

MINUTES

MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD July 18, 2008

NOTE: THE BOARD WILL CONSIDER TIMED ITEMS AS CLOSE AS POSSIBLE TO THE LISTED TIME, BUT NOT BEFORE THE TIME SPECIFIED. UNTIMED ITEMS MAY BE HEARD IN ANY ORDER. MINUTES ARE PRESENTED IN AGENDA ORDER, THOUGH ITEMS WERE NOT NECESSARILY HEARD IN THAT ORDER.

A regular meeting (Open Session) of the Central Valley Flood Protection Board was held on July 18, 2008, beginning at 8:31 a.m., at The Resources Building Auditorium, 1416 Ninth Street, Sacramento, California.

The following members of the Board were present:

Mr. Benjamin Carter, President
Mr. Francis "Butch" Hodgkins, Vice President
Ms. Lady Bug Doherty, Secretary
Mr. John Brown, Member
Ms. Emma Suarez, Member

The following members of the Board staff were present:

Mr. Jay Punia, Executive Officer
Ms. Virginia Cahill, Legal Counsel
Mr. Dan Fua, Supervising Engineer
Mr. Gary Hester, Chief Engineer
Ms. Lorraine Pendlebury, Staff Analyst
Mr. Geoff Shumway, Staff Analyst

Department of Water Resources staff present:

Ms. Deborah Condon
Mr. Steve Dawson, Floodway Protection Section
Mr. Roger Lee
Mr. Ricardo Pineda, Chief, Floodplain Management Branch
Mr. George Qualley, Chief, Division of Flood Management
Mr. Merritt Rice
Mr. Pal Sandhu, Chief, Levee Repairs Branch
Mr. Ward Tabor, Staff Counsel
Ms. Terri Wegener
Mr. Jon Yego, Chief, Floodway Protection Section

Also Present:

Mr. Paul Brunner, Three Rivers Levee Improvement Authority
Mr. Clark Frentzen, United States Army Corps of Engineers
Mr. Rod Mayer, FloodSAFE
Mr. Bob Raymer, California Building Industry Association
Mr. Jim Sander, United States Army Corps of Engineers
Mr. Scott Shapiro
Mr. Steve Winkler, San Joaquin County and San Joaquin County Flood Control and Water Conservation Board

1. ROLL CALL

Executive Officer Punia called the roll.

2. APPROVAL OF MINUTES - May 16th, 2008

Secretary Doherty noted that the May 16th Minutes lists her as present; in actuality, she was absent.

Member Brown noted that page 10, Item 17, third line down says George Casey; and should be George Basey.

Upon motion by Member Brown, seconded by Secretary Doherty, the Board unanimously approved the May 16th, 2008 Minutes as amended above.

3. APPROVAL OF AGENDA

Items 7E, 7H, 8 and 9 were removed from the Agenda and postponed to a future date. Also, Item 7G now reads Sutter County and should read San Joaquin County.

Upon motion by Secretary Doherty, seconded by Member Brown, the Board unanimously approved the Agenda as amended above.

4. PUBLIC COMMENT

Mr. Steve Winkler, San Joaquin County Public Works, noted that Item 7K, which involves the Mokelumne River, primarily affects Sacramento County but affects San Joaquin County as well.

5. REPORT OF THE ACTIVITIES OF DEPARTMENT OF WATER RESOURCES (DWR)

Mr. George Qualley, Chief of Flood Management, DWR, reported on the following:

- *Spring '08 has been extremely dry; the driest on record since 1921. Both Sacramento and San Joaquin indexes are forecasted to be critical.*
- *The Statewide Flood Planning Office has done a number of workshops up and down the state. They provided a roll-out of the FloodSAFE Strategic Plan and responded to whatever questions arose. Also, a number of coordination meetings have been held with the U.S. Army Corps of Engineers (the Corps).*
- *The Flood Protection Integrity Inspection Branch will probably go live on August 1st.*
- *The Early Implementation Program - TRLIA is fully under way and almost \$40 million of invoices have been processed. LD1 will be doing their construction work next construction season. The Wheatland Project funding agreement was executed; a bid opening occurred earlier this month and they expect to issue a Notice to Proceed later this month.*
- *The SAFCA project opened bids in June and will be moving forward with the work this month.*
- *The local levee grant program received 21 applications; these represent only a portion of the applications expected. The applications are being evaluated with consideration for more outreach and another round of applications later.*
- *The Statewide Grants Branch - on the 1147 Draft Regulations, the comment period expires at the end of the month.*
- *Flood Protection Corridor Grants - \$24 million worth of applications have been selected.*
- *A public meeting was held on the proposed acquisition of Knagg's Ranch in the Elkhorn area. They are expecting escrow to close by the end of next week.*
- *Maintenance Support - the Wadsworth Canal slurry wall was completed, which is the last remaining repair from the 1997 cost-shared, PL-8499 levee rehab program.*
- *Sutter Bypass Veg Reduction - the Sutter Yard has been active in spring clearing activities and other methods to provide additional capacity in the Bypass.*
- *The Flood Operations Branch is busy getting ready for next flood season.*
- *The Flood Operations Center is having preseason flood meetings with the Corps in the Central Valley and in the southern California area. In essence, they are trying to cover the full range of meetings with all of the entities that they would be coordinating with during the flood season. The Center is also developing emergency response plans for flooding. They have also been upgrading their software and hardware capabilities.*

