the canal.



1466 W. S. Tuxedo Ave.: Dense vegetation overhangs Smith Canal.



1510 S. W. Tuxedo Ave.: A dilapidated dock has fallen into the canal and dense vegetation overhangs the canal.



1534 W. S. Tuxedo Ave.: Another dilapidated dock and dense vegetation overhanging the canal.



1616 W. S. Tuxedo Ave.: Clearing activities and possible new landscaping occurring on said property.



1640 W. S. Tuxedo Ave.: Dense brush overhanging Smith Canal.



1842 W. S. Tuxedo Ave.: Dense brush overhangs Smith Canal and trees have fallen into the water.



1848 W. S. Tuxedo Ave.: A homeless person has parked his boat in the canal adjacent to said address and established a floating dock amongst the dense vegetation overhanging the canal.



2000 Mission Rd.: Looking west from said property. Dense vegetation overhangs the canal.



2050 Canal Drive.: Fallen trees and other dense vegetation overhanging Smith Canal.



The southern terminus of Mission Ave.: A good candidate for 18" riprap.

ITEM 10

Newsletter

Spring 2022

P.O. Box 4807
Stockton, CA 95204



Dear Homeowners and Businesses:

As the weather shifts to the beauty of spring, we are reminded that despite the challenges of the the past few years there is always hope! Our RD1614 is no different, the much needed rain we had in 2021 was a test of our levee system and waterways. The District's storm pumping stations handled all of the storm water from the series of winter storms and thanks to your participation in adhering to the standards of RD 1614, our levees are functional and strong.

The Board is proud to announce the completion of the Wisconsin Pump Station Project and are working diligently on more projects. As your representatives of District 1614, we aim to protect our shared resources that are vital to our ecosystem and add aesthetic value to our homes and businesses.

The participation of the property owners on Smith Canal and surrounding levees in the Country Club area is vital to the health of our waterways. Please report any problems such as unpermitted encroachments

(vegetation and other), erosion, seepage, boils/toe drains, and evidence of rodents and insects to the District Supervisor, Abel Palacio 209.992.2827

Sincerely,

Board of Trustees,
Reclamation District 1614

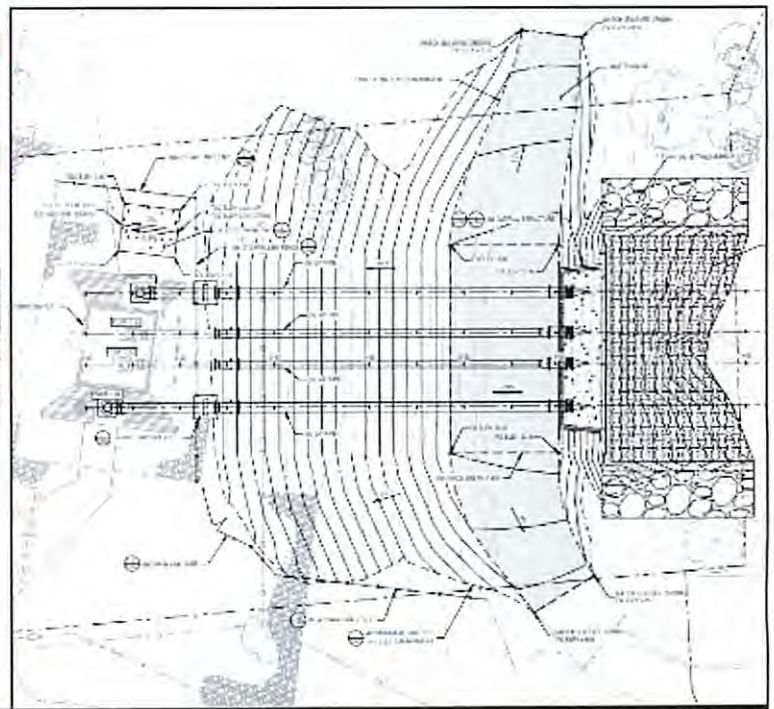
DISTRICT UPDATES

WISCONSIN PUMP STATION:

The District is wrapping up its improvements to their Wisconsin Pump Station which is responsible for pumping storm water runoff from more than 40 percent of the District's area into the

Calaveras River. The pump station improvement project consisted of installing two new 75 horsepower pumps to the Wisconsin Pump Station that currently houses two existing pumps in order to provide sufficient capacity to provide Federal Emergency Management Agency

(FEMA) requirements in pumping runoff from a 100-year storm event out of the District. By upgrading the pumping capacity of the Wisconsin Pump Station, the District will meet FEMA's 100-year drainage standards.



WISCONSIN PUMP STATION

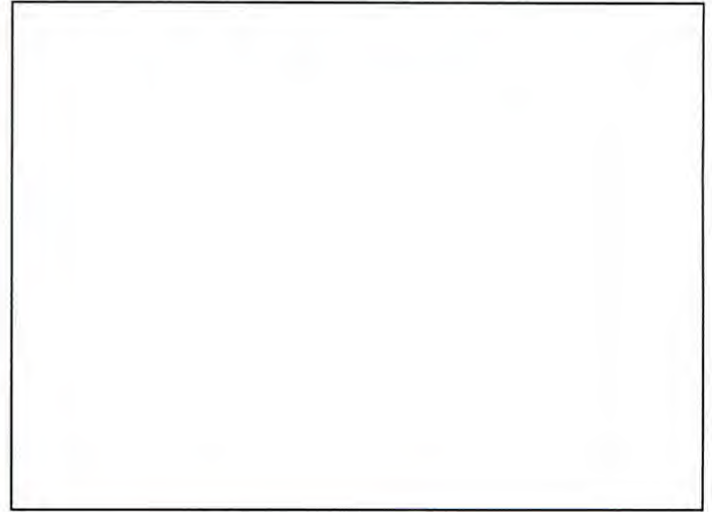
ROCK SLOPE PROTECTION (RIPRAP)

The District is preparing plans and specifications for public bidding to place rock slope protection (riprap) on several lots along Smith Canal including 1764 South Tuxedo, 2220 Canal Drive, 2204 Canal Drive, 2001 Mission, the Amblers Club and Karl Ross Post this coming Spring in order to provide protection against erosion of its Levee from the daily tidal fluctuations in Smith Canal.



DRAINAGE COLLECTION AND CONVEYANCE

Chris N. to supply verbiage.



SMITH CANAL GATE PROJECT

In June 2021, San Joaquin Area Flood Control Agency (SJAFCFA) began construction of the Smith Canal Gate Project (SMGP). The SMGP will meet State and Federal standards for flood protection which will allow property owners to purchase flood insurance at low-risk rates. For full details on the project visit www.sjafca.org.

ANNUAL TOWN HALL MEETING ON APRIL 15 2022

The District will hold its annual Town Hall Meeting on April 14th at the Amblers Club from 6-8PM. The District will provide an overview of its current operations, including (progress on replacing the Wisconsin Pump Station) and the general state of the District levees. *The District Operations and Maintenance manual can be accessed at RD1614.com in the 'documents' section.*

CONTACT INFORMATION

DISTRICT TRUSTEES

Kevin Kauffman, President
Christian Gaines, Vice President
Dominick Gulli, Trustee

DISTRICT LEVEE SUPERINTENDENT

Abel Palacio | (209) 992-2827

ATTORNEY FOR THE DISTRICT

Andrew J. Pinasco

SECRETARY FOR THE DISTRICT

Rhonda L. Olmo | (209) 948-8200

DISTRICT ENGINEER

Christopher Neudeck, P.E.
Kjeldsen, Sinnock & Neudeck, Inc.

DISTRICT LEVEE STANDARDS / REMINDERS

Please remember that if you live on or own property that includes a levee, you must avoid digging or planting on it. You must first obtain a permit from the District before adding any landscaping or construction on or next to a levee. Do visit the district website for detailed information on the required permits. Feel free to contact the Levee Superintendent to assist you in applying for and obtaining the necessary permit.

Thank you for your individual efforts to keep our levees safe and well-maintained!

ITEM 12

RD 1614: MASTER CALENDAR

JANUARY

FEBRUARY

- Send out Form 700s, remind Trustees of April 1 filing date
- Update Document Retention Policy

MARCH

- Evaluation Review of Employees

APRIL

- April 1: Form 700s due
- Biannual Town Hall Meeting

MAY

- Draft Budget

JUNE

- June 15: Provide notice/make available to the public, documentation/materials regarding determination of Appropriations (15 days prior to meeting at which Appropriations will be adopted) (*Government Code §7910*).
- Approve Audit Contract for expiring fiscal year
- Adopted Annual Budget.
- Reminder that Liability Insurance Expires Annually the end of July.
- Adopt Annual CEQA Exemption for levee maintenance

JULY

- Adopt Resolution for setting Appropriations and submit to County Assessor's Office.
- Adopt Resolution Establishing Annual Assessments.

AUGUST

- August 1: Deadline to certify assessments for tax-roll and deliver to County (duration of current assessment: no expiration).
- Send handbills for collection of assessments for public entity-owned properties
- In election years, opening of period for secretary to receive petitions for nomination of Trustees (75 days from date of election.) (*Cal. Wat. Code §50731.5*)
- Employee Embezzlement Policy Expires this Month.
- Renewal of Insurance
(Crime policy does not come up for renewal until 8/26/2020)

SEPTEMBER

- In election years, last legal deadline to post notice that petitions for nomination of Trustees may be received (7 days prior to close of closure.) (*Cal. Wat. Code §50731.5*).
- In election years, closing of acceptance of petitions for nomination of Trustees (54 days from date of election.) (*Cal. Wat. Code §50731.5*).
- Review Status of Encroachment Permit request from Randy Pierson for fence at corner of Del Rio Ave and Kirk Ave.

OCTOBER

- Publish Notice of Election, even numbered years (once per week, 4 times, commencing at least 1 month prior to election).
- Newsletter
- Biannual Town Hall Meeting.

NOVEMBER

- Election: to be held date selected by Board each even-numbered year.

DECEMBER

- New Trustee(s) take office, outgoing Trustee(s) term(s) end on first Friday of each even-numbered year.
- Follow up on Smith Canal Proposition 218 Reimbursement for costs advanced to SJAFCA.
- Election of Board officers (Election years)

Term of Current Board Members:

Name	Term Commenced	Term Ends
Christian Gaines	First Friday 12/2018	First Friday of 12/2022
Kevin Kauffman	First Friday 12/2020	First Friday of 12/2024
Dominick Gulli	First Friday 12/2020	First Friday of 12/2024

No Expiration on Assessment

Emergency Operations Plan Review – September 2022.

Reclamation District Meetings

- **First Monday of each month, at 2:00 P.M.**
at the offices of
Neumiller & Beardslee
3121 W. March Lane, Suite 100
Stockton, California 95219

ITEM 13

Dominick Gulli PE, PLS
Trustee RD 1614
209 649 4555
greenmountaindom@hotmail.com

3/31/22

Memo to RD Board for topics of Discussion regarding the Smith Canal Gate and questions to be answered by FEMA or whoever.

RE:

Certification Requirements to CFR 65.10.

The 4/17/06 FEMA Letter regarding digital maps

The 2009 Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRM)

The 2011 Concurrence letter and the 2012 Physical Map Revision Base Flood Determination (base flood elevation refinement)

Background and Questions for the 4/4/22 meeting:

Certification Requirements to CFR 65.10.

The District was informed by Brian Koper of FEMA that there had to be information submitted to FEMA relative to CFR 65.10, as the levees were certified in 2002.

The 9/20/10 Procedural Memo # 63 indicates that for existing levees, there are no restrictions on the age of certifications or the engineering data and as-built plans, as long as the overall certification of the accreditation submittal is new and references the data used to make this determination. It is the P.E.'s responsibility to ensure that the supporting data is still valid.

In addition, the November 2019 Guidance for Flood Risk Mapping Page 43-44 indicates that:

4.2.3 Continued Accreditation

Accreditation of a levee system requires the levee owner to demonstrate that the levee system meets, and continues to meet, the requirements of 44 CFR 65.10. Therefore, accreditation is not a one-time activity, and over time, factors may change that require FEMA to reassess accreditation status. These factors can include the (4.2.4) expiration of the certification of data by a certifying engineer, endorsement of accreditation by a Federal

agency, (4.2.5) changes to the hydrologic or hydraulic conditions of the flooding source that necessitates a restudy, and (4.2.6) documented deficiencies or lack of maintenance.

4.2.4 Expiration of Data Certification or Endorsement

A certifying engineer or federal agency may choose to place an expiration date on the use of the data and documentation for accreditation of a levee system.

4.2.5 Updated Modeling along an Accredited Levee

During any update to the FIRM, the flood hazards associated with levee systems should be re-evaluated for all levee systems located along newly studied or restudied flooding sources

If the hydraulic loading and flood hazard (BFE, velocities, duration, etc.) from the updated study is greater than those used in the previous accreditation documentation for the design requirements under 44 CFR 65.10(b), the levee owner must submit updated certified data and documentation based on the updated loading and flood hazard information demonstrating the levee system continues to meet the minimum requirements of 44 CFR 65.10

4.2.6 Noted Structural or Maintenance Deficiencies

FEMA reserves the right to re-evaluate the accreditation status of a levee system if structural or maintenance deficiencies are noted that may cause concern over the validity of the current flood hazard noted on the FIRM

RD 1614 Engineer reported at the 5/1/17 RD1614 Public Meeting Minutes. With attachments (A170501) that

Mr. Gulli asked who certified the FEMA Map back in 2002 when the levees were accredited. He also asked if anything has changed since. Mr. Neudeck said that the levees that were accredited back in 2002 were a grandfathered condition, and there was no accreditation done by any particular entity. In the past FEMA, would come and inspect levees, and their condition just by inspection alone would cause them to become accredited. In 2005, FEMA undertook what was called "Map Modernization" where they were changing paper maps to digital maps. In the process, they elected to go through and have all entities that had the grandfathered conditions prove up as to whether they were actually accredited. Prior accreditations were just observations by FEMA upon inspection of the system.

- Q10. Were the levees accreditation grandfathered based solely upon FEMA observations?
Q20. Did the Map Modernization require all entities prove up to meet the requirements of CFR 65.10?

- Q30. Did the previous certification have an expiration clause?
Q40. Did the Base Flood Elevation change?
Q50. Were there noted structural or maintenance deficiencies?
Q60. Should it be the Districts position that the levee does or do not meet the requirements of FEMA.
Q70. Can the District perform a Freedom of Information Act for accreditation information on file with FEMA.

The 4/17/06 FEMA Letter.

4/17/06 FEMA Letter RE: Status of Digital Flood Map Insurance rate map with attachments. (A060417) with attachments

- (a) 8/22/05 Procedure Memo 34-Interim Guidelines for studies including levees
(b) CFR 65.10 (10-1-05 edition)

FEMA Memo 34 Questions and with correct answers as indicated by Flood Insurance Study:

1. Does FIRM show levee as providing protection? YES
2. In new or revised H&H being planned? NO. Only for interior drainage issues.

FN: A Hydrologic and Hydraulic study (H&H) is the study of movement of water, including the volume and rate of flow as it moves through a watershed, basin, channel, or man-made structure.

3. Is existing certification documented? YES, on file with FEMA.
4. Has levee been adequately maintained? YES
5. Map as shown on effective FIRM (providing protection).

The 2009 FIS and FIRM

((A190916 (Exhibit 60)) 2009 FEMA flood Insurance Study cover and page 54 states:

"The (RD 1614) levee systems with sufficient freeboard have been identified as stable and are certified as providing 1-percent chance flood protection. The levee located on the south bank of Smith Canal (RD 828) is also certified as providing 1-percent chance flood protection. Some areas in Stockton are subject to broad, shallow, overland flooding generally less than 3 feet deep and characterized by unpredictable flow paths. The water surface elevations of flooding in these areas are essentially independent of those along the adjacent stream way and are affected principally by natural and manmade barriers to flow in the flooded areas.

Collection or ponding of these overland flows also creates a flood hazard in Stockton"

Q80. Are the Smith Canal Levees certified?

Q90. Is the floodplain in the Country Club area independent of the Smith Canal and due to interior drainage deficiencies?

The 2009 FIRM indicates that the area protected by a levee (X zone) is west East of Pershing which is the equivalent to the "without levee analysis". The SFHA is an A zone and much smaller and westward from the "without levee analysis". This is consistent with 9/2/10 Procedure Memo 65 Step #5 "certain situations, the area protected by a levee could be different from the "without levee" analysis floodplain due to the effects of interior drainage which states in detail that:

The "with levee" analysis is used to determine the BFEs on the riverine side of the levee. If the levee is accredited to provide protection from the base flood, the "without levee" analysis is used to determine the area that is protected by the levee. In accordance with FEMA's current standard mapping procedure. If the levee is not accredited, the "without levee" analysis is used to determine the flood hazards on the landward side of the levee. If new hydrologic and/or hydraulic analyses are submitted as part of a levee accreditation package, then both "with levee" and "without levee" analyses must be submitted by the requestor. In certain situations, the area protected by a levee could be different from the "without levee" analysis floodplain due to the effects of interior drainage.

During the Public Review of the preliminary Firm's, Mark Connelly the Engineering services manager for The San Joaquin Flood and Water Conservation District and San Joaquin County Flood Plain administrator, as defined by the NFIP, submitted (A191104 (EX 30)) 2/27/09 Fema Response and 12/24/08 County inquiry as to could you make ((A190916 (Exhibit 60)) 2009 FEMA flood Insurance Study cover and page 54 keep the flood zone a AE which queried?

"The floodplain is currently designated "Zone A". which is defined as an area of one-percent annual chance flooding, base flood elevations not determined. Since the floodplain results from a static flood elevation based on Federal Emergency Management Agency accepted hydrological and hydraulics studies we respectfully request that this area be designated "Zone AE (base flood elevations ten feet)" on the final maps. "Zone AE" is an area of one-percent annual chance flooding. base flood elevations determined.

We feel that having Federal Emergency Management Agency designated base flood elevations in this area will enable communities to more effectively administer their role in the National Flood Insurance Program. and will enable insurance agents to more accurately and consistently rate structures in this area."

Kathy Schaefer of FEMA responded “that the two zones in question, the A zone (interior drainage) (approximate study) and Zone AE (Smith Canal) (Detailed Study) **must remain separate**. No Change will be made to the FIRM.”

Prior to approving the map, FEMA confirmed, that the two flood zones in question AE detailed study area in the Smith Canal and A/X zone for interior drainage and area protected by a levee must be kept **separate**.

Legal Counsel, Scott Shapiro of SFAFCA claims that FEMA made a mistake in, (A170501(b)) 4/27/17 Downey Brand Letter to RD 1614 response #2 to 2/6/17 DGPELS letter handed out at meeting, he states that.

“FEMA's current map for the area (which placed thousands of homes into the regulatory floodplain with required flood insurance and building restrictions) was based on FEMA 's understanding of the topography at the time the FIRM was issued. FEMA later became aware that the topographic maps were wrong, and in fact significantly understated the number of homes that would be flooded as a result of a failure of the Smith Canal levees. I have attended meetings with FEMA in Washington D.C. in which FEMA officials have told us that once funding is available from the Federal budget, those maps would be changed and the floodplain would be enlarged. These properties include the properties that have not been mapped into the floodplain yet by FEMA, but would be mapped if the project does not proceed.

FEMA's disclosure that it did not have information sufficient to accredit the Smith Canal levees both districts concluded that significant encroachments, erosion, and other issues made the Smith Canal levees un-accredit able. Because neither RD had jurisdiction to develop a complete solution for the problem, SJAFCA reluctantly agreed to step in and help.

RD 1614 Engineer also claims that FEMA made a mistake in the Flood Insurance Rate map (and the Flood Insurance Study) in (A170605) 6/5/17 RD1614 Public Meeting Minutes. O&M Manuals, Attempts at levee accreditation, and “A”, AE zones.

“When FEMA came in to map the area, Mr. Neudeck knew by inspection that it was an incorrect map. He said he was asked not to implore FEMA to make it a more correct map because it would put more people in the flood plain. Mr. Neudeck said it became his task to evaluate the true beneficiaries. In order to assure the map was accurate, he was asked to get a peer review by FEMA, recognizing that ultimately FEMA would likely adopt the map had they gone back to a remapping effort through Congress. Mr. Neudeck worked with FEMA staff for about six months going over intricate details, lot by lot, line by line and got

concurrence from their consultants for both Weber and Smith Tracts, and in areas outside and to the east of Pershing Ave. So, that map effectively was the map that would have been used had the area ever received federal funds through Congress to remap. The reason they are not encouraging Congress to remap that area is because SJAFCA is moving forward with an extensive process to map it out. There has been no remapping in the Stockton area since the initial mapping of the Smith Tract area. Mr. Neudeck said that he did not want to end up with a map in the 218 process that would have differed had the map been redrawn correctly by FEMA”

In (A130226) Smith Canal Assessment District Engineers Report Cover, pages 2,3,17 Boundaries and flood depths the “Smith Canal Area Assessment District San Joaquin Area Flood Control Agency Revised Public Review Draft Preliminary Engineer’s Report February 26, 2013 in states:

“Proposed Assessment District Boundary the Smith Canal levees lost their FEMA accreditation in 2009 due to extensive encroachments onto the levees, primarily from residential structures. The loss of FEMA accreditation initially placed approximate 5,000 properties in the FEMA 100- Year floodplain. New Light Detection and Ranging (LiDAR) topographical data recently developed by DWR indicates that the original FEMA floodplain was incorrectly delineated and should in fact extend further eastward. Using this new data, FEMA has begun a floodplain remapping effort and an additional 2,800 homes are expected to be placed in the FEMA 100-Year floodplain within the next 12-24 months.

EX DAR 68(A191104 Ex DAR 268) 4/18/11 Email Chain RD 1614, RD 828. SJAFCA, Seth Wurzel Regarding delaying the Prop 218 Elections. See also DAR 259.

With the remapping delayed for up to 18 months, there will be almost 3,000 property owners that would be subject to the Prop 218 for the closure structure that, according to FEMA maps are currently are not in the flood plain

Q100. Did FEMA make a mistake on the 2009 FIRM and the 2009 Flood Insurance Study?

Q110. Per the 2009 FEMA Flood Insurance Study, are the Smith Canal levees certified, except for interior drainage facilities?

Q120. Has anything changed since the 2009 FIS was prepared

Q130. Are there currently properties that incorrectly not shown to be in the floodplain?

Q140. Does the most recent FIS/FIRM indicate a base flood elevation of 9.4 for the Smith Canal or 10.0?

Q150. If the maps were incorrect is it required to notify the NFIP and the community of the increase in risk? (Per 44 CFR § 65.3 and San Joaquin County Flood Ordinance CFO 9-1605.3 (k),

“require as soon as practicable, but not later than six months after the date such information becomes available, the community to notify the Administrator of the changes by submitting technical or scientific data in accordance with this part. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.

The 2011 Concurrence letter and the 2012 Physical Map Revision

Less than a year after the FIRM and FIS were published SJAFCA and its consultants had initiated meetings with FEMA Region 9 to; 1) create a base flood elevation/AE SFHA zone and 2) to provide FEMA’s concurrence on the Smith Canal Closure Device and to 3) support the funding process for the Smith Canal Closure Structure.

(A100719) 7/19/10 Smith Canal Closure Device Meeting Minutes between FEMA Region 9, PBI, KSN SJAFCA, Baker/AECOM

Kathleen Schaefer, FEMA Region 9
Barry O Regan, Peterson Brustad Inc.
Michael Conrad, Kjeldsen Sinnock Neudeck Inc.
Christopher Neudeck, KSN Inc.
Roger Churchwell, San Joaquin Area Flood Control Agency
Juan Neira, SJAFCA
Wen Chen, Baker/AECOM
Patrick Clancey, Baker/AECOM

MEETING HIGHLIGHTS

Discussion topics included the following:

- Levees along the Smith Canal
- Motivations for proposed construction of closure structure
- Political and financial considerations to proposed project
- Procedural differences of formal and non-formal CLOMR reviews
- Revising Zone A delineation to an AE Zone with BFEs
- The operation and maintenance plan for the closure structure
- Interior drainage analysis

Chris Neudeck -

• KSN Inc. represents RD 1614, and is a consultant to SJAFCA

- A CLOMR was pursued in order to bring FEMA into the process started by SJAFCA
- In order to acquire approval and funding for the construction of the proposed closure structure, it must be demonstrated that work is compliant with FEMA requirements
- One funding source is based on a 218 election, which will require an O&M plan. Also, the state Early Implementation Program may also provide funding, and required an O&M as well.
- A more immediate goal for RD 1614 is to establish BFEs in what is currently delineated as an approximate Zone A. The available topo used was discussed, including potential costs for post-processing LiDAR to include break lines. Dave Peterson is working on a study to determine a BFE for RD 1614, this study will be used for the time being as a basis for the new BFE, but will be superseded by the results of the interior drainage analysis once the tidal gates are constructed and the project has been submitted for review.
- Kathy explained that since this project is not being reviewed through the standard CLOMR review group in Alexandria, there is more flexibility about how to proceed. **Since the community needs FEMA concurrence prior to acquiring approval and funding for construction of the tide gates,** it was decided that special correspondence would be provided, similar in content to a CLOMR determination letter, indicating FEMA's approval pending project completion consistent with the plans submitted in the CLOMR package.

Kathleen Schaefer -

• We will address the progress of the project in phases. The first step is for the review comments from Wen to be adequately addressed. An official set of responses to the review comments will be submitted, and when all issues have been resolved a determination letter will be issued similar to a CLOMR 104 letter. However, since many of the details about the operation and maintenance plan will still need to be resolved, a second phase will be required to specifically outline these items. Once the operation and maintenance plan has been reviewed and approved, separate documentation will be issued indicating FEMA's approval of the project.

Q160. Why did KSN on behalf of RD 1614 request a BFE determination from FEMA?

Q170. Did RD1614 request Dave Peterson to determine a BFE?

6 months after the meeting on 1/13/11 Kathy Schaefer issued the "first phase determination letter similar to a CLMOR 104" concurrence letter to City and County (A190906 Exhibit 6) the "**2011 Faux Special Concurrence Letter that Resembled a CLOMR** which states that.

“The Smith Canal is an isolated slough, designed to store backwater from the San Joaquin River and Stockton Deep Water Channel, located on The Sacramento-San Joaquin Delta in the City of Stockton. The Smith Canal levees have not been certified, and therefore are not accredited by FEMA. In order to provide flood protection for surrounding areas, a closure device near the mouth of the Smith Canal has been proposed.

With this request, your community has complied with All requirements of Paragraph 65.12(a) of the NFIP regulations, Compliance with Paragraph 65.12(b) also is necessary before FEMA can issue a Letter of Map Revision when a community proposes to permit encroachments into the effective Floodplain that will cause increases in BFE in excess of those permitted under Paragraph 60.3(c) (10). Please provide evidence that your community has, prior to approval of the proposed encroachment, adopted floodplain management ordinances that incorporate the increased BFE's and revised floodplain boundary delineations to reflect post-project conditions, as stated in Paragraph 65.12(b).

This review is based on minimum floodplain management criteria established under the NFIP. Your community is responsible for approving all floodplain development and for ensuring all necessary permits required by Federal or State law have been received. State, county, and community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction in the Special Flood Hazard Area. If the State, county, or community has adopted more restrictive or comprehensive floodplain management criteria, these take precedence over the minimum NFIP criteria.

FEMA has determined that levee(s) and/or levee system(s) are located in your community. As part of the flood mapping process, FEMA and its flood mapping partners are currently reviewing data associated with these existing flood-control structures, the purpose of this review is to verify that documentation exists to continue the accreditation of these structures as providing protection from the base (1-percent-annual-chance) flood event. If a levee is not certified when a flood hazard study is completed, then the structure will not be shown on the effective FIRM as providing protection from the base flood. Please note that this review is not affected by the levee at this time. However, when the flood hazards in your community are restudied, the levee owner and/or community will be required to submit technical data to FEMA (in compliance with 44CFR Section 65.10) in order for the levee to be accredited as providing protection from the base flood. If these data are not submitted, and the levee is not recertified during the restudy, then this determination may be superseded.”

Q180. Is it true that “The Smith Canal levees have not been certified, and therefore are not accredited by FEMA”?

Q190. Did the 2011 Faux Special Concurrence Letter that resembled a CLOMR remove the special flood hazard area A zone for interior drainage?

Q120. Has the “community **complied** with All requirements of Paragraph 65.12(a) and (b) of the NFIP when a community proposes to permit encroachments into the effective Floodplain that will cause increases in BFE in excess of those permitted under Paragraph 60.3(c)(10).

Q130. Has evidence that the community, **prior to approval of the proposed encroachment**, adopted floodplain management ordinances that incorporate the increased BFE’s and revised floodplain boundary delineations to reflect post-project conditions, as stated in Paragraph 65.12(b).

Q140. Has it been demonstrated through hydrologic and hydraulic analysis in accordance with standard engineering practices that the discharge the interior storm drainage will not affect the area, velocity and stage in the Smith Canal?

For Reference:

§ 65.12 Revision of flood insurance rate maps to reflect base flood elevations caused by proposed encroachments.

