

MINUTES
MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD
March 26, 2010

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 March 26, 2010, beginning at 8:39 a.m. at The Resources Building, 1416 Ninth Street, Auditorium, Sacramento, California.

The following Members of the Board were present:

Mr. Benjamin Carter, President
Mr. Butch Hodgkins, Vice President
Ms. Lady Bug Doherty, Secretary
Mr. John Brown
Ms. Teri Rie

The following members of the Board staff were present:

Mr. Jay Punia, Executive Officer
Mr. Len Marino, Chief Engineer
Mr. Eric Butler, Senior Engineer
Mr. Dan Fua, Supervising Engineer
Mr. James Herota, Staff Environmental Scientist
Mr. Gary Lemon, Staff Engineer
Ms. Andrea Mauro, Staff Environmental Scientist
Ms. Nancy Moricz, Staff Engineer
Ms. Jill Phinney, Staff Analyst
Ms. Deborah M. Smith, Legal Counsel
Mr. Curt Taras, Senior Engineer
Mr. Jon Yego, Senior Engineer

Department of Water Resources (DWR) staff present:

Ms. Victoria Lani Arena, FloodSAFE Federal Liaison
Mr. Jeremy Arrich, Chief, Flood Project Inspection and Integrity Branch
Mr. Gary Bardini, Chief, Division of Flood Management
Mr. Efrain Escutia, Yuba River General Reevaluation Report Project Manager
Ms. Dale Hoffman-Floerke, Deputy Director, Integrated Water Management
Mr. Michael Sabbaghian, Chief, Project Development Branch

Also Present:

Mr. Stein Buer, Sacramento Area Flood Control Agency (SAFCA)
Mr. Paul Brunner, Three Rivers Levee Improvement Authority (TRLIA)
Mr. Roger Churchwell, San Joaquin Area Flood Control Agency (SJAFCA)
Mr. Tom Eres, Hofman Ranch
Mr. David Ingram
Mr. Gene Maak, United States Army Corps of Engineers (Corps)
Mr. Ric Reinhardt, MBK Engineers, TRLIA
Ms. Sara Schultz, Corps
Mr. Jeffrey Twitchell, Levee District 1
Mr. Tim Washburn, SAFCA
Ms. Michelle Williams, Corps

1. ROLL CALL

Executive Officer Punia called the roll.

2. APPROVAL OF MINUTES – January 29, 2010 Board Meeting

President Carter remarked that on page 12, Item 14, nomination of liaison advisor to the Sacramento San Joaquin Delta Conservancy Board, the second paragraph currently reads “He (President Carter) nominated Flood Member Emma Suarez to be liaison and alternate on the Delta Conservancy Board”. . . . The words “*and alternate*” should be deleted.

Upon motion by Secretary Doherty, seconded by Vice President Hodgkins, the Board unanimously approved the January 29, 2010 Board Meeting Minutes, as corrected above.

3. APPROVAL OF AGENDA

Executive Officer Punia stated the staff recommendation that Items 7I, 7N, 8A and 8B be postponed; and that the Closed Session (Item 17) be moved ahead in the schedule and held before lunch.

Upon motion by Secretary Doherty, seconded by Vice President Hodgkins, the Board unanimously approved the staff recommendation (see sentence above).

4. PUBLIC COMMENT - NONE

5. REPORT OF ACTIVITIES OF THE DEPARTMENT OF WATER RESOURCES

(Board Member Teri Rie joined the meeting.)

Prior to the Report, newly-appointed DWR Integrated Water Management Deputy Director Dale Hoffman-Floerke introduced herself to the Board and provided a brief summary of her professional background.

Mr. Gary Bardini, DWR Division of Flood Management Chief, reported the following:

- Water conditions: precipitation is over 100 percent of average; runoff still remains at 65 percent of average, which is an improvement over last year's 47 percent; and storage remains at about 85 percent of average.
- DWR has completed its supplemental erosion survey in the San Joaquin System. Eighteen new sites have been added, based on that survey. Nine existing sites were moved after repairs.
- Inspectors are now beginning their spring inspection activities.
- The Sycamore Creek Sediment Removal Project is planned for the summer of 2010. The construction plan and specifications are being finalized.
- The annual hydraulic structure inspections for flood control facility operations and maintenance have been completed and a draft engineering report is being prepared.
- The 2009 post-project maintenance report for the Tisdale Bypass Sediment Removal Project has been submitted to the U.S. Fish and Wildlife Service.
- The Flood Risk Management Office will soon release a report on alluvial fans.
- The American River Common Features and the Post-Authorization Change Reports are scheduled for completion for potential WRDA funding in 2010.
- Progress continues to be made on the Lower San Joaquin Feasibility Study and it is anticipated that there will be an FCSA agreement presented to the Board during the April Board Meeting (see Item 13 below).
- DWR has been working closely with the Yuba County Water Agency on the Marysville Ring Levee and is aggressively trying, with the Corps and local agencies, to get that project moving this year to be able to take the opportunity of one-time funds that are available from the federal government.
- Urban Levee Evaluations are about 70 percent complete overall; Non-urban Levee Evaluations are at about 10-15 percent.

