

RECLAMATION DISTRICT NO. 828
SPECIAL AGENDA FOR
BOARD OF TRUSTEES
8:30 A.M. SEPTEMBER 13, 2017
509 WEST WEBER, 5TH FLOOR
STOCKTON, CALIFORNIA

AGENDA

1. Call to Order/Roll Call.
2. Public comment: Under Government Code section 54954.3, members of the public may address the Board on any item on the agenda at the time it is taken up.
3. Consider for approval minutes of the regular meeting of July 21, 2017, and special meeting of July 21, 2017.
4. Vacancy Appointment. Appoint an individual to fill vacancy created by Mr. Merdinger's death.
5. Approve Encroachment Permit with PG&E for Gas Main Improvements.
6. Approve Contract with MAYACO regarding website revision.
7. RD 17 Assessments Court Decision
8. Correspondence and meeting attendance reports.
9. Approval of bills to be paid.
10. Adjournment.

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 Daniel J. Schroeder at 209/948-8200 during regular business hours, at least twenty-four 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, 509 W. Weber Avenue, 5th Floor, Stockton, California during normal business hours.

**AGENDA PACKET
RECLAMATION DISTRICT 828
September 13, 2017**

<u>ITEM</u>	<u>COMMENTARY</u>
1.	Self-explanatory.
2.	Self-explanatory.
3.	Please see attached.
4.	Self-explanatory.
5.	Please see attached.
6.	Self-explanatory.
7.	Self-explanatory.
8.	Please see attached.
9.	Self-explanatory.
10.	Self-explanatory.

ITEM 3

**Minutes of Regular Meeting of
Reclamation District 828
Held on July 21, 2017**

The regular meeting of the Board of Trustees of Reclamation District 828 was held at 8:30 a.m. on July 21, 2017 at 509 West Weber Avenue, 5th Floor, Stockton, California 95203.

Item No. 1: Call to Order. The meeting was called to order at 8:54 a.m. Present were President Bill Mendelson and Trustee Deby Provost. Also present was Daniel J. Schroeder, District Secretary and Counsel, Andy Pinasco, and Chris Neudeck, District Engineer.

Item No. 2: Public Comment.

Item No. 3: Approval of Minutes. Mr. Schroeder reviewed the April 20, 2017 minutes with the Trustees. The minutes of the April 20, 2017 regular meeting as amended were approved unanimously by the Trustees present on a motion by President Bill Mendelson, seconded by Trustee Deby Provost.

Item No. 4: Financial Report. Mr. Schroeder reported on the financial status of the District and provided the Trustees with a written end of the fiscal year financial report. Regarding Resolution 2017-02 Certifying Assessments to be Collected and Establishing a Procedure for Collection, Mr. Schroeder explained the process and purpose of the resolution and that the proposed assessments were still at the maximum Proposition 218 rate. He explained that should the Trustees desire to increase the rate further, a proposition 218 assessment election would be required. Resolution 2017-02 was adopted by a unanimous vote of the Trustees present on a motion by Trustee Deby Provost, seconded by President Bill Mendelson.

Mr. Schroeder next reviewed the draft 2017-2018 Budget with the Trustees. The proposed 2017-2018 Budget was adopted by a unanimous vote of a motion by President Bill Mendelson, seconded by Trustee Deby Provost.

Mr. Schroeder then presented the proposed 2016-2017 Audit Contract with Schwartz, Giannini, Lantsberger & Adamson. The 2016-2017 Audit contract was approved by vote of the Trustees present on a motion by Trustee Deby Provost, seconded by President Bill Mendelson.

Finally, the Trustees discussed the topic of whether to issue business cards to the Trustees and the situations when a Trustee might use one and the concern with use for political purposes. The Trustees took no action on the topic.

Item No. 5: Engineer's Report. Mr. Neudeck provided the Trustees with a written and oral report. He presented the District Operations Manual and explained its purpose and how it would be used. He also pointed out that the manual can be amended in the future as needed. The District's Operations and Maintenance Manual was adopted by a

unanimous vote of the Trustees present on a motion by President Bill Mendelson, seconded by Trustee Deby Provost.

Mr. Neudeck next discussed the status of several encroachment permit and reimbursement agreement negotiations. He reported that negotiations continue with PG&E who currently is refusing to enter into a reimbursement agreement for staff review of their proposed encroachment. He next reported on the issues with Caltrans on addressing the conditions of the levee under highway 5. He reported on the City's desire to obtain an encroachment permit and discovered a through pipe near the area where the work will be performed that has been present for decades. Staff will work with the City regarding addressing the removal of that pipe. Mr. Neudeck next briefly reported on the Smith Canal Closure Structure status.

The Trustees then discussed the ongoing problem with trash and illegal dumping on the levee. Trustee Provost reported on her frustration in getting the City on Policy Department to address the problem.

Item No. 6: Adopt Resolution 2017-03 Amending the Reclamation District 828 Records Management Policy. Mr. Schroeder reported on the necessity of the Resolution to change the policy to be consistent with the Subventions Agreement retention requirements. Resolution 2017-03 was adopted by a unanimous vote of the Trustees present on a motion by Trustee Deby Provost, seconded by President Bill Mendelson.

Item No. 7: Adopt Resolution 2017-04 Authorizing and Directing Filing of Notice of Exemption for Routine Maintenance, for Fiscal Year 2017-2018. Mr. Schroeder explained the purpose of the resolution and that it is adopted annual for CEQA purposes. Resolution 2017-04 was adopted by a unanimous vote of the Trustees present on a motion by President Bill Mendelson, seconded by Trustee Deby Provost.

Item No. 8: RD 17 Assessments Court Decision. Mr. Schroeder explained the recent that a petition has been filed with the California Supreme Court to appeal the appellate court decision regarding the assessment exemption in Water Code Section 51200 and Proposition 218.