(a) When a community proposes to permit encroachments upon the flood plain when a regulatory floodway has not been adopted or to permit encroachments upon an adopted regulatory floodway which will cause base flood elevation increases in excess of those permitted under paragraphs (c)(10) or (d)(3) of § 60.3 of this subchapter, the community shall apply to the Federal Insurance Administrator for conditional approval of such action prior to permitting the encroachments to occur and shall submit the following as part of its application:

- (1)** A request for conditional approval of map change and the appropriate initial fee as specified by § 72.3 of this subchapter or a request for exemption from fees as specified by § 72.5 of this subchapter, whichever is appropriate;
- (2)** An evaluation of alternatives which would not result in a base flood elevation increase above that permitted under paragraphs (c)(10) or (d)(3) of § 60.3 of this subchapter demonstrating why these alternatives are not feasible;
- (3)** Documentation of individual legal notice to all impacted property owners within and outside of the community, explaining the impact of the proposed action on their property.
- (4)** Concurrence of the Chief Executive Officer of any other communities impacted by the proposed actions;

(5) Certification that no structures are located in areas which would be impacted by the increased base flood elevation;

(6) A request for revision of base flood elevation determination according to the provisions of § 65.6 of this part;

(7) A request for floodway revision in accordance with the provisions of § 65.7 of this part;

(b) Upon receipt of the Federal Insurance Administrator's conditional approval of map change and prior to approving the proposed encroachments, a community shall provide evidence to the Federal Insurance Administrator of the adoption of flood plain management ordinances incorporating the increased base flood elevations and/or revised floodway reflecting the post-project condition.

(c) Upon completion of the proposed encroachments, a community shall provide as-built certifications in accordance with the provisions of § 65.3 of this part. The Federal Insurance Administrator will initiate a final map revision upon receipt of such certifications in accordance with part 67 of this subchapter.

[53 FR 16279, May 6, 1988]

65.10 (c) (10) Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

The almost worst case map.

65.10 (d) (3) Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge;

Relative to the action item of the 7/19/10 meeting; “Dave Peterson is working on a study to determine a BFE for RD 1614, this study will be used for the time being as a basis for the new BFE”;

Relative to the action item of the 7/19/10 meeting; “In order to acquire approval and funding for the construction of the proposed closure structure, it must be demonstrated that work is compliant with FEMA requirements One funding source is based on a 218 election, On 2/14/12 Email Chain from Mbaker/AECOM to Sam S. Kathy Schaefer requesting a letter by 2/17/12 to SUPPORT a Prop 218 election. (A191104 (EX 940)).

*“Kathy Schaefer requested a letter from FEMA be created discussing proposed mapping in the area. She would also like a corresponding map that shows the inundation areas from the PBI Study. I believe this letter was needed by 2/17 to **support a 218 election in support of the tide gate structure on the Smith Canal**, if you have any concerns about the included information please let me know quickly.”*

On 2/17/12 Sally Ziolkowski issued a letter to City/County on Physical Map Revision Case (PMR) No 11-09-0866S with Map 2/17/12 Baker/AECOM Change Map. (A190906 (Exhibit 4,5)), The **2012 FALSE base flood delineation Letter**.

On April 13, 2020, DGPELS submitted a Freedom of Information Act (FOIA) to FEMA regarding the PMR No 11-09-0866S. Over a year later DGPELS received (A210428) 4/28/21 Final Response to Freedom of Information Act 2020-FEFO-00640 & 2020-FEFO-00641. FOIA of DGPELS 4/13/20 FOIA, which included for CLOMR #16-09-2067R and 17-09-2623R, 5 responsive MT-2 files of backup data. The response states and states:

“Relative to Physical Map Revision, PMR 11-09-0866S the final determination stated: no responsive records were located. There were no preliminary maps issued, no due process and no effective products produced and the PMR was de-scoped and closed”

Q150. Are FEMA products produced relative to a de-scoped, preliminary, non-effective, lacking due process preliminary Physical Map Revisions PMR's valid for flood insurance and building restrictions associated with the National Flood Insurance program?

The 2012 FALSE base flood delineation Letter states:

On December 11, 2007, FEMA issued two letters to the city of Stockton regarding the accreditation status of levees on Flood Insurance Rate Map (FIRM) panels. One of these letters indicated that **levees along the Smith Canal (P220, P411, and P224) did not meet the criteria in the Code of Federal Regulations, Title 44, Section 65.10 (44 CFR 65.10)**.

As a result, the subsequent countywide mapping effort **depicted these levees as discredited on FIRM panels dated October 16, 2009. An approximate Zone A flood hazard area depicted the extent of the inundation limits from the de-accreditation of this levee system**. The boundary of the approximate Zone A was based on the best information available at the time and was delineated in close consultation with City and County staff.

As a part of FEMA's ongoing efforts to improve the accuracy of the maps provided to the city of Stockton, FEMA joined with the San Joaquin Area Flood Control

Agency to fund a Cooperative Technical Partnership study of the San Joaquin River to determine the Base Flood Elevation (BFE) using a stage frequency analysis in the vicinity of the Smith Canal. The base flood is also referred to as the 1-percent annual chance flood. The study was conducted by Peterson, Brustad Inc. (PBI), and completed on September 2, 2010. This study was reviewed by the California Department of Water Resources (DWR) and the U.S. Army Corps of Engineers (USACE), and has since been recommended for public dissemination. The BFE calculated from this study was 9.4 feet NAVD 88, which is lower than the previously indicated BFE of 10.

FEMA has initiated a Physical Map Revision (PMR) (Case No. 11-09-0866S) to update the accreditation status of levees in San Joaquin County. As FEMA is required to depict flood hazard information on FIRM panels based on existing conditions, we will utilize updated LiDAR topographical data from DWR to delineate the 9.4' BFE from the PBI study. The enclosed map (prepared by Baker AECOM) depicts the proposed Special Flood Hazard Area (SFHA). The SFHA is the area subject to inundation by the 1-percent annual chance (base) flood.

FEMA is currently updating its guidelines for mapping flood hazards behind levee systems that cannot be recognized as providing protection from the 1-percent-annualchance flood. The PMR for San Joaquin County and parts of Stockton is on hold while the new set of guidelines is developed. Upon final approval of new levee analysis methods, FEMA will incorporate detailed riverine restudies for the flooding sources adjacent to de-accredited levees in this area as part of the PMR. The PMR is also on hold pending results from the Central Valley Floodplain Evaluation and Delineation Program and the Levee Evaluation Program led by DWR.

Q160. Is the False Base Flood Delineation Map representative of “updated LIDAR topographic maps” or a revision from and A zone to and AE zone?

Q170. Is 9.4 BFE adopted/valid by/for the NFIP.

Q180. Has the stage frequency analysis BFE been adopted by FEMA?

On 4/28/16 the FEMA Smith Canal meeting notes dated 4/28/16 Case No: 17-09-2623R (A211202 (c)) state that:

Daven Patel discussed the 2010 San Joaquin River Delta BFE report. (A100902) The report was funded by FEMA Region 9 through a grant.

- The report was reviewed and accepted by CA DWR and USACE.
- STARR II had no concerns with the methodology and results of the report.
- STARR II asked SJAFCA to submit the actual gage data used in the report as supporting backup information.

- PBI said the data should be available online and that they would send a link to the data and/or provide the actual data.
- STARR II asked if the WSEL's developed in the report were being used in the nearby USACE project?
 - Roger Churchwell said they were not. **The USACE had some disputes with the tail water conditions (delta BFE) for their project, as they are using more up-to-date information.**

In February of 2011 Patrick Clancey (Corps) and Dave Peterson corresponded relative to the BFE (A110221) 2011 Email correspondence between Clancey and Peterson which indicate that, per Kathy Schaefer it was “never finalized to use this for the BFE for the Country Club Area”.

6/25/10 Dave P to All. This is not a USACE study, nor is it being prepared for Work-in-Kind, so full Corps procedures need not be followed. Having said that, FEMA's intent is to provide background info to Corps and DWR studies, so the work has been prepared using Corps guidance. We'd like Corps/DWR review and acceptance of the work (not sign-off, just acceptance so you won't have to re-do the analysis).

6/25/10 Patrick, Let's wait until this is finalized and use this for the BFE for the Country Club Area. Kathy

7/20/10 Dave P to Steve H We agree that we should clip the upper end of the plot, or footnote the extrapolation to say this would only apply if levees in the Delta were raised and did not fail.

The guidance for stage frequency curve analysis is documented in EM1100-2-1415 in chapter 6 very well. HYDROLOGIC FREQUENCY ANALYSIS

7/21/10 Steve. Before the stage frequency curves are used in a study (planning, FEMA, or other), some assessment of the sensitivity of the curves to upstream system performance should be made. Adjustments to the curves may be required to address study-specific requirements.

Stage-frequency curves are more appropriately developed using the graphical method, as was used in the Corps 1992 study. The graphical method consists of essentially drawing a best fit curve through the flows plotted by plotting position, and is described in the EMs. The graphical method is appropriate

for two reasons:

It would be useful to describe the hydraulic sensitivity of stage at each location to downstream tide. This could be accomplished by setting up a hydraulic model with combinations of historical high and low upstream flow boundaries with historical high and low downstream (tidal stage) boundaries. The ideal hydraulic model would extend downstream to a location at which the influence of upstream flow on stage is negligible. This is not a trivial problem. Is the stage at a location likely to vary by 2 inches, or 2 feet,? depending on tidal effects? This is the kind of question that would be answered, which would help to frame the degree of tidal effect at each gage. Perhaps this was not the goal of the study.

2/16/11 Dave, Kathy Schaefer provided us with the attached study to be used as the basis for establishing a Base Flood Elevation in the country club area of Stockton. Kathy mentioned that the USACE had reviewed and approved the attached study, do you have any of the documentation regarding the Corps review? In order to incorporate the study results into the FEMA maps, we will need to verify that the study has been reviewed and approved, and would prefer not to duplicate this effort since it appears to have already taken place. Let me know if you have any questions, thanks for the help.

2/17/11 Patrick, We'll be glad to go through our records to find documentation of review, but I don't want to create a precedent. Where does it say that USACE has to review and approve a BFE study before you can incorporate it into a FIRM?

2/21/11 Dave, Independent QA/QC of new H&H studies compliant with FEMA's Guidelines and Specifications for mapping partners is a requirement prior to adopting the data onto effective FIRM panels, but this does not have to be done by the USACE. If FEMA or another Federal Agency approved the review, that is sufficient to proceed. However, if the review was based on a different set of criteria, the information will still need to undergo a compliance check with the FEMA guides and specs. Any information you have available about the study review will help us determine how to proceed.

2/11/11 Patrick, Attached is the documentation of reviews by DWR and USACE, roughly in order of occurrence. Although we don't have a letter or email stating final back check concurrence, we do have emails from both the Corps and DWR acknowledging their receipt of the final report and stating a desire to share it with others for their use. Had they still had unresolved issues, they would have said so.

Q190. Is the BFE determination effective based on the fact that the PMR was de-scoped?

Q200. Why wasn't Corps of Engineers Manual EM1100-2-1415 HYDROLOGIC FREQUENCY ANALYSIS used for the Stage Frequency Analysis?

Q210. Is there documentation that "The BFE study was reviewed by the California Department of Water Resources (DWR) and the U.S. Army Corps of Engineers (USACE), and has since been recommended for public dissemination and concur with the lowering of the Published 10.0 elevation to 9.4 elevation of the San Joaquin River Delta Base Flood Elevation Refinement Stage Frequency Analysis Delta Base Flood Elevation?

Q220. Is the BFE applicable to the Smith Canal which is outside of the boundary limits of the study?

Q230. Would flood insurance to be substantially less expensive with a Flood Elevation Certificate indicating "No BFE determined" or "9.4" NAVD Datum completed in Box B9? (assuming lowest adjacent grade of 5)

Summary:

FEMA may have information on the original certification of the levees as the levees do not appear to have been discredited, based on the Flood Insurance Study. According to FEMA the certification is valid unless the certification expires, flood sources change or structural or maintenance deficiencies are identified. During the mapping process San Joaquin County asked FEMA to make the Area an AE zone and FEMA denied stating that the AE zone and the Interior Drainage Zones were to remain separate. The 2011 Faux Special Concurrence Letter that Resembled a CLOMR was never intended to be a CLOMR but was used to promote funding for the Gate. Apparently the RD 1614 engineer requested that PBI establish a BFE AE zone. The 2012 FALSE base flood delineation Letter was prepared under a Physical Map Revision that was never completed, closed and was not an effective map product and its use for National Flood Insurance Requirements is not official. Ditto with the Base Flood Refinement determination of elevation 9.4.

Respectfully



Dominick Gulli PE, PLS



Topics for future meetings

Letter of Map Revision submittal by RD 1614 for the Wisconsin Pump Station.
The impact of Storm Drains on the Stage in the Smith Canal. The need for a pump to terminally drain the storm water discharges in the Smith Canal.
The almost worst case flood residual flood map.
Compliance with the San Joaquin County Flood Ordinances.
The 2018 Official CLOMR.
Requirements for completion Flood Insurance Certificates.
Final Letter of Map Revision requirements
Overall flood risk for Stockton area.
The accuracy of the Hydrodynamic model and the Stage Frequency Analysis.
Operations and Maintenance Plan for the RD 1614 levee.
Meetings/Correspondence between FEMA and SJAFCA between 2015 to the official CLOMR.

Attachments:

9/20/10 Procedural Memo # 63

November 2019 Guidance for Flood Risk Mapping Page 43-44

5/1/17 RD1614 Public Meeting Minutes. With attachments (A170501)
4/17/06 FEMA Letter RE: Status of Digital Flood Map Insurance rate map with attachments. (A060417) with attachments

(a) 8/22/05 Procedure Memo 34-Interim Guidelines for studies including levees

((A190916 (Exhibit 60)" 2009 FEMA flood Insurance Study cover and page 54

((A190916 (Exhibit 60)" 2009 FEMA flood Insurance Study cover and page 54
(A170501(b)) 4/27/17 Downey Brand Letter to RD 1614 response #2 to 2/6/17 DGPELS letter

(A170605) 6/5/17 RD1614 Public Meeting Minutes. O&M Manuals, Attempts at levee accreditation, and "A", AE zones.

(A130226) Smith Canal Assessment District Engineers Report Cover, pages 2,3,17

EX DAR 68(A191104 Ex DAR 268) 4/18/11 Email Chain RD 1614, RD 828. SJAFCFA, Seth Wurzel Regarding delaying the Prop 218 Elections

A100719) 7/19/10 Smith Canal Closure Devise Meeting Minutes between FEMA Region 9, PBI, KSN SJAFCFA, Baker/AECOM

(A190906 Exhibit 6) the “**2011 Faux Special_Concurrence Letter that Resembled a CLOMR**

, On 2/14/12 Email Chain from Mbaker/AECOM to Sam S. Kathy Schaefer requesting a letter by 2/17/12 to SUPPORT a Prop 218 election. (A191104 (EX 940)).

On 2/17/12 Sally Ziolkowski issued a letter to City/County on Physical Map Revision Case (PMR) No 11-09-0866S with Map 2/17/12 Baker/AECOM Change Map. (A190906 (Exhibit 4,5)), The 2012 FALSE base flood delineation Letter.


(A210428) 4/28/21 Final Response to Freedom of Information Act 2020-FEFO-00640 & 2020-FEFO-00641. FOIA of DGPELS 4/13/20 FOIA



FEMA

September 2, 2010

MEMORANDUM FOR: Mitigation Division Directors
Regions I - X

FROM: 
Doug Bellomo, Director
Risk Analysis Division

SUBJECT: Procedure Memorandum No. 63
Guidance for Reviewing Levee Accreditation Submittals

EFFECTIVE DATE: Encouraged for all levee accreditation requests
submitted prior to October 1st, 2010; required after
October 1st, 2010

Background: In accordance with the National Flood Insurance Program (NFIP) regulations, communities or other parties seeking recognition of a levee system as providing protection on NFIP maps must provide data and documentation demonstrating compliance with regulations set forth in the Code of Federal Regulations (CFR) at Title 44, Chapter 1, Section 65.10 (44 CFR Section 65.10). Once compliance with 44 CFR Section 65.10 is demonstrated, the levee system will be accredited on NFIP maps, reflecting the appropriate risk zones for levee-impacted areas. Accreditation by itself is not a guarantee or warranty of performance of levee/levee systems during a flooding event. It is a determination that the levee system meets the minimum design, operation, and maintenance standards set forth in 44 CFR Section 65.10, to be shown on the NFIP maps as providing protection from the base (1-percent-annual-chance) flood.

Issue: By regulations, communities and levee owners have the responsibility to provide 44 CFR Section 65.10-compliant data and documentation, when seeking recognition of a levee system on an NFIP map. Following issuance of Procedure Memorandum (PM) Nos. 34 and 43, dated August 22, 2005, and September 25, 2006, respectively, and revised PM 43 dated March 16, 2007, the Federal Emergency Management Agency (FEMA) has seen an increase in the number of accreditation request submittals. Therefore guidance is being provided to improve and clarify the process of review for compliance with 44 CFR Section 65.10. These reviews must be consistent for all accreditation submittals including, but not limited to new and continued accreditation requests as part of a mapping project, requests submitted as Letters of Map Change (LOMCs), Physical Map Revisions (PMRs), and Provisionally Accredited Levees (PALs).

Action Taken: The attached guidelines are being issued to improve and clarify the process of review for compliance with 44 CFR Section 65.10. Please note that a FEMA

determination of a levee system meeting the minimum regulatory requirements for accreditation on an NFIP map does not constitute a determination by FEMA as to how a levee system will perform in a flood event. The review process, henceforth referred to as the “completeness check”, is described in detail in the attached document, entitled “Guidelines for Reviewing Levee Accreditation Submittals.”

The completeness check is to be implemented by all FEMA Regions and contractors. This check can also be shared with levee system owners and communities to further clarify the FEMA role in the accreditation process. The completeness check is intended only for structures designed to serve as levee systems, and shall not be implemented for any other lateral structure, or non-levee embankment, without consultation with FEMA Headquarters (HQ). These guidelines may be used for reviewing coastal levee accreditation submittals; however, due to the complexity and uniqueness of each coastal levee, coordination and consultation must occur with FEMA HQ for each coastal submittal.

Attachments:

Guidelines for Reviewing Levee Accreditation Submittals
Checklist and Contact Information for Levee Accreditation Submittals
Title 44, Chapter 1, Section 65.2, of the Code of Federal Regulations
Title 44, Chapter 1, Section 65.10 of the Code of Federal Regulations

cc: See Distribution List

Distribution List (electronic distribution only):

Office of the Acting Assistant Administrator for Flood Insurance and Mitigation
Risk Analysis Division
Risk Reduction Division
Risk Insurance Division
Regional Mitigation Division Directors
Regional Risk Analysis Branch Chiefs
Legislative Affairs
Office of Chief Counsel
Indefinite Delivery Indefinite Quantity Contractors
Cooperating Technical Partners
Program Management Contractor
Customer and Data Services Contractors
Production and Technical Services Contractors

**This Document is Superseded.
For Reference Only.**

Guidelines for Reviewing Levee Accreditation Submittals

Introduction

This document outlines the process FEMA will follow when reviewing levee accreditation submittals. This process, *i.e.*, the completeness check, is the same for all types of submittals, including those for new and existing levee systems that have not yet been evaluated in accordance with Procedure Memorandum (PM) No. 34, Provisionally Accredited Levees (PALs), Letters of Map Change (LOMCs), Physical Map Revisions (PMRs), and new studies that include accredited levee systems impacted by changes in the Base Flood Elevations (BFEs). Please note that for PAL reviews, PM 53 requires a mapping action to be initiated upon expiration of the PAL period if the submittal is not complete. Any dialogue regarding additional data after the expiration of the 24-month timeframe cannot delay the initiation of such a mapping action without consultation with FEMA HQ.

The completeness check is not a technical review, or an evaluation of design, nor is it performed to determine how a levee will perform in a flood event. The incoming data supporting 44 CFR 65.10 requirements must be certified by a registered Professional Engineer (P.E.), licensed by their respective states, or by a Federal agency with responsibility for levee design. The completeness check is performed to ensure that all data demonstrating compliance with 44 CFR Section 65.10 is submitted, so FEMA can delineate the appropriate risk zones on FIRM maps. However, if FEMA is presented with conflicting data, a more in-depth review can be performed. This additional and more in-depth review would require approval and consultation with FEMA HQ. Although FEMA performs a completeness check for 44 CFR Section 65.10 compliance, submittals must include back-up data and supporting information for all calculations, in case a more detailed review is needed/warranted. Certified summary reports without all back-up data are not acceptable.

The three tiered approach described below is structured so that each tier represents a different level of review, and subsequently an opportunity for additional data to be requested. This approach is intended to make the levee accreditation process more efficient. The reviewer shall not move forward to subsequent tiers if data is missing for the previous tier. A data request should be compiled and sent to the requestor noting the extent of what has already been reviewed and that additional data requests might be forthcoming once the review is restarted.

Tier 1 Review

STEP 1: All Items Signed by a registered P.E.

The reviewer will evaluate the submitted materials to ensure that all of the components required in 44 CFR Section 65.10 are included in the submittal and are stamped, as appropriate, by a registered P.E.

While the complete submittal for levee accreditation must be certified by a registered P.E., the submittal may include several subsets of engineering data, dealing with separate portions of 44 CFR Section 65.10, certified by different P.E.s. Certifications are subject to the definition provided in 44 CFR Section 65.2. In such cases, the P.E. who certifies the completed package, will be considered the requestor and will be contacted if additional information is needed.

P.E. certification is required for data showing compliance with the design criteria set forth under 44 CFR Section 65.10(b), as well as the as-built plans. For existing levees, there are no restrictions on the age of certifications or the engineering data and as-built plans, as long as the overall certification of the accreditation submittal is new and references the data used to make this determination. It is the P.E.'s responsibility to ensure that the supporting data is still valid.

Certified as-built plans must be submitted as required by 44 CFR Section 65.10(e). A new levee survey may be required if certified as-built plans are missing, or do not cover the entire length of the levee. The new survey must include all the necessary information for the review, including but not limited to topographic information, location and dimensions of all structures, pipes and utilities crossing the levee, and all the facilities that are part of the interior drainage system. Additionally, each submittal must include officially adopted maintenance plans and operation plans. (See step 4)

STEP 2: Freeboard Check

The submitted report must contain a profile of the currently effective BFE and levee crest (top of levee) elevation that shows adequate freeboard exists. The reviewer will verify the submittal contains information showing that the levee ties into high ground and that the levee's elevation at the tie-in location is within a tenth of a foot of the levee crest at the upstream and downstream ends. The report must provide freeboard information showing the levee meets the requirements of 44 CFR Section 65.10(b)(1), including freeboard requirements for structures, constrictions, and ice jam situations (where warranted). In certain circumstances, exceptions to the minimum riverine freeboard requirement may be approved by FEMA when a minimum of 2-foot freeboard exists throughout the levee as described under 44 CFR Section 65.10(b)(1)(ii). Requests for exceptions, however, shall be coordinated with FEMA HQ prior to submittal of the accreditation request.

Sandbags or any other temporary structure or measures used solely to reach freeboard requirements generally will not be considered for accreditation. In certain situations, where the inverts of closures are above the BFE, sandbags can be used to reach the required freeboard with FEMA HQ's approval. This activity must be part of the adopted operations plan.

Tier 2 Review

STEP 3: Regulations

The submittal must adequately address all applicable Federal, State, and local laws, regulations and requirements, including, but not limited to, Federal and local floodplain management laws, environmental laws, and permit requirements. This can be verified through communication with the requestor. A record of these communications must be kept in file for future reference.

STEP 4: Operations and Maintenance Plan

As required by regulation, the submittal must include a maintenance plan that has been officially adopted by the community. This plan must document the formal procedure that ensures that the stability, height, and overall integrity of the levee and its associated structures and systems are maintained. At a minimum the maintenance plans shall specify the maintenance activities, the frequency with which they will be performed, and the name or title of the person who will be responsible for ensuring that maintenance activities are accomplished. The activities and the frequency of their performance should conform to the risk associated with the levee. The maintenance plan should address the type of vegetation on and adjacent to the levee, the activities required to maintain the flood characteristics represented in the hydrologic and hydraulics (H&H) analyses and any special environmental considerations. Plans should also include provisions for inspection of the levee and maintenance of any mechanical systems, such as closure devices, pumps, valves and relief wells. Maintenance must be under the jurisdiction of federal or state agencies, an agency created by Federal or State law, or an NFIP participating community.

The submittal must include an officially adopted operation plan that includes information on both interior drainage systems and any closure structures or devices. The plan must include specific actions, assignments and personnel responsibilities and the name or title of the person responsible for each item. It must include provisions for inspection and testing of any mechanical systems. If flood fighting activities are listed in an operation plan, it must be ensured that these activities are not intended to be performed to stabilize any part of the levee system during a flood event, in lieu of meeting 44 CFR Section 65.10 requirements. The operation plan must document a flood warning system that triggers emergency operation activities. It must be demonstrated that there is sufficient warning time for activation and operation of the mechanized drainage system components. Operations must be under the jurisdiction of Federal or State agencies, an agency created by Federal or State law, or an NFIP participating community.

Officially adopted plans must be signed by the CEO of the community or the appropriate head of the agency that is accepting the ultimate responsibility of all the tasks and actions listed in those plans. Both the operation and maintenance plans must be prepared for the specific levee for which accreditation is being evaluated. Generic operations and maintenance plans, non-specific to the levee system, *i.e.*, plans that cover an entire county or state, are not acceptable.

STEP 5: “With Levees” and Without Levees” Analysis

The “with levee” analysis is used to determine the BFEs on the riverine side of the levee. If the levee is accredited to provide protection from the base flood, the “without levee” analysis is used to determine the area that is protected by the levee. In accordance with FEMA’s current standard mapping procedure if the levee is not accredited, the “without levee” analysis is used to determine the flood hazards on the landward side of the levee. If new hydrologic and/or hydraulic analyses are submitted as part of a levee accreditation package, then both “with levee” and “without levee” analyses must be submitted by the requestor. In certain situations, the area protected by a levee could be different from the “without levee” analysis floodplain due to the effects of interior drainage.

Tier 3 Review

STEP 6: Levee System and Cross Reference Check

The reviewer will verify that all components, as described in 44 CFR Section 65.10, use the same flooding elevations and conditions, and that the entire levee system (if a system consists of different segments) is considered in the submittal. A levee system must constitute a “complete system” not reliant on any segments/systems that are not accredited. Partial accreditation is only acceptable for segments along a system that are hydraulically independent from upstream and downstream segments. The area protected by a hydraulically independent segment is not impacted by failure or interior drainage of upstream or downstream segments. Partial accreditation, however, needs to be coordinated through consultation with FEMA HQ.

STEP 7: Interior Drainage Analysis

The submittal must include an H&H study identifying the source(s) and extent of flooding due to interior drainage for any ponding area greater than 1-foot in depth, and a topographic work map showing the extent of these areas. A thorough H&H review must be performed for all flooding sources identified within the interior drainage area. The submittal must include the joint probability of interior and exterior flooding, describe storage and pumping systems, and identify the capacity of these facilities to evacuate interior flood waters. Operation information related to these facilities, including but not limited to pumping stations, must be included in the operation and maintenance plans submitted for the levee system. New BFEs resulting from the interior drainage analysis are subject to the appeal process set forth under 44 CFR Section 67.

STEP 8: Structural Design Requirements

The reviewer will verify that data for the structural design requirements of 44 CFR Section 65.10 have been submitted, including but not limited to:

- 1) **Closure Structure Data:** The submittal must include information for all levee openings and low points where closure structures are structurally part of the levee.
- 2) **Embankment Protection:** The design report must include an analysis addressing protection of the levee embankment from erosion. This analysis should include the embankment side slope, calculated flood water velocity,

expected duration of the flood at various stages, wind and wave action, and ice and debris flow where applicable.

- 3) **Embankment and Foundation Stability:** The report must include an analysis of the embankment and foundation stability. This should include an examination of component material characteristics of the foundation and levee embankment, compaction design, seepage at critical locations, and penetrations and their associated filter materials. Additionally, the impact of any structure, including but not limited to bridges and roads crossing the levee must be addressed.
- 4) **Settlement:** The report must provide an engineering investigation that assesses the potential settlement of the levee and reduced freeboard over time. Consideration should be given to embankment loads, compressibility of foundation soils, age of the levee, and the construction methods used.

STEP 9: Inspection Reports

Documentation or reports on tests and inspections that are required by regulation under 44 CFR Section 65.10(c)(1)(iii) and Section 65.10(c)(2)(iv) must be provided.

All other applicable inspection reports from either the United States Corps of Engineers (USACE) or other sources must be considered as part of the FEMA review to ensure that any issues related to 44 CFR Section 65.10 have been addressed.