- DWR continues to work closely with the Board to support technical reviews of a number of activities, including Reclamation 17 River Islands, San Joaquin Restoration and West Sacramento.
- Floodplain Management Planning has completed a draft of the State Plan of Flood Control descriptive document and is receiving and addressing comments about the document now. Also, an interim progress report will be released at the conclusion of Phase One and a 400-page Regional Conditions Report will be coming out soon. Briefings on program progress are being prepared for the Governor.
- The Budget Change Proposals currently in the legislature are scheduled for hearings in late March.
- There are 22 basic requests for federal funding, on a number of projects, and DWR representatives, along with Corps' Headquarters and OMB, are working on those in Washington, D.C.

Central Valley Flood Management Planning Program Monthly Update

Mr. Jeremy Arrich, DWR Flood Project Inspection and Integrity Branch Chief, updated the Board:

- Phase One of the Program is wrapping up. The Regional Conditions Report (mentioned above) will provide a comprehensive characterization of the planning setting from which the problems were identified and goals developed; and the Report will formulate management actions to solve some of the issues.
- Members of previously held workgroups are currently reviewing the Regional Conditions Report and the Interim Progress Summary and will provide comments. Following incorporation of their comments, a last round of workshops will be held in late April and, shortly thereafter, the two documents will be made available to the general public.

6. REPORT OF ACTIVITIES OF THE EXECUTIVE OFFICER

Executive Officer Punia reported on the following items:

- The requisition for the purchase of laptops for Board Members has been approved and the purchase order issued, so Board packages will be transmitted to Members via the electronic medium soon.
- The Sutter Butte Feasibility Cost-Sharing Agreement amendment has been extended for 120 days, to provide time for the Corps to review and then execute it.

- Ms. Andrea Mauro has been hired as an Environmental Specialist.
- Mr. Ali Porbaha has been hired as Senior Engineer and Chief of the Encroachment and Land-Use Section, taking over the position held by Curt Taras prior to his promotion to Branch Chief.
- Mr. Jon Yego, current Floodway Protection Section Chief, will be leaving the Board soon. He has accepted a position in DWR's Division of Operations and Maintenance.
- Regarding the Calaveras River Encroachment Enforcement, staff conducted a meeting with local officials on March 3rd to discuss funding methods using Early Implementation Program bond funds. A multi-agency staff committee was formed to further refine the proposal and explore all options.
- The eight property owners with encroachments along Bear Creek, in the Twin Creeks Development, have been sent enforcement notices ordering removal of the encroachments within 60 days. In addition, Federal Emergency Management Agency (FEMA) has issued a letter indicating that they will initiate the map modernization phase for the area, which means that, if the encroachments are not addressed, the area will be declared a flood hazard and residents will have to pay much higher insurance premiums.
- Staff met with the California High Speed Rail Authority to discuss Title 23 requirements. This was one of a series of preliminary meetings designed to provide the Authority guidance to expedite the permitting process necessary for their bridge crossings.
- A 42-inch reinforced concrete pipe in the Atlas Tract, at Trinity Parkway, is cracking and will be replaced, starting May 1st.
- Staff has developed a Task Order for issuance to a private consulting company to develop the RMA2 model for the Sutter Bypass hydraulic modeling. The Task Order will be forwarded to the Board's Executive Committee for review before issuance.
- Board Chief Engineer Len Marino is taking the lead for a field trip to the Road 9 structure. Some of the Board Members are planning to participate in this trip.
- Staff is participating in a newly formed Feather River Coordinated Management Plan Committee to standardize restoration and maintenance activities.

Chief Engineer Marino updated the Board on the pending permits situation and the remaining backlog, and the Board discussed possible remedies, including methods for communicating their concerns regarding the backlog to the Corps.

