



THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

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Responses to Public Comment February 17, 2009 - TRLIA Board Workshop

Q: Why is the public only now seeing these documents, including members of the public who asked that TRLIA keep them informed?

A: The documents released by TRLIA for the February 17 Board Workshop were the first public documents. They are still draft documents.

Q: Who are the TRLIA “stakeholders” identified in the draft Engineer’s Report?

A: The stakeholders are all persons and entities interested in the process, to include property owners within the proposed assessment district, the general public, elected officials and key opinion leaders, among others.

Q: Why is the Bear River not included as a listed facility on page 4 of the draft Engineer’s Report?

A: You will find the Bear River listed on page 4 of the draft Engineer’s Report.

Q: The public has been told that the project will achieve 200-year flood protection. The draft Engineer’s Report states that this assessment, and the operations and maintenance it will fund, is necessary for the 200-year flood protection. But, the draft Engineer’s Report says that this provides a “special benefit.” How is this so?

A: A “special benefit” is a term under Proposition 218, the constitutional amendment which imposed a public voting requirement for the imposition of certain kinds of assessment. A special benefit is a benefit, such as flood protection, which is real property-related and does not benefit the public as a whole (in contrast to a “general benefit”). The use of the term special benefit is not relevant to the consideration of what operations and maintenance is required to achieve 200-year flood protection.

Q: Of the \$247,000 shown in the draft Engineer’s Report for RD 784, how much is used for levee maintenance?

A: All \$247,000 is used for levee maintenance .

Q: How much of the \$500,000 shown in the TRLIA budget for operations and maintenance has been used for that purpose?

A: In fiscal year 2008/2009, TRLIA has spent \$145,528 on maintenance for improved levees.

Q: The presentation stated that \$800,000 more was needed for levee operations and maintenance. TRLIA has \$500,000 budgeted for that purpose, so isn’t only \$300,000 more needed?

A: TRLIA has budgeted \$500,000 for the 2008/2009 fiscal year to supplement RD 784’s operations and maintenance budget. This amount was based on the additional operations and maintenance needs for those levee improvements that have already been completed by TRLIA. However, TRLIA does not have revenue to supplement RD 784’s budget indefinitely. The entire proposed \$800,000 will be needed for the improved levees long-term.

March 2, 2009

Q: Why is there no Developer money for operations and maintenance?

A: The Developers' only commitment was to fund capital improvements (with the exception of the limited \$500,000 for operations and maintenance).

Q: What is the estimated water surface elevation at the intersection of Hale and Bernice if there is a levee failure?

A: The estimated water surface elevation at this location based on hydraulic analysis assuming the Yuba River South Levee was not in place is 68.5 feet NGVD.

Q: What was the water surface elevation at Hale and Bernice in the 1950 flood?

A: TRLIA has researched several documents that address the 1950 floods. These include the *California Department of Public Works, Division of Water Resources, Floods of 1950 in California, December 18, 1950*; *Sacramento District Corps of Engineers, Report on November-December 1950 Floods, Sacramento-San Joaquin River Basins, California & Truckee, Carson & Walker Rivers, California & Nevada, Appendix A, Detailed Supporting Data, March 1951*; and the *California Department of Public Works, Division of Water Resources, Flood Flows and Stages in Sacramento and Northern San Joaquin Valleys, 1950-1952, October 1952*. While these documents include much information on the 1950 floods with respect to flows and stages along the main stems of the rivers, none of them have specific flood elevation information at the intersection of Hale and Bernice. Thus, it is not known what the exact elevation of the 1950 flood is at Hale and Bernice.

Q: What levee break scenario (if any) does not affect the Plumas Lake Specific Plan?

A: None.

Q: Why is the Plumas Lake Specific Plan rated the same as the upper part of RD 784 in terms of risk of flooding?

A: It isn't rated the same. Table 9 of the draft Engineer's Report shows the risk of flooding in the South Zone (Plumas Lake Specific Plan area) to have three times the risk of flooding as the Central A Zone (Upper Part of RD 784).

