



MINUTES

PLACER COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD OF DIRECTORS Monday, November 14, 2016

The Board of Directors for the Placer County Flood Control and Water Conservation District met in session beginning at 4:00 P.M., Monday, November 14, 2016, in the Rocklin City Council Chambers, 3970 Rocklin Road, Rocklin, California. Brian Keating, District Manager, Brad Brewer, Development Coordinator, Ken Grehm, Executive Director represented the District.

1. **ROLL CALL:**

By roll call, Directors present: Weygandt, Yorde, Gore, Joiner and Janda
Directors Not Present: Duran, Roccucci, Morillas, Berlant

2. **AGENDA APPROVAL:**

Motion made to approve the agenda for November 14, 2016.

MOTION: Joiner/Yorde

APPROVED: Unanimous

3. **APPROVAL OF September 12, 2016 MINUTES:**

Motion made to approve the minutes of the September 12, 2016 meeting.

MOTION: Joiner/Yorde

APPROVED: Unanimous

Director Weygandt abstained since he did not attend the September 12th meeting.

4. **PUBLIC COMMENT:**

None

5. **ITEMS FOR INFORMATION:**

a. **Flood Introduction of New District Counsel – Elise Nelson**

Brian Keating, District Manager, informed the Board that after assisting our District for over four years, Brett Holt from the County Counsel's office has been re-assigned to assist the County's Personnel Department. Attorney Elise Nelson will now serve as District Counsel. Elise was previously employed by a private law firm which served as special counsel to San Joaquin County on all water related matters and represented up to seven separate Reclamation District's in the Central Valley.

b. **Status of the Antelope Creek Flood Control Project and notification of new Department of Water Resources grant award and future agreement under the Urban Streams Restoration Program**

Brian updated the Board on recent progress on the Antelope Creek Flood Control project. Regarding schedule, we are still planning to go to construction bid by January 2017 with a planned start of construction in June 2017 and finish by November 2017. By following this schedule we would complete all work prior to expiration of the two grants issued to us from the State. Brian stated we do have all permits in place and recently obtained an extension for two years from the Department of

Fish and Wildlife for our 1600 streambed alteration agreement. We continue to experience delays with the 404 permit to be issued by the United States Corp of Engineers (USACE) in the form of a Minor Letter of Permission (LOP). However, following issuance of our recent letter of concern and delay sent to the USACE as well as local congressman, senators and other agencies, we've just learned that the National Marine Fisheries (NMFS) has now assigned a dedicated staff person to complete our Biological Option (BO) and formal consultation. They indicated that will have the BO done by mid-December. Once we get the BO we will need to get a final CLOMR issued by FEMA. Once we get everything in place we will return to your Board to get authorization to go to bid.

Lastly, some good news is that the DWR Urban Streams Restoration program (USRP) has selected our Antelope Creek Flood Control Project to receive \$400,000 in contingency grant funds. We were one of only two projects in the state to receive this type of award. The City of Berkeley was the other. Brian reminded the Board that we originally applied for this grant in 2015, and our Board did approve a Resolution No. 14-01 in November of 2014. The resolution authorized Ken Grehm to enter into the necessary agreements to accept this grant award, so we are currently moving forward to enter into the agreement. Brian also presented an updated project funding analysis, noting that the shortfall now sits at \$374,172, a large decrease from the nearly million dollar shortfall discussed in the past. Brian stated that one significant consideration is that if the future BO states that Shaded Riverine Aquatic (SRA) type impact mitigation will be required, the funding shortfall would grow substantially to approximately \$974,172. This is because the mitigation purchase price for SRA credits is so much higher than the Floodplain Riparian Corridor mitigation credits which are currently being budgeted for.

Ken Grehm informed the board that Kim Pruet, Senior Field Representative for Congressman McClintock did an outstanding job of helping getting NMFS to assign staff to work on the project.

6. ACTION ITEM:

a. Authorization for the Executive Director to enter into a Temporary Roadway Agreement with the Union Pacific Railroad relating to the Antelope Creek Flood Control Project

Brian Keating informed the Board that during future construction of the Antelope Creek Flood Control Project there will be a need to haul soil from the borrow pit site to the new culvert crossing. This District's consultant has designed a temporary haul route for trucking this fill along an existing dirt maintenance road that lies within lands of the Union Pacific Railroad (UPRR). Brian referred the Board to a site map depicting the roadway route. Brian explained that the conditions for the use of the roadway include maintaining safety at the site, restricting any work that would impact current UPRR operations and completing any repairs necessary to the roadway following the District's use. The District's construction contractor will be required to maintain specialized railroad protective liability insurance, listing UPRR as an additional insured, and the contractor must execute the attached contractor's endorsement portion of the agreement. The District will also be required to pay the typical UPRR licensing fee of \$4,000, an amount staff consider to be fair and reasonable.

Director Joiner asked if we had any idea how much the insurance was going to cost us. Brian stated that these would likely be standard general liability insurance costs associated with a 2 million dollar policy. Ken Grehm added that this would only be a temporary policy and we would require the contractor add UPRR as an additional insured.

Director Yorde asked about underground utilities present including a possible fiber optic line. Brian stated that our consultant has identified existing utilities on the plans and Ken added we will not be digging along the roadway, only utilizing trucks on the surface.

Director Janda asked how many trips we would take. Brian stated that we needed to move 1,700 cubic yards of soil. Ken estimated that each truck would haul 10 cubic yards per trip. He also asked if we needed any permits for hauling. It was confirmed we do not.

Brian requested that the Board, by motion authorize the Executive Director to enter into a Temporary Roadway Agreement with the Union Pacific Railroad relating to the Antelope Creek Flood Control Project in the amount of \$4,000.

MOTION: Joiner/Yorde

APPROVED: Unanimous

7. **NEXT MEETING** The next regularly scheduled Board meeting is on December 12, 2016 at 4:00 pm at the Rocklin City Council Chambers.

9. **ADJOURNMENT:**

The meeting was adjourned by the acting Chair, Director Janda at 4:25 pm

Respectfully submitted,

Tracie Coyle
District Secretary