Vice President Hodgkins suggested another meeting with Colonel Chapman of the Corps to perhaps work on drafting a resolution to the Corps. The resolution could then be brought to the Board at its April meeting and would, in effect, put the Corps on notice that the Board is beginning an appeal process to get some action on speeding up Corps response letters to pending permits. The resolution could then be sent to Washington for discussion with Corps Headquarters and perhaps some of the congressional delegation. Other Board Members agreed with this suggestion.

President Carter directed Executive Officer Punia to schedule a meeting with the Colonel in the next two weeks or so to allow enough time to draft the resolution before the Board Meeting in April.

7. CONSENT CALENDAR

A. Permit No. 18282, Dee Grinzewitsch

Consider approval of Permit No. 18282 to resurface existing swimming pool and remove dive platform; and construct a concrete equipment pad on the left (east) bank overflow area of the Sacramento River. (Sacramento County)

B. Permit No. 18296, Craig Elder

Consider approval of Permit No. 18296 to construct a floating boat dock, attached to a gangway, attached to a concrete deadman on the left (east) bank levee of the Sacramento River. (Sacramento County)

C. Permit No. 18410, Edward Bronder

Consider approval of Permit No. 18410 to construct and place a sunroom on existing deck supported by additional cross bracing on the overflow area of the left (east) bank levee of the Sacramento River. (Sacramento County)

D. Permit No. 18412, Stevinson Water District

Consider approval of Permit No. 18412 to place fill at landside toe of the right (north) bank levee of the San Joaquin River. (Merced County)

E. Permit No. 18470, Sutter County

Consider approval of Permit No. 18470 to excavate material and replace an existing boat ramp with a concrete v-grooved two-lane boat ramp; install pile guided boarding floats with a gangway; place rock slope protection on both sides of the boat ramp; and plant native riparian trees and shrubs on the right (west) bank of the Feather River. (Sutter County)

F. Permit No. 18481, City of Stockton, Public Works Department

Consider approval of Permit No. 18481 to remove the existing two-lane bridge and replace it with a five-span, cast-in-place, concrete flat slab bridge supported by cast-in-place concrete abutments and concrete pile bents, and place rock riprap upstream and downstream within the channel of Pixley Slough. (San Joaquin County)

G. Permit No. 18491, Natomas Central Mutual Water Company

Consider approval of Permit No. 18491 to place rock riprap, and construct a pump station and intake structure with pipelines crossing up and over the left (east) bank levee of the Sacramento River. (Sutter County)

H. Permit No. 18502, Charles Robinson

Consider approval of Permit No. 18502 to construct a concrete boat ramp on the left (south) bank of Dutch John Cut Slough. (Kings County)

I. Permit No. 18509, Renee Carter - Postponed

Consider approval of Permit No. 18509 to remove existing pool, pump house, chain link gate, asphalt driveway and perpendicular fence; reshape overflow berm to replace a recently demolished dwelling, construct new pool, decks, septic system and leach field, asphalt driveway, install wrought iron gate and landscaping; authorize existing perpendicular fence on the left (east) bank waterward berm (as described in Title 23, Section 133) of the Garden Highway levee of the Sacramento River in Reclamation District 1000. (Sacramento County)

J. Permit No. 18512, California Department of Parks and Recreation

Consider approval of Permit No. 18512 to construct a parking area, a pre-cast concrete restroom, pre-cast concrete picnic tables, concrete pathway, steel post and cable fencing around perimeter of parking area with a steel gate at the entrance; to plant native grasses, to extend overhead power line from existing pole to restroom, to install domestic well and pump, septic system and leach field; remove walnut orchard and plant native trees (Valley Oak), remove non-native vegetation and plant native vegetation on the right (west) bank overflow area of the Sacramento River. (Glenn County)

K. Permit No. 18531, Feather River Wildlife Area, Abbott Lake Unit, California Department of Fish and Game, Sutter County

Consider adopting Resolution No. 10-07 setting forth the Board's written findings and conclusions, pursuant to Section 13.1(h)-(i) of Title 23, California Code of Regulations, relating to the Board's permit approval to plant approximately 20,000

plants in the Abbott Lake Unit of the Feather River Wildlife Area along the Feather River floodway. The Board approved the permit at its regular meeting on February 26, 2010.