Q: Why is TRLIA handling interior drainage work for RD 784, such as the Olivehurst Detention Basin?

A: TRLIA is not proposing to fund or handle internal drainage work for RD 784. The Olivehurst Detention basin was constructed by TRLIA on behalf of Yuba County. Yuba County is responsible for this detention basin. RD 784 has agreed to operate the pumping station at the Olivehurst detention basin for the County with County reimbursement for this effort. TRLIA will assist RD 784 in maintenance of the ring levee constructed at the detention basin.

Q: Why is rangeland valued at \$10,000 an acre in the draft Engineer's Report, but TRLIA is offering to buy land for \$18,500?

A: These estimates are primarily based upon regional real estate values and replacement construction costs for recently constructed or sold properties, derived from Yuba County Assessor's data, real estate sales and other real property data. In the case of Yuba County, the quantity of recently-assessed parcels of various land use types was insufficient to develop accurate, reliable averages. Accordingly, the analysis was based on a broader geographic area and was largely influenced by relative values in Sacramento County. Please note that this analysis ultimately incorporates the relative value, not the absolute values, so intra-regional differences in absolute property values are not of concern. A strict correspondence between amounts offered for specific property purchases, and estimated relative values listed in Table 10 of the draft Engineer's Report, would not be expected.

Q: What are the comparables used to generate an estimated value of rangeland of \$10,000 per acre?

A: Values were taken from a larger geographic region with primary influence from the Yuba County and Sacramento County Assessors' databases. Again, values are relative and not absolute.

Q: TRLIA has offered to buy land underlying the Western Pacific Interceptor Canal from Ms. Hofman in fee for \$40,000, but the law says that TRLIA can only buy an easement. Ms. Hofman understands that an easement is worth less than fee, so shouldn't TRLIA have offered less?

A: The law does not preclude TRLIA from purchasing property in fee instead of purchasing an easement. TRLIA staff believed that purchasing the land in fee would help avoid conflict in proposed uses that might arise (e.g., levee maintenance v. cattle). Therefore, TRLIA made an offer to purchase the land in fee. Since the offer was properly made to purchase the land in fee, TRLIA should not have and could not have offered less.

Q: Why do the graphics in the draft Engineer's Report show areas flooding that would not actually flood? Why are the high ground areas not shown as excluded?

A: The area benefited by the levees was identified by analyzing a series of levee breaches and removals to determine areas that would be covered by flood waters if the levees were ineffective. TRLIA consultants used hydraulic models and topographic information to establish the best estimate of benefit area. A more specific answer to the question can be given with a more specific identification of the "high ground areas" that should be considered for exclusion.

Q: Art II, section 2.08 of the joint powers agreement for TRLIA states that TRLIA can not do operations and maintenance, so isn't this proposed assessment illegal?

A: TRLIA General Counsel has reviewed the controlling documents and concluded that TRLIA may raise these funds and apply them to operations and maintenance. The JPA Agreement was designed to prevent TRLIA from supplanting RD 784 historical work prior to TRLIA's improvements. Instead, TRLIA will be supplementing RD 784's revenues so that RD 784 and TRLIA may properly maintain the levees improved by TRLIA.

Q: Maintenance of the levee is an RD 784 problem, so shouldn't this assessment be handled by RD 784?

A: TRLIA has a legal obligation to ensure maintenance of the levees it has improved and thus maintained. It is required to do so by the permits it has received from the State, and pursuant to the funding agreement whereby the State contributed hundreds of millions of dollars to the program.

Q: The draft Engineer's Report should more clearly state that the assessment will not be used for the retention or detention of storm water.

A: The draft Engineer's Report has been revised to specifically exclude internal drainage. The following paragraph was added: "RD 784 has maintenance responsibilities for an internal drainage system that consists of drainage canals, ditches, and pumping stations to pass the internal runoff over the levees. These are important features to prevent interior flooding. Funding for the internal drainage features is not part of the Services described in this Draft Engineer's Report and is not part of the baseline services described above." This language is also consistent with the MBK/RD 784 maintenance memo dated September 23, 2008.