Item No. 9: Trustee Vacancy. Request for direction. Mr. Schroeder reported on the vacancy created by the death of Mr. Mandelson and the three options on filling the vacancy. The Trustees unanimously decided to fill the vacancy by appointment in accordance with Government Code Section 1780 on a motion by President Bill Mendelson, seconded by Trustee Deby Provost. Staff to post the appropriate notices with County and after a meeting date for the appointment is determined.

Item No. 10: Correspondence. There were no comments or discussions on the correspondence attached to the agenda packet.

Item No. 11: Calendar. Mr. Schroeder reviewed the calendar with the Trustees.

Item No. 12: Approval of Bills. Mr. Schroeder reported on the outstanding bills that had been received and the status of the District's accounts. The payment of the attached bills was approved unanimously by the Trustees on a motion by a motion by President Bill Mendelson, seconded by Trustee Deby Provost.

Item No. 13: Adjournment. The meeting was adjourned at 10:08 a.m. unanimously by the Trustees on a motion by Trustee Deby Provost, seconded by President Bill Mendelson.

Respectfully submitted,



Daniel J. Schroeder, District Secretary

**Minutes of Special Meeting of
Reclamation District 828
Held on July 21, 2017**

The special meeting of the Board of Trustees of Reclamation District 828 was held at 8:30 p.m. on July 21, 2017 at 509 West Weber Avenue, 5th Floor, Stockton, California 95203.

Call to Order. The meeting was called to order at 8:34 a.m. Present were President Bill Mendelson and Trustee Deby Provost. Also present was Dan Schroeder, District Secretary and Counsel, Andy Pinasco, and Chris Neudeck, District Engineer.

Item No. 1: Public Comment. President Mendelson announced the loss of Trustee Mendelson who passed away earlier this month. The Board held a moment of silence in his honor.

Item No. 2: Insurance. Select and approve insurance provider and policy. Mr. Pinasco explained the two insurance proposals being presented to the Trustees. He compared the policies and the coverage they provided, as well as the difference in premium amounts. He also reported that the JPA proposal would involve a three year commitment with a penalty for early termination, but that it also provided high policy limited than the existing policy. The Trustees agreed to change to the JPA for insurance by unanimous vote of the Trustees present on motion by President Bill Mendelson, seconded by Trustee Deby Provost.

Item No. 3: Adjournment. The meeting was adjourned at 8:54 a.m..

Respectfully submitted,



Daniel J. Schroeder, District Secretary

ITEM 5

RECLAMATION DISTRICT NO. 828 ENCROACHMENT PERMIT
FOR PG&E GAS MAIN IMPROVEMENTS

This Encroachment Permit ("Permit") is issued by RECLAMATION DISTRICT 828 – WEBER TRACT ("RD 828") to the PACIFIC GAS AND ELECTRIC COMPANY ("Permittee"). The real property affected by this Permit is a portion of RD 828 levee, approximate station 25+00 to 45+00 adjacent to Smith Canal, San Joaquin County, State of California, as referenced in the attached Base Map.

RECITALS

WHEREAS Permittee desires to encroach upon a portion of the levee maintained by RD 828 for the purpose of making certain repairs to the existing gas main owned by Permittee and identified in the Reference Base Map and PG&E Project Drawings attached hereto Exhibit "A" ("Gas Main"); and

WHEREAS, said repairs shall comport with the specifications and requirements set forth in Section 5 of this Permit; and

WHEREAS, RD 828, pursuant to its jurisdiction over levee maintenance, repair, and flood control matters conferred by California Water Code section 50900 *et seq.*, has adopted Levee Encroachment Standards; and

WHEREAS, RD 828 has determined that Permittee's desired levee encroachment, as specified in Exhibit "A," is in conformance with RD 828's Levee Encroachment Standards; and

WHEREAS, RD 828 desires to grant this Permit upon the terms and conditions herein specified and by acceptance of this Permit, Permittee agrees to observe and perform.

AGREEMENT

NOW, THEREFORE, Permittee and RD 828 agree as follows:

1. Permit Description.

- A. RD 828 does hereby grant to Permittee permission to encroach upon that portion of RD 828 levee, approximate station 25+00 to 45+00 adjacent to Smith Canal, San Joaquin County, State of California for the sole purpose of making certain repairs to the Gas Main in the RD 828 levee. Reference Base Map and PG&E Project Drawings attached hereto as Exhibit "A".
- B. Permittee shall obtain the necessary easements and rights of way from the landowners upon whose land the work and improvements will be located. Fee title to the real property at the above locations is not vested in RD 828 but is vested in other parties.
- C. The descriptions in this section shall be collectively referred to as the "Project."