- *Delta Emergency Operations have established transfer facilities at Rio Vista and the Port of Stockton.*
- *Delta Levee Subventions Program has received 68 applications totaling about \$88 million.*
- *The Best Available flood maps have been mailed out to 32 counties and 91 cities, as required by SB 5. They intend to go live with the press release and on the website around August 1st.*
- *The Levee Evaluations Branch is in the process of expanding to additional areas within the Sacramento and San Joaquin flood control projects.*
- *DWR has been coordinating with RD 2039 on the Jones Track 20045 closure site, as additional seepage was noted through the closure site.*

Proposed Amendments to the California Building Code Standards

Rick Pineda, Floodplain Management Branch, and Bob Raymer, California Building Industry Association, provided information about the code adoption process by the State of California Building Standards Commission. They noted that they are reaching out to stakeholders to help them with modification of the process.

6. THREE RIVERS LEVEE IMPROVEMENT AUTHORITY (TRLIA) MONTHLY REPORT

Mr. Paul Brunner, TRLIA Executive Director, highlighted two items in the report:

- *As mentioned earlier, the state has contributed about \$40 million thus far, with another \$14 million being processed for construction. The local share has contributed about \$20 million. The overall project cost is \$192 million.*
- *The draft EIS for the work that TRLIA has done with the Corps was published in the Federal Register on July 11th and is now in the public comment period, which will close on August 25th. They will continue to finalize the permitting process and try to get as much levee work as possible done this year.*

7. CONSENT CALENDAR

A. Permit No. 18172, Tyson Shower

Consider approval to place rock riprap and to plant shrubs on the left (east) bank levee of the Sacramento River in Sacramento County.

B. Permit No. 18325, Rawson Kelham

Consider approval to install a power pole on the waterside slope and extend the power line across the right (west) bank levee of the Feather River in Sutter County.

C. Permit No. 18332, Sacramento County Parks

Consider approval to remove two existing restrooms, install new pre-constructed restrooms, excavate a leach field, abandon an existing water line and install a new water line on the left (south) bank overflow area of the American River in Sacramento County.

D. Permit No. 18342, Union Pacific Railroad

Consider approval to install electrical cable through the levee (jack and bore); to excavate a trench and install cable on the landside crown shoulder of the left (east) bank levee of the Feather River in Yuba County.

E. Permit No. 18347, Jesse Castellon - Postponed

Consider approval to: authorize an existing boat dock; construct steps on the waterside slope; install lawn and an electrical pole on the waterside berm; construct a wrought iron fence on the landside crown; authorize steps on the landside slope, construct a concrete retaining wall at the landside toe, construct a perpendicular wood fence and waterfall on the landside slope; construct a patio within 10 feet of the landside toe; authorize existing plants and plant new plants on the landside slope; and trench through the levee and install an electrical conduit on the left (south) bank levee of Bear Creek in San Joaquin County.

F. Permit No. 18351, City of Chico

Consider approval to excavate and remove asphalt paving, concrete, and material piles from channel; install clear span bridge over wetlands, construct pedestrian trails, and plant native vegetation on the left (south) bank of Lindo Channel in Butte County.

G. Permit No. 18352, Edna Webber

Consider approval to place rock riprap on the left (south) bank of the Mokelumne River in [San Joaquin] County.

H. Permit No. 18354, Peach Tree Golf & Country Club - Postponed

Consider approval to replace an existing building and construct a maintenance building within the designated floodway (Area B) on the left (south) bank of the Yuba River in Yuba County.

I. Permit No. 18356, Sam Newnam

Consider approval to plant a vineyard within the designated floodway of the left (south) bank of Dry Creek in Stanislaus County.

J. Permit No. 18359, City of Chico

Consider approval to excavate material, place rock at the toe, and plant the slope with native grasses, forbs, sedges and trees; and place a crib wall, filled with gravel, rocks and live cuttings and tied down with timbers on the left (south) bank of Big Chico Creek in Butte County.

K. Permit No. 18367, Sacramento Area Sewer District

Consider approval to bore under (horizontal directional drilling) the Mokelumne River and install two sewer pipelines in Sacramento County.