L. Permit No. 18539, Barry Finkel

Consider approval of Permit No. 18539 to remove the existing floating boat dock and gangway to allow placement of bank protection rock, and install two new steel pilings, a new concrete landing, a new gangway and reinstall the existing floating boat dock on the left (east) bank levee of the Sacramento River. (Sacramento County)

M. Permit No. 18548, David Ingram

Consider approval of Permit No. 18548 to remove an existing residence and construct a new two-story residence on the left (east) bank overflow area of the Sacramento River. (Sacramento County)

N. Property Management: Garmire Road Bridge Replacement Project, Parcel 2010-119 - Postponed

Consider approving the conveyance of an easement from Sacramento and San Joaquin Drainage District (SSJDD) to the California Department of Water Resources (DWR) for Parcel No. 2010-119-A and delegating to the Flood Board president and secretary the authority to execute the Easement Deed as a result of the Garmire Road Bridge Replacement Project. (Sutter County)

(As mentioned previously, Items 7I and 7N were postponed to a future meeting.)

Upon motion by Vice President Hodgkins, seconded by Board Member Brown, the Board unanimously approved Consent Calendar Items 7K and 7L as recommended by staff in the staff reports; and conditionally approved Items 7A, 7B, 7C, 7D, 7E, 7F, 7G, 7H, 7J and 7M, dependent upon receipt of the Corps' response letters. If there are any substantive Corps comments on any applications, those applications will be brought back before the Board.

In addition, the Board unanimously approved a modification to Permit No. 18548 (Item 7M), with the Applicant's concurrence -- to build the floor elevation two feet above the greater of the 200-year water surface elevation or the design water surface elevation.

Further, the Board directed staff to ask the San Joaquin County Water Flood Control and Water Conservation District to clarify the indemnification language in the Local Maintenance Agency's letter for Item 7F, Permit Number 18481; and, if staff is not comfortable with the clarified language, to bring the entire permit back before the Board.

8. HEARING AND DECISIONS

A. Permit No. 18232, RICK GARCIA - Postponed

Consider an appeal for a variance to waive Board standards to allow the construction of a residential dwelling and access ramp on the overflow area of the left (east) bank of the Sacramento Deep Water Channel. Staff recommends denial through Resolution No. 10-08.

B. SACRAMENTO AREA FLOOD CONTROL AGENCY, Application No. 18159-4, REACH 5A -9B, SACRAMENTO COUNTY - Postponed

Consider approval of Permit No. 18159-4 to construct approximately 4.5 linear miles of adjacent levee on the existing landside slope of the Garden Highway levee (Reach 5A-9B: Station 228+00 to 468+00); install a seepage cutoff wall; construct a seepage berm; install drainage structures and outfalls through the existing Garden Highway levee; remove existing outfall structures and irrigation pipes and install a new upstream outfall structure with three 36" diameter steel discharge pipes through the left (east) bank of the Sacramento River in Sacramento County.

REQUESTED ACTIONS

9. CONSIDER APPROVAL OF THE NATOMAS LEVEE IMPROVEMENT PROGRAM LEVEE VEGETATION VARIANCE REQUEST TO THE U.S. ARMY CORPS OF ENGINEERS ON BEHALF OF THE SACRAMENTO FLOOD CONTROL AGENCY

Mr. James Herota, Staff Environmental Scientist, introduced the Item. He read into the record some minor revisions that were added at the request of SAFCA.

Mr. Tim Washburn, SAFCA, presented detailed information on the Vegetation Variance Request. He and Mr. Stein Buer, SAFCA Executive Director, answered Board Member questions.

Upon motion by Board Member Rie, seconded by Secretary Doherty, the Board unanimously approved Resolution 10-09.

10. POLICY DISCUSSION AND GUIDANCE TO STAFF ON DELEGATION OF PERMIT APPROVAL TO EXECUTIVE OFFICER - POSTPONED

11. BOARD SPONSORED PROJECTS AND STUDY AGREEMENTS - NONE

INFORMATIONAL BRIEFINGS

12. DISCUSSION OF THE YUBA BASIN GENERAL REEVALUATION REPORT (GRR) HYDRAULICS, INCLUDING THE GOLDFIELDS, BY THE U.S. ARMY CORPS OF ENGINEERS

Mr. Efrain Escutia, Yuba River GRR Project Manager, introduced the Item.

Mr. Gene Maak, the Corps, briefed the Board on the hydraulic and preliminary economic analyses.

Ms. Sara Schultz, the Corps, presented the planning process and summarized the findings of their report.