2. Permit Terms and Conditions.

- A. Permittee shall cause such repairs to that portion of RD 828 levee, approximate station 25+00 to 45+00 adjacent to Smith Canal, San Joaquin County, State of California to be performed only in accordance with the terms and conditions required in this Permit and with plans and specifications approved by RD 828's District Engineer.
- B. Permittee shall retain at Permittee's sole cost and expense a supervisor capable of providing oversight of all work in the waterway or on or near RD 828's levee and any and all water seepage, soil stability problems and changes in levee crown elevation shall be immediately reported to RD 828's District Engineer. The supervisor with control over the work shall be onsite continuously during the course of the operations permitted herein.
- C. RD 828's District Engineer shall have the right to inspect the construction related to the repairs performed by the Permittee at any time, and, in the event RD 828's District Engineer deems the safety of RD 828's levee is being jeopardized, he may order all or any portion of the work stopped, in which case Permittee agrees to immediately comply with the order. Any such order to stop work shall be in writing and shall be given to the Permittee's on-site representative and to its contractor, if a contractor is used. If a written order to shut down any portion of the construction is issued by the District Engineer, then a meeting will be held on-site within twenty-four (24) hours to agree on the conditions under which construction can be restarted. If a disagreement arises between RD 828 and Permittee at such meeting, then a third-party engineer, designated by RD 828 and Permittee by mutual consent prior to the commencement of construction activities related to repair performed by Permittee will be called in within twenty-four (24) hours of the conclusion of the meeting to arbitrate the dispute, and will render a decision which shall be binding on the parties within forty-eight (48) hours after conducting the arbitration. All costs of the work by the third-party engineer shall be born entirely by Permittee.
- D. Permittee shall notify RD 828's District Engineer, Christopher H. Neudeck, via email at cneudeck@ksninc.com, at least twenty-four (24) hours prior to the commencement of the operations permitted herein, and when there is no activity for a period of five (5) working days, said notice shall once again be given at least twenty-four (24) hours prior to resumption of such operations.
- E. Permittee's operations permitted herein shall not interfere with access along the levee crown road when Permittee's crews are not on site.
- F. All covenants of Permittee herein shall also be deemed conditions of this Permit.
- G. The terms and conditions herein shall bind the heirs, successors and assigns, executors, administrators and transferees of Permittee. Permittee agrees as a condition of any transfer to obtain from the transferee its written agreement to comply with the terms of this Permit. Permittee shall notify RD 828 of the name and address of any transferee and provide to RD 828 a copy of said transferee's agreement within ten (10) days of the transfer.

- H. If requested by RD 828, Permittee agrees to execute any and all additional documents reasonably necessary to secure the recordation of this Permit or a memorandum thereof in the County of San Joaquin, State of California.
- I. RD 828 shall submit to Permittee an invoice for all reimbursable expenses actually incurred by it. Permittee shall within thirty (30) days of RD 828 mailing the invoice make payment to RD 828 for its reasonable out of pocket engineering and legal costs incurred (1) in evaluating, reviewing and processing plans, designs, specifications, environmental analysis and other documents and data for the facilities, operations and repairs permitted herein; (2) preparing and reviewing this Permit; and (3) monitoring, reviewing and inspecting Permittee's construction operations permitted herein, provided however, Permittee's obligation to reimburse for such legal costs shall be subject to a financial cap not to exceed \$7,500.

All payments not received when due, shall have an additional five percent (5%) of the overdue amount added as a late charge. Acceptance of any late charge shall not constitute a waiver of the default

- J. Permittee shall, upon completion of the Project, properly restore the Levee to the condition prior to the Project including, but not limited to, riprap and Levee crown surfacing to preconstruction dimensions and conditions, including elevation, in a manner satisfactory to the RD 828 District Engineer.
- K. Permittee shall, within thirty (30) days of completion of the improvements, supply RD 828 with "as-built" drawings of the completed project that deviates from the original design.
- L. Neither RD 828 nor any officer, agent, consultant, contractor, servant, or employee thereof is responsible for any damage or liability to the extent that such damage or liability occurs by reason of anything done or omitted to be done by Permittee under or in connection with any of its activities under this Permit. It is understood and agreed that the Permittee shall fully defend, indemnify and save harmless RD 828 and its officers, agents, contractors, servants, and employees from any and all claims, damages, suits, costs, expenses or actions of every name, kind and description brought for or on account of damage claim or injury as defined in Government Code section 810.8 to the extent that such claims, suits or actions result from anything done or omitted to be done by Permittee under, arising out of, or in connection with any of its activities under this Permit, including, without limitation, the Project. Additionally, Permittee hereby waives, as to RD 828's Trustees, District Engineer, Attorney, consultants, employees or agents, any and all claims, damages, liability or losses arising from or related to, review, or approval of the plans, designs, specifications and other documents and data related to the Project and this Permit.

3. Permit Termination.

- A. This Permit shall be subject to termination by the Board of Trustees of RD 828 upon failure of Permittee to adhere to the terms and conditions provided herein.

- B. Upon the termination of this Permit, RD 828's remedies against Permittee set forth herein including, but not limited to, Permittee's obligations (1) to fully indemnify, defend and save harmless RD 828; (2) to assume the risk of damages to its facilities and operations permitted herein from flooding; (3) to repair damage caused by its facilities or operations permitted herein, reasonable wear and tear excepted; (4) to remove its facilities permitted herein; and (5) to reimburse RD 828 for various costs; shall survive the termination of this Permit.

4. Notice.

- A. Unless changed by written notice to the parties at the addresses herein provided, the mailing address for all notices and payments required herein shall be:

Pacific Gas and Electric Company
Land Department 4040 West Lane, Bldg. 9
Stockton, CA 95204

Reclamation District No. 828 – Weber Tract
P.O. Box 20
Stockton, CA 95201
Telephone (209) 948-8200

5. Project Repair Specifications.

- A. All unused portions of gas main shall be removed from the levee section and 10'-0" outside levee toe on land side.
- B. Permittee shall, upon placement of the new gas main improvements and removal of the existing gas main and or services as necessary, properly backfill the same in a manner satisfactory to the RD 828 District Engineer. The abandoned gas main shall be removed from the levee; the excavation shall be backfilled with engineered fill consisting of on-site soil or approved import levee fill material. Import fill material shall be approved by the District Engineer prior to use. Backfill shall be compacted to a minimum compaction of 90% as based on ASTM D-1557 criteria.
- C. Permittee shall employ a geotechnical engineering firm to provide compaction testing services for trench backfill within the levee section. Compaction test results shall be provided to RD 828's District Engineer, KSN, attention David Carr, dcarr@ksninc.com (209) 946-0268.
- D. Trench and roadway restoration shall be per City Standards.