Mapping the Levee

STEP 10: Final Completeness Check

Once the completeness check is finished and all required components have been submitted and deemed complete, FEMA will accredit the corresponding levee on the NFIP maps. If any component is found to be missing or erroneous and the requestor cannot provide missing data to show compliance with 44 CFR Section 65.10, FEMA will not accredit the levee and reserves the right to suspend or deny the request

**This Document is Superseded.
For Reference Only.**

Checklist and Contact Information for Levee Accreditation Submittals

- | | <u>Passed</u> | |
|---|------------------------------|-----------------------------|
| • Tier 1 Review | | |
| ▪ STEP 1: All Items Signed by a registered P.E. | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| ▪ STEP 2: Freeboard Check | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Tier 2 Review | | |
| ▪ STEP 3: Regulations | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| ▪ STEP 4: Operations and Maintenance Plan | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| ▪ STEP 5: "With Levees" and "Without Levees" Analysis | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Tier 3 Review | | |
| ▪ STEP 6: Levee System and Cross Reference Check | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| ▪ STEP 7: Interior Drainage Analysis | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| ▪ STEP 8: Structural Design Requirements | | |
| 1) Closure Structure Data | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2) Embankment Protection | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3) Embankment and Foundation Stability | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 4) Settlement | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 5) All Other, as Applicable | <input type="checkbox"/> Yes | <input type="checkbox"/> NA |
| ▪ STEP 9: Inspection Reports | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Mapping the Levee | | |
| ▪ STEP 10: Final Completeness Check | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

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For Reference Only.

Comments:

Reviewer

- Name: _____
- Phone No.: _____
- E-mail: _____

FEMA Regional Contact

- Name: _____
- Phone No.: _____
- E-mail: _____

FEMA Headquarters Contact (if applicable)

- Name: _____
- Phone No.: _____
- E-mail: _____

Guidance for Flood Risk Analysis and Mapping

Levees

November 2019



FEMA

44 CFR 65.10. In cases when information collected by USACE through their Levee Safety Program will inform some of the requirements for levee accreditation, the communities or parties seeking accreditation will have to provide information to fulfill the remaining requirements. Because some of the USACE Levee Safety Program activities are conducted on a levee segment basis, caution should be taken to ensure information is used, presented, and considered collectively on a levee system basis when using USACE information to inform a levee accreditation decision.

USACE risk assessments and inspections provide direct findings that may meet all or a specified subset of requirements in 44 CFR 65.10, respectively. Even though there may not be a finding associated with a specific 44 CFR 65.10 requirement, the information provided by USACE still may be useful to inform a NFIP levee accreditation decision. FEMA will review the information provided by USACE and will determine if additional coordination is needed with the community and the levee sponsor for NFIP mapping purposes. If a community or other entity seeks accreditation of their levee system, FEMA and USACE will work together to engage the community and levee sponsor to explain what, if any, information provided by USACE meets the requirements of 44 CFR 65.10, and what additional information the community or levee sponsor will need to provide to FEMA to meet the remaining requirements of 44 CFR 65.10.

More information on coordination with other Federal agencies as well as a list of potential agencies involved in levee design and construction can be found in Chapter 8 of this document.

4.2.3 Continued Accreditation

Accreditation of a levee system requires the levee owner to demonstrate that the levee system meets, and continues to meet, the requirements of 44 CFR 65.10. Therefore, accreditation is not a one-time activity, and over time, factors may change that require FEMA to reassess accreditation status. These factors can include the expiration of the certification of data by a certifying engineer, endorsement of accreditation by a Federal agency, changes to the hydrologic or hydraulic conditions of the flooding source that necessitates a restudy, and documented deficiencies or lack of maintenance.

4.2.4 Expiration of Data Certification or Endorsement

A certifying engineer or federal agency may choose to place an expiration date on the use of the data and documentation for accreditation of a levee system. This expiration date will be tracked by FEMA in the NLD. Once the certification of this data and documentation has expired, FEMA will no longer consider the levee system as meeting the requirements of 44 CFR 65.10 and will initiate engagement with the levee owner and impacted community regarding the submittal of certified data and documentation demonstrating the levee system continues to meet the requirements of 44 CFR 65.10 to remain accredited. If this certified data and documentation cannot be provided in a timely manner, FEMA may initiate the analysis and mapping procedures for non-accredited levees (see Chapter 6) to update the flood hazard information impacted by the levee system. At no time shall a levee system with an expired certification of data be remapped as accredited without updated documentation and a certification of data by a registered P.E. or endorsement from an authorized Federal agency.

4.2.5 Updated Modeling along an Accredited Levee

During any update to the FIRM, the flood hazards associated with levee systems should be re-evaluated for all levee systems located along newly studied or restudied flooding sources. If the new or updated study impacts a levee system accredited in accordance with 44 CFR 65.10, the levee owner will be asked to provide data and documentation demonstrating the levee continues to meet the requirements of 44 CFR 65.10 based on the updated hydraulic loadings.

If the hydraulic loading and flood hazard information (BFE, velocities, duration, etc.) from the updated study is less than those used in the previous accreditation documentation for the requirements of 44 CFR 65.10(b), the levee may retain its accreditation status pending submission of the documents meeting the requirements of 44 CFR 65.10(c) and (d), and confirmation from the levee owner that the levee has not been structurally modified since the prior certification of data. In cases where a levee system or levee appurtenance has undergone structural modifications since the previous certification of data, submittal of data and documentation meeting the requirements of 44 CFR 65.10(b) and (e) may also be required.

If the hydraulic loading and flood hazard (BFE, velocities, duration, etc.) from the updated study is greater than those used in the previous accreditation documentation for the design requirements under 44 CFR 65.10(b), the levee owner must submit updated certified data and documentation based on the updated loading and flood hazard information demonstrating the levee system continues to meet the minimum requirements of 44 CFR 65.10. Understanding that the analysis and data collection may require additional time, Regions should take this into consideration when planning project schedules.

In some instances, an updated mapping project may include a levee system that was accredited through the LOMR process. The above requirements for updated certification of data and documentation would also apply to levees accredited through the LOMR process, granted the information provided in support of the LOMR reflects the current conditions of the levee system.

If the new or updated study impacts a levee system that has not been accredited in accordance with 44 CFR 65.10, FEMA will proceed with implementing the analysis and mapping procedures for non-accredited levees, as appropriate.

4.2.6 Noted Structural or Maintenance Deficiencies

FEMA reserves the right to re-evaluate the accreditation status of a levee system if structural or maintenance deficiencies are noted that may cause concern over the validity of the current flood hazard noted on the FIRM. This re-evaluation of the levee status on the FIRMs may be triggered based on inspection reports of State or Federal agencies or performance of the levee system in the context of a base flood event or less. If deficiencies are noted that impact requirements of 44 CFR 65.10, FEMA will coordinate with the levee owner as outlined under Chapter 6 of this document for resolution and additional data collection, as needed. If resolution is not accepted in a timely manner, FEMA will proceed with action to update the flood hazard on impacted FIRM(s) appropriately.

(A170501) 5/1/17 RD1614 Public Meeting Minutes.
with attachments

(A170501(a)) 4/9/17 KSN Scope and Fee for Operations and Maintenance
manual.

(A170501(b)) 4/27/17 Downey Brand Letter to RD 1614 response #2 to
2/6/17 DGPELS letter handed out at meeting

4/20/17 RD 828 agenda packet and Draft Minutes RE: District O&M Manual

MINUTES OF REGULAR MEETING OF BOARD OF TRUSTEES
FOR RECLAMATION DISTRICT 1614
HELD MONDAY, MAY 1, 2017

The May Regular Meeting of the Board of Trustees of Reclamation District 1614 was held on Monday, May 1, 2017, at the law office of Neumiller & Beardslee, 509 W. Weber Avenue, 5th Floor, Stockton, California, at the hour of 2:00 p.m.

TRUSTEES PRESENT WERE:

KEVIN KAUFFMAN
WILLIAM DUNNING
BEN KOCH

OTHERS PRESENT WERE:

DANIEL J. SCHROEDER
CHRISTOPHER H. NEUDECK
ANDREW J. PINASCO
RHONDA L. OLMO
ORLANDO LOBOSCO
ROBERT BELLIN, Resident
DOMINICK GULLI, Green Mountain Engineering
RICHARD GACER, Resident & S and R Stockton Properties LLC
ERNEST TUFFT, Resident
PAUL GUERRERO, Resident

ABSENT WAS:

NONE

Item 1. Call to Order/Roll Call. President Kauffman called the meeting to order at 2:00 p.m.

Item 2. Public Comment.

Mr. Gulli asked who certified the FEMA Map back in 2002 when the levees were accredited. He also asked if anything has changed since. Mr. Neudeck said that the levees that were accredited back in 2002 were a grandfathered condition, and there was no accreditation done by any particular entity. In the past FEMA would come and inspect levees, and their condition just by inspection alone would cause them to become accredited. In 2005, FEMA undertook what was called "Map Modernization" where they were changing paper maps to digital maps. In the process, they elected to go through and have all entities that had the grandfathered conditions prove up as to whether they were actually accredited. Prior accreditations were just observations by FEMA upon inspection of the system. Upon deaccreditation in 2005, Mr. Gulli asked why the area was not accredited as an AE Zone as opposed to the A Zone. President Kauffman requested that this be placed on next month's agenda.

Mr. Gacer asked when the District's Bylaws were adopted/amended. Mr. Schroeder said that they have never been amended to his knowledge. Mr. Gacer wants the Bylaws amended to add an additional Trustee(s) to the Board. Mr. Schroeder will handle this as a Public Records Request and respond accordingly.

Mr. Tufft mentioned he attended the DSC meeting on April 28, 2017. He submitted a letter (May 1, 2017) to the Board regarding his comments to the DSC. His letter also posed questions to RD 1614 regarding the levees.

Mr. Tufft commented that he believes the waterfront property owners would like to have some dredging done in the future and asked that this be an upcoming agenda item. Mr. Schroeder stated that the District's charge is not to maintain navigation on the waterways. He said the District has jurisdiction over the reclamation works of the District and to keep flood waters out and that it would have to have some type of a reclamation purpose for dredging (which there could be). Mr. Schroeder said that the District has no duty to maintain the waterways for boat trafficking. Further discussion was held.

Item 3. Approval of Minutes of the Regular Meeting of April 3, 2017.

It was moved, seconded (Koch/Dunning) and unanimously carried by the Board of Trustees of Reclamation District 1614 that the Minutes of the Regular Meeting of April 3, 2017 be approved as read.

Item 4. Presentation of Financial Status Report. District Secretary, Rhonda Olmo, handed out the Financial Report and reviewed the report with the Board. She mentioned that the District is at 83.3% for the Fiscal Year. Mrs. Olmo stated that there was nothing to report this month from the County (no activity) and she reviewed the bills she paid for the month of April.

It was moved, seconded (Dunning/Koch) and unanimously carried by the Board of Trustees of Reclamation District 1614 that the April 2017 Financial Report be approved as presented.

a. Reclamation District No. 17 Assessments Court Decision

In the 1950's, the Legislature enacted a law that gave Reclamation Districts the ability to assess properties for specific benefits such as the O&M on the District's levees and any capital improvements. However, Government Code Section 51200 expressly prohibits the District from assessing roads, highways, and school districts. Prop 218 came along (Constitutional Amendment - the trial court agreed) stating governmental agencies shall pay for their assessments unless they can demonstrate that they get no special benefit from it. Manteca Unified School District challenged it in court by suing Reclamation District 17 to get the court to conclude that Section 51200 still applies, and that the Reclamation Districts could not levy assessments that were existing against the school district under that exemption. Reclamation District 17 appealed this matter to the Third District Court of Appeals. Mr. Schroeder filed an Amicus Brief on behalf of RD 1614 and RD 1608 explaining the Districts' legal position (Downey Brand filed an Amicus Brief for the flood control area). Mr. Schroeder stated that under Prop 218 that you can only assess property for the special benefit that it gets from whatever the project or assessment will be. The Appellate Court issued their ruling last month overturning the Trial Court and concluding, as Mr. Schroeder believes, that the only exemption that is allowed under Prop 218 for any public agency whether they own roads, highways, or a school district is if they can demonstrate that they get no benefits. Further discussion was held.

b. Draft 2017-2018 Budget

Mr. Schroeder presented the draft 2017-2018 FY budget. He reviewed each line item in detail and stated his recommendations. Line item G13 has been added to the next budget (Non-Management Staff – cost for temporary help will be booked here). Line item G16A has been added to specifically identify the District's Vehicle Expenses. Line item G17 (Acquisitions) is subject to change as the District may purchase a boat (Mr. Schroeder stated that the District weakness is that all of its inspections of the levees have to come from the land, and the District has to ask for permission from property owners. The solution is to inspect the levees from the water. Mr. Schroeder and Mr. Neudeck are recommending that the District consider purchasing a boat. Reclamation District 828 has expressed interest in renting the boat as needed. The boat would be kept in a storage container). Further discussion was held. A final budget will be presented at the June 2017 meeting.

Item 5. Presentation of Engineer's Report. Discussion and possible action:

- a. Permit requests. - None
- b. **Lake Street Pump Station Pipe Replacement – Declare and Find that an Emergency Condition Exists and Authorize Immediate Award of Contracts for Repairs and Replacement.**
- c. **District Operational Manual.**
- d. **Smith Canal Project.**

Excerpts from the Engineer's Report:

I. Delta Levee Subventions Program SB 34

- A. Review the status of project start up for repair to the Collins Property along Smith Canal at 2030 Moreing Court between the repairs made at the Davies and Guerrero residences.

Due to the nesting bird issue Mr. Neudeck mentioned last month, this project will commence after the July 4th Holiday week. The contractor has made contact with the neighboring property (Mr. Davies) and will be accessing his property through his parcel which will limit and expedite some of the work.

- B. Review and seek Board authority to draft an Operations and Maintenance (O&M) Manual for the District Levees. (*Exhibit A: Estimate of engineering services to draft an Operations and Maintenance Manual for the District Levees – Included in Engineer's Packet*).

This is an estimate for an Operation and Maintenance Manual that Mr. Neudeck and Mr. Lobosco would like to seek authority to develop for purposes of documenting and keeping track of the conditions on the levee system. Mr. Neudeck feels this is a responsible direction for the District to move toward. He said what this plan does is that it goes back to what the District has done over the last 20 to 30 years on an individualized basis where he has gone out and done inspections on a lot by lot basis and put together a report that gets "shelved". Mr. Neudeck said the problem is that he is not keeping track on the condition of the levee throughout the balance of the year. So what this plan suggests is that a plan is prepared, and in its development there is a tablet driven

data base. Another part of the plan is to do monthly patrols and one annual inspection. Mr. Neudeck believes this serves the purpose of gaining a better handle on the conditions associated with the levees along the Smith Canal. The cost will be split amongst RD828. RD828 only has a third of their system in levees and they will contribute \$10K (they have given their authority to move forward). This plan is fundable through the levee subventions program so costs would be 75% of the 18K – approx. \$6K. To get this into this year's subvention program Mr. Neudeck will implement immediately. Alternative suggestions were expressed to the Board by the public. Mr. Schroeder will contact SJAFCFA to seek their participation with costs. Discussion was held.

It was moved, seconded (Koch/Dunning) and unanimously carried by the Board of Trustees of Reclamation District 1614 that the Board authorize Mr. Neudeck to draft an Operations and Maintenance (O&M) Manual for the District Levees and request that SJAFCFA also participates in costs.

II. Pump Stations

A. Review and update progress of installation of the Variable Frequency Drive (VFD), at "Pump Station No. 2" – Lake Street. Discuss requirements to replace the corroded discharge line and "Declaration of an Emergency" in order to replace the discharge line during the Department of Fish & Wildlife (DFW) "no work period" (3/15 – 7/1). Discuss the installation of a check valve to compensate for back flush into a very limited capacity pump sump. (*Exhibit B: October 1971 – Charles H. Widdows Lake Street "Pump Station No. 2" plans, Exhibit C: April 2017 KSN Inc. Existing Conditions Topographic Survey of Lake Street "Pump Station No. 2, and Exhibit D: KSN Inc. Photographs of Lake Street "Pump Station No. 2" and corroded Discharge Pipe – Included in Engineer's Report.*)

The pump discharge pipe has a large hole where the pipe rests on the waterside slope. This hole was caused by deterioration of the pipeline and could cause degradation of the levee if left in the current state. Additionally, it would appear the corrosion of the pipe is not limited to where the current hole is located and could be extending into the portion of the pipe that is below grade in the levee section. Failure of the pipe within the levee section could cause levee failure.

It was moved, seconded (Koch/Dunning) and unanimously carried by the Board of Trustees of Reclamation District 1614 that the Board declare and find that the emergency conditions exists at this pump station and authorize repairs not to exceed \$25K.

B. Update Board of Trustees on Wisconsin Pump Station grant opportunity & meeting with the City of Stockton Municipal Utilities District regarding the potential for redirecting 1st flush flows and potential eligibility for State of California Prop 1 Clean Water Grants. (*Exhibit E: Email correspondence from KSN Inc. regarding municipal code restricting discharge of Storm Water into the COS sanitary system – Included in Engineer's Report.*)

Mr. Neudeck was previously directed to speak with the City of Stockton about their policy and ordinances related to discharges into the sanitary sewer. Upon his conversation, he was provided references (Municipal Code 13.08.100 – General Discharge Prohibition). The City claims that

they are not in position to accept any storm water discharges into their system. He was directed by the City to look elsewhere. Mr. Neudeck has asked his Engineer to look at detention now that the Darrah parcel is being looked at for development. Mr. Gulli stated he submitted a proposal to the District previously to put a cistern system underneath the ballpark to solve the same purpose. Further discussion and comments were had.

C. Wisconsin Pump Station pending further legislative status of AB 200 Eggman RD 1614 P Sta. No. 7 – Wisconsin (*Exhibit F: Letter of Support from San Joaquin County and Exhibit G: Legislative AB 200 Bill language, Committee Summaries and bill status – Included in Engineer's Report.*)

Mr. Neudeck received a Letter of Support from San Joaquin County supporting Assembly Bill 200 by Assemblywoman Susan Eggman. Mr. Neudeck included the legislative information associated with it in his Engineer's Packet. He said that this has reached the Appropriations Committee and has been put in suspense. Mr. Schroeder said the District has no control over when and if it comes out of suspense. Mr. Schroeder said he will continue to work with Assemblywoman Eggman and her staff. Questions and comments were held.

d. Smith Canal Project:

Mr. Schroeder was previously directed to contact SJAFCA in response to Mr. Gulli's February 6, 2017 letter to the District to let them know that the Trustees would like the letter to be responded to at their upcoming meeting. Mr. Schroeder contacted SJAFCA and relayed this information to them and suggested that maybe they revisit this by sending something also in writing. Upon this conversation, Mr. Schroeder received a letter dated April 27, 2017, from SJAFCA's General Counsel, Scott Shapiro, Downey Brand LLP (copy handed out) which responds to Mr. Gulli's letter. Mr. Schroeder said that he reviewed the letter and it appears to him to be relatively thorough. The content of it is consistent with what his understanding is of the history with this project. Mr. Gulli stated that he would like to rebuke the comments from SJAFCA, and he finds SJAFCA to be defamatory in its tone with their letter. Mr. Gulli will respond to SJAFCA's letter in writing. It is President Kauffman's understanding that this issue will not be on SJAFCA's May 18th Agenda. He is planning to go to that meeting to thank them for their response, and if he has more information from Mr. Gulli that the responses are not accurate than he will include that in his comments to them. Mr. Schroeder said that SJAFCA is planning to give an overview at their July meeting. Further discussion was held.

III. SAN JOAQUIN COUNTY FLOOD MANAGEMENT (TAC) MEETINGS

- A. Review status of San Joaquin County Flood Management Technical Advisory Committee (TAC) Meetings. Meetings now only scheduled on the 3rd Wednesday of the month. – No report

3:30 p.m. Attorney Dan Schroeder left the meeting.

Item 6. Presentation of Superintendent's Report; request for direction. Mr. Lobosco handed out his Superintendent Report. The bulk of his report deals with the Lake Court V.F.D which has been addressed. He added that the replacement of the discharge pipe will take priority over completing the V.F.D. test, and during the installation of the pipe a check valve will be installed at the top of the sump in order to do away with the backwash into the sump when the pump shuts

off. After the replacement of the discharge pipe another 4 hour V.F.D. test will be conducted and it will be fully funded by Bockmon and Woody. Discussion was held.

Item 7. Adopt Resolution 2017-04 Authorizing and Directing Filing of Notice of Exemption for Routine Maintenance, For Fiscal Year 2017-2018.

Attorney Andrew Pinasco stated this Resolution is adopted every year as part of meeting the environmental requirements of the Subvention Application. This Resolution provides the authority for the District's Engineer to file the Notice of Exemption for the routine maintenance performed on behalf of the District. No questions or comments.

It was moved, seconded (Koch/Dunning) and unanimously carried by the Board of Trustees of Reclamation District 1614 that the Board authorize and adopt Resolution 2017-04 Authorizing and Directing Filing of Notice of Exemption for Routine Maintenance, For Fiscal Year 2017-2018.

Item 8. Flood Insurance

The question that was previously presented to the Board was whether there are other third party insurance products that are available to homeowners/landowners within the District. Mr. Pinasco stated upon research that he was able to identify that there are. He said the limiting factor of other products is going to be determined by the mortgage that is being held by the landowner. Some mortgages require the federal insurance program and others do not. Mr. Pinasco said these private insurance products are not necessarily guaranteed to renew, and that creates a pitfall for the landowner that takes a private insurance product. If the private insurance product leaves/goes out of business, then the federal insurance product has a 30-day wait period. This creates a potential 30-day gap in coverage; whereby, some sort of loss can occur. Mr. Pinasco said two third party insurance products that he is aware of (one in Stockton offered/backed by Golden Bear and another in Salt Lake City, Utah – National Catastrophe Insurance Program) are regulated by the State of California insurance industry whereby FEMA is not. The difference in price would be private insurance providers are regulated by the State of California, and their actuality basis is done differently than the Federal Government. The Federal Government uses topography maps, and the private insurance offering agencies use different methods where the calculated risks are on a more defined basis. President Kauffman requested that this information be included in the District's Newsletter. Discussion was held.

Item 9. Newsletter

Items to be included in the next Newsletter after discussion are: Homeowners/Landowners to discuss with their insurance agents whether they have alternatives for their flood insurance and adoption of Operation Maintenance Manual.

Item 10. Report on Meetings Attended. None

Item 11. District Calendar. Adoption of District FY Budget, discussion regarding expiration of liability insurance and review of Audit Contract. Next meeting will be June 5, 2017.

- a. Annual Town Hall Meeting – Date to be TBD.

President Kauffman requested to address Items 14, 15, and 16 prior to Closed Session being held.

Item 14. Items for Future Meetings. None

Item 15. Correspondence.

1. Letter dated April 5, 2017 from CalOES re Applicants' Briefing and Application Deadline for Storms Event – February 1-23, 2017;
2. Letter dated March 31, 2017 from KSN re Reclamation District 1614 Delta Levees Subvention Program Application for Fiscal Year 2017-2018;
3. Letter dated April 7, 2017 from DWR confirming that the Delta Lees Subvention Program received a Fiscal Year 2017-2018 Subvention Application from RD1614

Regarding Item 1: Mr. Gurerro presented comments/suggestions to the Board on how the District may obtain Federal Funds.

Item 16. Motion to Approve Bills.

It was moved, seconded (Dunning/Koch), and unanimously carried by the Board of Trustees for Reclamation District 1614 that the Trustees authorize/approve the Bills to be Paid for April 2017.

Item 12. Closed Session. The Board entered into closed session at 3:52 p.m.

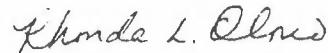
- a. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of litigation pursuant to Paragraph (4) of subdivision (d) of Section 54956.9: One Case.

Item 13. Closed Session Report. The Board returned to Open Session at 4:08 p.m. Legal Counsel reported it had received authority to proceed on an initiation of an action.

Item 17. Adjournment. The meeting was adjourned at 4:10 p.m.

Secretary: The agenda for this meeting was posted at 509 W. Weber Avenue, Stockton California at least 72 hours preceding the meeting.

Respectfully submitted,



Rhonda L. Olmo
District Secretary

- (A060417) 4/17/06 Fema Status of Digital Flood Map Insurance rate map with attachments:
- (a) 8/22/05 Procedure Memo 34-Interim Guidelines for studies including levees.
 - (b) CFR 65.10 (10-1-05 edition)

(A060417)4/17/06 Fema Status of Digital Flood Map Insurance rate map with attachments

U.S. Department of Homeland Security
 FEMA - Region IX - FI&M Division
 1111 Broadway, Suite 1200
 Oakland, CA 94607-4052



FILE COPY
 FEMA

RECEIVED

APR 19 2006

To: James Glaser
From: Les Sakumoto, P.E., Civil Engineer
 FEMA, Region IX, Mitigation Division, NFIP
Date: April 17, 2006
Re: Status of the Digital Flood Insurance Rate Map (DFIRM)

This memo is to inform you of changes that will be made in the processing of the Digital Flood Insurance Rate Maps (DFIRMs) that are being prepared for your community. This will directly affect the final "effective" dates of any DFIRMs that are being currently processed for your community.

Prior to August 2005, FEMA-Region IX had begun the process of converting paper FIRMs to digital. The end product is called the DFIRM. This was a part of FEMA's Map Modernization program. The primary goals of the DFIRM production were to:

- Incorporate the latest updates (LOMRs),
- Utilize community supplied data,
- Verify the currency of the floodplains and refit them to community supplied basemaps,
- Upgrade the FIRMs to a GIS database format to set the stage for follow on updates and to enable support for GIS analyses and other digital applications, and
- Solicit community participation.

We have successfully managed to meet all those goals. Many communities stepped up and provided us their updated high accuracy basemaps and participated in the review of the mapping products. FEMA is thankful to all of the communities that have participated.

In August 2005, FEMA Headquarters' issued **Memo 34, Interim Guidance for Studies Including Levees**. This memo recognizes the risk and vulnerability of communities with levees. Hurricane Katrina, in September 2005, and its resulting levee failures only heightened the awareness. The memo mandates the inclusion of levee evaluations for those communities that are undergoing map changes such as the conversion to DFIRMs. No maps could become effective without an evaluation of all levees within a community against the criteria set forth in 44 CFR 65.10 *Mapping of Areas Protected by Levee Systems*. In order to carry out this mandate for all maps in production, we will take a two phased approach. The two phases are as follows:

Phase I. For communities that have already received Preliminary Flood Insurance Rate Maps (Prelims) during the August-September 2005 period, we will issue new revised Prelims which have the levee evaluation based on approximate analyses. Approximate analyses will most likely result in an "A" zone designation behind a levee which did not

meet the criteria set forth in 44 CFR 65.10. For communities that are currently in the production phase of DFIRM Prelims, we will merge the levee evaluations, based on an approximate analysis, into the Prelims. Any Prelims issued will also include the vertical datum conversion to NAVD88. Note that for communities with coastal structures such as levees and breakwaters, they will also be evaluated at this time. Based on our internal databases and information collected to date, if the levees do not meet our present 44 CFR 65.10 criteria, we will note them as failed and will re-delineate the Special Flood Hazard Area (SFHA). For the Prelims, the new SFHAs can be considered to be "advisory". Attached are the FEMA memos on the use of Advisory Flood Hazard Data, Memo 34, and the vertical datum conversions. We anticipate the following schedule for the release of these revised or new Prelims.

***September-October 2006 - New Prelims by Counties:**

California: Kings, Fresno, Madera, Merced, Stanislaus, San Joaquin, El Dorado, Placer, Yolo, and Butte.

Nevada: Washoe.

***June-July 2007 - Revised Prelims by Counties:**

California: Marin, Sonoma, Napa, Solano, Contra Costa, Alameda, Santa Clara, San Mateo, San Francisco, Sacramento, Monterey, and Tulare.

***June-July 2007 - New Prelims by Counties:**

California: Lake and Santa Cruz.

***Note 1:** The above schedules are dependent on the availability of funds for FY2006 and FY2007 but we will do our best to hold to these schedules.

***Note 2:** The communities and levee owners will be afforded the opportunity to submit data and documentation per 44 CFR 65.10 to support their recertification documentation.

Phase II. All communities that have received Prelims or revised preliminary maps during Phase I will have the levees evaluated and restudied using more rigorous, detailed engineering study methods, beginning in FY2007. This will be done before these maps are processed into final "effective" maps that will be legally binding for floodplain management and flood insurance purposes. At the conclusion of the detailed studies, FEMA will again issue revised Prelims followed by our standard post processing procedures. Some of the post processing procedures that many of you are already familiar with are the 90 day community comment and appeal period, the resolution of any appeals, and the six month compliance period. The detailed studies will use a combination of the best available information and high resolution topographic data. A FEMA contractor will be contacting all of the communities requesting any high resolution topographic data that you may have to enable us to increase the accuracy when defining the depths and widths of the flood risks. We will also be contacting the community, the levee owners, levee districts, and various state and federal agencies for recertification of the levees. We cannot give you a definite schedule for this phase as detailed studies with levee evaluations are very costly and are dependent upon our funding in the latter years. Other factors that will affect the scheduling are the level of risk, and other economic and demographic factors.

The above schedule gives the communities the advantage of time before these maps become legally effective. The Prelims and detailed studies will take more than a few years to complete,

during the intervening period, the communities should put their best efforts towards rehabilitating and recertifying their levees. Prudent floodplain management includes good maintenance and FEMA would like nothing better than to issue an effective map with minimized risks behind levees that are certified to meet our present 44 CFR 65.10 criteria.