L. Permit No. 18330, Qwest Communications International, Inc.

Consider approval to bore under (horizontal directional drilling) the Arcade Creek, Varano Creek, Magpie Creek, Linda Creek, Dry Creek, Pleasant Grove Creek, Auburn Ravine, Coon Creek, Yankee Slough, Grasshopper Slough and Best Slough and install two High-density Polyethylene (HDPE) fiber optic telecommunications lines; and install two lines with steel casing under Bear River. Work will be taking place in areas of Sacramento, Sutter, and Yuba counties.

As mentioned earlier, Items 7E and 7H were removed from the Calendar and Item G was changed to read San Joaquin County instead of Sutter County.

Upon motion by Member Brown, seconded by Vice-President Hodgkins, the Board unanimously approved Consent Calendar Items 7A, 7B, 7C, 7D, 7F, 7G, 7I, 7J, and 7L; and delegated authority to the General Manager to sign the permits contingent upon staff receiving all necessary documentation.

8. HEARINGS AND DECISIONS - Postponed

Permit No. 18364, A&G Montna Properties, L.P.

Consider approval of Permit No. 18364 to remove material and rice checks, excavate swales, construct levees, place material for islands and tree mounds for planting willows, plant tules, install concrete boat access structures, and install flash-board riser water control structures within the Sutter Bypass in Sutter County.

9. NATOMAS LEVEE IMPROVEMENT PROJECT, SACRAMENTO AREA FLOOD CONTROL AGENCY (SAFCA) - Postponed

Consider approval of a letter to the U.S. Army Corps of Engineers requesting that the Corps initiate, in coordination with SAFCA, a joint programmatic review of possible improvements to the levees protecting the Natomas Basin in Sacramento under the National Environmental Policy Act and the California Environmental Quality Act.

10. PL 84-99 LEVEE REHABILITATION PROJECT - LSJLD, MADERA COUNTY

Consider approval of resolution 08-15 to:

1. Adopt Mitigated Negative Declaration, Findings and Mitigation Measures for the PL 84-99 Levee Rehabilitation Project in Lower San Joaquin Levee District; Chowchilla Bypass Project; and
2. Approve the Project Cooperation Agreement between the U.S. Army Corps of Engineers and the Board.

Mr. Jeff Van Gilder, DWR, gave a presentation on the Project, culminating with the request that the Board consider approval of the resolution.

Upon motion by Member Brown, seconded by Secretary Doherty, the resolution was approved 4-0 (Member Suarez was absent for this vote).

11. AB 1147 REGULATIONS: BACKGROUND AND HOW THEY AFFECT THE BOARD

Review the proposed AB 1147 regulations and their effect on the Board, and consider taking a position or submitting comments on the proposed regulations.

Ms. Teri Wegener, DWR, and Mr. Rod Mayer, FloodSAFE, presented a review of the Board-sponsored projects and the State cost share for the projects, and answered members's questions.

Mr. Scott Shapiro discussed a potential flaw in the regulations (the “20% kicker”).

President Carter directed staff to pull together a draft letter, to be sent to DWR, expressing the various thoughts that Members had regarding the regulations.

12. SECTION 408 MEMORANDUM OF UNDERSTANDING

Delegate the authority to the Board President to execute a Memorandum of Understanding (MOU) among the U.S. Army Corps of Engineers, Central Valley Flood Protection Board and the Department of Water Resources regarding the process to review California’s projects under 33 U.S.C. Section 408.

Mr. Ward Tabor, DWR, gave a presentation that discussed the focus of the MOU, which is to try to define a process that the state, the locals and the Corps will use as they try to pursue some of the Early Implementation Projects that are going to come before the Board as part of the Central Valley Flood Protection Plan. He touched upon some of the key provisions in the MOU and stated that what is before the Board today is a resolution that would approve the MOU in concept and authorize the President to sign it once the last details are worked out in the agreement.

Mr. Clark Frentzen, the Corps, discussed how they will characterize the changes in the hydraulics of the system.

Upon motion by Vice-President Hodgkins, seconded by Member Brown, the Board unanimously moved to table the delegation of authority until there is consensus on what the content of the MOU will be.

13. MEMORANDUM OF AGREEMENT BETWEEN THE CENTRAL VALLEY FLOOD PROTECTION BOARD AND THE CALIFORNIA DEPARTMENT OF WATER RESOURCES

Delegate the authority to the Board President to execute a Memorandum of Agreement between the Central Valley Flood Protection Board and the California Department of Water Resources to work cooperatively and collaboratively to develop and implement an integrated state flood management program for the Central Valley, while preserving their independent authorities and jurisdiction as set forth in the law.