6. Indemnification and Insurance.

- A. Permittee agrees to fully indemnify, defend and hold harmless RD 828, including its governing board, trustees, officers, consultants, agents, employees and contractors (herein collectively referred to as "RD 828 Indemnitees") against any and all loss, damage, liability, claim, demand, litigation, expense, including reasonable attorney's fees, resulting from any actual or threatened injury or harm to any person or property or to the environment arising out of Permittee's facilities and operations permitted herein excepting only such injury or harm caused by the sole negligence or willful misconduct of RD 828.
- B. Permittee shall secure the naming of "RD 828, its board of trustees and officers thereof" as additional insureds as to claims arising out of Permittee's facilities and operations permitted herein on the liability policies and to the limits as required by Permittee of its contractors during the period of the contractors' work permitted herein. Additionally, Permittee shall at all times during the time this Permit remains in effect maintain comprehensive general liability insurance including coverage for all damages arising out of Permittee's facilities and operations permitted herein with limits of a minimum of \$2,000,000.00 per occurrence to insure Permittee's obligations for personal, property and environmental injury or harm as provided herein. All liability insurance shall be provided by California admitted carriers with an A- or better rating. Certificates of said insurance shall be provided to RD 828 prior to commencement of the operations authorized herein. Said certificates shall provide for thirty (30) days prior notice to RD 828 of termination of the insurance.
- C. Permittee shall have the right to self-insure with respect to any of the insurance requirements required under this Agreement. Permittee shall submit a letter of self-insurance signed by duly authorized representative evidencing that Permittee's self-insurance program is in full force and effect and in compliance with and subject to all the terms, agreements, covenants, conditions and provisions of the Agreement.

7. Flood Risk Acknowledgment. Permittee acknowledges that the premises could be flooded from many causes, including without limitation, the following:

- A. Levee overtopping and levee failure due to natural causes such as winds, tides, barometric pressure changes, rainfall, rainfall runoff, earthquakes, levee settlement and rodents.
- B. Levee overtopping and levee failure due to man-related causes including but not limited to the negligence of the landowner, any Reclamation District, or any other governmental agency, which may include inadequate or improper levee maintenance, flood fighting and/or patrol, dredging, water releases, obstructing water flows and water diversions.
- C. Failure of the drainage system due to natural or man-related causes, including negligence of an owner, any Reclamation District, and any governmental agency.
- D. Failures to construct, repair, maintain or operate levees, drainage or irrigation facilities or other facilities whether due to limited funding or otherwise.

- E. Permittee hereby expressly assumes the risk of direct and indirect loss and damage to Permittee and its contractors, employees and agents arising out of the above and hereby waives the right, including the right on the part of any insurer through subrogation, to make any claim pertaining to the same as against RD 828 and the landowners within RD 828. Permittee agrees to hold RD 828 and the landowners within RD 828 free and harmless from and indemnify them for inverse condemnation of and for damages to property belonging to Permittee, or to Permittee's contractors, employees or agents, used in connection with Permittee's operations permitted herein that results from or is caused by flooding due to the causes set forth above including, without limitation, damage to equipment, improvements, site preparation, pipelines, valves and appurtenances. The parties intend that this indemnity shall extend as broadly as legally permitted and shall apply regardless of whether the loss results from the active or passive negligence of RD 828 excepting only such loss caused by the willful misconduct of RD 828.
8. Permittee Duty to Repair. Permittee does hereby agree that at all times during and after the completion of the work that Permittee shall, perform at Permittee's own cost and expense, all reasonable rehabilitation, maintenance, or repair of Permittee's work permitted herein, reasonable wear and tear excepted.
9. Removal of Works and Appurtenances.
- A. Permittee does hereby agree that this Permit is subject to the paramount rights of RD 828 for reclamation and flood control purposes and the rights of RD 828 to control, maintain, repair, construct, supervise, inspect, relocate, operate, and reconstruct its levees and reclamation works. If and in the event that in the sole discretion of the Board of Trustees of RD 828 an emergency exists or may arise which requires that work be performed on the levee, banks, slopes or other RD 828 facilities in the immediate area of Permittee's works permitted herein, or in the immediate area of Permittee or its contractors, employees or agents' temporary works or appurtenances thereto used in connection with the operations permitted herein, then and in that event Permittee shall remove any and all of said works and appurtenances reasonably necessary to the performance of such work, provided that RD 828 first provides Permittee with facsimile or telephone notice at the numbers set forth above.
10. Time is of the Essence. Time is of the essence of this Permit.
11. Miscellaneous.
- A. In the event any party to this Permit brings an action or arbitration to enforce any provision of this Permit, or is required to defend any action or arbitration brought by any party to this Permit the defense to which is any provision of this Permit, the prevailing party shall be entitled to reasonable attorney's fees and costs.
- B. The undersigned represent that they are authorized to enter into this permit agreement on behalf of the party for which they sign. Each party represents that it has legal authority to

enter into this permit agreement and to perform all obligations under this permit agreement.

12. Entire Agreement. This Permit is intended to reflect the entire understanding between the parties, and no alteration or modification shall be valid unless made in writing and signed by the parties. The parties agree to cooperate with each other and coordinate their respective activities in a good faith effort to accomplish the objectives recited above.
13. Governing Law. All matters arising out of or relating to this Agreement shall be governed by and construed in accordance with the internal laws of the State of California without giving effect to any choice or conflict of law provision or rule. The parties agree that this Permit is made in and shall be performed in San Joaquin County, California.


Attachments: RD 828 Base Map
PG&E (Approved) Project Drawings

ACCEPTANCE BY PERMITTEE

PERMITTEE HEREBY ACCEPTS THE ABOVE PERMIT AND AGREES TO COMPLY WITH ALL OF THE REQUIREMENTS THEREOF. THIS PERMIT DOES NOT RELIEVE THE PERMITTEE FROM OBTAINING ANY AND ALL OTHER APPROPRIATE PERMITS REQUIRED BY OTHER PUBLIC AGENCIES.