I know that this may be a lot to digest. Therefore, FEMA has appointed a contact person to provide answers on any questions that you may have concerning:

- DFIRM schedules,
- Levee evaluations,
- Vertical datum conversions,
- "Advisory" status of the Prelims,
- Effective maps, and
- Any other questions related to this memo.

The contact person is:

Jack Eldridge
(707) 495-9533 Cell
(510) 879-0956 Office

I am also available to answer your questions at (510) 627-7183.

Thank you for your attention in this matter.

Attachments:

1. Memo 34, "Interim Guidance for Studies Including Levees".
2. Advisory Flood Hazard Data
3. 44 CFR 65.10, "Mapping of Areas Protected by Levee Systems"
4. "Guidance for converting to the North American Vertical Datum of 1988". This is a 13 page document. Because of its size, it was not reproduced. It is available at this web address: http://www.fema.gov/pdf/fhm/frm_gsab02.pdf




Federal Emergency Management Agency

Washington, D.C. 20472

August 22, 2005

MEMORANDUM FOR: Regional Directors
Regions I - X

FROM: 
David I. Maurstad, Acting Director
Mitigation Division

SUBJECT: Procedure Memorandum 34 -- Interim Guidance for Studies
Including Levees

Background: Throughout the United States, levees protect numerous communities and large expanses of agricultural land from floods. Their importance in mitigating flood hazards and their relevance to the National Flood Insurance Program (NFIP) are indisputable. However, riverine and coastal levees, in the aggregate, stretch for tens of thousands of miles, and information on their location, structural integrity, and certification often is outdated or missing altogether.

Issue: To address this challenge, a Levee Coordination Committee—including representatives from FEMA, other Federal agencies, and States—is examining current levee regulations and assisting in the development of a long-term policy that protects citizens and property, while accommodating the needs of the NFIP. This memorandum helps to clarify the entities responsible for providing information on levees identified during a mapping project.

Action Taken: Until the new policy is developed, this memo provides interim guidance to minimize delays in near-term mapping studies. The attached flow chart supplements FEMA's procedure memorandums 30 and 32. This information is in conformance with Section 65.10 of the NFIP regulations.

Supplement to Procedure Memo 30--FEMA Levee Inventory System.

Mapping partners -- CTPs, IDIQs, OFAs, etc. -- should continue providing information about levees located in or adjacent to study areas. Information should be provided via the FEMA Levee Inventory System (FLIS) according to Procedure Memorandum 30 and the instructions available on the FLIS Web site located at <http://flis.pbsjdfirm.com>. The FLIS will be accessed via the MIP after release 3.0.

Levee coordinates should be gathered at a level of detail consistent with GIS accuracy and digital Flood Insurance Rate Map (FIRM) standards. Mapping partners who do not already have access to the FLIS can contact the National Service Provider at (703) 960-8800.

Supplement to Procedure Memo 32--Levee Review Protocol

The protocol for levee reviews, particularly the details provided in Table 1 of Procedure Memorandum 32, is revised according to the attached flow chart.

Identification of Levees

It is critical that all levees within the scope of the mapping project be identified early in the mapping project, ideally no later than the scoping meeting. The role of all mapping partners, including coordination with the State and other Federal partners (e.g., U.S. Army Corps of Engineers), related to review of levee certification should be clearly identified as part of the scoping process. When levees are identified at the scoping meeting the community must be informed of the data requirements for FEMA to recognize a levee as providing protection from the 1-percent-annual-chance flood (base flood) on the FIRM. In accordance with 44 CFR Section 65.10(a), it is the responsibility of the community or other party seeking recognition of a levee system at the time of a flood risk study or restudy to provide the data outlined in 44 CFR Section 65.10. FEMA will not be conducting detailed examinations of levees to determine how a structure or system will perform in a flood event. In addition, the community or party seeking recognition should be provided with a deadline for submitting the data and informed that if the data are not submitted by the deadline, the levee cannot be recognized as providing protection from the base flood as part of the current mapping effort. However, a revision could be initiated once data are available.

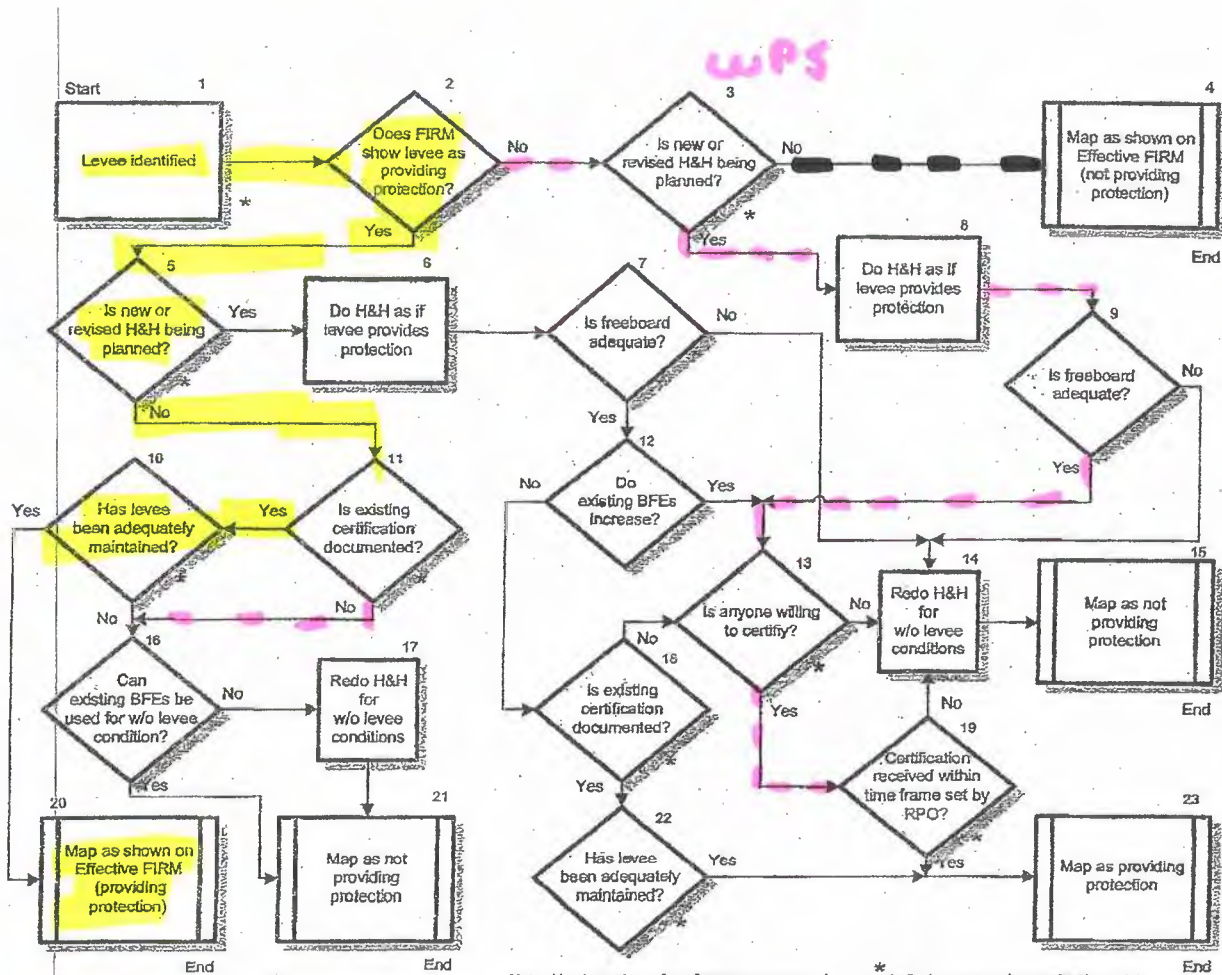
Early identification of levees allows the mapping partner to outline to the community, or party seeking recognition, their responsibilities and FEMA's expectations to minimize study delays. In order to aid our mapping partners in properly assessing how to handle levee mapping issues, we have generated the below flowchart.

cc: See Distribution List

Distribution List (electronic distribution only):

Office of the Mitigation Division Director
Risk Assessment Branch
Risk Identification Branch
Flood Insurance and Mitigation Divisions in FEMA Regional Offices
Office of Legislative Affairs
Office of General Counsel
National Service Provider
Systems Engineering and Technical Assistance Contractor
Map Service Center

Agenda Item 6.5



Note: Numbers shown for reference purposes only

* Indicates community coordination point



Interim Guidance for Studies Including Levees

08/22/2005

Attachment 2: Advisory Flood Hazard Data

Reference: Floodplain Management Bulletin 1-98
Use of Flood Insurance Study Data As Available Data

Page 6:

Advisory Flood Hazard Data

FEMA may issue advisory flood hazard data in certain situations. A major flood disaster, such as from a coastal storm or from a failure of a flood protection system, may result in a community's effective FIS and FIRMs underestimating the extent of the flood hazard and the risk of flooding. FEMA may undertake a post-flood survey to document additional areas of the community subject to the base flood (1% annual chance) and to develop estimated flood elevations which will be used to reanalyze and revise the effective FIS and FIRMs. The information from the post-flood survey will be provided to communities as advisory information when the analysis indicates that the effective FIS and FIRMs are inaccurate. Also, communities may obtain or develop flood hazard data that indicates existing flood hazard areas that shows a greater risk than what is in the effective FIS and on the FIRM.

Communities are advised to prudently use this information for regulating floodplain development. When communities receive advisory flood hazard information or have evidence that there is an increased flood hazard risk, communities have a responsibility to evaluate and prudently use this information for actions in the floodplain to ensure that structures are not vulnerable to flood damage. If a community chooses to use this information, it is advised that the community formally adopt the information. Neglecting to take into consideration advisory or other flood hazard information and not taking reasonable actions to ensure that the health, safety, and property of their citizens are protected may subject the community to potential liability when flooding occurs.

Attachment 3: 44 CFR 65.10 Mapping of areas protected by levee systems.

§ 65.8

water surface profile of the original hydraulic computer model. The alternate model must be then modified to include all encroachments that have occurred since the existing floodway was developed.

(1) The floodway analysis must be performed with the modified computer model using the desired floodway limits.

(11) The floodway limits must be set so that combined effects of the past encroachments and the new floodway limits do not increase the effective base flood elevations by more than the amount specified in § 60.3(d)(2). Copies of the input and output data from the original and modified computer models must be submitted.

(3) Delineation of the revised floodway on a copy of the effective NFIP map and a suitable topographic map.

(d) *Certification requirements.* All analyses submitted shall be certified by a registered professional engineer. All topographic data shall be certified by a registered professional engineer or licensed land surveyor. Certifications are subject to the definition given at § 65.2 of this subchapter.

(e) *Submission procedures.* All requests that involve changes to floodways shall be submitted to the appropriate FEMA Regional Office servicing the community's geographic area.

[51 FR 30315, Aug. 25, 1986]

§ 65.8 Review of proposed projects.

A community, or an individual through the community, may request FEMA's comments on whether a proposed project, if built as proposed, would justify a map revision. FEMA's comments will be issued in the form of a letter, termed a Conditional Letter of Map Revision, in accordance with 44 CFR part 72. The data required to support such requests are the same as those required for final revisions under §§ 65.5, 65.6, and 65.7, except as-built certification is not required. All such requests shall be submitted to the FEMA Headquarters Office in Washington, DC, and shall be accompanied by the appropriate payment, in accordance with 44 CFR part 72.

[52 FR 5730, Feb. 6, 1987]

44 CFR Ch. I (10-1-05 Edition)

§ 65.9 Review and response by the Administrator.

If any questions or problems arise during review, FEMA will consult the Chief Executive Officer of the community (CEO), the community official designated by the CEO, and/or the requestor for resolution. Upon receipt of a revision request, the Administrator shall mail an acknowledgment of receipt of such request to the CEO. Within 90 days of receiving the request with all necessary information, the Administrator shall notify the CEO of one or more of the following:

(a) The effective map(s) shall not be modified;

(b) The base flood elevations on the effective FIRM shall be modified and new base flood elevations shall be established under the provisions of part 67 of this subchapter;

(c) The changes requested are approved and the map(s) amended by Letter of Map Revision (LOMR);

(d) The changes requested are approved and a revised map(s) will be printed and distributed;

(e) The changes requested are not of such a significant nature as to warrant a reissuance or revision of the flood insurance study or maps and will be deferred until such time as a significant change occurs;

(f) An additional 90 days is required to evaluate the scientific or technical data submitted; or

(g) Additional data are required to support the revision request.

(i) The required payment has not been submitted in accordance with 44 CFR part 72, no review will be conducted and no determination will be issued until payment is received.

[51 FR 30315, Aug. 25, 1986; 61 FR 46331, Aug. 30, 1996, as amended at 62 FR 5736, Feb. 6, 1997]

§ 65.10 Mapping of areas protected by levee systems.

(a) *General.* For purposes of the NFIP, FEMA will only recognize in its flood hazard and risk mapping effort those levee systems that meet, and continue to meet, minimum design, operation, and maintenance standards that are consistent with the level of protection sought through the comprehensive

65.10

Federal Emergency Management Agency, DHS

§ 65.10

flood plain management criteria established by § 60.3 of this subchapter. Accordingly, this section describes the types of information FEMA needs to recognize, on NFIP maps, that a levee system provides protection from the base flood. This information must be supplied to FEMA by the community or other party seeking recognition of such a levee system at the time a flood risk study or restudy is conducted, when a map revision under the provisions of part 65 of this subchapter is sought based on a levee system, and upon request by the Administrator during the review of previously recognized structures. The FEMA review will be for the sole purpose of establishing appropriate risk zone determinations for NFIP maps and shall not constitute a determination by FEMA as to how a structure or system will perform in a flood event.

(b) *Design criteria.* For levees to be recognized by FEMA, evidence that adequate design and operation and maintenance systems are in place to provide reasonable assurance that protection from the base flood exists must be provided. The following requirements must be met:

(1) *Freeboard.* (i) Riverine levees must provide a minimum freeboard of three feet above the water-surface level of the base flood. An additional one foot above the minimum is required within 100 feet in either side of structures (such as bridges) riverward of the levee or wherever the flow is constricted. An additional one-half foot above the minimum at the upstream end of the levee, tapering to not less than the minimum at the downstream end of the levee, is also required.

(ii) Occasionally, exceptions to the minimum riverine freeboard requirement described in paragraph (b)(1)(i) of this section, may be approved. Appropriate engineering analyses demonstrating adequate protection with a lesser freeboard must be submitted to support a request for such an exception. The material presented must evaluate the uncertainty in the estimated base flood elevation profile and include, but not necessarily be limited to an assessment of statistical confidence limits of the 100-year discharge; changes in stage-discharge relation-

ships; and the sources, potential, and magnitude of debris, sediment, and ice accumulation. It must be also shown that the levee will remain structurally stable during the base flood when such additional loading considerations are imposed. Under no circumstances will freeboard of less than two feet be accepted.

(iii) For coastal levees, the freeboard must be established at one foot above the height of the one percent wave or the maximum wave runup (whichever is greater) associated with the 100-year stillwater surge elevation at the site.

(iv) Occasionally, exceptions to the minimum coastal levee freeboard requirement described in paragraph (b)(1)(iii) of this section, may be approved. Appropriate engineering analyses demonstrating adequate protection with a lesser freeboard must be submitted to support a request for such an exception. The material presented must evaluate the uncertainty in the estimated base flood loading conditions. Particular emphasis must be placed on the effects of wave attack and overtopping on the stability of the levee. Under no circumstances, however, will a freeboard of less than two feet above the 100-year stillwater surge elevation be accepted.

(2) *Closures.* All openings must be provided with closure devices that are structural parts of the system during operation and design according to sound engineering practice.

(3) *Embankment protection.* Engineering analyses must be submitted that demonstrate that no appreciable erosion of the levee embankment can be expected during the base flood, as a result of either currents or waves, and that anticipated erosion will not result in failure of the levee embankment or foundation directly or indirectly through reduction of the seepage path and subsequent instability. The factors to be addressed in such analyses include, but are not limited to: Expected flow velocities (especially in constricted areas); expected wind and wave action; ice loading; impact of debris; slope protection techniques; duration of flooding at various stages and velocities; embankment and foundation materials; levee alignment, bends, and transitions; and levee-side-slopes.

§ 65.10

44 CFR Ch. I (10-1-05 Edition)

(4) *Embankment and foundation stability.* Engineering analyses that evaluate levee embankment stability must be submitted. The analyses provided shall evaluate expected seepage during loading conditions associated with the base flood and shall demonstrate that seepage into or through the levee foundation and embankment will not jeopardize embankment or foundation stability. An alternative analysis demonstrating that the levee is designed and constructed for stability against loading conditions for Case IV as defined in the U.S. Army Corps of Engineers (COE) manual, "Design and Construction of Levees" (EM 1110-2-1913, Chapter 8, Section II), may be used. The factors that shall be addressed in the analyses include: Depth of flooding, duration of flooding, embankment geometry and length of seepage path at critical locations, embankment and foundation materials, embankment compaction, penetrations, other design factors affecting seepage (such as drainage layers), and other design factors affecting embankment and foundation stability (such as berms).

(5) *Settlement.* Engineering analyses must be submitted that assess the potential and magnitude of future losses of freeboard as a result of levee settlement and demonstrate that freeboard will be maintained within the minimum standards set forth in paragraph (b)(1) of this section. This analysis must address embankment loads, compressibility of embankment soils, compressibility of foundation soils, age of the levee system, and construction compaction methods. In addition, detailed settlement analysis using procedures such as those described in the COE manual, "Soil Mechanics Design—Settlement Analysis" (EM 11100-2-1004) must be submitted.

(6) *Interior drainage.* An analysis must be submitted that identifies the source(s) of such flooding, the extent of the flooded area, and, if the average depth is greater than one foot, the water-surface elevation(s) of the base flood. This analysis must be based on the joint probability of interior and exterior flooding and the capacity of facilities (such as drainage lines and pumps) for evacuating interior floodwaters.

(7) *Other design criteria.* In unique situations, such as those where the levee system has relatively high vulnerability, FEMA may require that other design criteria and analyses be submitted to show that the levees provide adequate protection. In such situations, sound engineering practice will be the standard on which FEMA will base its determinations. FEMA will also provide the rationale for requiring this additional information.

(c) *Operation plans and criteria.* For a levee system to be recognized, the operational criteria must be as described below. All closure devices or mechanical systems for internal drainage, whether manual or automatic, must be operated in accordance with an officially adopted operation manual, a copy of which must be provided to FEMA by the operator when levee or drainage system recognition is being sought or when the manual for a previously recognized system is revised in any manner. All operations must be under the jurisdiction of a Federal or State agency, an agency created by Federal or State law, or an agency of a community participating in the NFIP.

(1) *Closures.* Operation plans for closures must include the following:

(i) Documentation of the flood warning system, under the jurisdiction of Federal, State, or community officials, that will be used to trigger emergency operation activities and demonstration that sufficient flood warning time exists for the completed operation of all closure structures, including necessary sealing, before floodwaters reach the base of the closure.

(ii) A formal plan of operation including specific actions and assignments of responsibility by individual name or title.

(iii) Provisions for periodic operation, at not less than one-year intervals, of the closure structure for testing and training purposes.

(2) *Interior drainage systems.* Interior drainage systems associated with levee systems usually include storage areas, gravity outlets, pumping stations, or a combination thereof. These drainage systems will be recognized by FEMA on NFIP maps for flood protection purposes only if the following minimum

Federal Emergency Management Agency, DHS

§65.11

criteria are included in the operation plan:

(i) Documentation of the flood warning system, under the jurisdiction of Federal, State, or community officials, that will be used to trigger emergency operation activities and demonstration that sufficient flood warning time exists to permit activation of mechanized portions of the drainage system.

(ii) A formal plan of operation including specific actions and assignments of responsibility by individual name or title.

(iii) Provision for manual backup for the activation of automatic systems.

(iv) Provisions for periodic inspection of interior drainage systems and periodic operation of any mechanized portions for testing and training purposes. No more than one year shall elapse between either the inspections or the operations.

(3) *Other operation plans and criteria.* Other operating plans and criteria may be required by FEMA to ensure that adequate protection is provided in specific situations. In such cases, sound emergency management practice will be the standard upon which FEMA determinations will be based.

(d) *Maintenance plans and criteria.* For levee systems to be recognized as providing protection from the base flood, the maintenance criteria must be as described herein. Levee systems must be maintained in accordance with an officially adopted maintenance plan, and a copy of this plan must be provided to FEMA by the owner of the levee system when recognition is being sought or when the plan for a previously recognized system is revised in any manner. All maintenance activities must be under the jurisdiction of a Federal or State agency, an agency created by Federal or State law, or an agency of a community participating in the NFIP that must assume ultimate responsibility for maintenance. This plan must document the formal procedure that ensures that the stability, height, and overall integrity of the levee and its associated structures and systems are maintained. At a minimum, maintenance plans shall specify the maintenance activities to be performed, the frequency of their perform-

ance, and the person by name or title responsible for their performance.

(e) *Certification requirements.* Data submitted to support that a given levee system complies with the structural requirements set forth in paragraphs (b)(1) through (7) of this section must be certified by a registered professional engineer. Also, certified as-built plans of the levee must be submitted. Certifications are subject to the definition given at §65.2 of this subchapter. In lieu of these structural requirements, a Federal agency with responsibility for levee design may certify that the levee has been adequately designed and constructed to provide protection against the base flood.

[51 FR 30816, Aug. 25, 1986]

§65.11 Evaluation of sand dunes in mapping coastal flood hazard areas.

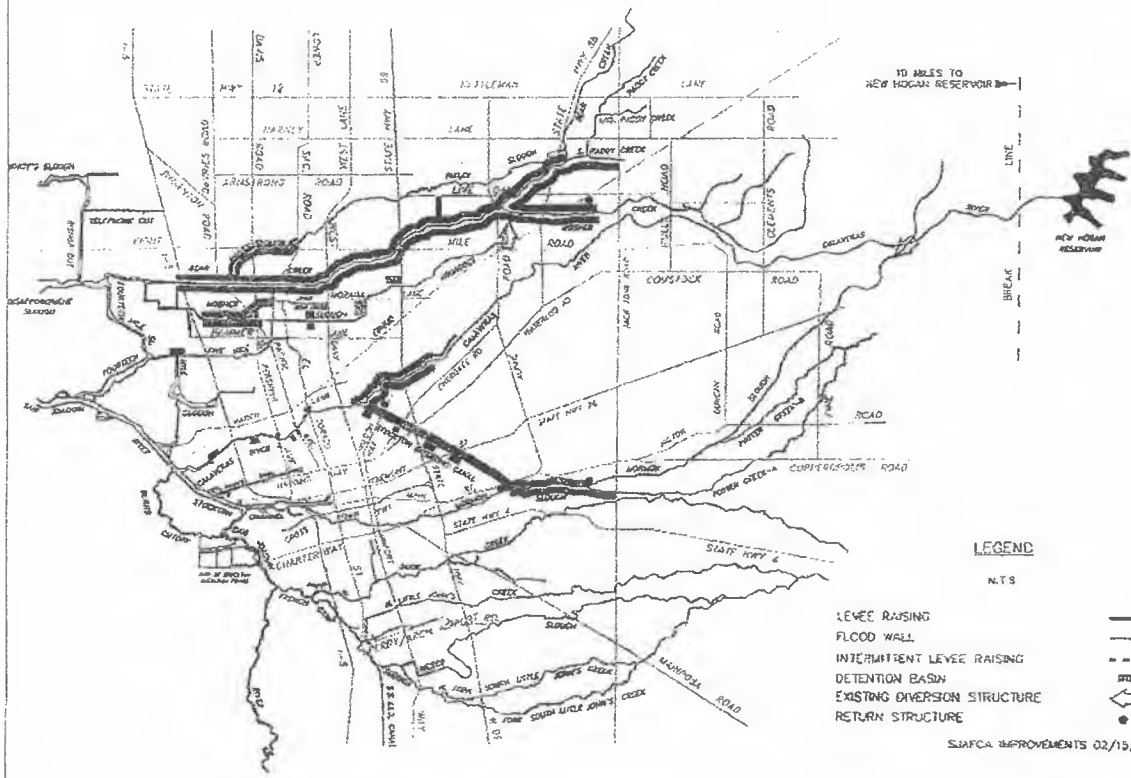
(a) *General conditions.* For purposes of the NFIP, FEMA will consider storm-induced dune erosion potential in its determination of coastal flood hazards and risk mapping efforts. The criterion to be used in the evaluation of dune erosion will apply to primary frontal dunes as defined in §59.1, but does not apply to artificially designed and constructed dunes that are not well-established with long-standing vegetative cover, such as the placement of sand materials in a dune-like formation.

(b) *Evaluation criterion.* Primary frontal dunes will not be considered as effective barriers to base flood storm surges and associated wave action where the cross-sectional area of the primary frontal dune, as measured perpendicular to the shoreline and above the 100-year stillwater flood elevation and seaward of the dune crest, is equal to, or less than, 540 square feet.

(c) *Exceptions.* Exceptions to the evaluation criterion may be granted where it can be demonstrated through authoritative historical documentation that the primary frontal dunes at a specific site withstood previous base flood storm surges and associated wave action.

[53 FR 10279, May 6, 1988]

FLOOD PROTECTION RESTORATION PROJECT - PHASE I FACILITY IMPROVEMENTS



Agenda Item 6.5

EXHIBIT 60

FLOOD INSURANCE STUDY



SAN JOAQUIN COUNTY, CALIFORNIA, AND INCORPORATED AREAS

VOLUME 1 OF 4



Community Name	Community Number
*ESCALON, CITY OF	060644
LATHROP, CITY OF	060738
LODI, CITY OF	060300
MANTECA, CITY OF	060706
RIPON, CITY OF	060457
SAN JOAQUIN COUNTY (UNINCORPORATED AREAS)	060299
STOCKTON, CITY OF	060302
TRACY, CITY OF	060303

* Non Flood-Prone Community

OCTOBER 16, 2009



Federal Emergency Management Agency

FLOOD INSURANCE STUDY NUMBER
06077CV001A

primarily on the basis of existing site conditions along with historical and geotechnical data. Site conditions were determined through aerial reconnaissance in 1984 and on-site inspections of each levee in 1985 and 1986. The levees were evaluated for a variety of criteria, including levee stability and maintenance, and certified as either stable or unstable.

The Central Stockton levee system located within Reclamation District No. 1614 along the south bank of Calaveras River has been identified as unstable. This levee cannot be certified as providing 1-percent chance flood protection until repairs are made to an 800-foot length located on the Calaveras River approximately 1000 feet upstream from the Interstate 5 Bridge. In summer 1987, these repairs were completed.

The levee systems with sufficient freeboard have been identified as stable and are certified as providing 1-percent chance flood protection. The levee located on the south bank of Smith Canal is also certified as providing 1-percent chance flood protection.

Some areas in Stockton are subject to broad, shallow, overland flooding generally less than 3 feet deep and characterized by unpredictable flow paths. The water-surface elevations of flooding in these areas are essentially independent of those along the adjacent streamway and are affected principally by natural and manmade barriers to flow in the flooded areas. Collection or ponding of these overland flows also creates a flood hazard in Stockton.

For streams studied by approximate methods, the elevation of the 1-percent chance flood was established according to the professional judgment of the engineers conducting the study. Consideration was given to available historical flood data, correlations with similar areas studied by detailed methods, and field observations.

The hydraulic analyses for this study were based on unobstructed flow. The flood elevations shown on the profiles are thus considered valid only if hydraulic structures remain unobstructed, operate properly, and do not fail.

First Revision

A first revision on April 2, 2002 was made to reflect improvements of the projects reaches including:

- Levee raising with earth fill;
- Floodwall construction in areas with restricted right of way or other physical obstructions not allowing space for fill and associated bank slope construction;
- Detention pond storage on Mosher Slough to reduce peak flows downstream through the densely populated area of the city where levee improvement construction will be difficult; and

1040 2/27/09

Correspondence with FEMA and the San Joaquin Flood and
Water Conservation District

54 of 96



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FEMA

February 27, 2009

(b)(6)

Engineering Services Manager
San Joaquin County Flood Control & Water Conservation District
P.O. Box 1810
1810 East Hazelton Avenue
Stockton, California 95201

Dear (b)(6)

This letter is in response to your December 24, 2008, and January 12, 2009, letters providing comments on the November 21, 2008, revised preliminary Flood Insurance Study (FIS) for San Joaquin County, California, and Incorporated Areas. Thank you for your comments on the revised preliminary Flood Insurance Rate Map (FIRM) and associated Letters of Map Change (LOMCs). Community comments are appreciated as they are an important part of the post preliminary process. Your comments are provided below followed by the response.

Comment: The revision of the Preliminary Flood Insurance Rate Maps issued to San Joaquin County, dated November 21, 2008, delineates the floodplain resulting from Smith Canal in the central Stockton area (Panel 06077C0455F) based on a "delta pool" flood elevation of ten feet NAVD88. Existing hydrologic and hydraulic studies were used to determine the "delta pool" flood elevation.

