

# SOLANO COUNTY WATER AGENCY



April 10, 2003

Jack Morris, Foreman  
2002-2003 Grand Jury  
Hall of Justice  
600 Union Avenue  
Fairfield, CA 94533

APR 10 2003  
VA #344

Dear Mr. Morris:

This letter constitutes a response of the Solano County Water Agency to the 2002-2003 Solano County Grand Jury Interim Report regarding "Flooding along Sweeney Creek". The Solano County Water Agency Board of Directors authorized this letter at their April 10, 2003 meeting.

If you have any questions please contact the Agency's General Manager David Okita at 451-2904.

Sincerely,

Don Holdener, Chairman  
Solano County Water Agency  
Board of Directors

Attachment

CC: Michael Johnson, Solano County Administrator  
Clerk of the Board of Supervisors  
Judge Scott Kays, Presiding Judge of the Superior Court

## RESPONSE TO INTERIM GRAND JURY REPORT

### Finding #1

Residents adjacent to Sweeney Creek in Northern Solano County have experienced flooding with increased frequency and severity. Flooding occurred six times in 28 years and three times in the most recent years. The December 2002 flood reached the highest level of flooding in 28 years.

### SCWA RESPONSE

SCWA does not have records of specific flooding events in the Sweeney Creek area. However, the occurrences listed in Finding #1 seem accurate. We agree that the December 2002 flood was the highest and most widespread that we are familiar with.

### Finding #2

Summertime water flow through the creek which did not occur prior to operation of SCWA and its predecessor delivering water through the creek (approximately 1960), has changed the vegetation cover near Sweeney Creek from grassy banks to heavy growth of trees, shrubs, and grass.

### SWCA RESPONSE

The finding is correct that the use of Sweeney Creek to transport Solano Project water to the Maine Prairie Water District has resulted in increased summertime water flows through the Creek. We do not have any information as to whether that summertime water flow was the sole reason for the change in vegetation in Sweeney Creek. There could be other factors such as plantings by area residents and changes in maintenance practices that have resulted in increased vegetation.

### Finding #3

Sediment deposits from impeded water movement in high flow situations has decreased the channel depth significantly and by at least two feet under the Hartley Road Bridge, further impeding flow.

### SCWA RESPONSE

SCWA has not done measurements under Hartley Road Bridge but we agree that sediment has accumulated at the Hartley Road Bridge and other areas of Sweeney Creek. We believe that sediment deposition occurs continuously, not just during high flow events.

### Finding #4

Clearing and preventative creek maintenance were performed by the Solano County Department of Transportation prior to 1988, albeit at a reduced scope after 1970.

### SCWA RESPONSE

Our records are not complete; however, we believe that the creek maintenance was stopped prior to 1988, in the early 1980's. Use of the date 1988, that coincidentally is the

same date that the Water Agency Board of Directors changed to include the cities and districts, gives an impression that there was a change in policy regarding maintenance in Sweeney Creek with that change in the Board of Directors. The change in creek maintenance occurred well before the change in the Board of Directors.

Finding #5

The SCWA, which has optional authority for County flood control measures and is willing to provide ongoing maintenance, has elected not to maintain Sweeney Creek because appropriate easements have not been granted by all landowners.

SCWA RESPONSE

SCWA agrees with the Grand Jury that SCWA has optional authority to perform flood control measures. There are five parcels that SCWA can and has done channel maintenance work to a limited extent. We have not maintained other parts of Sweeney Creek because we have been unable to obtain easements to perform the work. We are still hopeful that we will be able to obtain the easements during 2003.

Finding #6

The easements required by SCWA and the landowners specify grants of more rights than are necessary for SCWA to maintain the creek for unimpeded flow.

SCWA RESPONSE

SCWA feels that all the terms in the easement agreements are necessary. Upon a recommendation from the Grand Jury and others, we have revised the easement documents to make them more acceptable to the landowners. Initial responses to the revised easement form from some of the landowners have been positive.

Finding #7

Intense distrust of SCWA officials by area residents is widespread among Sweeney Creek people interviewed by the Grand Jury.

SCWA RESPONSE

Since SCWA was not involved in the interviews, we have no ability to judge whether this finding is correct. Certainly, many of the landowners are dissatisfied by lack of action by public agencies in dealing with flood control matters in Sweeney Creek.

RECOMMENDATION

Landowners grant easements to SCWA to allow appropriate maintenance of Sweeney Creek by the following procedures.

- A. Landowners elect a spokesperson.
- B. Spokesperson and SCWA mutually agree on an outside third party negotiator.
- C. SCWA, each individual land owner, and the negotiator reach an agreement on appropriate easements.

### SCWA RESPONSE

The SCWA Board has directed staff to attempt to negotiate individual easements with landowners and report back to the Water Agency Board of Directors on May 8, 2003. If negotiations are not complete on all necessary easements, the SCWA Board of Directors will consider the Grand Jury's recommendation at that time or consider condemnation actions on remaining landowners.