Dated: August 22nd, 2017.

PACIFIC GAS AND ELECTRIC COMPANY

By: 

Printed name: Kent Poythress

Title: Supervisor, LSES
North Valley

APPROVED BY RD 828

Dated: _____, 2017.

RECLAMATION DISTRICT NO. 828 –
WEBER TRACT

By: _____
Bill Mendelson, RD 828 Board President

ITEM 8



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

August 23, 2017

Michael McDowell
City of Stockton
Community Development Department
345 North El Dorado Street
Stockton, CA 95202

Re: Public Notice of Availability – Draft Initial Study/Mitigated Negative Declaration for City of Stockton Bicycle Master Plan

Dear Mr. McDowell,

We have reviewed the above-referenced document, found on the City of Stockton's website, on behalf of Reclamation District No. 828 – Weber Tract (RD 828). RD 828, which will be affected by the proposed Bicycle Master Plan, was not notified of the availability of the draft environmental document.

KSN is RD 828's engineer charged with the responsibility of maintaining and evaluating the structural integrity of the levee system within the District, for the purposes of critical flood control and protection of life, health, safety and property. KSN also provides California Environmental Quality Act (CEQA) review and documentation for the sensitive Delta habitat, wildlife, and flora within RD 828's levee system.

We believe there are several environmental factors listed in the CEQA checklist which require further study to determine the potential level of impacts the proposed project would cause. Areas of concern include:

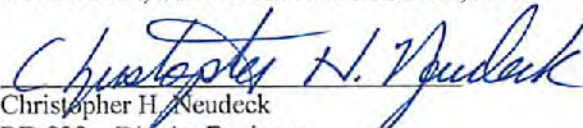
- Long-term and cumulative impacts to biological resources
- Impaired implementation of emergency response or evacuation plans
- Impact to public services
- Disposal of hazardous materials and water quality
- Potential of public exposure to flood events
- Community Impact Assessment (CIA)

We strongly encourage further review of these environmental factors, which are discussed beginning on page 3 of this document.

In addition, the City of Stockton will be required to consult with the RD 828, and enter into a Use and Maintenance Agreement and Easement Permit with the District, in order to move forward with the implementation of the Bicycle Master Plan on the levees within RD 828's jurisdictional boundary.

To discuss this further, please contact me at cneudeck@ksninc.com or (209) 946-0268.

Sincerely,
KJELDSSEN, SINNOCK & NEUDECK, INC.


Christopher H. Neudeck
RD 828 – District Engineer



Michael McDowell
August 23, 2017
Page 2 of 5

T. Malinowski

Tessa Malinowski
Environmental Manager

cc: Bill Mendelson, President/Trustee
Robert Merdinger, Trustee
Deborah Provost, Trustee
Daniel Schroeder, Attorney/Secretary



City of Stockton Bicycle Master Plan - Draft IS/MND Review

Impacts to Biological Resources

We fully support the mitigation measures suggested in the IS/MND under the Biological Resources section. However, we have concerns regarding the long-term or cumulative biological impacts to sensitive and protected Delta flora and fauna. While the actual construction of the bicycle path and facilities may avoid impacts to riparian habitat and sensitive species with the implementation of avoidance, minimization, and/or mitigation measures required by the appropriate agencies, the environmental document does not look at the long-term impacts or cumulative impacts which could potentially occur. Public access will expose the riparian habitats to high foot traffic, potentially causing significant impacts if the public tramples, harasses, removes, or otherwise impacts these sensitive areas. The Reclamation District suggests that the City of Stockton include a provision for post-construction long-term biological monitoring to determine if public access is impacting these biological resources.

Impaired Implementation of Emergency Response Plan or Emergency Evacuation Plans

The environmental document has listed No Impact to VIII. Hazards and Hazardous Materials, Item G. We do not support this conclusion. There have been flood events in the San Joaquin Delta system which have required emergency response with localized evacuations due to flood waters breaching the levee. Recent flood events have required Federal Emergency Management Agency (FEMA) presence and assistance, which included emergency response plans and/or emergency evacuation plans. We request Item G be listed as Less than Significant with Mitigation Incorporated and recommend mitigation measures include coordination and consultation with the Reclamation District as well as the Central Valley Flood Protection Board (CVFPB), FEMA, the Department of Water Resources (DWR), US Army Corps of Engineers (USACE), and any other appropriate agencies, to create an emergency response plan and emergency evacuation plan specific to the Bicycle Master Plan, which incorporates the increased risk of having the public, including the possibility of the presence of transient encampments, present on the levee system during a flood emergency.

Disposal of Hazardous Materials and Water Quality

The environmental document has listed No Impact to VIII. Hazards and Hazardous Materials, Item A as well as No Impact to IX. Hydrology and Water Quality, Item F. We do not support these conclusions. Due to the increased presence of the public along waterways and levee systems, there will be a potential for illegal dumping of hazardous wastes into the waterways. San Joaquin County has a well-documented issue with transient camps and the health and safety risks they present, which include an increase in illegal disposal of hazardous materials as well as solid waste. This illegal dumping of hazardous materials and solid waste could significantly impact water quality in the protected Delta waterways and their associated riparian habitats and sensitive flora and fauna species. We request Item F and Item A be listed as Less than Significant with Mitigation Incorporated and recommend mitigation measures including coordination and consultation with the Reclamation District as well as Regional Water Quality Control Boards (RWQCB), the Department of Toxic Substance Control (DTSC), and any other appropriate agencies, to create a hazardous waste clean-up plan if illegal dumping and solid waste degrades water quality in the levee system.