The floodplain is currently designated "Zone A", which is defined as an area of one-percent annual chance flooding, base flood elevations not determined. Since the floodplain results from a static flood elevation based on Federal Emergency Management Agency accepted hydrologic and hydraulic studies, we respectfully request that this area be designated "Zone AE (base flood elevations ten feet)" on the final maps. "Zone AE" is an area of one-percent annual chance flooding, base flood elevations determined.

Response: The Zone A areas in question were added due to the deaccreditation of levees (P141, P224, and P411) along Smith Canal. These new Zone A areas were delineated based on approximate mapping using recent contour data from the City of Stockton.

The adjacent Zone AE along Smith Canal was taken from the City of Stockton effective FIRM, dated April 2, 2002. The Zone AE is a detailed study area where ground survey and detailed modeling was used to delineate the boundary and define the Base Flood Elevations (BFEs) to within a tenth of a foot.

Compared to detailed study areas (Zones AE, AH, and AO), Zone A areas are delineated using more approximate methods where the BFEs have not been determined to the accuracy of that in

www.fema.gov

(b)(6)

2 of 2

detailed study areas. Therefore, the two zones in question, the Zone A (approximate study) and Zone AE (detailed study) must remain separate. No change will be made to the FIRM.

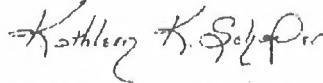
Comment: On January 15, 2008, San Joaquin County received a Summary of Map Actions which documents Letters of Map Change (LOMCs) (i.e., Letters of Map Amendment, Letters of Map Revision) that will be superseded when the revised FIRMs become effective. Three LOMCs, Case Nos. 94-09-526A, 03-09-0227A, and 95-09-564A, were listed as being superseded by "revised hydrologic and hydraulic analysis", and will no longer be in force when the revised FIRMs become effective.

All properties and structures removed from the 100-year floodplain by these LOMCs will be subject to the same base flooding conditions on the revised FIRMs as existed when the LOMCs were issued. We request these three LOMCs be revalidated, and remain in force when the revised FIRMs become effective.

Response: All of the LOMCs for all of the communities in San Joaquin County were re-evaluated after the last revised preliminary FIRM was issued due to the flood zone changes that occurred since the preliminary FIRM and SOMA were issued. On the final SOMA, the three LOMCs noted above have been moved out of Category 3 (LOMCs Superseded) and into Category 2 (LOMCs Not Incorporated) where they will be revalidated.

The new FIRM for San Joaquin County, California, and Incorporated Areas has been finalized and is scheduled to become effective on October 16, 2009. Should you have any concerns with the response above or additional questions on flood hazard mapping, please do not hesitate to contact me at (510) 627-7129. In addition, the California Department of Water Resources (CA DWR) is available to assist your community. You may reach Ricardo Pineda, P.E., CFM, NFIP State Coordinator, at (916) 574-1475.

Sincerely,



Kathleen Schaefer, P.E., CFM
Mitigation Division

cc: Ken Vogel, Chairman, San Joaquin County Board of Supervisors
Ricardo Pineda, CA DWR, NFIP State Coordinator

FILE COPY



SAN JOAQUIN COUNTY
FLOOD CONTROL & WATER
CONSERVATION DISTRICT

P. O. BOX 1810
1810 EAST HAZELTON AVENUE
STOCKTON, CALIFORNIA 95201
TELEPHONE (209) 488-3000
FAX NO. (209) 488-2999

THOMAS R. FLINN
DIRECTOR OF PUBLIC WORKS
FLOOD CONTROL ENGINEER

December 24, 2008

Ms. Kathleen Schaefer
Map Modernization Regional Engineer
U.S. Department of Homeland Security
FEMA Region IX
1111 Broadway, Suite 1200
Oakland, California 94607-4052

SUBJECT: REQUEST FOR BASE FLOOD ELEVATION ON PRELIMINARY
FLOOD INSURANCE RATE MAPS

Dear Ms. Schaefer:

The revision of the Preliminary Flood Insurance Rate Maps issued to San Joaquin County, dated November 21, 2008, delineates the floodplain resulting from Smith Canal in the central Stockton area (Panel 06077C0455F) based on a "delta pool" flood elevation of ten feet NAVD88. Existing hydrologic and hydraulic studies were used to determine the "delta pool" flood elevation.

The floodplain is currently designated "Zone A", which is defined as an area of one-percent annual chance flooding, base flood elevations not determined. Since the floodplain results from a static flood elevation based on Federal Emergency Management Agency accepted hydrologic and hydraulic studies, we respectfully request that this area be designated "Zone AE (base flood elevations ten feet)" on the final maps. "Zone AE" is an area of one-percent annual chance flooding, base flood elevations determined.

We feel that having Federal Emergency Management Agency designated base flood elevations in this area will enable communities to more effectively administer their role in the National Flood Insurance Program, and will enable insurance agents to more accurately and consistently rate structures in this area.

Please review the above comments, and revise the Flood Insurance Rate Maps as necessary. Should you have any questions or need additional information, please contact me at (b)(6)

Sincerely,

(b)(6)

Engineering Services Manager

(b)(6)
FM-8L059-M1

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DOWNEY BRAND

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Sacramento, CA 95814
916.444.1000 Main
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April 27, 2017

VIA E-MAIL

Reclamation District No. 1614 Board of Directors
c/o Dan Schroeder
Newmiller and Beardslee
509 W. Weber Avenue, 5th Floor
Stockton, California 95203

Re: Further communication about February 6, 2017 Letter from Dominick Gulli
Our client: San Joaquin Area Flood Control Agency (SJAFCA)

Dear Board Members:

As you know, SJAFCA, the City of Stockton, San Joaquin County, RD 1614, RD 828, the U.S. Army Corps of Engineers, and California Department of Water Resources have been pursuing the Smith Canal Gate project for several years, following FEMA's disclosure that it did not have information sufficient to accredit the Smith Canal levees and its presentation of a Preliminary Accredited Levee (PAL) agreement to Reclamation Districts 1614 and 828. The PAL was the administrative process whereby the two RDs would state their belief that the levees could be accredited and then would work in good faith to present supporting information to FEMA. At the time of the presentation of the PAL agreement both RDs elected to not seek the PAL because both districts concluded that significant encroachments, erosion, and other issues made the Smith Canal levees unaccreditable. Because neither RD had jurisdiction to develop a complete solution for the problem, SJAFCA reluctantly agreed to step in and help. Since that time, SJAFCA worked with the other parties to develop the proposed project, obtain a conditional letter of map revision from FEMA for the project, initiate design, propose an assessment that was ultimately passed by more than a majority of property owners voting, apply for and receive a cost share from the State for more than 50% of the costs, and complete an environmental impact report.

Challenges to the Project

Unfortunately, SJAFCA has been dealing with a lawsuit by the Atherton Cove Property Owners Association that has expressed concerns primarily about water quality in the cove, and by constant and concerted efforts by Dominick Gulli to stop the project. Mr. Gulli has advocated that SJAFCA instead pursue other options, including working with Mr. Gulli who has proposed various projects he claims will be lower cost.

Mr. Gulli has elected to put significant effort into challenging SJAFCA including, the filing of a lawsuit under CEQA; three attempts to amend his lawsuit to add claims (under the State contracting code, conflict of interest code, and assessment law); filing numerous and expensive Public Records Act requests (including four during a five day period in the last month); submitting a response to a Request for Qualifications for construction management services which was primarily focused instead on seeking to change the project; the drafting of newsletters and petitions; the submittal of voluminous packages of information and questions/claims at nearly every Board meeting in the past year; and an ongoing campaign to discredit the project at other public meetings and forums.

These efforts have sapped SJAFCA's limited staff resources and resulted in expenditures of hundreds of thousands of dollars of consultant and attorney time to respond to his communications. The sheer magnitude of these efforts has led staff to seek to limit its interaction with Mr. Gulli to try to conserve limited resources. It is for these reasons that SJAFCA initially declined to provide a substantive response to the letter you received from Mr. Gulli, and requested that you instead allow the SJAFCA staff and Board to address these issues at SJAFCA's Board meetings.

However, as a courtesy to Reclamation District 1614 as one of our key partners, we have elected to provide this substantive response to Mr. Gulli's letter. But in order to conserve our limited resources we do not intend to further address Mr. Gulli's communications outside of our normal SJAFCA channels. Doing otherwise would simply be unfair to the property owners along Smith Canal that are paying assessments for flood protection improvements, not to fund staff and consultants responding to the letters and claims submitted by Mr. Gulli in multiple forums.

Mr. Gulli's Letter

The following facts are relevant to the accusations in Mr. Gulli's letter:

1. Point #1 of Mr. Gulli's letter completely mischaracterizes the status of FEMA's approval of the gate project. When a local community intends to construct a project that will result in a positive change to the effective flood insurance rate map (or FIRM), it may apply for a conditional letter of map revision (a CLOMR). The point of the CLOMR is for FEMA to officially agree that a map prepared by the local community showing future conditions will be used by FEMA upon condition of the local community building the project. SJAFCA prepared such a CLOMR application, and it was approved by FEMA. Since that time, consistent with FEMA's procedures, FEMA has asked for certain additional data. It has never revoked the approved CLOMR, and during a conference call just two weeks ago FEMA confirmed the approved status of the CLOMR and SJAFCA agreed to two final information submittals. Indeed, one of the required submittals is a draft FIRM that shows the land behind the gate as in a Zone X, except for isolated areas affected by interior drainage. (Incidentally, the approved CLOMR also includes the positive effect on interior storm drainage as a result of your in-process

Wisconsin Pump Replacement Project.) Also contrary to Mr. Gulli's letter, FEMA is not seeking certification of the Smith Canal levees. Indeed, it was RD 1614 and RD 828's inability or unwillingness to certify those levees that led to the development of the Smith Canal Gate.

2. Mr. Gulli's letter again confuses the facts as to the relationship between the FEMA mapping, future FEMA mapping, and the Smith Canal assessment base. FEMA's current map for the area (which placed thousands of homes into the regulatory floodplain with required flood insurance and building restrictions) was based on FEMA's understanding of the topography at the time the FIRM was issued. FEMA later became aware that the topographic maps were wrong, and in fact significantly understated the number of homes that would be flooded as a result of a failure of the Smith Canal levees. I have attended meetings with FEMA in Washington D.C. in which FEMA officials have told us that once funding is available from the Federal budget, those maps would be changed and the floodplain would be enlarged. Those same officials have told us, however, that it would be a waste to spend money on that mapping if our project will be implemented, as the revised mapping would be irrelevant and would ultimately be superseded by the final maps showing the positive effects of the Gate. Separately, the assessment is applied to those properties that receive a lowered risk of flooding as a result of the construction of the Gate. These properties include the properties that have not been mapped into the floodplain yet by FEMA, but would be mapped if the project does not proceed.

3. Mr. Gulli's letter again confuses the facts as to the requirements of State funding. The Urban Flood Risk Reduction (UFRR) program under which the State will fund its share of the project is funded by Proposition 1E, a statewide bond. That bond requires that projects be part of the State Plan of Flood Control. These are levees or facilities for which the State has a level of responsibility, and facilities can become part of the State Plan of Flood Control as a result of Federal legislative action. The proposed Smith Canal Gate is part of the Lower San Joaquin River Feasibility Study, a U.S. Army Corps of Engineer's study to improve the entire region to higher levels of flood protection. Once this study is approved by Congress (expected as part of the Water Resources Control Act in 2018), the Gate will be part of the State Plan of Flood Control. This process will not add costs to the Gate. The Feasibility Study is nearly complete: 75% of the cost for the study has been paid for by the United States and California for the benefit of the entire region.

4. Mr. Gulli states that the Gate will require recertification every ten years at a cost of over a million dollars. But he ignores that recertification is a regular requirement for levees. All flood control structures require regular recertification. Indeed, the U.S. Army Corps of Engineers requires levees they certify to be recertified every ten years. And the State also requires regular recertification as provided for in the Urban Levee Design Criteria (ULDC) documents. And, if the Smith Canal Gate is not built, the Smith Canal levees themselves would require regular recertification. As to the cost, the Bear Creek recertification covered many miles of levees and was a significantly larger scope than that of Smith Canal; hence, the higher costs than what would be expected for the Smith Canal gate.

5. Mr. Gulli's facts regarding the right-of-way are also in error. Very little private property acquisition is needed to construct the gate. SJAFCA has been coordinating with the Stockton Golf and Country Club on the impacts, and a modest adjustment in the design was able to minimize impacts. Mr. Gulli also does not note in his letter that approximately 40% of the \$329,000 budget for real estate is a built-in contingency. At this point we are still working with our initial estimate of the costs of real estate acquisition and have no reason to believe that the budget is inadequate.

6. Mr. Gulli's statements in regard to Resolution 2011-05 are also in error. The statement in the resolution regarding the protection provided by the Smith Canal levees is correct, and is evidenced by fact that neither RD 1614 nor RD 828 elected to certify the Smith Canal levees, by the FEMA maps showing the levees as unaccredited, and by the presence of significant issues, such as encroachments, erosion, and other problems. The statement in the resolution regarding the 200-year protection to be provided by the gate is also correct, and is evidenced by the consideration of 200-year water surface elevations and the fact that DWR would not have funded the design grant if the gate was not designed to the 200-year level.

SJAFCA very much appreciates the partnership it has historically had with RD 1614 and RD 828 and the trust they showed in SJAFCA when SJAFCA agreed to step in and help with a solution for Smith Canal. We look forward to continuing that relationship. SJAFCA continues to pursue the project consistent with the desires of the majority of the voting landowners. SJAFCA trusts that this information is sufficient to set the story straight regarding these claims, and if further property owners make claims to your Board that you will refer those individuals to the SJAFCA Board meeting.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

DOWNEY BRAND LLP



Scott L. Shapiro

SLS

14812211

cc: SJAFCA Staff and Board

DOWNEY BRAND

(A170605) 6/5/17 RD1614 Public Meeting Minutes. O&M Manuals, Attempts at levee accreditation, and "A", AE zones.

(A170605)6/5/17 RD1614 Public Meeting Minutes. O&M Manuals, Attempts at levee accreditation, and "A", AE zones

MINUTES OF REGULAR MEETING OF BOARD OF TRUSTEES
FOR RECLAMATION DISTRICT 1614
HELD MONDAY, JUNE 5, 2017

The June Regular Meeting of the Board of Trustees of Reclamation District 1614 was held on Monday, June 5, 2017, at the law office of Neumiller & Beardslee, 509 W. Weber Avenue, 5th Floor, Stockton, California, at the hour of 2:00 p.m.

TRUSTEES PRESENT WERE:

KEVIN KAUFFMAN
WILLIAM DUNNING
BEN KOCH

OTHERS PRESENT WERE:

DANIEL J. SCHROEDER
CHRISTOPHER H. NEUDECK
ANDREW J. PINASCO
RHONDA L. OLMO
ORLANDO LOBOSCO

A list of individuals in attendance is outlined in the meeting sign-in sheet which is attached to these minutes.

Item 1. Call to Order/Roll Call. President Kauffman called the meeting to order at 2:00 p.m.

Item 2. Public Comment.

Mr. Ernest Tuft previously provided a handout regarding the trash situation and his recommendation thereto, and stated that he has modified his thinking on this issue. He stated this was under his review.

Mr. Gacer volunteered to help Mr. Lobosco work on the Operations & Maintenance Manual.

Item 3. Approval of Minutes of the Regular Meeting of May 1, 2017 and the Special Meeting of May 15, 2017.

It was moved, seconded (B. Koch/B. Dunning) and unanimously carried by the Board of Trustees of Reclamation District 1614 that the Minutes of the Regular Meeting of May 1, 2017 and the Minutes of the Special Meeting of May 15, 2017 be approved as read.

Mr. Gacer objected to the approval of the May 15, 2017 Special Meeting Minutes. He handed out a letter, dated June 5, 2017, regarding the Special Meeting. He proceeded to read the letter to the Board wherein he stated "...that the Trustee's decision to fund the Smith Canal Operational [Manual] cannot be implemented because the May 15, 2017 Special Meeting violated Article VI Sec. 2 and Article VII, Meeting, Sec 5 of the Bylaws." He also stated that because of the ruling that the Board also violated another section of the Bylaws. Attorney Daniel J. Schroeder stated that there was no violation. Further discussion was held.

Item 4. Presentation of Financial Status Report. District Secretary, Rhonda Olmo, handed out the Financial Report. She mentioned that the district is at 91.6% for the Fiscal Year. Mrs. Olmo went through the report with the Board and mentioned that she received a subvention check for FY2015/16 in the amount of \$22,518 which will be deposited.

It was moved, seconded (B. Dunning/B. Koch) and unanimously carried by the Board of Trustees of Reclamation District 1614 that the May 2017 Financial Report be approved as presented.

a. Adopt 2017-2018 Budget

Attorney Dan Schroeder said that the final proposed 2017-2018 Budget is included in the agenda packet. He stated that it contains the changes and adjustments that were discussed at the last meeting. Mr. Schroeder pointed out that under line G17 "Acquisitions" that the appropriation is \$40,000 for the purposes of potentially obtaining a boat/tailor for district use. Mr. Neudeck said that line item R1C "Riprap and Levee Repair" is a carry forward (double the amount) due to the environmental constraints.

It was moved, seconded (B. Koch/B. Dunning) and unanimously carried by the Board of Trustees of Reclamation District 1614 that the FY 2017-2018 Budget be adopted.

b. Adopt Resolution 2017-05 Adopting Appropriations Limit for Fiscal Year 2017-2018.

Mr. Schroeder will hold this item until July. The statutory notice has been posted.

c. Approve 2016-2017 Audit Contract with Croce, Sanguinetti & Vander Veen.

Mr. Schroeder referred to the May 15, 2017 proposal from Croce, Sanguinetti & Vander Veen. They are the districts recent auditors. He stated that their proposal is in essence to do identically what they have done in the past for the district. Their hourly fee is not to exceed \$225/hr., and their estimate for their service is \$3,995.

It was moved, seconded (B. Koch/B. Dunning) and unanimously carried by the Board of Trustees of Reclamation District 1614 that the 2016-2017 Audit Contract with Croce, Sanguinetti & Vander Veen be approved.

Item 5. Review Process for Adoption of Operations and Maintenance Manual.

Mr. Schroeder went over the process for the adoption of the manual. He stated that once the manual is prepared that it will be sent back to the board/public for review and comment. He is anticipating that a draft will be included in an agenda packet soon so that the public has plenty of time to review. Once the board reviews the manual it can then be sent back for further review or approved.

President Kauffman reiterated that the manual cost is to be split three ways between the district, SJAFCA and Reclamation District 828. Discussion was held as how to address input from landowners and residents.

Mr. Gacer recommended that a public meeting be held in Country Club to involve the taxpayers in this process. He also feels that the district should consider asking for volunteers from Country Club who might be willing to work with and get involved in the process. President Kauffman said he encourages Mr. Gacer (or anyone) to organize it, and he would be willing to meet with the volunteers and other professionals to explain the outline, administrative, and recommended drafts. Mr. Gacer feels an article about the process should be included in the next district newsletter.

Mr. Tuft agreed with Mr. Gacer. He also believes if the board does a plan behind closed doors that it won't be successful in the mission. He believes contact should be made with the waterfront owners because they are the ones that are going to be impacted. He stated that the formation for a plan of inspection should be drawn out over a period of time so that all involved will have the opportunity to understand. Mr. Schroeder stated that there is a difference between putting together an Operation and Maintenance Manual and the method of implementation of it. Mr. Chris Neudeck said that this discussion is valid. Mr. Neudeck said this would be a good forum for the districts upcoming public meeting. Further discussion was held.

President Kauffman asked the Trustees if they had any further direction at this point. Trustee Koch stated that the board needs to review the manual before it is presented to the public. President Kauffman asked for a public review at the initial outline, the administrative draft, and at the recommended draft levels.

Item 6. Presentation of Engineer's Report. Discussion and possible action:

- a. **Permit requests. - none**
- b. **Review of Attempts at Levee Accreditation.**

Mr. Neudeck stated that he did not do an extensive research and that this report is committed mostly to memory. He said that the levees never "being accredited" is an incorrect statement. The levees were grandfathered, and the areas behind the levees were taken out of the base flood elevation, with the exception to back in 1987/1988 they were put in the flood plain due to erosion on the Calaveras River. The Calaveras River had a site on IS and upstream that caused the FEMA inspector to question. That is a levee section that the district does not maintain. The districts engineer at the time allowed the time to expire, and the area was put in the flood plain. Mr. Neudeck said that the County had a lot of outcry and they went back in and repaired it and sought the removal and were able to regrandfather that area back in due to the repair. Map modernization commenced in 2005, and the district was asked if it had documentation to accredit its levees in accordance with part 6510 of the Code of Federal Regulations (the district did not). The levees had not been studied or considered under the 6510 criteria; nor are they engineered filled. Mr. Neudeck said the levees themselves are dredger filled piles of dirt that are formed into levees that have performed exceptionally well with no failures, but still do not meet the criteria that the map modernization required at that point for accreditation. Mr. Neudeck said the question that is argued now is that some say the levee can be accredited and others say it can't. Mr. Neudeck stands behind it can't. Due to the condition of the levee system and the encroachments thereon the costs associated with removing those structures and setting them back, getting an adequate access road, and getting those levees to an engineered condition are exceptionally higher than what the district would have otherwise paid for the Gate. Mr. Neudeck said this is why the gate alternative made sense. Mr. Neudeck said the debated issue you hear

about the flood plain is that it was reevaluated during the course of the Prop 218 ballot measure because in order to assess the beneficiaries that it needs to be understood who is being benefitted. When FEMA came in to map the area, Mr. Neudeck knew by inspection that it was an incorrect map. He said he was asked not to implore FEMA to make it a more correct map because it would put more people in the flood plain. Mr. Neudeck said it became his task to evaluate the true beneficiaries. In order to assure the map was accurate, he was asked to get a peer review by FEMA, recognizing that ultimately FEMA would likely adopt the map had they gone back to a remapping effort through Congress. Mr. Neudeck worked with FEMA staff for about six months going over intricate details, lot by lot, line by line and got concurrence from their consultants for both Weber and Smith Tracts, and in areas outside and to the east of Pershing Ave. So, that map effectively was the map that would have been used had the area ever received federal funds through Congress to remap. The reason they are not encouraging Congress to remap that area is because SJAFCA is moving forward with an extensive process to map it out. There has been no remapping in the Stockton area since the initial mapping of the Smith Tract area. Mr. Neudeck said that he did not want to end up with a map in the 218 process that would have differed had the map been redrawn correctly by FEMA.

c. A and AE Zones.

Mr. Gulli asked if it was correct to say that when the engineers would not certify the Zones (and FEMA supposedly de-accredited it) that it would have become an AE Zone rather than an A Zone. Mr. Neudeck said that the map modernization process was limited in their funding, and when areas were put in a high risk flood zone that they only mapped from the A Zones. So, the areas that were mapped as part of the map modernization had an A Zone put on it. Mr. Neudeck said someone needs to establish this as he has established it through the flood frequency study but it is not certified under FEMA, and the city needs to adopt this and FEMA won't adopt until there is a new map. Mr. Neudeck does not want them to remap because the consequences are enormous. The City of Stockton has adopted the flood frequency study at the new base flood elevation for the AE Zone elevation for this area. Mr. Gulli feels the flood plain that it shown on both maps is due to interior flooding issues. Questions and discussion were held.

Mr. Tuft asked to have this issue on the next agenda. President Kauffman said at this point he is now referring him to SJAFCA unless there is something new to discuss. Mr. Tuft objection to President Kauffman's recommendation.

Excerpts from the Engineer's Report:

- I. Delta Levee Subventions Program SB 34
 - A. Review the status of project start up for repair to the Collins Property along Smith Canal at 2030 Moreing Court between the repairs made at the Davies and Guerrero residences.

Mr. Neudeck stated this is still on schedule to begin after the July 4th weekend. The Fish and Wildlife Agreement is in the process of being finalized.

- B. Review recent photographic evidence of Homeless Encampment return to Smith Canal Levees in area of Interstate 5 and the Pedestrian Bridge. Discuss seeking proposals for fencing. (*Exhibit A: KSN Inc. Inspection Photo Summary dated 5/30/17 – included in Engineer's packet.*)

Mr. Neudeck said the Department of Water Resources feels that it is not the district's responsibility to see that the homeless are removed before placement of the riprap. Mr. Neudeck is debating that concept and does not feel you can work around homeless encampments when it comes to levee work. He and Mr. Lobosco will contact the police department community services to have them go out and post the site to have the individuals and debris removed. The issue is that this is a recurrence and there is damage to the levee every time. Mr. Lobosco is going to pursue changing the chain link fencing to something more of an expanded metal. Bid proposals will be sought to help eradicate this from recurrence. Mr. Neudeck prefers to have this proposal presented to the board before the eradication process begins. He hopes to have the proposal by the next meeting. He is also working with Caltrans on the rock work beneath. Trustee Dunning stated (Mr. Gulli agreed) that two ton boulders could be an option for deterrence also.

II. Pump Stations

- A. Review and update progress of installation of the Variable Frequency Drive (VFD) at "Pump Station No. 2" – Lake Street.

Mr. Neudeck stated that the previous contractor came back with an estimate that exceed \$25K. He is working to get the estimate to \$25K. Dino and Sons was too busy earlier to do the work for \$25K and have since become available. This was postponed 30 days.

- B. Update Board of Trustees on Wisconsin Pump Station grant opportunity & preliminary cost estimates to construct a detention basin on the adjoining Darrah property and an underground detention facility beneath the Little League fields. The District has looked into the possibility of pursuing additional right-of-way from adjacent or near properties to the Wisconsin Pump Station in order to construct either a "traditional detention basin" or an "underground concrete archway detention system" in order to add a water quality element to the project. However, the preliminary cost estimate to construct a detention basin is an additional +/- 4.2M, and the cost to construct and underground detention facility is an additional +/- \$16M. Both of these options are obviously cost prohibitive when compared to the current cost estimate for the project. (*Exhibit B: Aerial photos and APN and Topo Surveys to show relative location of basins – included in Engineers packet.*)

Mr. Neudeck said he did some preliminary cost estimates and does not have them available today. He said the cost associated with doing detention basins exceed the cost of doing the pump station due to right-of-way and others. He said as things stand now that this is looking to not be a viable alternative. He will bring the actual cost estimates to the next board meeting.

C. Wisconsin Pump Station pending funding legislative status of AB 200 Eggman RD 1614 P Sta. No. 7 – Wisconsin (*Exhibit C: Legislative AB 200 Bill language, Committee Summaries and bill status – included in Engineer's report.*)

As reported at the last meeting by Mr. Neudeck, this bill still sits in suspense. This district is on hold. A copy of the bill is included in the Engineer's packet. Mr. Neudeck stated if this bill does not get pulled from suspense that it could go to a two-year bill. He said that they wanted to know why this particular project didn't fall within Prop 1. Mr. Neudeck and Mr. Schroeder responded as to where they felt they were as to a Prop 1 perspective.

Mr. Gacer said that Mr. Gulli submitted a proposal a couple of years ago to do a major overhaul with the Wisconsin Pump Station, and wanted to remind the board that there are still other options.

III. SAN JOAQUIN COUNTY FLOOD MANAGEMENT (TAC) MEETINGS

- A. Review status of San Joaquin County Flood Management Technical Advisory Committee (TAC) Meetings. Meetings now only scheduled on the 3rd Wednesday of the month.

No report.

Item 7. Presentation of Superintendent's Report; request for direction. Mr. Lobosco handed out his Superintendent Report. He stated that it is a slow time in regard to the stations and they are operating normally with very minimal usage at this time. Mr. Lobosco is waiting on the award of the contract to replace the discharge pipe at Lake Ct. He said that he is getting many false alarms at three of the stations and had three intrusion alarms again this morning that were all false. He has a call into Stantec to see why he is getting so many. He also plans to rent a portable high pressure washer this week and begin to prep a number of the stations for outside paint.

- a. Trespassers and Trash on the Levees.

Mr. Lobosco stated that he has dealt with the City in regard to this issue for many years during his previous employment. He does not know how this issue will ever go away. He feels the idea of boulders being brought in is an excellent option. He said a strong iron fence will be expensive. Mr. Lobosco said that a portion of the trash out there is Caltrans responsibility. He said they have been cooperative in getting a clean-up crew out there when he calls them. Mr. Lobosco feels a long term deterrence plan needs to be in place. This needs to be coordinated between the district, police department, Caltrans, and CHP. Mr. Lobosco said if the rock is a viable option that he likes the idea. He is looking for a more permanent solution to the problem and feels the district should hold until he explores further to save the district some money. Further discussion was held.

Item 8. Adopt Resolution 2017-06 Amending The Reclamation District 1614 Records Management Policy Records Retention Schedule.

Mr. Schroeder said that in complying with the levee subvention's program that the program has requirements for maintaining certain records associated with that program for a period of time. He said it would be prudent in order to amend the district's policies to be consistent with the levee subventions program. His recommendation to the board is that they adopt Resolution 2017-06 which will make the district's record retention policy consistent with the subventions program.

