Middle Creek Restoration
Project Committee Minutes

Location and Time:

Monday, November 1st, 2021 at 10:30 am
Via Zoom Conference Call

1. Roll call / Quorum

Peter Windrem (Middle Creek Restoration Coalition), Supervisor Bruno Sabatier (County-BOS), Supervisor Bruno Crandell (County-BOS), Harry Lyons (Middle Creek Restoration Coalition)

2. Consideration of Items Not Appearing on the Posted Agenda (Extra Items)

None at this time.

3. Army Corps

3.1. Discussions with representative from Army Corps of Engineers

Dr. Lyons gave an overview of project status and how best to address Congress and the Corps. By the end of the calendar year we will have purchased 75% of the properties in the project area. The Committee has made the necessary connections with PG&E, Caltrans and allocated associated monies. Next, the committee would like to finalize the details of the steps required to reach the design phase and construction phase to have Congress appropriate funds. Interested in any future funding with new infrastructure bill and Water Resources Development Act. Supervisor Sabatier added that the committee is looking for guidance on how to proceed to be best positioned to get to our end goal.

Congressmen Garamendi’s office representative (Ian):

- **There is going to be a substantial amount of money provided for flood control and restoration efforts but Congress will not be able to earmark that funding.**
  
  Recommendation is to make the goal: get the Middle Creek Project on the Army Corps Sacramento District Office project priority list. That list then gets recommended to the Pacific Division, then needs to make it to the final National project funded list.
  
  Typically don’t fund in full, they fund annually.
  
- **Challenges**
  
  - Land acquisition for project pre-construction phase (local responsibility), will not be as competitive on the national list because there is not a project ready to be funded.
  
  - Land acquisition needs to be complete before any member of Congress can go about getting funds for the project to get funded by Army Corps.
  
- Supervisor Sabatier clarified, once the committee gets to 90-95% parcel acquisition to get on to the Army Corps local list. He asked, “Are there avenues to help in getting on the priority list, example certain sponsor, or is it based on the project description?”

- Ian responded: it is not a political process. Recommends that it be a flood control project. Is the non-federal sponsor able to fund their own share?

- Supervisor Sabatier asked if the county has to be prepared for design and construction 65% (federal) / 35% (local) share. **Response from Ian: you must have commitments for the funding, with a reasonable degree of certainty.**
- Dr. Lyons asked if the design phase is completely separate from the construction phase as far as funding and authorization goes. Ian responded “Yes, there are two different phases and they are funded separately. There is a feasibility study element side of the project.” Peter Windrem added that under the agreement of the current project that the cost share is 75% (federal) / 25% (local) share. Ian responded, “The next order of business is getting the federal funding commitment in funding the study and funding the overall project is a separate issue. If the County is on track to complete the land acquisitions over the next several years in a timely manner it seems pretty likely that the Committee can get the Corps to fund their portion of the feasibility of the study before the land acquisition is completed. The Corps would be taking a gamble but then the last step would be the construction step. Peter Windrem asked about the funding for updated environmental studies. Ian responded: for studies assuming the Record of Decision (ROD) is being under NEPA and not CEQA the Corps does not need congress authorization, they have a general appropriation available for that type of work.

- Dr. Lyons asked for clarification on the Corps “Work Plan.” Ian responded the work plan enumerates projects the Corps has already committed to do and has secured and appropriation from Congress to complete.

- Peter Windrem asked if Ian can pin point where the County is on Figure 1. The Civil Works Program/Budget Cycle pinwheel graphic. Ian responded: we are talking about at being at step 10 (appropriations Bills (Jul-Sep)). Really the County is only at step 3 (Field Offices Develop Program Requirements (Apr-May)).

- Peter Windrem asked who we should be talking to next. Ian responded:
  - County Flood Control District (Ian has never spoken with a representative from the flood control district)
  - County needs to continue/complete land acquisition
  - Do we need a new NEPA document?
  - Continue to get the feasibility cost requested in the budget submission process

- Ian stated that the project will be more competitive when the local responsibilities’ are complete.

- Supervisor Sabatier summarized everything discussed with Ian, to continue discussion. Supervisor Crandell asked if a conversation of zoning came up in the discussion.

- Dr. Merry Jo Oursler, “the cost benefit really needs to be looked at to see what the best avenue will be: flood protection vs restoration.” Supervisor Sabatier agreed and added that climate change should be factored in as far as destruction of fires goes. Peter Windrem volunteered to look into the previous cost benefit analysis when the project was initiated. Val added if we can include that the direct route to the hospital being flooded affects more people as well.