Exposing Public to Safety Risks due to Flooding

The environmental document has listed No Impact to IX. Hydrology and Water Quality, Item I. We do not support this conclusion. As mentioned in "Impaired Implementation of Emergency Response Plan or Emergency Evacuation Plans", there have been flood events in the San Joaquin Delta system which have required emergency response with localized evacuations due to flood waters breaching the levee due to high water events. The Bicycle Master Plan will give the public access to the levee system which could cause a significant safety risk in the occurrence of a flood event. There have been multiple documented incidents where the public and transients have removed or altered the riprap which protects the levee slopes from erosion; this can affect the structural integrity of the levee prism and increase the likelihood of levee failure during flood events. We request Item I be listed as Less than Significant With Mitigation Incorporated and recommend mitigation measures including coordination and consultation with the Reclamation District, the Central Valley Flood Protection Board (CVFPB) and any other appropriate agencies.

Impact to Public Services

The environmental document has listed No Impact to XIV. Public Services, Item Ai and Aii. We do not support these conclusions. The Bicycle Master Plan is creating an additional 41 miles of Class I bike paths in San Joaquin County; additional policing will be needed in order to maintain safety and security for the public who will use these paths, as well as to protect the private property adjacent to the paths. These bike paths, especially those proposed along the levee systems, could easily become an attractive nuisance for transients and transient encampments. If transient encampments are established, further police presence will be necessary, as well as increased fire protection. Residents of transient camps are known to use wood stoves or camp fires for heating and cooking, posing a high risk for accidental fires which would endanger the public and the sensitive Delta habitat and wildlife. We request Item Ai and Aii be listed as Less than Significant with Mitigation Incorporated and recommend mitigation measures including coordination and consultation with the Reclamation District, the Stockton Police Department, and the Stockton Fire Department. The Reclamation District suggests the City of Stockton include a provision to provide additional funding to Stockton PD and Stockton Fire to increase staffing, or hire dedicated staff, to patrol and inspect the proposed 41 additional miles of Class I bike paths to ensure adequate public safety.

Community Impact Assessment

We are concerned the environmental document did not include a Community Impact Assessment (CIA). CEQA Guidelines demand a discussion of the link between socioeconomic impacts and physical impacts caused by a proposed project and the related "significant effect" of these impacts. The Guidelines state that, "*An ironclad definition of significant effect is not possible because the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area.*" (CEQA Guidelines 15064(b)). The City of Stockton Bicycle Master Plan is proposing an additional 41 miles of Class I bike paths, which will potentially cause community and socio-economic impacts to the Delta and rural communities along the levee waterways. Without the inclusion of a Community Impact Assessment, the environmental document is making little to no differentiation between the urban areas versus the rural areas affected by the proposed project. A Community Impact Assessment would facilitate the public involvement process, including coordination with the affected Reclamation Districts, and provide a detailed analysis of the how the proposed project will impact the people, businesses, neighborhoods, farming lands, and social and economic systems of the areas that will be impacted by creating public access to the levee system. We



recommend the City of Stockton compose a Community Impact Assessment technical report and add as an attachment to the environmental document.



Neumiller & Beardslee

ATTORNEYS AT LAW

73645-41580

509 West Weber Avenue
Fifth Floor
Stockton, CA 95203

July 21, 2017

Post Office Box 20
Stockton, CA 95201-3020

Via U.S. Mail

(209) 948-8200
(209) 948-4910 Fax

NEUMILLER.COM

San Joaquin County Elections Officials
Registrar of Voters
44 N. San Joaquin St., Ste. 350
Stockton, CA 95202

Re: Reclamation District No. 828 Trustee Vacancy

To whom it may concern:

Please be informed that this office serves as legal counsel to Reclamation District No. 828 ("District"). I am writing on behalf of the District to notify you pursuant to Government Code Section 1780 of a vacancy on the District Board of Trustees ("Board"). Please be advised effective July 21, 2017, the trustee seat previously occupied by Robert Merdinger has been vacated by operation of law pursuant to Government Code Section 1770(a).

Pursuant to Government Code Section 1780, subdivision (d), the Board intends to fill the vacancy by appointment and the District will notify the County Elections Officials of that appointment.

Thank you for your attention to this matter. Please contact me if you have any questions.

Best regards,

DANIEL J. SCHROEDER
Attorney at Law

DJS:ajp

July 20, 2017

MEMORANDUM

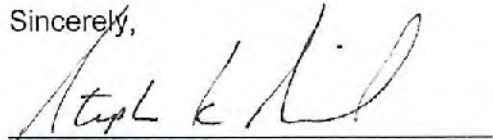
To: Our Valued Clients

Subject: Fee Schedules for 2017 / 2018

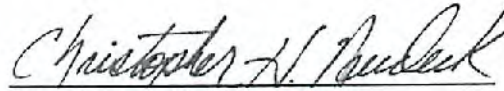
Please find attached copies of our Fee Schedules for 2017 / 2018. Some of our rates have changed to reflect the demands of the current employment market.

We value all our clients and we very much appreciate the opportunity we have had to work with you over the years. We look forward to continuing to provide services to meet your engineering and surveying needs. If you have any questions regarding our Fee Schedules, or if you have any suggestions as to how we might better serve your project needs, please contact any of us at KSN.