It was moved, seconded (B. Koch/B. Dunning) and unanimously carried by the Board of Trustees of Reclamation District 1614 that the Board authorize and adopt Resolution 2017-06 Amending The Reclamation District 1614 Records Management Policy Records Retention Schedule.

Item 9. Newsletter

Ms. Judith Buehe distributed a rough draft of the Newsletter for review. She indicated she wanted to get together with Mr. Lobosco to get a picture of the district's new truck. She would also like to include the date of next annual town hall meeting. Mr. Neudeck recommended that the picture of the boils be removed as it does not apply. Items mentioned for consideration to add: Operation and Maintenance Manual and Property inspections. The Newsletter is anticipated to go out in August.

Item 10. Report on Meetings Attended.

Mr. Schroeder said at the last TAC Meeting there was discussion about the "wish" list of all the projects that are being included (Basinwide Feasibility and Central Valley Flood Protection update). He said all of these projects are unlikely to ever see the light of day, and are being put in just so they are on the radar screen in the event that funding comes up in the future.

Item 11. District Calendar.

- a. Annual Town Hall Meeting – The date will be decided at the next meeting.
- b. Reschedule July 3, 2017 Regular Board Meeting. – The Regular July meeting will now be a combined July/August meeting, and will be held on July 24, 2017.

President Kauffman requested to address Items 14, 15, and 16 prior to Closed Session being held.

Item 14. Items for Future Meetings. Mr. Gacer would like the Brown Act discussed at the next meeting stating it supersedes the district's bylaws. Mr. Schroeder has looked at the provisions and said there is no reason to amend as it talks about prescribed rules and regulations not in consistent with the district's Bylaws. The Bylaws do not require public comment at Special Meetings. Mr. Schroeder said the Bylaws are not out of compliance with the Brown Act.

Review Preliminary Draft of Operational Manual.

Item 15. Correspondence.

1. Letter dated May 15, 2017 from Croce, Sanguinetti & Vander Veen re RD1614 Annual Audit.
2. District Network Workshop Seminar – Understanding the Brown Act.
3. Annual CCVFCA Members Meeting – Wednesday, June 21, 2017.

Item 16. Motion to Approve Bills.

It was moved, seconded (B. Koch/B. Dunning), and unanimously carried by the Board of Trustees for Reclamation District 1614 that the Trustees authorize/approve the Bills to be Paid for May 2017.

Item 12. Closed Session. Mr. Schroeder stated that the Board is now adjourning into Closed Session at 4:12pm regarding action item 12.a

- a. CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION
Initiation of litigation pursuant to Paragraph (4) of subdivision (d) of Section 54956.9:
One Case.

Item 13. Closed Session Report. The Board returned to Open Session at 4:32 p.m. Mr. Schroeder reported that there was no reportable action, and all three trustees were present during the entirety.

Item 17. Adjournment. The meeting was adjourned at 4:32 p.m.

Secretary: The agenda for this meeting was posted at 509 W. Weber Avenue, Stockton California at least 72 hours preceding the meeting.

Respectfully submitted,



Rhonda L. Olmo
District Secretary

RECLAMATION DISTRICT NO. 1614

Meeting Sign-In Sheet

Monday, June 5, 2017

SIGNING OF THIS SHEET IS VOLUNTARY AND IS NOT REQUIRED TO ATTEND THIS MEETING.
THIS SIGN IN SHEET WILL BE ATTACHED TO THE MINUTES OF THE BOARD MEETING

	First Name	Last Name
1	Dom Gulli	Gulli
2	ERNEST TART	TVEET
3	Lonnie Lobosco →	
4	CHRISTOPHER H. NEVOECK	ENGR.
5	Ben B	Kocka
6	R. Gasser	Bach
7	Judith B	Bueth
8	K. BALLIN	
9	PAUL	Guenervo
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(A130226) Smith Canal Assessment District Engineers Report Cover, pages 2,3,17
Boundaries and flood depths.

(A130226) Smith Canal Assessment District Engineers Report Cover, pages 2,3,17
Boundaries and flood depths

**Smith Canal Area Assessment District
San Joaquin Area Flood Control Agency**

Revised Public Review Draft Preliminary Engineer's Report

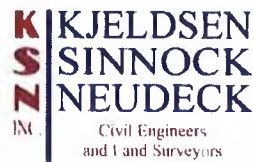
February 26, 2013



Prepared for:



Prepared by:



In April 2009, SJAFCA, with partners RD's 1614 and 828, embarked on an effort to process a Conditional Letter of Map Revision (CLOMR) with FEMA. The purpose was to determine an appropriate solution to protect areas affected by Smith Canal levee decertification. As part of that effort, SJAFCA developed several conceptual approaches to providing at least a one-hundred year level of flood protection to area affected by the levee decertification and FEMA re-mapping. On January 13, 2011, FEMA concluded that a feasible solution proposed by SJAFCA and its partners, a closure structure at the mouth of Smith Canal, that if constructed, would provide at least one-hundred year flood protection and warrant a revision in the Flood Insurance Rate Map.

At the same time, the State of California Department of Water Resources (DWR) was currently soliciting applications for projects warranting funding through its Early Implementation Program (EIP). In January 2011, DWR promulgated a Proposal Solicitation Package outlining the requirements for projects seeking funding through the EIP and on February 15, 2011, SJAFCA submitted application materials seeking cost sharing from DWR for the design of the a project and was awarded a design grant in September 2012.

Also in January 2011, SJAFCA and the RD's partnered again on an effort to obtain the needed local funding for a project to maintain flood control services to the area affected by levee decertification. In order to obtain the State matching funds for the design and ultimate implementation of the project, SJAFCA and its partners were required to demonstrate how they would fund the local share of the costs of a project. SJAFCA, RD 1614, and RD 828 proposed forming a new benefit assessment district that would levy assessments from property directly benefiting from Smith Canal flood protection.

A number of alternatives for restoring flood protection to the area have been evaluated. In-place rehabilitation of the levees was determined to be economically infeasible. A feasible alternative was determined to be constructing a closure structure at the mouth of Smith Canal. Conceptual designs for a closure structure include a fixed sheet pile wall structure with an opening gate structure to allow for navigation and tidal movement of water into and out of Smith Canal. Various alternatives for the exact location of the structure have been evaluated and through the design and environmental permitting process, it expected that final solution will be vetted.

Conceptual designs show a fixed segment of the structure consisting of a dual sheet pile wall filled with granular material. The opening portion of the closure structure would be an "Obermeyer" type gate structure, consisting of a stainless steel gate which will be raised and lowered by inflating and deflating a rubber bladder. The closure structure is to be operated at the mouth of Smith Canal during tide events forecasted to approach or exceed the design operating water surface elevation. The closure structure would remain open (in a down position) at all other times to allow for navigation and tidal movement of water in and out of Smith Canal.

For purposes of determining the funding requirements of this proposed assessment district, SJAFCA has studied the costs associated with the feasible alternative conceptually approved by FEMA and submitted to DWR for cost sharing. These costs will be used as a proxy for determining the local funding needed to allow SJAFCA to continue to maintain flood protection services in the area of Smith Canal. The use of these costs as a proxy within this Engineer's report does not bind SJAFCA to construct this project, it merely provides SJAFCA with sufficient funding to implement a feasible project, subject to obtaining matching funds from DWR, that will achieve SJAFCA's ultimate goal of maintaining flood protection services.

Proposed Assessment District Boundary

The Smith Canal levees lost their FEMA accreditation in 2009 due to extensive encroachments onto the levees, primarily from residential structures. The loss of FEMA accreditation initially placed approximate 5,000 properties in the FEMA 100-Year floodplain. New Light Detection and Ranging (LiDAR) topographical data recently developed by DWR indicates that the original FEMA floodplain was incorrectly delineated and should in fact extend further eastward. Using this new data, FEMA

has begun a floodplain remapping effort and an additional 2,800 homes are expected to be placed in the FEMA 100-Year floodplain within the next 12-24 months.

To determine the area of benefit for this assessment district, water surface elevations within Smith Canal were analyzed. Water surface elevations within Smith Canal are determined by Delta water surface elevations which are elevated when high tides combine with high flows on the Sacramento and San Joaquin Rivers. These conditions typically occur between November 1st and April 30th. The FEMA Flood Insurance Rate Maps for the Stockton area reflect 100-Year base flood elevations (BFEs) developed in 1978 by the United States Army Corps of Engineers (USACE). The BFEs were developed from stage frequency analyses from tidal gage data collected in the Delta. The USACE updated these analyses in 1982 and 1992, but FEMA mapping remained tied to the 1978 study. Therefore in 2010 SJAFCA, using a grant from FEMA, commissioned a study to update the 1992 stage-frequency analysis at two gage stations near Stockton: San Joaquin River at Rindge Pump (Rindge Pump) Gage, and Stockton Ship Channel at Burns Cutoff (Burns Cutoff) Gage. The Burns Cutoff Gage is located on the San Joaquin River near the mouth of Smith Canal, and therefore provides excellent information on water surface elevations within Smith Canal. This stage-frequency analysis update determined that based upon Burns Cutoff Gage data, the 100-Year water surface elevation for Smith Canal is 9.4 feet NAVD-88.¹ The analysis also showed a de-minimus difference in the 200-Year water surface elevation at 9.5 feet NAVD-88. As result of this analysis, SJAFCA plans to construct and operate improvements to meet a minimum level of protection for the 100-Year event while having the added benefit of having a facility that is able to be a component of 200-Year protection. This added benefit of being able to demonstrate that the facility would be a component of 200-Year protection allows SJAFCA to meet funding criteria for DWR cost sharing.

The Assessment District Boundary will encompass all property that receives benefit from the avoided floodplain of a 100-Year flood event, i.e. that area generally bound by the 9.4 feet NAVD-88 elevation. This Boundary is depicted in Figure 2 below.

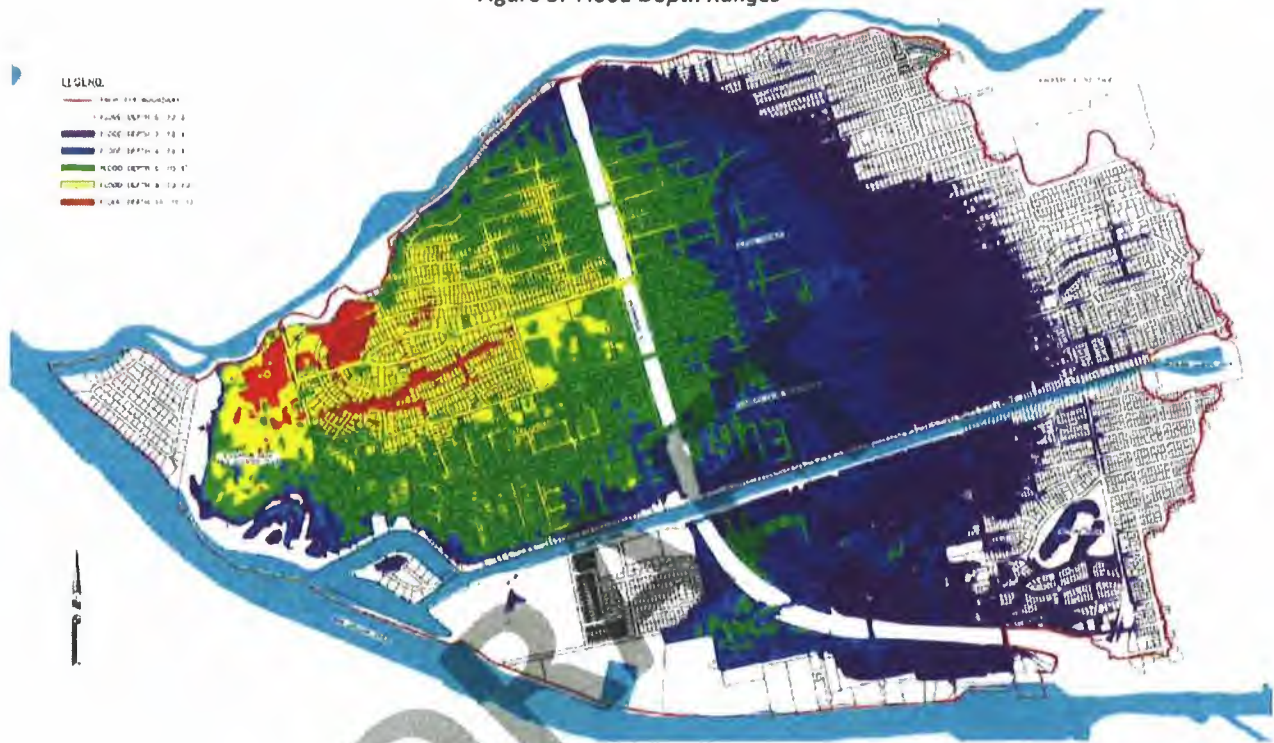
Figure 2: Proposed Assessment District Boundary



¹ North American Vertical Datum of 1988

The relative flood depths of a parcel for the 100-Year event were established by establishing 2 foot flood depth ranges for the area benefiting. Using the GIS information to determine a parcels elevation, parcels were able to be slotted into the 2-foot flood depth ranges shown in **Figure 3** below.

Figure 3: Flood Depth Ranges



The flood depth reduction for each parcel within the 9.4 Feet NAVD-88 water surface elevation boundary is assumed to be the difference between 9.4 Feet NAVD-88 and the finished floor elevation of the structure on the parcel. The structure's finished floor elevation is based upon the GIS analysis performed by the assessment engineer to determine the relative elevation of a parcel and an assumed elevation of building's finished floor based upon the structure type given the parcel's use. **Figure 4** below shows a graphic representation of the flood depth reduction relative to the 9.4 Feet NAVD-88 water surface elevation.

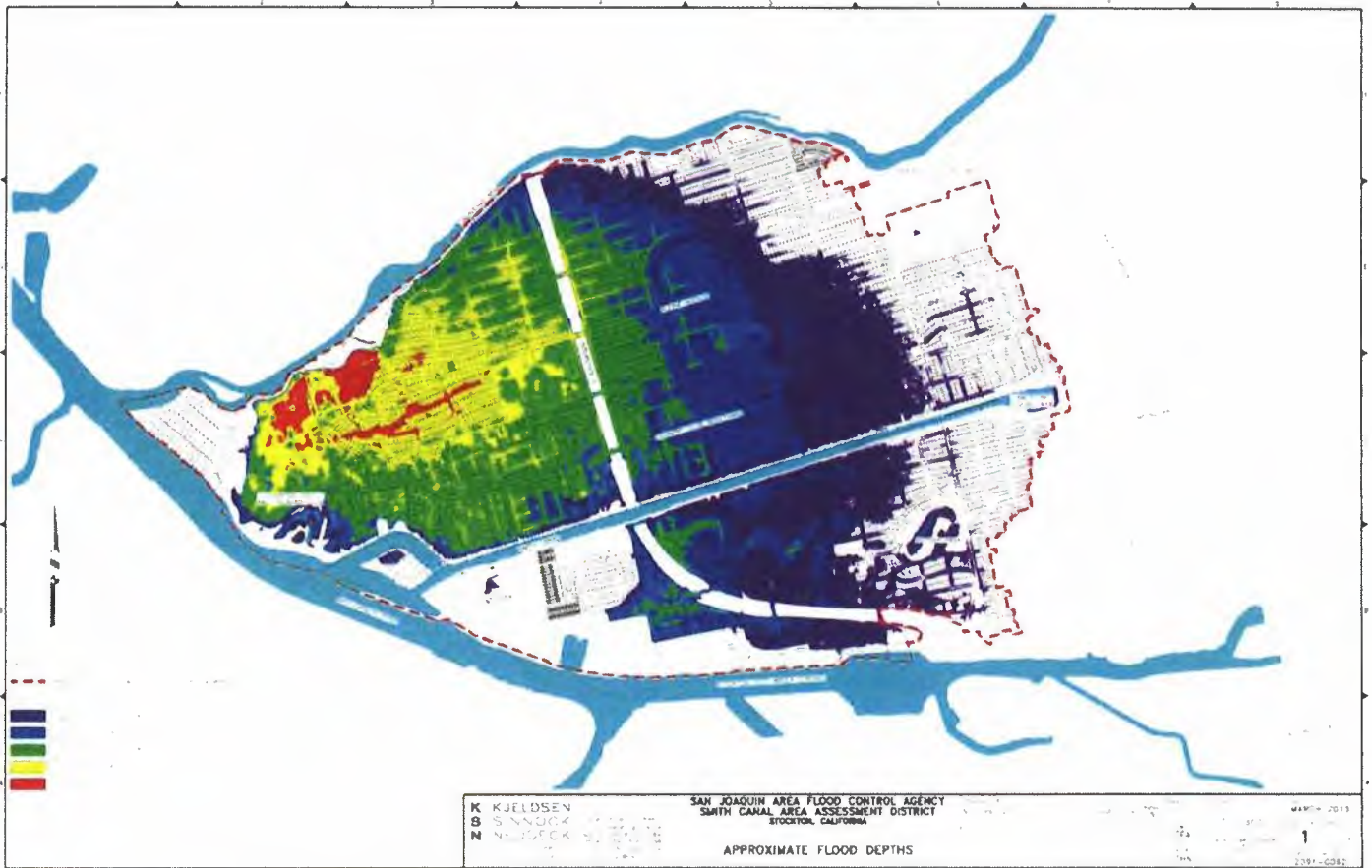
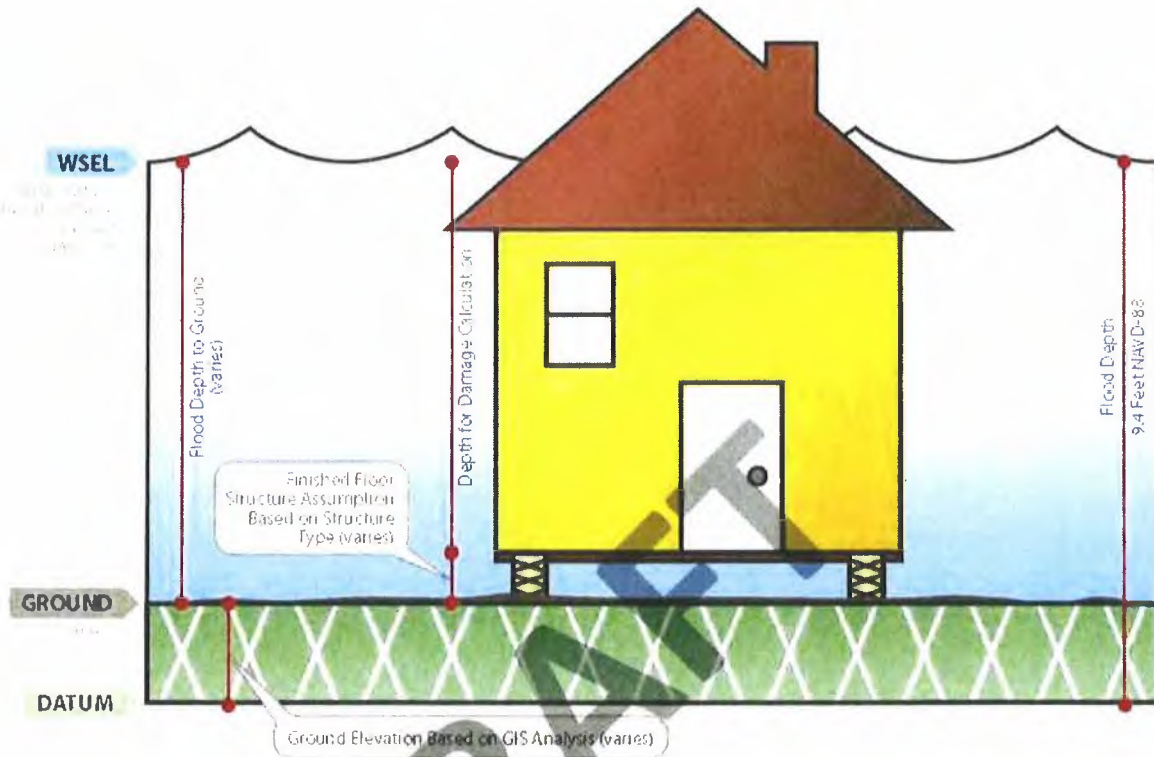


Figure 4: Flood Depth Reduction



Percentage of Damage Reduction

The relation between depth of flooding and damages to structure and contents is shown in **Table 6**. A functional relation is available for each developed land use type (a land use with a structure) using depth-damage curves generated by the USACE and used by David Ford Consulting Engineer's as part of their Smith Canal Closure Structure inundation reduction benefit analysis.¹ Separate curves for structure and content damage have been developed. The structure and content damage curves were combined based on the structure-to-content-value ratios presented in **Table 5** above to derive a depth damage curve that presents combined structure/content damage as a percentage of each building type's relative value.

Depth damage curves for one-story and two-story structures were available, however structure story information for non-single family residential structures was not available from the San Joaquin County Assessor and determined to be unreliable. Therefore, the damage curves for all other structure categories other than Single Family were averaged into single structure type categories representing the damage for all structure irrespective of the number of stories.²

For residential structures, the structure and content curves represent the damage as a percentage of structure value; therefore the curves were combined with no adjustment (thus no Content to Structure Value Ratio is shown on **Table 5** for residential structures). For non-residential structures, the curves represent damage a percentage of structure value (for the

¹ Land uses with structure types are shown in **Table 7** below.

² The San Joaquin County Assessor's offices' parcel databases did not contain complete and reliable information reflecting the split between one- or multi-story non- single family structures. As a survey of the parcels was impractical for SJAFCA to complete on a limited resource budget, the engineer averaged the two curves for all non-single-family residential structure types.

Juan Neira - RE: RD 1614 and Smith Canal Combined Assessments

From: Bill Mendelson <cvlihc@sbcglobal.net>
To: 'Seth Wurzel' <swurzel@capitolpfg.com>, 'Chris Neudeck' <cneudeck@ksninc...
Date: April 18, 2011 4:26 PM
Subject: RE: RD 1614 and Smith Canal Combined Assessments
CC: 'Jim Giottonini' <Jim.Giottonini@ci.stockton.ca.us>, Roger Churchwell <R...

Given 1614's position, I agree that an actual meeting would be beneficial.

Bill Mendelson

-- On Mon, 4/18/11, Schroeder, Dan <dschroeder@neumiller.com> wrote:

Meeting to approve ROI
- however due to 1614's
letter the approval of
the ROI will be brought
to the board at a
future meeting next year.

From: Schroeder, Dan <dschroeder@neumiller.com>
Subject: RE: RD 1614 and Smith Canal Combined Assessments
To: "'Seth Wurzel'" <swurzel@capitolpfg.com>, "'Chris Neudeck'" <cneudeck@ksninc.com>
Cc: "'Jim Giottonini'" <Jim.Giottonini@ci.stockton.ca.us>, "Roger Churchwell"
<Roger.Churchwell@ci.stockton.ca.us>, "Juan Neira" <Juan.Neira@ci.stockton.ca.us>, "'Kim Floyd'"
<kim@floydcommunications.com>, "Marlo Duncan (Marlo.Duncan@ci.stockton.ca.us)"
<Marlo.Duncan@ci.stockton.ca.us>, "Bill Mendelson" <cvlihc@sbcglobal.net>, "Mark Hendrie"
<mhendrie@capitolpfg.com>, "Erik Almaas" <ealmaas@ksninc.com>, "'Mike Conrad'"
<mconrad@ksninc.com>, "Shapiro, Scott" <sshapiro@downeybrand.com>
Date: Monday, April 18, 2011, 4:01 PM

Good Afternoon Everyone,

We just concluded the RD 1614 Special meeting where we discussed the Prop 218's for the Closure Structure and the Wisconsin Pump Station. After extensive discussions that looked at a variety of issues, predominately with the Wisconsin Pump Station, the Board voted unanimously to wait until 2012 to proceed with both Prop 218 elections based on the following factors and assumptions:

- 1) The District believes that it can temporarily shore up the pump station for a few years at a minor expense;
- 2) The Grant Process for the pump station will be delayed approximately 1 year and the board felt that having either the grant approved or rejected would aid it in convincing the owners that the District has turned over every rock for grant money;
- 3) With the FEMA remapping delayed for up to 18 months, there will be almost 3,000 property owners that would be subject to the Prop 218 for the closure structure that, according to FEMA maps currently are not in the flood plain; WE MAY MOVE FORWARD W/ THE PRELIMINARY MAP.
- 4) We were informed that the EIP is not urgent and can wait; WE NEED TO SECURE FUNDING ASAP STATE FUNDS MAY NOT LONGER BE AVAILABLE.
- 5) We are informed that prior to 2012 SJAFCA should get confirmation regarding the engineering



WHEN
HOW

DAR 268

grant for the structure design; WHO SAID THIS .

- 6) The economy might improve somewhat in one year (though no one was betting on it);
DOUBT IT. NO A GOOD PERSON FINANCIAL PROJECTION WOULD NOT EXPECTING
- 7) A delay of a year will allow the above information to solidify reducing the risk of further unanticipated changes (like FEMA's recent map delay).
A SIGNIFICANT CHANGE IN ECONOMY
IN A YEAR, NEW CHALLENGES WILL FORCE NEW DELAYS.

With that said, Chris and I would like to discuss this topic in further detail on the 27th. We would be willing to meet at the SJAFCA room instead of by telephone if you would like. Face to face would be preferable on this issue for those that can be there. Let me know. Also, the RD 1614 Board will be meeting on May 3rd at 2 p.m. should there be any reason for the board to reconsider its decision.

Dan

Daniel J. Schroeder
Attorney at Law



NEUMILLER & BEARDSLEE

A Professional Corporation • Attorneys & Counselors



Website | Profile | vCard

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Phone 209.948.8200
Fax 209.948.4910

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DAR 268



FEMA

Meeting Minutes

Attendance List: Kathleen Schaefer, FEMA Region IX
Barry O Regan, Peterson Brustad Inc.
Michael Conrad, Kjeldsen Sinnock Neudeck Inc.
Christopher Neudeck, KSN Inc.
Roger Churchwell, San Joaquin Area Flood Control Agency
Juan Neira, SJAFCA
Wen Chen, Baker/AECOM
Patrick Clancey, Baker/AECOM

Date: July 19, 2010

Re: Smith Canal Closure Device

Members of FEMA, PBI, KSN Inc, SJAFCA, and Baker/AECOM met at 1 pm in the large conference room at 505 14 Street, Suite 810, Oakland CA 94612. An application for the proposed construction of a closure device at the mouth of Smith Canal has been reviewed by Wen Chen, and initial review comments have been provided to Roger Churchwell. The main purpose of this meeting was discuss the review comments, and determine the most effective direction to proceed.

MEETING HIGHLIGHTS

Discussion topics included the following:

- Levees along the Smith Canal
- Motivations for proposed construction of closure structure
- Political and financial considerations to proposed project
- Procedural differences of formal and non-formal CLOMR reviews
- Revising Zone A delineation to an AE Zone with BFEs
- The operation and maintenance plan for the closure structure
- Interior drainage analysis

DISCUSSION

Kathleen Schaefer -

- Introduced Wen as the person who is reviewing the submitted CLOMR application, mentioned some of his qualifications
- The primary interests/concerns about the proposed closure structure are in regard to the operation and maintenance plan. Procedures for when to open and close the gate are crucial to mitigating flood risks.

Wen Chen -

- In Tiburon/Belvedere, there was a similar project involving a closure structure and backwater flooding from tidal sources. The results of this project could serve as a useful location for guidance. Additionally, there is a closure structure in the town of Clifton along the San Francisco River which is similar to the proposed design for this project.



FEMA

Chris Neudeck -

- KSN Inc represents RD 1614, and is a consultant to SJAFCA

Barry O-Regan -

- PBI Inc.'s role has been to manage the project between the different agencies/engineers involved, and to submit the final results

General Discussion with Multiple Participants -

- Goal of meeting is to arrive at the finish with a clear list of items to address that everyone has agreed upon
- Since the levees were originally built along the Smith Canal, significant encroachment has taken place. As a result, SJAFCA decided to initiate a project that would alleviate the flooding in this area. The encroachments were too extensive to be removed, so it was decided that a tide gate would be the best solution
- Historically, the levees have performed well, but they were not designed up to code and do not meet 65.10 certification requirements.
- The top of levees are well above the freeboard requirements
- A CLOMR was pursued in order to bring FEMA into the process started by SJAFCA
- In order to acquire approval and funding for the construction of the proposed closure structure, it must be demonstrated that work is compliant with FEMA requirements
- A draft operation and maintenance plan was created that relies heavily on tide forecast, based on time tables developed by NOAA. A possible range of tidal elevations was developed, and analyzed in a fashion that relates tides to concurrent rainfall flooding events.
- No entity has currently been identified as operators of the proposed tide gates. The agency might be SJAFCA or one of the impacted Reclamation Districts, though this will be impacted by how funding is allocated.
- One funding source is based on a 218 election, which will require an O&M plan. Also, the state Early Implementation Program may also provide funding, and required an O&M as well.
- All participants felt comfortable with the design of the tide gates, the main concern lies around the interior drainage analysis
- The pump stations within the interior drainage area were only designed for 10 year storm events. It was assumed that 20% of the ground coverage was roads, and that 50% of the road coverage area could store up to 1' of water.
- Maintenance of the tide gates will be a large concern. There needs to be a way to isolate the structure in order to work on it. Currently the details are still being worked on, but possible methods were discussed, including coffer dams
- Rubber bladders will be used to close the tide gates
- Part of the O&M must address public use of the channel during flooding events – *Wen Chen*
- A more immediate goal for RD 1614 is to establish BFEs in what is currently delineated as an approximate Zone A. The available topo used was discussed, including potential costs for post-processing LiDAR to include breaklines. Dave Peterson is working on a study to determine a BFE for RD 1614, this study will be used for the time being as a basis for the new BFE, but will be superseded by the results of the interior drainage analysis once the tidal gates are constructed and the project has been submitted for review.