Q: Which of the four zones are protected from flooding by which levees?

A: East Zone – Yuba River Levee; Central A – Yuba River Levee and Feather River Levee; Central B – Yuba River Levee and Feather River Levee – depth of flooding is less than Central A; South – all levees.

Q: Shouldn't the measure of benefit be those who are the intended beneficiaries of the project (ie. Plumas Lake Specific Plan)?

A: Proposition 218 requires that assessments be applied to all who actually benefit. Those within the proposed assessment district receive special benefit from improved levees.

- Q: What is the basis for using assessment revenues to repay bonds if the funds are not needed for operations and maintenance?
- A: At this time TRLIA does not anticipate having excess revenues from the assessment beyond that needed for operations and maintenance. The projected operations and maintenance budget shows a need for the entire \$800,000 assessment. However, as the assessment grows due to residential development, there is a potential for the assessment to raise more funds than needed for operations and maintenance. In this case, the assessment district would be created with the flexibility to use funds not needed for operations and maintenance to repay the bonds that funded the project.
- Q: The draft Engineer's Report does not spend enough time analyzing special and general benefits, especially in light of the recent Santa Clara decision.
- A: The draft Engineer's Report describes each special benefit provided by the Services, refines the amount of benefit based on parcel-specific factors, and explains in detail why the Services provide no general benefits. The Santa Clara decision recognizes that districts, such as TRLIA, may be drawn narrowly to include all specially benefited parcels and no other, and the fact that a benefit is conferred throughout the district does not make it general rather than special. In such case, a benefit is categorized based on whether it provides a direct advantage (e.g., flood control) or an indirect, derivative advantage resulting from the overall public benefits of the improvement (e.g., general enhancement of property values). As described in the draft Engineer's Report, flood control provides only direct benefits to property.
- Q: The assessment should be pursued by RD 784, whose service area more properly aligns with the benefits of the project.
- A: RD 784's service area does not cover all lands that receive a special benefit from operations and maintenance of the levees (approximately 9,300 acres fall outside RD 784's boundaries). In addition, TRLIA has an obligation to ensure operations and maintenance of the improved levees.
- Q: The Board members should have all of the data from the various surveys of the public so that it fully understands the support and lack of support.
- A: TRLIA Board Members have been provided the results from surveys that have been conducted for this project
- Q: TRLIA should not be advocating for this assessment.
- A: TRLIA will not advocate for the assessment. Rather, it will comply with the law in informing and educating the public as to the consequences of approving or not approving the assessment.
- Q: How do other jurisdictions' assessments compare to this proposed assessment?
- A: EPS has prepared a comparison table to show how the proposed assessment on Single Family Residential property for levee maintenance and improvements compares to similar assessments recently implemented by other local agencies including SAFCA, WSAFCA, and RD 10. On average, TRLIA's proposed assessment for Single Family Residential property is within the ranges of assessments levied in other jurisdictions.

TRLIA	\$81.70 (average of all zones)
SAFCA	\$63.83 (average of all zones)
WSAFCA	\$94.27 (only one zone)
RD 10	\$90 (only one zone)

NOTE: Each Agency represented assesses property within its district for a varied combination of levee operations and maintenance services and capital improvements. To the extent there are additional assessments for like services by other entities that overlap these districts, and the assessments are known, these additional assessments have been included in this analysis. Therefore, the analysis is intended to compare the total annual burden on property assessed in each district for levee operations and maintenance and capital improvements and it does not reflect the actual assessments imposed by the referenced districts.

Q: Where can the public obtain a copy of the “Zone of Benefit Map” in the draft Engineer’s Report of February 4, 2009, on page 23, Figure 3?

A: A high resolution PDF file of the proposed Zones overlaid on a street map can be reviewed at the office of the Clerk of the Board, but it can also be found online at www.trlia.org (assessment district link).

Q: Where can the public obtain a copy of the map that refers to the depth of the flood water on page 27 of the draft Engineer’s Report, Table 9, and any backup material?