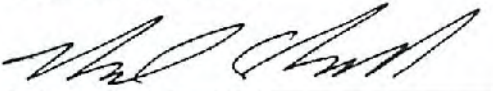
Sincerely,



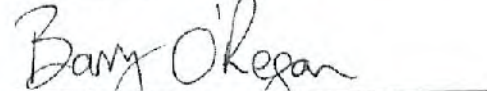
Stephen K. Sinnock



Christopher H. Neudeck



Neal T. Colwell



Barry O'Regan

w/enclosures

**2017 / 2018 FEE SCHEDULE
PREVAILING WAGE PROJECTS
Effective July 1, 2017**

Position	Rate
Principal Engineer	\$ 240.00
Associate Engineer	\$ 210.00
Senior Engineer	\$ 185.00
Engineer	\$ 165.00
Junior Engineer	\$ 135.00
Senior Surveyor	\$ 191.00
Surveyor	\$ 160.00
Assistant Surveyor	\$ 140.00
Field Crew-One Man & Vehicle	\$ 191.00
Field Crew-Two Man & Vehicle	\$ 289.00
Inspector	\$ 150.00
Inspector & Vehicle	\$ 176.00
Senior Project Manager	\$ 212.00
Project Manager	\$ 180.00
Assistant Project Manager	\$ 160.00
Grant Manager	\$ 140.00
GIS/CAD Technician III	\$ 135.00
GIS/CAD Technician II	\$ 115.00
GIS/CAD Technician I	\$ 90.00
Project Accountant	\$ 130.00
Administrative III	\$ 98.00
Administrative II	\$ 83.00
Administrative I	\$ 68.00

Equipment	Hourly Rate
3D Print Cloud Work Station	\$ 25.00
GPS Receivers-Per Receiver Per Hour	\$ 25.00
Robotic Total Station	\$ 35.00
HDS Scanner	\$ 150.00
Boat	\$ 55.00

Expenses	
Auto Mileage per current Federal Rates	
Special Consultants	Cost Plus 10%
Reimbursable Expenses (Printing, Photos, Copies, Travel, Telephone, Fax, Survey Materials, etc.)	Cost Plus 10%

Additional charges may apply for overtime services.

Fees are due and payable within 30 days from the date of billing. Fees past due may be subject to a finance charge computed on the basis of 1 1/2% of the unpaid balance per month.

Hourly rates are subject to review and adjustment July 1st of each year.

**2017 / 2018 FEE SCHEDULE
NON-PREVAILING WAGE PROJECTS
Effective July 1, 2017**

Position	Rate
Principal Engineer	\$ 240.00
Associate Engineer	\$ 210.00
Senior Engineer	\$ 185.00
Engineer	\$ 165.00
Junior Engineer	\$ 135.00
Senior Surveyor	\$ 191.00
Surveyor	\$ 160.00
Assistant Surveyor	\$ 140.00
Field Crew-One Man & Vehicle	\$ 181.00
Field Crew-Two Man & Vehicle	\$ 279.00
Inspector	\$ 150.00
Inspector & Vehicle	\$ 170.00
Senior Project Manager	\$ 212.00
Project Manager	\$ 180.00
Assistant Project Manager	\$ 160.00
Grant Manager	\$ 140.00
GIS/CAD Technician III	\$ 135.00
GIS/CAD Technician II	\$ 115.00
GIS/CAD Technician I	\$ 90.00
Project Accountant	\$ 130.00
Administrative III	\$ 98.00
Administrative II	\$ 83.00
Administrative I	\$ 68.00

Equipment	Hourly Rate
3D Print Cloud Work Station	\$ 25.00
GPS Receivers-Per Receiver Per Hour	\$ 25.00
Robotic Total Station	\$ 35.00
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Boat	\$ 55.00

Expenses	
Auto Mileage per current Federal Rates	
Special Consultants	Cost Plus 10%
Reimbursable Expenses (Printing, Photos, Copies, Travel, Telephone, Fax, Survey Materials, etc.)	Cost Plus 10%

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Hourly rates are subject to review and adjustment July 1st of each year.

DEPARTMENT OF WATER RESOURCES

HYDROLOGY AND FLOOD OPERATIONS OFFICE
3310 EL CAMINO AVENUE, SUITE 200, P.O. BOX 219000
SACRAMENTO, CA 95821-9000
(916) 574-2605



August 2, 2017

SUBJECT: 2017 PRESEASON FLOOD COORDINATION MEETINGS

The Department of Water Resources (DWR) would like to invite you to attend this year's Preseason Flood Coordination Meeting that has been scheduled in your area. This meeting is directed to water managers, emergency responders, and managers that deal with flood emergency preparedness and response.

You are receiving this letter because you either attended one of last year's Preseason Flood Coordination Meetings or are included in the DWR Directory of Flood Officials contact list.

DWR, along with our local, State, and federal partners, will provide an overview of current and future weather, water conditions, flood fight resources, expectations under SEMS, flood emergency response grant funding, and other related topics to better prepare our organizations for the upcoming flood season. A flyer is enclosed with the locations and times of the meetings being held this year.

We encourage you to attend and participate in this multi-agency flood emergency preparedness effort.

If you have any questions or need further information, please contact Pat Clark at (916) 574-1249 or Patricia.Clark@water.ca.gov. You may also call the Flood Operations Center at (916) 574-2619.

We look forward to working with you on flood emergency preparedness and response.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Paasch".