FEMA

- Sediment transport is not a large issue for the tidal gates, particularly given the proposed schedule of operation for the gates will be approximately once a month. However, discussion of including possibly installing water jets to blast any sediment off of gates when they are exposed during monthly operation.
- It was stated that other studies/LOMRs have been published in the City of Stockton which use the assumption of 20% road coverage and 1' storage capacity of roads. Additional research will be conducted try and locate any past precedents of accepted assumptions regarding storage in the City of Stockton.
- The availability of supporting technical data was discussed, noting that a large amount of data is archived on the Baker Oakland server, which is not directly accessible to the public. It was determined that all relevant supporting data including modeling and mapping will be backed up and sent to Roger Churchwell, who will distribute it to others.
- A draft copy of responses to Wen's review comments were provided and discussed. Documents about pumping stations were given to Wen in response to item 5 on the review comments.
- Kathy explained that since this project is not being reviewed through the standard CLOMR review group in Alexandria, there is more flexibility about how to proceed. Since the community needs FEMA concurrence prior to acquiring approval and funding for construction of the tide gates, it was decided that special correspondence would be provided, similar in content to a CLOMR determination letter, indicating FEMA's approval pending project completion consistent with the plans submitted in the CLOMR package.

Kathleen Schaefer -

- We will address the progress of the project in phases. The first step is for the review comments from Wen to be adequately addressed. An official set of responses to the review comments will be submitted, and when all issues have been resolved a determination letter will be issued similar to a CLOMR 104 letter. However, since many of the details about the operation and maintenance plan will still need to be resolved, a second phase will be required to specifically outline these items. Once the operation and maintenance plan has been reviewed and approved, separate documentation will be issued indicating FEMA's approval of the project.
- Baker will look into available historic data and look for past precedents of roads used for flood water storage
- FEMA would like to help the community address their concerns in the most cost effective manner, which is why this process will involve multiple phases.
- Ongoing projects in Redwood City may provide a good examples for guidance
- The main difficulty with the interior drainage analysis approach is verifying the storage capacity of the roads. This will require further discussion.

ACTION ITEMS

1. An official response to Wen's review comments will be provided to FEMA
2. Upon acceptance of the response comments, FEMA will draft a phase I response
3. Phase I determination draft will be distributed to communities for review prior to being published
4. Backup data regarding H&H and mapping for FEMA projects in San Joaquin County will be provide to Roger Churchwell
5. An official response to the 65.10 submittal for the Lower Calaveras River levees will be provided

ATTACHMENT

ReviewComments_DraftResponse.pdf
SmithCanalConceptualDesign.pdf

Clayton Rizzi

From: Koper, Brian <brian.koper@fema.dhs.gov>
Sent: Monday, October 26, 2015 10:50 AM
To: Schweitzer, Thomas J; Patel, Daven; Guhl, Gary L
Cc: Henderson, John Paul; Hayes, Juliette; Mulik, Shilpa; Nakagaki, Michael; Bezek, Robert; Godesky, Michael; Rodriguez, Luis
Subject: RE: Smith Canal Info
Attachments: ReviewComments_DraftResponse.pdf; 07-19-2010_SmithCanal_Minutes.docx

Tom, Daven, and Gary (STARR II MT-2 leads):

FYI...as additional background, please see the two attached files we mentioned on the call today.

Thank you,

Brian Koper
Emergency Management Specialist (Mitigation)
Engineering Management Branch (HQ/IM-DM-RA-EM)
FEMA
1800 South Bell Street
Arlington, VA 20598-3015
202-646-3085 (desk)
202-733-7859 (mobile)
brian.koper@fema.dhs.gov

From: Bezek, Robert
Sent: Friday, October 16, 2015 5:58 PM
To: Koper, Brian
Cc: Henderson, John Paul; Hayes, Juliette; Mulik, Shilpa; Nakagaki, Michael
Subject: FW: Smith Canal Info

Brian,

Below and attached are some notes dating back to the original review and includes some discussion regarding internal drainage. I'm still available next Friday morning at 7am Pacific if you want to pull a few people together to discuss what additional review we may want to consider.

Bob

Mitigation Engineer
FEMA Region IX, (510) 627-7274

From: Clancey, Patrick C [mailto:Patrick.Clancey@atkinsglobal.com]
Sent: Friday, October 16, 2015 1:43 PM
To: Mulik, Shilpa; Bezek, Robert
Subject: Smith Canal Info

Bob,

Attached is some of the relevant correspondence/documentation that occurred during the review of the proposed Smith Canal tide gate system.

Here are some excerpts from the meeting minutes:

- All participants felt comfortable with the design of the tide gates, the main concern lies around the interior drainage analysis
- The pump stations within the interior drainage area were only designed for 10 year storm events. It was assumed that 20% of the ground coverage was roads, and that 50% of the road coverage area could store up to 1' of water.
- Part of the O&M must address public use of the channel during flooding events – *Wen Chen*
- A more immediate goal for RD 1614 is to establish BFEs in what is currently delineated as an approximate Zone A. The available topo used was discussed, including potential costs for post-processing LiDAR to include breaklines. Dave Peterson is working on a study to determine a BFE for RD 1614, this study will be used for the time being as a basis for the new BFE, but will be superseded by the results of the interior drainage analysis once the tidal gates are constructed and the project has been submitted for review.
- It was stated that other studies/LOMRs have been published in the City of Stockton which use the assumption of 20% road coverage and 1' storage capacity of roads. Additional research will be conducted try and locate any past precedents of accepted assumptions regarding storage in the City of Stockton.
- Kathy explained that since this project is not being reviewed through the standard CLOMR review group in Alexandria, there is more flexibility about how to proceed. Since the community needs FEMA concurrence prior to acquiring approval and funding for construction of the tide gates, it was decided that special correspondence would be provided, similar in content to a CLOMR determination letter, indicating FEMAs approval pending project completion consistent with the plans submitted in the CLOMR package.
- We will address the progress of the project in phases. The first step is for the review comments from Wen to be adequately addressed. An official set of responses to the review comments will be submitted, and when all issues have been resolved a determination letter will be issued similar to a CLOMR 104 letter. However, since many of the details about the operation and maintenance plan will still need to be resolved, a second phase will be required to specifically outline these items. Once the operation and maintenance plan has been reviewed and approved, separate documentation will be issued indicating FEMAs approval of the project.

I recall the discussions about road storage assumptions, there were 2 comments about the Smith Canal storage that came up in the review comments.

Patrick Clancey, EIT

STARR II - Region IX Service Center

STARR II - Strategic Alliance for Risk Reduction II

505 14th Street, Suite 900, Oakland, CA 94612 | Direct: +1 (415) 671 7196 | Fax: +1 (510) 588 8401
 Email: patrick.clancey@atkinsglobal.com | Web: www.starr-team.com

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(A170917) 9/17/17 DGPELS FEMA Koper email chain regarding CFR 65.10 encroachments and certifying the levees. 5/27/15 Copied to:
CC: Beth.Norton@fema.dhs.gov; David.Bascom@fema.dhs.gov; [Patrick.Sa
cbibit@fema.dhs.gov](mailto:Patrick.Sa
cbibit@fema.dhs.gov); michael.nakagaki@fema.dhs.gov with references:

(A150917 R1) September 2, 2010 Procedure Memorandum No. 63 Guidance for Reviewing Levee Accreditation Submittals

(A150917 R2) March 16, 2007 (revision) to 9/25/06 Procedural memo 43- Guidelines for Identify provisionally accredited levees.

(A170917) 9/17/17 DGPELS FEMA Koper email chain regarding CFR 65.10 encroachments and certifying the levees. 5/27/15

Levees in Stockton

You forwarded this message on Tue 3/21/2017 4:17 PM

You forwarded this message on Tue 3/21/2017 4:17 PM **DG**

Dominick Gulli

Thu 9/17/2015 10:47 AM

To:

- Koper, Brian

Hello Brian. I have obtained additional information regarding the Smith Canal Levees. I believe I can certify that they meet the requirements of CFR 65.10 and have told so to The San Joaquin Area Flood Control agency who has been tasked with getting this area out of the Special Flood Hazard Area. I asked them if they would consider a proposal to do so and am awaiting their response.

This is very unique situation being in the San Joaquin Delta. The San Joaquin Delta is a rare example of an "inverted river Delta" as opposed to a "true river Delta". I am an expert in Rural Delta Levees and maintain over 50 miles of levees protecting over 50,000 acres of primarily agricultural land with lots of critical infrastructure for the State of California.

If SJAFCA is interested in a proposal I would like to get more input from someone such as yourself so that I can give them a thorough proposal. I think the best way for you to grasp the situation is to look at it in person, see the extensive levee projects that I have accomplished and hear what I have to say. This being the case I would offer you airfare and accommodations for two nights in Stockton for the purpose of learning about Delta Levees. Being an engineer you will learn a lot if you are not already an expert.

If not, I could forward you information, however I would rather not spend anymore time on this issue until I get reimbursed for it (I would not consider sharing knowledge with FEMA as work). You can however start with the proposal that I sent to SJAFCA which is at my website savedadspoint.org in the downloads section. I gave this to Kathy Shaefer in 2013 and she said she would forward to her engineers so maybe you have seen it. If not it is good reading but only for engineers such as yourself and you should definitely read it as I see you are involved with the Gate certification process.

If SJAFCA would like a proposal their next board meeting is November 19th so I would like to meet in advance of that so say no later than Nov 7.

There is a hackathon on October 9th in Stockton and my son has entered a team to address the water challenges here in California. This may be interesting because I have a great idea out of the box project for them to study and present (using salt water to flush toilets).

If you are interested please let me know. It is a great time to visit California and Stockton is only 2 hours from everything in northern Cal.

Thanks Brian

Dominick Gulli

From: brian.koper@fema.dhs.gov
To: greenmountaindom@hotmail.com
CC: michael.j.bishop@fema.dhs.gov; Robert.Bezek@fema.dhs.gov; Shilpa.Mulik@fema.dhs.gov; Melissa.J.Hallas@usace.army.mil; Ryan.T.Larson2@usace.army.mil
Subject: RE: Encroachment and CFR 65.10
Date: Wed, 3 Jun 2015 16:24:57 +0000

Mr. Gulli:

We (through our FEMA Region IX Office) are currently interacting with San Joaquin County, the Flood Control District, and USACE regarding levee mapping in the area.

I have copied multiple FEMA Region IX and USACE Sacramento District contacts here for your reference, and their awareness/record.

Please let us know if there are any other questions.

Thank you,

Brian Koper
Emergency Management Specialist (Mitigation)
Engineering Management Branch (HQ/IM-DM-RA-EM)
FEMA
1800 South Bell Street
Arlington, VA 20598-3015
202-646-3085 (desk)
202-733-7859 (mobile)
brian.koper@fema.dhs.gov

From: Dominick Gulli [mailto:greenmountaindom@hotmail.com]
Sent: Tuesday, June 02, 2015 11:34 AM
To: Koper, Brian
Subject: RE: Encroachment and CFR 65.10

Yes please a contact would be helpful

From: brian.koper@fema.dhs.gov
To: greenmountaindom@hotmail.com

Subject: RE: Encroachment and CFR 65.10
Date: Tue, 2 Jun 2015 11:37:31 +0000
Mr. Gulli:

No, I do not know what accredited levees would be examples. We do not yet maintain this type of information on a national-level for our mapping purposes.

I would suggest contacting the USACE, as they should be able to provide you with the latest guidance on O&M and/or structural encroachments. Please let me know if I could help with providing a contact.

Regards,

Brian Koper
Emergency Management Specialist (Mitigation)
Engineering Management Branch (HQ/IM-DM-RA-EM)
FEMA
1800 South Bell Street
Arlington, VA 20598-3015
202-646-3085 (desk)
202-733-7859 (mobile)
brian.koper@fema.dhs.gov

From: Dominick Gulli [<mailto:greenmountaindom@hotmail.com>]
Sent: Friday, May 29, 2015 12:58 PM
To: Koper, Brian
Subject: RE: Encroachment and CFR 65.10

Ok thats a start. Do you know of any levees that have similar situations?

From: brian.koper@fema.dhs.gov
To: greenmountaindom@hotmail.com
Subject: RE: Encroachment and CFR 65.10
Date: Fri, 29 May 2015 13:15:36 +0000
Mr. Gulli:

Thank you for the additional information and follow-up questions.

I think the answers to both questions could be "yes," but not certain and would depend on the circumstances of the levee system. Each levee system is unique, and accreditation (meeting the requirements of 65.10) is reviewed on a case-by-case basis. FEMA does not design, build, operate/maintain, or certify levees, and defers to other agencies (e.g. USACE, BOR) and engineering firms experienced in levee design, for designing and operating/maintaining levees.

I hope this may be helpful.

Regards,

Brian Koper
Emergency Management Specialist (Mitigation)
Engineering Management Branch (HQ/IM-DM-RA-EM)
FEMA
1800 South Bell Street
Arlington, VA 20598-3015

202-646-3085 (desk)
202-733-7859 (mobile)
brian.koper@fema.dhs.gov

From: Dominick Gulli [<mailto:greenmountaindom@hotmail.com>]
Sent: Thursday, May 28, 2015 1:27 PM
To: Koper, Brian
Subject: Encroachment and CFR 65.10

Thanks for the Information. Here is the situation. The levees along the Smith Canal appear to meet the requirements of CFR 65.10. I do not see any requirements of CFR 65.10 which address encroachments and there are houses built on top of the levees in certain areas.

The Smith Canal is in the San Joaquin Delta and subject to tidal action which means that it is only subject to the flood stage for about 2 hrs which leaves plenty of time to maintain or repair any deficiencies as we do throughout the Delta. It is possible to maintain these levees from the waterside. The levees have required very little maintenance over the years as they are holding back a dead end canal.

So my questions are:

Have there been levees certified that have structural encroachments occupying the levee?
Is a waterborne operation and maintenance plan feasible?

Thank You

Dominick Gulli PE, PLS GME
209 649 4555

From: brian.koper@fema.dhs.gov
To: greenmountaindom@hotmail.com
CC: Beth.Norton@fema.dhs.gov; David.Bascom@fema.dhs.gov; Patrick.Sacbibit@fema.dhs.gov; michael.nakagaki@fema.dhs.gov
Subject: RE: FEMA mapping
Date: Wed, 27 May 2015 20:41:05 +0000
Mr. Gulli:

As a follow-up to my voicemail this afternoon, providing my phone number, please see below.

The FEMA guidance for meeting the requirements of 44 CFR 65.10 is provided in the FEMA Procedure Memorandum No. 63, dated 09/02/2010 (website below). While we are in the process of updating our guidance and standards, this guidance is still being used.

<http://www.fema.gov/media-library-data/582977900b4cb234f3eb0e3ecba8746c/Procedure+Memorandum+No.+63+-+Guidance+for+Reviewing+Levee+Accreditation+Submittals.pdf>

Hope this information may be helpful.

Regards,

Brian Koper
Emergency Management Specialist (Mitigation)
Engineering Management Branch (HQ/IM-DM-RA-EM)
FEMA
1800 South Bell Street
Arlington, VA 20598-3015
202-646-3085 (desk)
202-733-7859 (mobile)
brian.koper@fema.dhs.gov

From: Norton, Beth
Sent: Wednesday, May 20, 2015 1:36 PM
To: 'Dominick Gulli'; Koper, Brian
Cc: Bascom, David; Sacbubit, Rick
Subject: RE: FEMA mapping

Brian-

I thought that this might be something that you could respond to. I copied David and Rick for informational.

Thanks
Beth

Beth A. Norton, GISP
Floodplain Management Branch
FIMA/FEMA
desk: 202-646-2716
cell: 202-679-5906

From: Dominick Gulli [<mailto:greenmountaindom@hotmail.com>]
Sent: Wednesday, May 20, 2015 1:35 PM
To: Norton, Beth
Subject: FEMA mapping

Thank you for taking my call, regarding flood plane mapping. I am looking at the the levees along the Smith Canal in Stockton and the possibility of a map revision based on certifying to the requirements of CFR 65.10. I have some specific questions regarding the requirements and the mapping process.

Thank You

Dominick Gulli Green Mountain Engineering

209 649 4555

**FEMA**

January 13, 2011

Roger Churchwell
Deputy Executive Director
San Joaquin Area Flood Control Agency
22 East Weber Avenue, Room 301
Stockton, California 95202-2317

Subject: Smith Canal Closure Device
Community: City of Stockton, CA
Community No.: 060302

Dear Mr. Churchwell:

This responds to a request that the Department of Homeland Security's Federal Emergency Management Agency (FEMA) comment on the effects that a proposed project would have on the effective Flood Insurance Rate Map (FIRM) for the City of Stockton, San Joaquin County, in accordance with Part 65 of the National Flood Insurance Program (NFIP) regulations. In a letter dated March 25, 2010, Mr. Churchwell requested that FEMA evaluate the effects that the construction of a closure structure at the mouth of the Smith Canal would have on the flood hazard information shown on the effective FIRM and FIS report.

All the necessary data required to complete our review of this request was received on October 15, 2010.

The following reports were received in support of the proposed closure structure:

- "Narrative for Conditional Letter of Map Revision for Smith Canal Closure Device," prepared by Peterson Brustad Inc., dated March 17, 2010, prepared for "Conditional Letter of Map Revision For Smith Canal Closure Device, City of Stockton, San Joaquin County," submitted by San Joaquin County Flood Control Agency (SJAFCA), dated March 25, 2010;
- "Interior Drainage Analysis, Tributary of Smith Canal, Stockton, CA," prepared by Kjeldsen, Sinnock & Neudeck, dated April 2010, prepared for "Conditional Letter of Map Revision For Smith Canal Closure Device, City of Stockton, San Joaquin County," submitted by SJAFCA, dated May 4, 2010; and
- "Memorandum, Subject: Interior Drainage/Street Detention Storage," prepared by Kjeldsen, Sinnock & Neudeck, dated October 12, 2010, prepared for "Response to FEMA Comments on Smith Canal Closure Device CLOMR," prepared by SJAFCA, dated October 15, 2010.

We reviewed the submitted data and the data used to prepare the effective FIRM panels for your community and determined that the proposed project meets the minimum floodplain management criteria of the NFIP. We believe that, if the proposed project is constructed as shown on the submitted reports listed above, and the data listed below are received, a revision to the FIRM would be warranted.

The Smith Canal is an isolated slough, designed to store backwater from the San Joaquin River and Stockton Deep Water Channel, located on the Sacramento-San Joaquin Delta in the city of Stockton. The Smith Canal levees have not been certified, and therefore are not accredited by FEMA. In order to provide flood protection for surrounding areas, a closure device near the mouth of the Smith Canal has been proposed. The Smith Canal Closure Device is designed to operate between November 1st and April 30th, the period forecasted to produce the highest intensity tidal flooding events. The closure device will remain open at all other times to allow for navigation.

Mr. Roger Churchwell
January 13, 2011
Page 2 of 4

Upon completion of the project, your community may submit the data listed below and request that we make a final determination on revising the effective FIRM.

- With this request, your community has complied with all requirements of Paragraph 65.12(a) of the NFIP regulations. Compliance with Paragraph 65.12(b) also is necessary before FEMA can issue a Letter of Map Revision when a community proposes to permit encroachments into the effective floodplain that will cause increases in BFE in excess of those permitted under Paragraph 60.3(c)(10). Please provide evidence that your community has, prior to approval of the proposed encroachment, adopted floodplain management ordinances that incorporate the increased BFEs and revised floodplain boundary delineations to reflect post-project conditions, as stated in Paragraph 65.12(b).
- Detailed application and certification forms must be used for requesting final revisions to the maps. Therefore, when the map revision request for the area covered by this letter is submitted, Form 1, entitled "Overview & Concurrence Form," must be included. (Forms can be found online at <http://www.fema.gov/library/viewRecord.do?id=1493>)
- The detailed application and certification forms listed below may be required if as-built conditions differ from the preliminary plans. If required, please submit new forms (locations online, listed above) or annotated copies of the previously submitted forms showing the revised information.

Form 2, entitled "Riverine Hydrology & Hydraulics Form"

Form 3, entitled "Riverine Structures Form"

Hydraulic analyses, for as-built conditions, of the base flood must be submitted with Form 2.

A topographic work map showing the revised floodplain boundaries must be submitted with Form 2.

Hydraulic analyses, for as-built conditions, of the base flood, together with a topographic work map showing the revised floodplain boundaries, must be submitted with Form 2.

- Effective January 13, 2010, FEMA revised the fee schedule for reviewing and processing requests for conditional and final modifications to published flood information and maps. In accordance with this schedule, the current fee for this map revision request is \$5,000 and must be received before we can begin processing the request. Please note, however, that the fee schedule is subject to change, and requesters are required to submit the fee in effect at the time of the submittal. Payment of this fee shall be made in the form of a check or money order, made payable in U.S. funds to the National Flood Insurance Program, or by credit card (Visa or MasterCard only). The payment, along with the revision application, must be forwarded to the following address:

LOMC Clearinghouse
7390 Coca Cola Drive, Suite 240
Hanover, MD 21076

Mr. Roger Churchwell
January 13, 2011
Page 3 of 4

- As-built plans, certified by a registered professional engineer, of all proposed project elements
- An officially adopted maintenance and operation plan for the Smith Canal Closure Device & Dad's Point Levee. This plan, which may be in the form of a written statement from the community Chief Executive Officer, an ordinance, or other legislation, must describe the nature of the maintenance activities, the frequency with which they will be performed, and the title of the local community official who will be responsible for ensuring that the maintenance activities are accomplished.

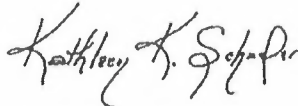
After receiving appropriate documentation to show that the project has been completed, FEMA will initiate a revision to the FIRM.

This review is based on minimum floodplain management criteria established under the NFIP. Your community is responsible for approving all floodplain development and for ensuring all necessary permits required by Federal or State law have been received. State, county, and community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction in the Special Flood Hazard Area. If the State, county, or community has adopted more restrictive or comprehensive floodplain management criteria, these take precedence over the minimum NFIP criteria.

FEMA has determined that levee(s) and/or levee system(s) are located in your community. As part of the flood mapping process, FEMA and its flood mapping partners are currently reviewing data associated with these existing flood-control structures. The purpose of this review is to verify that documentation exists to continue the accreditation of these structures as providing protection from the base (1-percent-annual-chance) flood event. **If a levee is not certified when a flood hazard study is completed, then the structure will not be shown on the effective FIRM as providing protection from the base flood.** Please note that this review is not affected by the levee at this time. However, when the flood hazards in your community are restudied, the levee owner and/or community will be required to submit technical data to FEMA (in compliance with 44 CFR Section 65.10) in order for the levee to be accredited as providing protection from the base flood. If these data are not submitted, and the levee is not recertified during the restudy, then this determination may be superseded.

If you have any questions or need additional information regarding floodplain mapping, please contact Kathy Schaefer, Regional Engineer, by telephone at (510) 627-7129. If you have any questions concerning the map revision process, need additional information or assistance, please contact Beth Norton, Risk Mapping Specialist, at our Headquarters Office, by telephone at (202) 646-2716.

Sincerely,



Kathleen Schaefer, P.E., CFM
Senior Engineer

Mr. Roger Churchwell
January 13, 2011
Page 4 of 4

cc:

List of Courtesy Copies - City of Stockton, CA

Mr. Mike Niblock
Director
Community Development Department
City of Stockton
345 North El Dorado Street
Stockton, CA 95202

Mr. Tom Gau
Chief Deputy Director
Public Works
San Joaquin Area Flood Control Agency
22 East Weber Avenue, Room 301
Stockton, CA 95202-2317

Mr. Steve Winkler
Deputy Director
Public Works
San Joaquin Area Flood Control Agency
22 East Weber Avenue, Room 301
Stockton, CA 95202-2317

Mr. Richard W. Johnson
Attorney
Reclamation District 828
221 Tuxedo Court, Suite F
Stockton, CA 95204

Mr. Don Schroeder
Attorney
Reclamation District 1614
Neumiller & Beardslee
Post Office Box 20
Stockton, CA 95201

bcc: State Coordinator
Regional Administrator R9-MT
104 Hybrid.doc

940 2/14/2012 Email Chain from MBAKER (FEMA Consult) to Sam S ,
Kathy Shaefer requesting a letter bu 2/17/12 to support a Prop 218 election.

425 of 435



940

Juan Neira - FW: Country Club, Stockton

From: Sameer Sharideh <ssharideh@sjgov.org>
 To: "Juan Neira (Juan.Neira@stocktongov.com)" <Juan.Neira@stocktongov.com>
 Sent: February 14, 2012 11:06 AM
 Subject: FW: Country Club, Stockton
 Attachments: fp_84_poly.shx; fp_84_poly.dbf; fp_84_poly.prj; fp_84_poly.sbn; fp_84_poly.sbx; fp_84_poly.shp; fp_96_poly.shx; fp_96_poly.dbf; fp_96_poly.prj; fp_96_poly.sbn; fp_96_poly.sbx; fp_96_poly.shp

FYI

From: Clancey, Patrick [mailto:PClancey@mbakercorp.com]
 Sent: Tuesday, February 14, 2012 10:23 AM
 To: Sameer Sharideh
 Cc: Nathan McKinley
 Subject: Country Club, Stockton

Sam,

I think I left you a voicemail about this yesterday afternoon, but if not here is some additional information. Kathy Schaefer requested a letter from FEMA be created discussing proposed mapping activity in the area. She would also like a corresponding map that shows the resulting inundation areas from the PBI study. Previously there had been some back and forth regarding the specific boundaries (July of last year) with San Joaquin County for this area. I was hoping to verify the attached information is consistent with the final results, or find out if there are additional issues to address.



I believe that the letter was needed by 2/17 to support a 218 election in support of the tide gate structure on the Smith canal, if you have any concerns about the included information please let me know quickly. Sorry for the short notice.

Patrick Clancey
 Technical Specialist
 Michael Baker Jr., Inc.
 One Kaiser Plaza, Suite 1150
 Oakland, CA 94612
 510.879.0921 (o/c)
 510.879.0969 (fax)
www.mbakercorp.com



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426 of 435

940.

940

U.S. Department of Homeland Security
1111 Broadway, Suite 1200
Oakland, CA. 94607-4052



FEMA

February 17, 2012

The Honorable Ann Johnston, Mayor
City of Stockton
222 East Weber Avenue
Stockton, California 95202

Dear Mayor Johnston:

This letter is to inform you of the results of the U.S. Department of Homeland Security's, Federal Emergency Management Agency (FEMA) review of the floodplain mapping in the vicinity of the Smith Canal as conducted jointly with your staff. A list of significant efforts and activities is summarized below.

On December 11, 2007, FEMA issued two letters to the city of Stockton regarding the accreditation status of levees on Flood Insurance Rate Map (FIRM) panels. One of these letters indicated that levees along the Smith Canal (P220, P411, and P224) did not meet the criteria in the Code of Federal Regulations, Title 44, Section 65.10 (44 CFR 65.10). As a result, the subsequent countywide mapping effort depicted these levees as de-accredited on FIRM panels dated October 16, 2009. An approximate Zone A flood hazard area depicted the extent of the inundation limits from the de-accreditation of this levee system. The boundary of the approximate Zone A was based on the best information available at the time and was delineated in close consultation with City and County staff.

As a part of FEMA's ongoing efforts to improve the accuracy of the maps provided to the city of Stockton, FEMA joined with the San Joaquin Area Flood Control Agency to fund a Cooperative Technical Partnership study of the San Joaquin River to determine the Base Flood Elevation (BFE) using a stage frequency analysis in the vicinity of the Smith Canal. The base flood is also referred to as the 1-percent annual chance flood. The study was conducted by Peterson, Brustad Inc. (PBI), and completed on September 2, 2010. This study was reviewed by the California Department of Water Resources (DWR) and the U.S. Army Corps of Engineers (USACE), and has since been recommended for public dissemination. The BFE calculated from this study was 9.4 feet NAVD 88, which is lower than the previously indicated BFE of 10.

FEMA has initiated a Physical Map Revision (PMR) (Case No. 11-09-0866S) to update the accreditation status of levees in San Joaquin County. As FEMA is required to depict flood hazard information on FIRM panels based on existing conditions, we will utilize updated LiDAR topographical data from DWR to delineate the 9.4' BFE from the PBI

Mayor Ann Johnston
February 17, 2012
Page 2 of 2

study. The enclosed map depicts the **proposed** Special Flood Hazard Area (SFHA). The SFHA is the area subject to inundation by the 1-percent annual chance (base) flood.