Deputy Attorney General Cahill discussed specific paragraphs of the MOU and recommended that the Board move to approve the MOU and delegate the authority to the Board President, while allowing staff to adjust Exhibit 2 as they saw fit.

The Board decided to table the MOU until the actual document is brought back before the Board for their consideration.

14. BOARD SPONSORED PROJECTS AND STUDY AGREEMENT

Lower San Joaquin River Feasibility Investigation

Consider approval of:

1. **The Local Feasibility Cost Sharing Agreement with San Joaquin Area Flood Control Agency and San Joaquin County.**
2. **The Feasibility Cost Sharing Agreement with the U.S. Army Corps of Engineers.**

Mr. Merritt Rice, DWR, reported on the status of the Feasibility Cost Sharing Agreements and requested that the Board approve both Agreements.

Upon motion by Member Brown, seconded by Secretary Doherty, the Board unanimously approved the Agreements.

15. INFORMATIONAL BRIEFINGS- none

BOARD REPORTS

16. BOARD COMMENTS AND TASK LEADER REPORTS

Vice-President Hodgkins attended a Delta Programs Information Workshop in Walnut Grove, which was trying to help people in the Delta understand the different Delta initiatives. He also mentioned that there is a collaborative process being funded by a combination of the Department of Fish and Game and the Yolo Basin Foundation to develop a management plan for the lower portion of the Yolo Bypass.

Secretary Doherty attended the FloodSAFE Conference presentation in Chico. She also accompanied some of the Yolo County supervisors to observe the levees from Knights Landing northward and on into the Sutter Bypass.

Secretary Doherty read a letter from Evelyn Loretta Dean, DVM, regarding her concerns about a contract that she signed for a temporary entry permit to the Farm Road Site on the Wadsworth Canal PL 84-99. The letter details the many ways that the construction has negatively affected the running of her ranch. Mr. Punia stated that the letter has been forwarded to the DWR real estate folks who negotiated the entry permit, and they are working on a response. He further stated that DWR is willing to do everything in their power within the law to see if Ms. Dean can be compensated.

President Carter stated that we need to work with the public and settle this problem in a friendly manner.

Member Brown noted that he met with Neil Shield, a civil engineering consultant, on July 9th. Mr. Shield had general questions on levee pipeline crossings. He stated that Mr. Punia sent the information to Mr. Shield. Member Brown also met with Jerry Johns on July 10th to discuss transferring pre-1914 water. Also, he has been asked to speak to the Auburn Dam Council on August 4th.

17. REPORT OF THE ACTIVITIES OF THE EXECUTIVE OFFICER

Executive Officer Punia reported on the following:

- *The Governor's Office informed staff that all pending issues related to Board Member salaries have been resolved.*
- *Staff continues to work with Reclamation District 17 personnel regarding their proposed work. Staff has yet to hear on the extension request sent to the Corps, who asked for additional information (which has been sent). In the meantime, an action plan is being collectively formed by the parties involved.*
- *The Memorandum of Understanding has been negotiated with DWR defining the role and responsibilities under the new flood legislation.*
- *The National Association of Flood and Stormwater Management Association, NAFSMA, is having their annual meeting in California and has invited the Corps headquarters staff to participate.*
- *Mr. Punia provided an update on the Section 104 requests.*
- *Ms. Kathy Schaefer of FEMA will provide an informal briefing on the Map Modernization Program at the August Board Meeting.*
- *Lorraine Pendlebury is working on an interagency agreement with the Department of Justice so that the services of counsels Cahill and Smith can continue.*
- *Dr. William Reckmeyer has started a contract with the Board to facilitate future California Levee Roundtable meetings.*
- *Staff is trying to hire Mr. Patrick Bell to assist in developing a strategic plan for the Board.*
- *Vice-President Hodgkins and Mr. Punia will represent the Board at the flood management reception for the Sacramento River Watershed Program.*

- *A two-hour tour of the Yolo Bypass will be arranged during the September meeting.*

18. FUTURE AGENDA

President Carter read the draft agenda for the August meeting. He stated that the Consent Calendar Items that were tabled today should appear on the August Consent Calendar.

A briefing with Jim Sander, the Corps, will be scheduled regarding vegetation standards.

There is a proposal for a half-day tour of the Three Rivers Levee Improvement on the Feather River setback area.

Possible adoption of the DWR MOU will be scheduled for the August Meeting.

19. ADJOURN

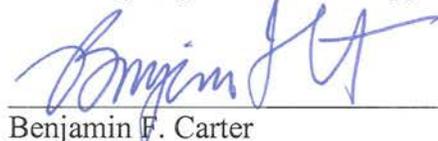
President Carter adjourned the meeting at 3:22 p.m.

Dated: 9-19-08



Maureen Doherty
Secretary

The foregoing minutes were approved:



Benjamin F. Carter
President