### COMMENTS ON PART III BACKGROUND

In several places there are references to the additional summer flow of water delivered from the Putah South Canal to the Maine Prairie Water District resulting in a change in the vegetation in Sweeney Creek, reducing its flood carrying capacity and causing increased sedimentation. While we acknowledge that the additional water in the summer does affect vegetation in the Creek, we do not have any knowledge or evidence that it is the sole cause of the change in vegetation in Sweeney Creek. Plantings by landowners and changes in maintenance practices could also significantly contribute to the change in vegetation in the Creek.

We wish to clarify Section 4b and 4c regarding environmental restrictions. While current laws and regulations require numerous permits for creek maintenance work, we are confident that we can acquire the necessary permits in a timely manner from the California Department of Fish and Game and other agencies. We have obtained these permits for other similar projects in Solano County.

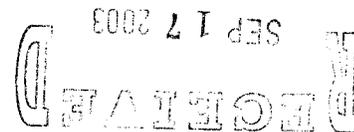
The suggestions in item #6, regarding the wording in the easements, were helpful to identify areas that need changes or clarification. We have developed a new easement form which addresses most of the concerns identified by the Grand Jury and is currently being reviewed by the landowners. We do want to comment that although we had been circulating the standard easement agreement that the Water Agency has used in other parts of Ulatis Project, we have always transmitted those easements with a cover letter explaining that the terms of the easements are negotiable (within some bounds) for use on Sweeney Creek. Specifically, we have repeatedly told residents that roads and fencing and gates do not need to be included in the ultimately negotiated easement.

# SOLANO COUNTY WATER AGENCY



September 12, 2003

Jack Morris, Foreman  
2002-2003 Grand Jury  
Hall of Justice  
600 Union Avenue  
Fairfield, CA 94533



Dear Mr. Morris:

This letter constitutes a response of the Solano County Water Agency to the 2002-2003 Solano County Grand Jury Interim Report regarding "Solano County Flood Control". The Solano County Water Agency Board of Directors authorized this letter at their September 11, 2003 meeting.

## FINDING NO. 1

The Solano County Water Agency Act of 1988 identifies the need for flood control within Solano County but does not assign responsibility to any agency, regardless of threat risk.

**Response:** SCWA agrees with the finding, but notes that the Act authorizes SCWA to undertake flood control activities.

## RECOMMENDATION NO. 1

The Solano County Board of Supervisors and the Solano County Water Agency (SCWA) request State legislation to establish direct responsibility on a County agency for flood control at specified levels of risk.

**Response:** Both the County and SCWA have authority to perform flood control functions. It is up to the governing board of both entities to determine the level of flood control that is appropriately performed by each agency in consideration of specific situations and available funding resources. Legislation requiring specified flood control activities would be inconsistent with each entity exercising its discretion regarding the level of involvement in flood control projects. SCWA is developing a Strategic Plan/Integrated Water Resources Plan that will examine whether the level of resources SCWA dedicates to flood control should change.



## **FINDING NO. 2**

Flood control within Solano County is an optional responsibility of the SCWA that has received little attention. It has recently increased interest because of near loss of life from the December floods but continued, long-term interest against the more visible interest of water distribution is unlikely.

**Response:** SCWA disagrees with this statement. In 1998, the SCWA prepared a Flood Control Master Plan which addressed flooding issues which is the topic of the Grand Jury inquiry. Since then, SCWA has budgeted approximately \$400,000 per year for flood control activities to implement the Master Plan. In the current fiscal year, SCWA has budgeted over \$700,000 for implementing the Flood Control Master Plan. It is true that there is increased interest in flood control activities due to the severe flooding in certain parts of the County in the December 2002 storm event. The comment regarding that long-term interest in flood control is unlikely is speculative.

## **RECOMMENDATION NO. 2**

The Solano County Board of Supervisors and SCWA request State legislation mandating that flood control responsibility be assigned to the Solano County Department of Environmental Management (DEM).

**Response:** This recommendation requires further analysis and a joint response with the Solano County Board of Supervisors. SCWA will respond within six months, likely in coordination with DEM.

## **FINDING NO. 3**

Solano County residents have no readily identified process for reporting flooding situations.

**Response:** SCWA agrees with this finding. SCWA is currently funding a program to increase public awareness of flood hazard situations in Solano County, but the program does not include a specific program for reporting flooding situations.

**RECOMMENATION NO. 3A**

The Solano County Office of Emergency Services (OES) establish a single and clearly identifiable countywide telephone listing for receiving reports of flooding. The listing should be presented on the emergency page of telephone directories.

***Response:*** This recommendation does not involve SCWA.

**RECOMMENDATION NO. 3B**

The OES institute a public information program at the approach of each rainy season to ensure the public is aware of the reporting procedures.

***Response:*** This recommendation does not involve SCWA.

**FINDING NO. 4**

No agency within the County has procedures for recording a complete history and database of flooding within the County.

