



# THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

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## Response to Public Comment 4.21.09 – TRLIA Board Meeting

**Q:** When will the printed answers to Mr. Rae's questions post on TRLIA's Web site for the public to see?

**A:** Mr. Rae was informed that his questions would be posted the week of April 20. The responses to his questions were posted April 22. The next round of Q&A, to include Mr. Rae's follow up questions and those from other members of the public, will be posted by Friday, May 1.

**Q:** Why would the inundations levels be different under FEMA's draft flood insurance rate map and TRLIA's map used to determine the benefit to the affected lands for the assessment district?

**A:** The maps should be very similar, except that TRLIA has excluded from the assessment district the areas on the eastern boundary of the proposed district that are flooded by both a levee break and the local creeks. Property that would be flooded by both a levee break and a creek were excluded from the assessment district since the levee improvements do not remove the threat of flooding, and thus there is little to no benefit. The FEMA maps show flooding from levee breaks, creeks, and internal drainage.

**Q:** Why are the voters not being asked to vote on creation of the assessment district AND imposition of the assessment?

**A:** The assessment is being levied pursuant to the Benefit Assessment Act of 1982, Gov't Code § 54703, which does not require the formation of an assessment district in order to levy an assessment, and therefore imposes no requirement for voter or landowner approval to form one. More to the point, an assessment district is not a governmental entity. It is simply the "district" of land to be benefited by a system of governmental improvements and upon which the levy of a reciprocal assessment would be appropriate. By voting to approve the assessment itself, the voters implicitly—and necessarily—approve the formation of the "assessment district."

**Statement:** I contacted FEMA and FEMA does not have a view on whether TRLIA is the correct entity to conduct an assessment election. FEMA is only looking for an entity to be legally required to conduct operations and maintenance, and that the entity has a plan for operations and maintenance which may be implemented.

**Response:** TRLIA has never stated that FEMA required a TRLIA assessment district – only that a secure source of dedicated operations and maintenance funding was required for levee accreditation. TRLIA and RD 784 believe that TRLIA is the correct entity to propose the assessment district at this time. The State Department of Water Resources, which has invested approximately \$200 million in levee improvements, publicly supports the proposed assessment district. An official letter of support is available online at [www.trlia.org](http://www.trlia.org) (Assessment District link; Documents & News page).

**Q:** Where is the TRLIA Board's plan to finish the entire project? What are the estimated costs?

**A:** TRLIA has a four-phased program outlined in the TRLIA brochure that details work done to date and future work. The brochure is currently being updated to reflect the recent changes for the new Yuba River levee work that was identified north easterly of Simpson lane. The new Yuba River levee work is planned to be completed in late 2010. The current total project cost is \$405 million.

**Q:** Explain how the flood of the 1950's would be addressed by the work proposed by TRLIA, and in particular the water that flooded my property at that time.

**A:** TRLIA is currently not addressing potential flood issues associated with the Goldfields area. This area is being addressed by the U.S. Army Corps of Engineers. It is our understanding that the Corps does not consider flows through the Goldfields to be a problem for the 100-year flood event, and is working to define what work needs to be done for a 200-year flood event.

A 100-year flood for the Yuba River is estimated at 154,500 cubic feet per second (cfs) above the Feather River confluence. In 1950, the estimated flow in the Yuba was 107,000 cfs. The 1950 flood originated in the Goldfields area on November 20 when Yuba River flows broke through Goldfields near Hammonton (estimated 40,000 cfs escaped Yuba River). The 1950 flood was caused by a private entity (a dredger) that had removed or weakened a portion of the Yuba River training wall.

**Q:** Why, according to FEMA, before TRLIA existed my property could only flood from the Bear backing up, and now I can supposedly flood from the Yuba?

**A:** TRLIA has no record of the claim that FEMA has stated Ms. Hofman's property could only be flooded by the Bear River backing up. The Hofman properties are subject to flooding from many sources, the most notable due to the creeks that are on or near the property. TRLIA's hydraulic model does show that portions of Ms. Hofman's property will receive flood waters from a Yuba River levee break during a significant flood event. The portions of Ms Hofman's property that would flood by both a levee break and the creek have been excluded from the assessment district since the levee improvements do not remove the threat of flooding, and thus there is little to no benefit.

**Q:** Where are all of TRLIA's records kept?

**A:** TRLIA records are kept in multiple locations: the TRLIA office; Clerk of the Board of Supervisors' office; and, Yuba County Community Development and Services Agency.

**Q:** Why did it take 60 days for TRLIA to produce the inundation maps that I requested? Was this to preclude the information getting to the public?

**A:** The original request was for a detailed water contour map that contained specific water depths at certain intersections. MBK (engineering consultant) attempted to prepare the figure that was requested, but was unable to do without expending considerable resources. SCI Consulting Group then consolidated the records that were used for the Engineer's Report and TRLIA provided the memo.

The SCI memo provides the same information in graphical form that has been stated at all TRLIA meetings on the proposed assessment district formation. The public has been provided the information.

**Q:** How did TRLIA use the maps that I received to make the depth determinations that went into the Engineer's Report?

**A:** SCI used flood depth and elevation from several sources including the *Lower Feather River Floodplain Mapping Study*, Tables VI-50 and VI-51 from the *Inundation Reduction Analysis*, and a draft illustration titled "Lands Impacted by AR Zone" dated October 24, 2006, by MBK Engineers. Depths and elevations from these sources were placed on a grid superimposed on a USGS topographic map in GIS software. The GIS software was then used to calculate an average depth for each zone in the proposed assessment district.

**Q:** The TRLIA proposed assessment is simply being used to supplement RD 784's funds for drainage, an impermissible use.

**A:** Not true! The TRLIA assessment is only for levee maintenance, specifically for the annual maintenance needed for levees improved by TRLIA.

**Q:** How can RD 784's budget go up by \$350,000-400,000 per year just to cover two additional positions and some equipment?

**A:** The information stated in the question is wrong. The additional funding for levee maintenance is for the items described in the RD784/TRLIA O&M memo dated September 23, 2008 (available online at [www.trlia.org](http://www.trlia.org) (Assessment District link; Documents & News page), and further described in the attachment.

**Q:** How did TRLIA arrive at values for rangeland and farmland? The figures are from 2006 and are supposed to be from 2009.

**A:** As has been explained previously, the values used are not appraised or assessed values; rather they are relative values. The Engineer's Report develops values for different types of land and then compares those values to determine relative values. Neither Proposition 218, nor other controlling law, requires the use of appraised or assessed value. As previously explained, there would be no effective way to use those values.

**Q:** When can I get the February 28, 2009, values for the property considered in the Engineer's Report?

**A:** Please see previous answer.