FEMA is currently updating its guidelines for mapping flood hazards behind levee systems that cannot be recognized as providing protection from the 1-percent-annual-chance flood. The PMR for San Joaquin County and parts of Stockton is on hold while the new set of guidelines is developed. Upon final approval of new levee analysis methods, FEMA will incorporate detailed riverine restudies for the flooding sources adjacent to de-accredited levees in this area as part of the PMR. The PMR is also on hold pending results from the Central Valley Floodplain Evaluation and Delineation Program and the Levee Evaluation Program led by DWR.

Current factsheets for these programs are available for download at <http://www.water.ca.gov/floodsafe/factsheets/>. For additional information on FEMA's new levee analyses and approaches, please visit http://www.fema.gov/plan/prevent/fhm/lv_lamp.shtm.

Following the de-accreditation of Smith Canal levees on the FIRM panels effective October 16, 2009, the San Joaquin Area Flood Control Agency sent a letter to FEMA, dated March 25, 2010, requesting an evaluation of the effects of proposed construction of a closure structure at the mouth of the Smith Canal. The purpose of the proposed closure structure is to provide flood mitigation for the properties adjacent to the Smith Canal, and negate the need for certification of the levees. The proposed construction document was reviewed by FEMA, and on January 31, 2011, we forwarded a letter indicating that the proposed project meets the floodplain management criteria of the National Flood Insurance Program. Therefore, upon final construction of the proposed project under consideration, the City may submit certification documents to FEMA which, after our review and approval, could allow for the full accreditation of the levee system along the San Joaquin River adjacent to the Smith Canal closure structure.

If you have questions or need additional information regarding flood mapping, please contact Kathy Schaefer, Regional Engineer, by telephone at (510) 627-7129.

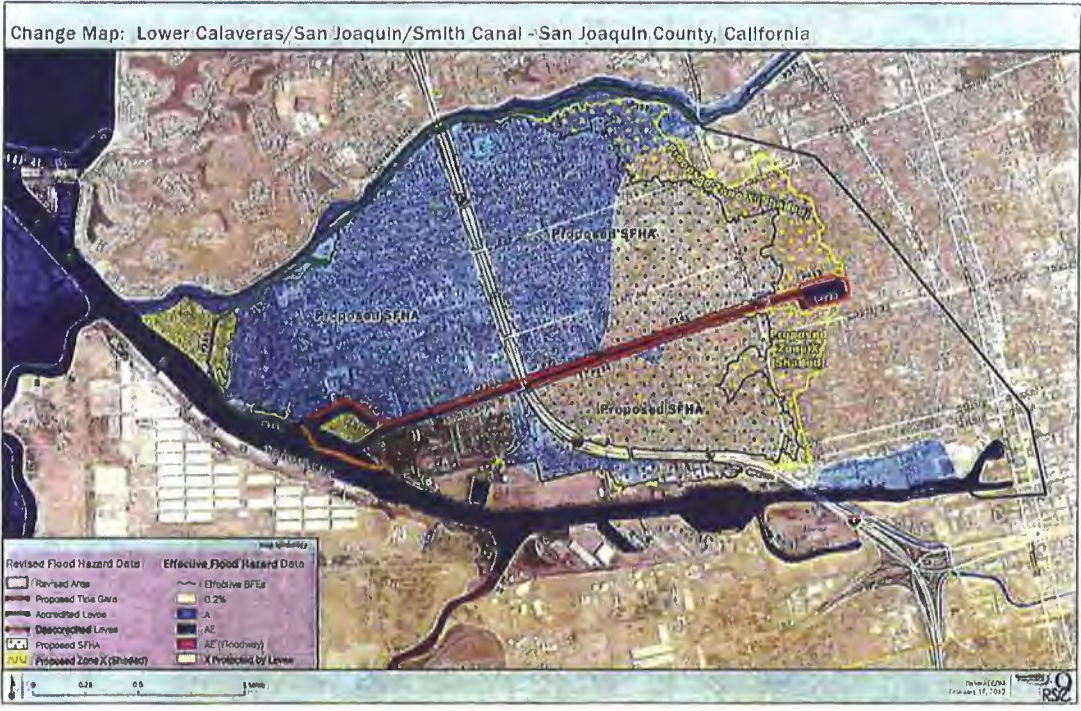
Sincerely,



Sally Zjolkowski, Director
Mitigation Division

Enclosure: Smith Canal Change Map

cc: Mike Loeki, Deputy City Manager, City of Stockton
Tom Gau, Director of Public Works, San Joaquin County



(A210428) 4/28/21 Final Response to Freedom of Information Act 2020-FEFO-00640 & 2020-FEFO-00641. FOIA of DGPELS 4/13/20 FOIA.

(A210428) 4/28/21 Final Response to Freedom of Information Act 2020-FEFO-00640 & 2020-FEFO-00641. FOIA of DGPELS 4/13/20 FOIA.



FEMA

April 28, 2021

SENT VIA E-MAIL TO: greenmountaindom@hotmail.com

Mr. Dominick Gulli
1314 Paloma Ave
Stockton, California 95209

Re: **FEMA FOIA Case Number 2020-FEFO-00640 & 2020-FEFO-00641**

Dear Mr. Gulli:

This is the final response to your to your Freedom of Information Act (FOIA) requests to the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), dated April 13, 2020 and received in this office on April 14, 2020, and further clarified on February 3, 2021. You requested the following:

1. Records pertaining to the Smith Canal Gate project the San Joaquin Area Flood Control Agency, specifically **CASE NO 17-09-2623R** Community Name Stockton CA Community NO. 060302. You sought writings, correspondence, maps, applications, responses, internal communications, transmittals and all available information relative to the Smith Canal Gate Project Conditional Letter of Map Revision NO 17-09-2623R. You also requested emails between Daven Patel, Kathleen Schaefer FEMA, Chris Elias and Scott Shapiro of SJAFCFA, and David Petersson of Peterson and Brustead. **(2020-FEFO-00640)**
2. Records pertaining to the Smith Canal Gate project the San Joaquin Area Flood Control Agency, specifically **CASE NO 16-09-2067R** Community Name City of Stockton CA and San Joaquin County (unincorporated areas) Community NO. 060302 and 060299 316-AD. You sought writings, correspondence, maps, applications, responses, internal communications, transmittals and all available information relative to the Smith Canal Gate Project Conditional Letter of Map Revision NO 16-09-2067R. You also requested emails between Daven Patel, Kathleen Schaefer FEMA, Roger Churchwell and Scott Shapiro of SJAFCFA, and David Peterson of Peterson and Brustead. **(2020-FEFO-00641)**

On February 3, 2021, you further clarified that in addition to the Smith Canal Gate, you were also interested in the Interior drainage and Wisconsin pump station project as well. You also wanted any available records for **Physical Map Revision (PMR) CASE NO 11-09-0866S** Community Name City of Stockton California, and San Joaquin County (unincorporated areas) Community NO. 060302 and 060299 316-AD, previously processed and closed out as FOIA request **2020-FEFO-00642**. You specifically sought any documents, correspondence, studies, reports maps, and whatever is in the file for that project. You were also interested in records to

help you answer how a PMR gets started, if there was a request for PMR prepared, or if there was a work order or contract that is used to scope out and contract for PMRs.

We conducted a search of FEMA's Office of Resilience, Federal Insurance and Mitigation Administration (FIMA) and Region IX program offices for documents responsive to your request. In regards to Physical Map Revision (PMR) CASE NO 11-09-0866S (PMR 11-09-0866S), no responsive records were located.

Please note that your requests concern an area known as Reclamation District 403 (RD 403). As a brief background, RD 403 is impacted by various flooding sources to include the Calaveras River, the San Joaquin River, and the Smith Canal. The local flood control agency had submitted certification data for a large portion of the levee perimeter. However, the Smith Canal had been substantially impacted by private development, and as a result was incapable of complying with the Code of Federal Regulations levee certification requirements. The proposed solution to this issue was to build a tide gate at the mouth of the Smith Canal to close off the system and complete the levee certification process for the area.

PMR 11-09-0866S was intended to address numerous levee systems that received provisional accreditation status. However, for the systems that had adequate certification data, updates were made through the LOMR process separate from the PMR. RD 403 was originally included in the scope for PMR 11-09-0866S to de-accredit and re-map the floodplain using available LiDAR data. However, due to the proposed efforts of the local community to complete certification through a tide gate on the Smith Canal, the de-accreditation effort was stopped. Ultimately, the PMR was de-scoped and closed. There were no preliminary maps issued, no due process, and no effective products produced. Thus, there is no supporting technical data for RD 403 included in PMR 11-09-0866S.

Also, regarding your interest in how PMRs are started, they are generally initiated by regional FEMA offices via task orders with pre-qualified production and technical service providers under an IDIQ contract. However, there is a public method available to request a PMR through the MT-2 process (<https://www.fema.gov/flood-maps/change-your-flood-zone/status/flood-map-related-fees>). FEMA's Region IX is currently supporting Riverside County in the first attempt at this approach.

In regards to CLOMRs **16-09-2067R** and **17-09-2623R**, five responsive MT-2 files of backup data were located. These files are enclosed in full. The files for the request can be accessed via the following link:

<https://filetransfer.atkinsglobal.com/message/eJB6jOGTAxiQd33C3Z9Y2y>. The link will expire on 7/27/2021.

Please note that **16-09-2067R** and **17-09-2623R** are actually the same project. The original case 16-09-2067R was suspended because the required documentation was not submitted in the required timeframe. It was then re-opened as the new case 17-09-2623R. The material from the original case was just migrated to the new case. Thus, even though the files are named after 17-09-2623R, they contain records from both cases.

As part of the 2007 amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road- OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: 202-741-5770/Toll-free: 1-877-684-6448
Facsimile: 202-741-5769

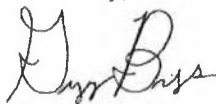
You have the right to appeal if you disagree with FEMA's response. The procedure for administrative appeals is outlined in the DHS regulations at 6 C.F.R. § 5.8. In the event you wish to submit an appeal, we encourage you to both state the reason(s) you believe FEMA's initial determination on your FOIA request was erroneous in your correspondence, and include a copy of this letter with your appeal. Should you wish to do so, you must send your appeal within 90 working days from the date of this letter to fema-foia@fema.dhs.gov, or alternatively, via mail at the following address:

FEMA
Office of the Chief Administrative Officer
Information Management Division (FOIA Appeals)
500 C Street, SW, Seventh Floor, Mail Stop 3172
Washington, D.C. 20472-3172

There is no charge for this FOIA request. As this concludes the processing of your request, it will be closed.

If you need any further assistance or would like to discuss any aspect of your request, please contact the assigned FOIA Specialist at audrey.richards@fema.dhs.gov and refer to FOIA case number 2020-FEFO-00640 and 2020-FEFO-00641. You may also contact someone at fema-foia@fema.dhs.gov, or (202) 646-3323, and you may contact our FOIA Public Liaison in the same manner. For a faster response please email the assigned FOIA specialist directly.

Sincerely,



Gregory Bridges
Chief
Disclosure Branch
Information Management Division
Mission Support

Records Accessible Via Link: Responsive Records (5 Files)



Smith Canal - Call and WebEx
4/28/2016 11:00 am ET

Location: Online Video Meeting

Attendees: Daven Patel, STARR II
Tom Schweitzer, STARR II
Brian Koper, FEMA
Roger Churchwell, San Joaquin Area Flood Control Agency (SJAFCO)
Scott Shapiro, SJAFCO
Dave Peterson, Peterson Brustad, Inc. (PBI)
Dave Murbach, PBI
Carl Henderson, Kleinfelder, Inc.
Thane Young, Van Scoyoc Associates

Meeting Minutes:	Action Item?
Roll call and introductions completed.	N
Dave Petersen presented an overview of the data that was submitted in March by SJAFCO. <ul style="list-style-type: none">The data that was submitted included a geotechnical evaluation and certification of the Smith Canal levee embankments and an interior drainage analysis.	N
Daven Patel discussed the 2010 San Joaquin River Delta BFE report. <ul style="list-style-type: none">The report was funded by FFMA Region IX through a grant.The report was reviewed and accepted by CA DWR and USACE.STARR II had no concerns with the methodology and results of the report.STARR II asked SJAFCO to submit the actual gage data used in the report as supporting backup information.<ul style="list-style-type: none">PBI said the data should be available online and that they would send a link to the data and/or provide the actual data.STARR II asked if the WSELs developed in the report were being used in the nearby USACE project.<p>Roger Churchwell said they were not. The USACE had some disputes with the tail water conditions (delta BFE) for their project, as they are using more up to date information.</p>	Y
Daven Patel discussed the geotechnical evaluation and certification submitted by SJAFCO in March. <ul style="list-style-type: none">The evaluation and certification was completed by Kleinfelder, Inc.The report references data collected and analyses completed by the CA DWR Urban Levee Evaluations (ULE) project.Kleinfelder was also the geotechnical engineer for the ULE project along the Smith Canal.STARR II asked SJAFCO about levee reach C3, which was not listed in the certification.<ul style="list-style-type: none">SJAFCO said that C3 was not listed as a critical section but that they would be able to revise the certification to include that reach.SJAFCO will send all relevant ULE data and analyses as part of their submittal.STARR II asked SJAFCO about the Kleinfelder certification statement that referenced "FEMA and USACE criteria" but did not reference specific documents or engineering manuals.	Y

ITEM 16

Reclamation District 1614

March 2022 Bills

NAME	INVOICE #	AMOUNT	TOTAL \$	WARRANT #	CHECK #	SUBVENTION FUND
Kevin Kauffman		\$100.00		6057		
			\$100.00			
Christian Gaines		\$50.00		6058		
			\$50.00			
Dominick Gulli		\$50.00		6059		
			\$50.00			
Rhonda Olmo		\$1,062.50		6060		
			\$1,062.50			
Neumiller & Beardslee	324935	\$2,930.97		6061		
			\$2,930.97			
Kjeldsen, Sinnock, & Neudeck	32506	\$998.55		6062		
	32507	\$525.00				
	32508	\$198.75				
	32509	\$23.75				
	32510	\$23.75				
	32511	\$180.00				
	32512	\$728.75				
	32513	\$6,189.30				
	32514	\$431.25				
			\$9,299.10			
Delk Pest Control	140862	\$220.00		6063		
			\$220.00			
Power Services, Inc.	6820	\$825.00		6064		
			\$825.00			
Ridgeline Engineering	21E-063-02	\$4,893.75		6065		
			\$4,893.75			

Reclamation District 1614
March 2022 Bills

Abel Palacio - March Payroll		\$1,420.25		Direct Deposit
			\$1,420.25	
State of California Payroll Taxes - March		\$72.65		online
			\$72.65	
Federal Government Payroll Taxes - March		\$475.40		online
			\$475.40	
Sprint		\$100.98		online
			\$100.98	
Comcast		\$128.28		online
			\$128.28	
PG&E		\$894.19		online
			\$894.19	
State Fund		\$809.50		online
			\$809.50	

WARRANT TOTAL:	\$19,431.32
CHECKING TOTAL:	\$3,901.25
TOTAL BILLS PAID	\$23,332.57

ITEM 19

FIRST AMENDMENT TO EMPLOYMENT CONTRACT

For Abel Palacio
Reclamation District 1614

THIS CONTRACT ("Contract") is made, effective as of the 1st day of December, 2021, by and between **Reclamation District 1614**, a reclamation district organized under the laws of the State of California (hereinafter called "Employer"), and **Abel Palacio** (hereinafter called "Employee").

The parties agree as follows:

Section 1. Duties

A. **General.** Employer hereby employs Employee to perform the duties specified in Exhibit A attached hereto and incorporated herein.

Section 2. Term.

A. The term of this Contract shall be indefinite, unless terminated as provided herein.

B. Nothing in this Contract shall prevent, limit or otherwise interfere with the right of Employee to resign at any time.

C. Employee in the position of Levee Superintendent serves at the will of the Employer and may be removed by Employer at any time with or without cause or notice.

Section 3. Salary.

A. Employer agrees to pay Employee for Employee's duties as Levee Superintendent an hourly rate of FORTY-FIVE and 0/100 Dollars (\$45.00) payable monthly, subject to usual and normal withholdings.

Section 4. Performance Evaluation. Employer shall review and evaluate the performance at least once annually. Such review shall include review of Employee's accomplishment of objectives and goals established by Employer.

Section 5. Hours of Work. Employee shall devote such hours as may be necessary to carry out the duties set forth in Exhibit A. It is anticipated that Employee will typically work approximately ten (10) hours per week depending on conditions and the needs of the Employer.

Section 6. Vacation and Sick Leave.

A. Employee shall not earn vacation and sick leave other than as required by law.

Section 7. Disability, Health and Life Insurance. Employer shall not provide disability, health or life insurance for Employee.

Section 8. Retirement. Employer shall not provide retirement benefits or pension benefits for Employee.

Section 9. Reimbursement Expenses. Employee will receive reimbursement for all sums necessarily incurred and paid by Employee in the performance of Employee's duties.

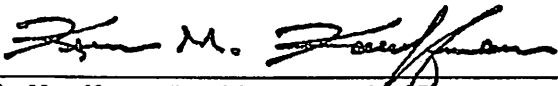
Section 10. Indemnification. Employer shall defend, save harmless and indemnify Employee in accordance with Division 3.6 of the California Government Code, sections 800 et seq.

Section 11. Unavailability. If Employee should be temporarily unavailable (as, for example, because of illness) to perform Employee's duties, Employee shall inform Employer and the Engineer for Employer.

Section 12. Entire Contract. This Contract contains all the understandings and agreements between the parties concerning Employee's employment and Employee acknowledges that no person who is either an agent or Employee of the District may orally or by conduct modify, delete, vary, or contradict, the terms and conditions set forth herein. Any modification or waiver of this Contract must be expressly made in writing executed and approved by the Board of Trustees of the District. This Contract replaces any and all prior agreements between Employee and the District related to Employee's employment and any and all such prior agreements are hereby canceled.

****signatures on next page****

EMPLOYER
Reclamation District 1614

By 
Kevin Kauffman, President, Board of Trustees

EMPLOYEE



ABEL PALACIO

EXHIBIT "A"

RECLAMATION DISTRICT 1614 JOB DESCRIPTION, DUTIES AND REQUIREMENTS FOR THE POSITION OF LEVEE SUPERINTENDENT

Qualification Requirements

The Levee Superintendent must:

- Have a valid California Driver's License at the time of employment
- Have a high school diploma or equivalent
- Pass a pre-employment drug test prior to employment at the election of the Board of Trustees.
- Be able to read and write, and possess basic record keeping skills
- Be knowledgeable and comfortable around power tools, such as chainsaws, power drills, grinders, etc.
- Be physically fit to perform physical and manual labor
- Be available to work weekends, holidays and extended hours if there is a need for emergency repairs or levee patrols during potential flood events.
- Have a general knowledge of mechanical and electrical systems, and of landscape maintenance principles and an ability to communicate issues within the district to the board of directors, district engineers, and other contractor or agencies servicing district property, equipment, or responsibilities.

General Duties and Performance

The Levee Superintendent will report to the Board of Trustees, and will coordinate his or her activities with the District's Engineer, Attorney and Secretary.

Become knowledgeable on and ensure the Levee Encroachment Standards for Reclamation District 1614 are enforced.

The Levee Superintendent will also field and evaluate complaints, requests or questions from the District's residents.

The Levee Superintendent is responsible for routine levee inspections to check for levee problems and encroachments and take action when necessary

When representing the district, the Levee Superintendent will treat all property owners (including trustees) equally and in a fair manner

The Levee Superintendent shall make the effort to meet new property owners and assist them to become familiarize with the district's permit requirements and levee encroachment standards.

During abnormal high tides, inclement weather with high winds, and earthquakes, or other potential flood events, the Levee Superintendent must conduct intensive levee patrol/inspections (in coordination with the District's Engineer) to check for damages and the integrity of the levee

Attend and provide report of activities at the monthly District meeting

Respond to incidents within the jurisdiction of the reclamation district that could or will impact the operations of district equipment and/or expose the district to regulatory issues outside of normal operations.

Flood Fight Contingencies

Become knowledgeable on the Reclamation District 1614 Preliminary Levee Patrol and Emergency Plan. In coordination with the District Engineer, work on the annual Patrol Schedule, and on updating the Plan.

During winter and periods of rain or high water, the Levee Superintendent should obtain daily reports of the delta river stage from the following website:

http://www.water.ca.gov/nav.cfm?topic=Water_Conditions&subtopic=River_Conditions_and_Forecasts

During periods of rain or high water, the Levee Superintendent shall make every effort to be available and on call.

The Levee Superintendent shall attend flood fight training when available.

The Levee Superintendent shall maintain the flood fight storage shed. Materials are to be stored in an orderly manner and kept clean and free of rodents. Levee Superintendent shall keep adequate flood fight inventory on hand and replenish used materials before the start of flood season, and purchase supplies as necessary within the approved budget.

The Levee Superintendent shall become familiar with, and coordinate, the District's relations with State and County Emergency Services.

The Levee Superintendent shall know where a supply of sand can be utilized for sandbagging purposes during a flood crisis.

Pump Procedures

The Levee Superintendent shall:

- Check the District's pump at least once every week
- Check pump for oil and lubricate when needed
- Make sure that the pump is in working order
- Arrange for repairs when necessary and oversee work. Let contracts within the approved budget
- Arrange for annual power efficiency test of pumps

Levee Maintenance

The Levee Superintendent shall:

- Ensure that the District's contractor used by the District to perform weed control does perform weed control, based on a schedule determined by the Board and weather conditions
- Eliminate rodents causing burrows and holes, using standard bait and smoke bombs and other legal means; repair damages caused by rodents
- Assure that all levee maintenance work is properly inspected, resolved and photographed before starting work and after completion; write appropriate reports in accordance with this section
- Remove tree saplings from levee slopes before they reach a diameter of 2 inches
- Contact property owners regarding violations of the levee encroachment standards.
- Observe for levee encroachments and check owners for permits
- Follow progress of all work being done and inspect and make progress reports
- Clear levee crown and slopes of fallen branches where such work is necessary.

- Repair or cause to be repaired any and all erosion problems as soon as possible.
- Remind anglers/trespassers of private properties and posted areas and request them to leave when appropriate; make arrangements to move vehicles blocking levee access. This should be done in a manner to avoid confrontation. When required, the Levee Superintendent should call for assistance from the Stockton Police Department
- Let contracts under \$5,000 for gate, lock and fence repairs within the approved budget.
- Let contracts under \$5,000 for erosion control, rock placement and similar levee protection needs within the approved budget.
- Let contracts for sign replacement or placement within the approved budget.

Permit Processing

The Levee Superintendent shall:

- Review application, meet with the requester, and conduct site inspection
- Review plans for completeness and compliance with Levee Encroachment Standards
- Discuss any issues with application with requester
- Prepare conditions of approval and explain these to requester
- Submit request to district engineer if required; present to Reclamation District 1614 Board of Directors
- Review permits with engineer for suggestions and recommendations when appropriate

Office Work Summary

The Levee Superintendent shall:

- Propose a maintenance and operation budget. In the event there is a projected increase in the operation and maintenance costs beyond those in the annual maintenance budget, the Levee Superintendent will notify the Reclamation District 1614 Trustees of the amount of the

projected increase so that the District Trustees can determine whether to approve such an increase and appropriate any additional funds, or take other appropriate actions to meet the additional facilities maintenance needs

- Fill out daily time cards completely, assigning time to job numbers
- Prepare monthly activity report for Board meetings, including monthly budget reports
- Arrange and supervise casual labor within the approved budget.
- Maintain desk and file for paperwork, permits, photos etc.
- Keep track of permits and expirations and permitted work progress
- Keep records of all contracts let and purchases made. Ensure that all contracts and purchases comply with bidding requirements and prevailing wage requirements, where applicable, in consultation with the District's attorney.
- Review contractor billings for inaccuracies/discrepancies; recommend approval of billings that are correct, submit to Board of Trustees for approval, in consultation with the District's attorney and engineer.
- Document levee work and maintenance, and preventative maintenance, with reports and photos.
- Maintain records of pump repairs and maintain a binder for pump
- Document all high water patrols and any flood fight work.
- Documentation of work, purchases, patrols and flood fighting may be accomplished by a daily log or journal.

Labor Employees

The Levee Superintendent shall:

- Schedule and supervise labor employees. All directions to labor employees shall be from the Levee Superintendent only, with suggestions from Trustees and engineers.
- Review and approve timecards completed by the individuals submitting the timecards

- Assist District Secretary with employee information necessary for record documentation
- Acknowledge that personal vehicles may be required for District work from time to time.

Miscellaneous

The Levee Superintendent shall

- Perform such other tasks as may be assigned, from time to time, by the Board of Trustees.

SECOND AMENDED AND RESTATED CONTRACT FOR SECRETARIAL SERVICES

This Contract is made as of the 4th day of March, 2019, by and between RECLAMATION DISTRICT 1614, a reclamation district organized under the laws of California ("District"), and RHONDA L. OLMO ("Secretary") and supersedes all previous contracts between the parties hereto.

1. **Retention of Secretary.** District hereby retains Secretary to perform the duties of Secretary and Treasurer for District, on the terms and conditions specified herein. Secretary hereby agrees to perform the duties of Secretary and Treasurer for District, on the terms and conditions specified herein.

2. **Duties to be Performed.** Secretary shall perform all the normal and usual duties of Secretary and Treasurer, including without limitation, those specified in the California Water Code, and shall serve as recording Secretary to District. Records of the District may be kept by the Secretary, and/or the Attorney, for the District.

3. **Specific Attendance at Meetings.** Secretary shall (except that Secretary retains the right, in the event of irreconcilable schedule conflicts or absences, to substitute another person as recording Secretary), attend such meetings of the Board of Trustees of District, as may be requested.

4. **Term.** This Contract shall commence on the date first above written, and shall continue indefinitely, except that District may terminate this Contract at any time, with or without cause, by written notice to Secretary, and shall have no liability for such termination except for services performed prior to termination. Secretary may terminate this Contract, at any time, by written notice to District at least thirty (30) days prior to termination, and shall have no liability for such termination.

5. **Compensation.** District shall pay Secretary for services performed, the sum of \$50.00 per hour worked, plus \$250 for each meeting in excess of one meeting per month.

6. **Reimbursement.** District further agrees to reimburse Secretary for out-of-pocket expenses incurred by Secretary in performing services for District, including, but not limited to, copying costs, long-distance telephone calls, and mileage at the applicable IRS rate per mile. For single expenses in excess of Two Hundred Fifty Dollars (\$250.00) District agrees to reimburse the provider thereof directly.

7. **Status.** Secretary is an independent contractor, and neither Secretary nor any individuals employed by Secretary is, are, or shall be an employee of District. Neither Secretary nor any individual employed by Secretary shall receive or be entitled to receive retirement or pension benefits, Public Employees Retirement System benefits, workers' compensation insurance coverage, health insurance coverage, or any other benefit from District except the compensation specified above.

8. Provision of Material. District shall provide Secretary, at District's sole cost and expense, agendas, notices, reports, and all other materials necessary to enable Secretary to carry out the duties of Secretary.

Notice. Except as otherwise expressly provided by law, any and all notices or other communication required or permitted by this Contract or by law to be served on or delivered or given to a party by another party to this Contract shall be in writing, and shall be deemed duly served, given, or delivered when personally delivered to the party to whom it is directed or, in lieu of such personal service, two (2) days after such written notice is deposited in the United States mail, First Class., postage pre-paid, addressed to the party at the address identified for that party in this Contract. Any party may change their address for the purpose of this Paragraph by giving written notice of such change to each other party in the manner provided in this Paragraph.

District: RECLAMATION DISTRICT 1614
c/o Daniel J. Schroeder
P.O. Box 20
Stockton, CA 95201-3020

Secretary: Rhonda L. Olmo
1758 Wawona Street
Manteca, California 95337

9. Excuse of Default. Should the performance of the obligations of any party under this Contract be prevented or delayed by act of God, war, civil insurrection, fire, flood, storm, strikes, lockouts, or by any law, regulation, or order of any federal, state, county, municipal authority, or by any other cause beyond the control of such party, such party's performance under this Contract shall be excused to the extent it is so prevented or delayed.

10. No Other Relationship Created. Except as otherwise specifically set forth in this Contract, no partnership, joint venture, employment franchise, agency, corporation, association, or other relationship is intended to have been created between or among the parties as a result of this Contract.

11. Choice of Law. This Contract shall be governed by the procedural and substantive laws of the State of California.

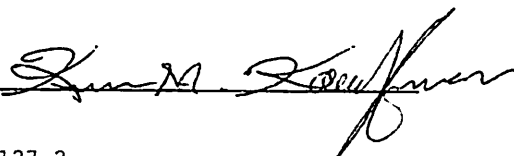
12. Renegotiation of Contract. It is specifically provided that Secretary may renegotiate this Contract, including rates for services.

"DISTRICT"

"SECRETARY"

RECLAMATION DISTRICT 1614

RHONDA L. OLMO

By: 

By: 