***Response:*** SCWA agrees with this finding. SCWA does collect information regarding flooding events, but it is not comprehensive nor is it complete.

**RECOMMENDATION NO. 4A**

The OES, upon receiving a report of flooding, should record the event for long term analysis.

***Response:*** This recommendation does not involve SCWA.

**RECOMMENDATION NO. 4B**

The County adopt the 1998 Flood Control Master Plan recommendation to obtain aerial photographs of all flooded areas immediately after a flooding event.

***Response:*** This recommendation does not involve SCWA.

**RECOMMENDATION 4C**

The DEM review all reports and photographs of flooding for long-term analysis to determine appropriate flood prevention and control measures.

**Response:** This recommendation does not involve SCWA.

**FINDING NO. 5**

Solano County has an ordinance that specifies flood prevention requirements (water runoff control) for homes constructed in subdivisions that is not required for homes constructed on individually owned sites.

**Response:** This finding does not involve SCWA.

**RECOMMENDATION NO. 5**

The County establish or amend an ordinance to require equal flood prevention procedures for individually owned properties as for subdivision developments (Funding through local assessment districts may be appropriate).

**Response:** This recommendation does not involve SCWA.

**FINDING NO. 6**

Solano County cannot require landowners in flood prone areas to install flood protection (berms and building pads) when building in areas not designated by Federal Emergency Management Agency (FEMA) as a flood plain.

**Response:** This finding does not involve SCWA.

**RECOMMENDATION NO. 6**

The County establish or amend an ordinance to establish engineering requirements for new homes being built in areas defined by historical analysis as flood prone.

**Response:** This recommendation does not involve SCWA.

**FINDING NO. 7**

A Small Project Grant Program recipient cannot receive an additional grant for a similar project whether or not the condition was caused by factors beyond the landowner's control.

***Response:*** This finding is inaccurate. The criteria for the Small Project Grant Program do not prohibit an individual from reapplying for a similar project. Staff has given priority to projects that have not received SCWA funding in the past. Additionally, if the landowner has not met its responsibility for maintenance of the SCWA implemented project, then the landowner is deemed in violation of the original agreement and should not be eligible for additional funding.

**RECOMMENDATION NO. 7**

Revise the Small Project Grant Program to permit additional grants when the condition was caused by factors beyond the landowner's control.

***Response:*** There is no need to implement this recommendation because the Small Project Grant Program currently allows additional grants to a landowner who had previously received SCWA assistance.

**FINDING NO. 8**

The large number of environmental agencies and widespread lack of understanding of environmental law and procedures deters individual landowners and some governing officials from employing appropriate waterway maintenance.

***Response:*** SCWA agrees with this finding. However SCWA staff is available to assist landowners and governing officials in obtaining the necessary permits.

**RECOMMENDATION NO. 8A**

Appropriate agencies (SCWA, DEM, Irrigation Districts and Resource Conservation Districts) coordinate the development of informative bulletins explaining environmental agencies functions and require distribution to concerned landowners.

***Response:*** This recommendation requires coordination with other agencies and SCWA will report back within six months to the Grand Jury.

**RECOMMENDATION NO. 8B**

The Resource Conservation Districts promote a direct assistance program to help individuals complete required applications to the numerous environmental agencies. The DEM provide the same assistance for individuals not residing in a resource conservation district.

**Response:** This recommendation does not involve SCWA.

**FINDING NO. 9**

Waterways on private urban and rural property are often not cleared of debris by the landowners.

**Response:** SCWA agrees with this finding.

**RECOMMENDATION NO. 9**

The Solano County Board of Supervisors establish an ordinance to require the maintenance by the property owner of waterways for which public agencies have no easement granted access.

**Response:** This recommendation does not involve SCWA.

**FINDING NO. 10**

The Flood Control Advisory Committee lacks adequate staff support.

**Response:** SCWA disagrees with this finding. Current staff levels are appropriate with the current program of implementing the Flood Control Master Plan. This does not preclude SCWA from providing additional staffing should implementation of the Master Plan require additional work.

**RECOMMENDATION NO. 10**

Provide staff assistance for flood control purposes.

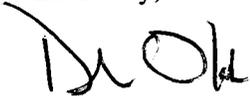
**Response:** See response to Finding No. 10.

Regarding Background item #9, the text says that the Flood Control Advisory Committee is recommending a County moratorium on issuing unincorporated area building permits until flood control procedures are implemented for flood prone areas. The Flood Control Advisory

Committee has informed the SCWA Board of Directors that this is not true; while they have discussed this possibility, the Committee has not made such a recommendation.

If you have any questions, please contact the Agency's General Manager David Okita at 451-2904.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Okita', with a stylized flourish at the end.

David B. Okita  
General Manager

cc: Michael Johnson, Solano County Administrator  
Clerk of the Board of Supervisors  
Judge Scott Kays, Presiding Judge of the Superior Court  
Birgetta Corsello, Department of Environmental Management