4. PG&E

4.1. Discussions with representative from PG&E (Melinda Rivera)

Supervisor Crandell gave a summary of the project and the committee to introduce PG&E representative. Supervisor Sabatier added that the committee has had discussions in the past with PG&E, allocation of monies for design, and asked the following questions:

1. Is it absolutely necessary to move the transmission towers? (cited the towers on 20 towards Colusa are in water)
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a. Melinda said she has seen transmission towers in wetland areas. Will ask if they need to be moved. Can they be footed in water, what’s the depth of water that the towers can handle?

2. How many of those distribution lines are still needed once the project is complete?
   a. Melinda responded that if the only things being fed are the 18 meters on properties being acquired that would no longer be located there then they would be classified as idle facilities and removed as such. She would need to confirm the meters and the properties they are associated with. Melinda asked Supervisor Crandell for one or two of the addresses for the meters that would be relocated elsewhere so she could look up the circuit that feeds them. She would also like a map of the full project area.

3. What exactly is the action plan for PG&E if the levees do break naturally? Are those towers in danger?
   a. Supervisor Sabatier asked what level of responsibility PG&E is looking to take when it comes to that situation. Melinda responded in the event of any natural disaster, would have to have a partnership with Cal Trans, County, Army Corps, and PG&E in order to relocate.

4. How we need to have a conversation with Army Corps and utility districts:
   a. Is this a conversation that requires both parties in the same room? So that we know PG&E can or can’t do based on the Army Corps design?
   b. Or does PG&E just need to take action and the Army Corps will design around what PG&E does?
      Melinda responded: PG&E would have to work with Army Corps design and Cal Trans right of ways. Would like to get the Army Corps contact to see who gets to go first, if its PG&E first or Army Corps first? Dr. Lyons put the Army Corps contacts (phone & email) in the zoom chat.

Melinda will work to get all above questions answered by the next Middle Creek Committee meeting.

5. Project Area Parcel Acquisition

5.1. Progress Report on Parcel Acquisition

Celia gave an update on the Paragon contract that there are only two properties left on their contract to complete. By the first of the year we will be able to identify what parcels are not willing and still willing, so that we can get a start on condemnation before the grant cycle is complete. Supervisor Sabatier added that we need to have more letters of support from our local tribes in support of this project to move this project forward. Supervisor Crandell added that we need to use the tribe’s historical value with the Middle Creek Project. Val asked where funding for condemnation would be coming from? Celia responded: Marina (Deputy Water Resources Director) is looking for other funding sources, some will come out from local funds but not clear on where else the funding can come from. Celia added that at times when property owners involved in selling properties to County and see the process and the benefits that some may become more willing as they see neighbors selling their properties. Deputy Deligiannis provided a report in the meeting attachments for updates prior to the meeting.

6. California Department of Water Resources (DWR)
6.1. Agreement No. 4600012946 Amendment Approved

Grant extension officially approved by DWR.

7. Board Action

7.1. Approve minutes from October 4th, 2021 Middle Creek Project Committee Meeting

Dr. Oursler asked about the questions that were brought up in the previous meeting minutes, only saw the questions is confused as to where the answers are.

1. Supervisor Sabatier asked for clarification of the 100 year flood plain.

2. Dr. Lyons asked for the changes from partial to full parcel acquisitions would require relocations.

   No, to 1 & 2 are still looking into that with the survey to verify that the flood line is correct.

3. Windrem asked if Monument has had discussions with property owners.

   Everyone has been reached out to by Water Resources, but not everyone has been reached by Monument, due to waiting for plats and legal that will be finalized on Nov 5th.

   Windrem again suggested a trade instead of a relocation for the Saechao properties. Celia responded that with the limited time we have on the grant contract a trade might not be feasible.

Supervisor Sabatier moved to approve the minutes with edits, Dr. Lyons seconded the motion. No objections, all Ayes, approved.

8. Public Expression

None at this time.

9. Non-Timed Items

None at this time.

10. Next Meeting Scheduled for: Monday, December 6th, 2021 at 10:30 am PST via Zoom Conference Call

   Supervisor Sabatier would like an up to date data on the spreadsheet. Dr. Lyons asked for an up to date map. Val would like to be added to the meeting list serve.

11. Adjournment

   Please send any agenda items to Committee Secretary at Water.Resources@lakecountyca.gov or (707) 263-2344

Water Resources is inviting you to a scheduled Zoom meeting.

Topic: November Middle Creek Project Committee

Time: Nov 1, 2021 10:30 AM Pacific Time (US and Canada)
Meeting ID: 988 1012 2197
Passcode: MCPC2021
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