A: As explained in the paragraphs preceding Table 9 in the draft Engineer’s Report, depth information was taken from several sources and reports, to include the Feather River Levee Repair Project Alternatives Analysis Report and the Amended Draft Lower Feather River Floodplain Mapping Study (Revised February 17, 2005). Copies of Figure D4 from the Lower Feather River Floodplain Mapping Study and Tables VI-50 and VI-51 from the Feather River Levee Repair Project Alternatives Analysis Report, Inundation Reduction Benefit Analysis can also be reviewed at the office of the Clerk of the Board.

Q: Where can the public obtain a copy of the map containing the land contour lines and where the water originates from on this map (this is connected to Table 9, page 27, draft Engineer’s Report)?

A: No such map currently exists, but the reports listed above (see previous answer) that were used to create Table 9 can be reviewed at the office of the Clerk of the Board.

Q: Where was the average raw land value obtained and where is the backup data (see draft Engineer’s Report, page 28, Table 10)?

A: In summary, values were taken from a larger geographic region with primary influence from the Yuba County and Sacramento County Assessors’ databases. Again, values are relative and not absolute.

Q: In the draft Engineer’s Report, what is the value per acre of the average structure? What is the formula for the weighted total value? Can you provide examples?

A: Average structure values are listed in Table 10. In summary, values were taken from a larger geographic region with primary influence from the Yuba County and Sacramento County Assessors’ databases. Again, values are relative and not absolute.

Overall relative land use values are determined using the following formula:

$$\text{Relative Land use Value} = \frac{(\text{Raw Land Weighting Factor} * \text{Average Raw Land Value}) + (\text{Structure Weighting Factor} * \text{Average Structure Value})}{\text{Raw Land Weighting Factor} * \text{Average Raw Land Value} + \text{Structure Weighting Factor} * \text{Average Structure Value}}$$

Where

Raw Land Weighting Factor = 1.0

Structure Weighting Factor = 3.0

Example:

$$(1 * 50,000) = (3 * 200,000) = \$650,000 \text{ (for single family home used as basis for normalization = 1)}$$

$$(1 * 75,000) = (3 * 300,000) = \$975,000 \text{ (for multi-family and } 975,000/650,000 = 1.5)$$

Q: How are the factors calculated, especially for range and agricultural land, on page 30, Table 11 (land use factors for property types) in the draft Engineer’s Report?

A: See calculation above.

Q: How were the figures calculated and what is the formula for the calculation for the adjusted single family equivalents on page 30, Table 12, of the draft Engineer's Report?

A: As stated above the table, the Adjusted SFEs are calculated by multiplying SFEs times the flood risk factor times the flood damage factor. For example, for the East Zone:

$$964.92 \times 0.14 \times 0.432 = 58.36$$

Q: Where are the figures for Table 14 (zone rates), page 32 of the draft Engineer's Report?

A: Zones of benefit are graphically shown in Figure 3. As described in the preceding paragraphs, values in the Benefit column were calculated by multiplying the base rate (\$183.90) by the flood risk and flood damage factors. For example, for the East Zone:

$$\$183.90 \times 0.14 \times 0.432 = \$11.12$$

Q: How are the figures arrived at, especially Agricultural Land, Range Land, and Vacant Land, for the assessment rate by property type and zone, on page 32, Table 15 of the draft Engineer's Report?

A: Assessment Rates for specific property types are developed using formulas listed on page 26 of the draft Engineer's Report. Essentially, the rates incorporate specific zone attributes including flood risk and flood damage factors, as well as relative values and an adjustment for the existing RD 784 assessment, where appropriate.

Q: How was the operations and maintenance budget increase from \$500,000 (2008-09) to \$800,000 (2009-2010) calculated?

A: The \$500,000 budget figure recognized that not all levee improvements would be completed in fiscal year 2008/2009, and thus not all levees would need increased operations and maintenance. The \$800,000 figure is based upon increased operations and maintenance for TRLLIA's completed project.