John Paasch, Chief
Flood Operations Branch
Division of Flood Management

Enclosures

Division of Flood Management

2017 California Preseason Flood Coordination Meetings



Department of Water Resources



Preseason meetings include scheduled presentations from these agencies:

National Weather Service (NWS)

County Offices of Emergency Services (OES)

California Governor's Office of Emergency Services (Cal OES)

Department of Water Resources (DWR)

Central Valley Flood Protection Board (CVFPB)

California Conservation Corps (CCC)

CAL FIRE

U.S. Army Corps of Engineers (USACE)

LOS ANGELES

Wednesday, September 27
9:00 a.m. – 12:00 noon
Los Angeles County EOC
1275 N. Eastern Ave
Los Angeles

SAN BERNARDINO

Thursday, September 28
9:00 a.m. – 12:00 noon
San Bernardino County EOC
1743 Miro Way
Rialto

COLUSA

Tuesday, October 10
9:00 a.m. – 12:00 noon
Colusa Fire Department
Training Room
750 Market Street
Colusa

YUBA

Tuesday, October 17
9:00 a.m. – 12:00 noon
Yuba County Gov. Center
Marysville Conference Room
915 8th Street
Marysville

TEHAMA

Tuesday, October 24
9:00 a.m. – 12:00 noon
Tehama County
Agricultural Center
1834 Walnut Street
Red Bluff

HUMBOLDT

Thursday, October 26
12:00 noon – 3:00 p.m.
Humboldt Foundation
Emmerson Room
363 Indianola Road
Bayside (Eureka)

Who should attend these meetings?

- Managers and key emergency responders from California public agencies with primary responsibility for flood emergency response and coordination
- Tribal governments, counties, cities, flood control districts, reclamation districts, and local maintaining agencies

For questions please contact Pat Clark at (916) 574-1249, Patricia.Clark@water.ca.gov or call the Flood Operations Center directly at (916) 574-2619.

Division of Flood Management

2017 California Preseason Flood Coordination Meetings



Department of Water Resources



Agenda Topics

Winter Weather Outlook

Regional Updates

Flood Fight Materials and Training

Agency Coordination during a Flood

Upcoming DWR Grants to Local Agencies

Web Resources for Situational Awareness

Flood Threat Mitigation Process and Requests for State Assistance

Recovery and Damage Assessment

Local Flood Concerns

You are invited to join flood emergency response partners to discuss flood preparedness in your region. Hosted by County Offices of Emergency Services in partnership with the State-Federal Flood Operations Center, these meetings provide regional and local updates on annual flood preparedness activities.

MONTEREY

Tuesday, September 12
9:00 a.m. – 12:00 noon
Seaside Community Center
220 Coe Avenue
Seaside

KINGS

Wednesday, September 13
9:00 a.m. – 12:00 noon
Kings County Government Ctr.
Admin, Multi-Purpose Room
1400 W. Lacey Blvd.
Hanford

MERCED

Thursday, September 14
9:00 a.m. – 12:00 noon
Merced County
Emergency Operations Ctr
3500 N. Apron Avenue
Atwater

SONOMA

Tuesday, September 19
9:00 a.m. – 12:00 noon
SCWA Redwood Room
404 Aviation Blvd.
Santa Rosa

SOLANO

Thursday, September 21
9:00 a.m. – 12:00 noon
Solano County EOC
530 Clay Street
Fairfield

VENTURA

Tuesday, September 26
9:00 a.m. – 12:00 noon
Ventura County Hall of Justice,
Pacific Conference Room
800 S. Victoria Avenue
Ventura

Continued on next page



CITY OF STOCKTON

COMMUNITY DEVELOPMENT DEPARTMENT

Permit Center • 345 N. El Dorado Street • Stockton, CA 95202-1997 • 209 / 937-8266 • Fax 209 / 937-8893
www.stockton.gov/cdd

August 21, 2017

Mr. Daven Patel, MT02 Technical Manager
STARR II (under contract with the FEDERAL EMERGENCY MANAGEMENT AGENCY)
LOMC Clearinghouse
847 South Pickett Street
Alexandria, VA 22304-4605

SMITH CANAL CLOMR CASE #16-09-2067R – CITY OF STOCKTON (COMMUNITY #060302) SUPPORT OF OPERATION AND MAINTENANCE OF SMITH CANAL LEVEES

The City of Stockton writes in support of the Smith Canal Gate project, CLOMR Case #16-09-2067R. The Smith Canal Gate project will create a new line of flood protection for Central Stockton by connecting high ground at Louis Park with the accredited FEMA levee segment P-359 and the accredited levee system along the Calaveras River and Diverting Canal. The Smith Canal gate will be the final accredited levee segment providing protection from the base flood to Central Stockton, and the FIRMs for the area will be re-issued by FEMA to reflect the levee protection from the base flood. The remnant levees of Smith Canal will continue to provide flood protection during events more frequent and less severe than the base flood, so they will continue to be operated and maintained by three separate local entities:

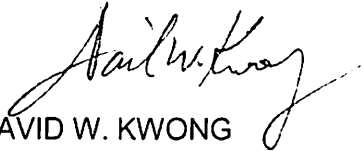
1. Reclamation District 1614, for north bank Smith Canal and Atherton Cove levees between Pershing Ave. and the Smith Canal Gate.
2. Reclamation District 828, for south bank Smith Canal levees between Pershing Ave and high ground at Louis Park.
3. San Joaquin County Flood Control and Water Conservation District, for Smith Canal levees along both banks east of Pershing Ave.

Each of these local maintaining agencies (LMAs) has prepared an Operation and Maintenance Manual and Flood Emergency Operations Manual for their portion of the levee system, and has primary responsibility for carrying out the duties of their plan.

The City of Stockton recognizes that operation and maintenance of these remnant levees is essential for flood risk management in this area, and that failure to perform the operation and maintenance would increase the flood risk to this area and may call into question the

SMITH CANAL CLOMR CASE #16-09-2067R
August 21, 2017
Page 2 of 2

accuracy of final revised maps. Therefore, the City of Stockton commits to ensuring that the necessary operation and maintenance duties are fulfilled by the LMAs.



DAVID W. KWONG
COMMUNITY FLOODPLAIN OFFICIAL

DK:mmd

emc: Roger Churchwell, San Joaquin Area Flood Control Agency
Dan Schroeder, Attorney, Reclamation District 1614 & 828
Jim Stone, San Joaquin Flood Control District and Water Conservation District