Mr. Ric Reinhardt, MBK Engineers and Three Rivers Levee Improvement Authority, discussed the proposed next steps, which include the development of a White Paper that lays out the proposed methodology for doing the modeling. He asked that DWR, Corps and Board staff review the Paper and participate in the key milestones in development of the project. The current schedule is to issue the White Paper in May and hopefully the final product in late 2010.

The presenters answered Board Member questions.

Mr. Tom Eres, Hofman Ranch, expressed his concerns about the process and asked that an independent engineering firm be used to provide a neutral, "fresh" look at the levees.

13. BRIEFING ON THE LOWER SAN JOAQUIN RIVER FEASIBILITY STUDY

Mr. Roger Churchwell, Deputy Executive Director, San Joaquin Area Flood Control Agency (SJAFCA), provided the briefing and answered Board Member questions. He noted that the study will define how to get to the 200-year level of flood protection and is the largest study the Corps Sacramento District has ever undertaken.

Mr. Michael Sabbaghian, DWR Project Development Branch Chief, and Ms. Michelle Williams, the Corps, explained some of the details of the approval process.

14. COORDINATION OF DWR STAFF WITH THE U.S. ARMY CORPS OF ENGINEERS HEADQUARTERS PERSONNEL AND ELECTED OFFICIALS REGARDING BOARD-SPONSORED PROJECTS

Ms. Victoria Lani Arena, Program Manager and Liaison for the FloodSAFE Federal Advocacy Program, briefed the Board. She focused on the appropriations process, stating that this was primarily because the legislative reforms are still in the process of

being formulated. She also answered Board Member questions. Board Members and staff complimented her on her presentation.

BOARD REPORTS

15. BOARD COMMENTS AND TASK LEADER REPORTS

Vice President Hodgkins stated that he had met with DWR and attorneys for local agencies to further discuss new cost-sharing guidelines that can most effectively meet the legislature's intent, in terms of helping low-income communities pay for the project. They continue to make progress and hopefully will have new guidelines out in a month or so for public review.

He attended the Interagency Task Force Meeting to discuss the specifics of coordination of environmental and flood control issues. Items discussed included the vegetation policy and its framework; as well as a presentation on where the Bureau is on the Lower San Joaquin. It would appear that the Bureau is set on putting a portion of the restoration flows down the bypass.

Board Member Rie is assisting President Carter in drafting a letter to the Corps regarding the vegetation variance policy that is in the Federal Register. It will be submitted to the Corps on April 25th.

Secretary Doherty attended some recent Sacramento River Conservation Area Forum Technical Advisory Committee meetings.

She also had a short ex parte chat with Barbara Levake.

Board Member Brown, along with Vice President Hodgkins, attended the annual flood forum hosted by Mike Hardesty and his group.

He also attended the recent Central Valley Flood Management Plan meeting.

President Carter stated that he has been participating in various administrative activities with DWR, in coordination with Vice President Hodgkins and Executive Officer Punia.

He and Vice President Hodgkins participated by phone in the all-staff meeting for the Flood Board that occurs the first Monday after Board meetings.

He participated in a visit with Deputy ASA of the Army Mr. Rock Salt on March 8-9. On the 9th there was a meeting regarding the Delta that he asked Board Member Suarez to attend, which she did. The meeting agenda included discussion on the Delta Stewardship Council and the Bay-Delta Authority, and many stakeholders were there.

16. FUTURE AGENDA

President Carter read portions of the draft Agenda.

An action item will be added to appoint Board Member Rie as liaison with DWR to help with their coordination with the Corps and elected officials regarding Board projects.

President Carter suggested Board Members who have not reapplied for a position on the Board, since the new legislation was enacted on January 1, 2008, that those members reapply for a position on the Central Valley Flood Protection Board, as all current members were appointed to the former State Reclamation Board.

17. CLOSED SESSION

Pursuant to the authority of Government Code section 11126, subdivisions (e)(1), (e)(2)(B)(i), and (e)(2)(C)(i), the Board will meet in Closed Session to consider potential litigation involving the Board.

President Carter stated that the Board provided direction to its attorneys and staff regarding litigation recently filed by Levee District 1.

18. ADJOURN

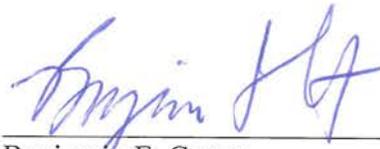
President Carter adjourned the Open Session at 4:24 p.m.

Dated: 28 MAY 2010

The foregoing Minutes were approved:



Maureen Doherty
Secretary



Benjamin F. Carter
President