

MINUTES
MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD
April 23, 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 April 23, 2010, beginning at 8:35 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. Emma Suarez

The following members of the Board staff were present:

Mr. Jay Punia, Executive Officer
Mr. Len Marino, Chief Engineer
Mr. Deb Biswas, Staff Engineer
Mr. Eric Butler, Senior Engineer
Mr. Dan Fua, Supervising Engineer
Ms. Nancy Moricz, Staff Engineer
Ms. Lorraine Pendlebury, Staff Analyst
Ms. Deborah M. Smith, Legal Counsel
Mr. Curt Taras, Supervising Engineer
Mr. David Williams, Senior Engineer

Department of Water Resources (DWR) staff present:

Mr. Gary Bardini, Chief, Division of Flood Management
Mr. Steve Bradley, Chief, Statewide Flood Planning Office
Mr. Michael Inamine
Mr. David Martasian, Senior Environmental Specialist
Rs. Rod Mayer, Assistant Deputy Director, FloodSAFE
Mr. Chris Scobba, Senior Engineer
Mr. Keith Swanson, Chief, Flood Maintenance Office
Mr. Ward Tabor, Assistant Chief Counsel

Mr. Dave Wheeldon, Senior Engineer

Also Present:

Mr. John Bassett, Sacramento Area Flood Control Association (SAFCA)
Mr. Michael Bessette, City of West Sacramento
Mr. Ed Bianchi
Mr. Paul Brunner, Three Rivers Levee Improvement Authority (TRLIA)
Mr. Paul Devereux, RD 1000
Mr. Ralph Hantz
Dr. Les Harder, HDR
Mr. John Perry
Mr. Ric Reinhardt, MBK Engineers
Mr. Don Rosa
Mr. Tom Smith, River Smith Engineering
Dr. Mary Spongberg

1. ROLL CALL

Executive Officer Punia reported that except for Board Member Teri Rie, the rest of the Board members were present.

2. APPROVAL OF MINUTES – February 26, 2010 Board Meeting

Upon motion by Board Member Brown, seconded by Secretary Doherty, the Board unanimously approved the February 26, 2010 Board Meeting Minutes.

3. APPROVAL OF AGENDA

Executive Officer Punia stated the staff recommendation that Items 7A, 7G, and 7L be postponed; and that Items 7C, 7H, and 7K be granted conditional approval.

Upon motion by Secretary Doherty, seconded by Board Member Brown, the Board unanimously approved the staff recommendation (see sentence above).

4. PUBLIC COMMENT - NONE

5. REPORT OF ACTIVITIES OF THE DEPARTMENT OF WATER RESOURCES

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

- Water conditions: precipitation is 105 percent of average as of April 1; runoff remains at 65 percent of average; storage remains well below average at 85 percent.
- DWR is looking up pipe penetrations throughout the levees as part of its inspection program improvement. They identified 81 pipe penetrations of the total of 150, but about half are still not identified. This is a serious concern, and DWR will continue attempting to identify all penetrations, as requested by the United States Army Corps of Engineers (Corps).
- DWR is proceeding with Operations and Maintenance (O&M) on three sites in the Sacramento Bank Erosion Program, and restarting three on the San Joaquin Bank Erosion Program.
- The Flood Risk Management Office released a report on alluvial fans. The report includes a number of recommendations, including good land-use management.
- As part of legislation, DWR is required to give risk notifications on September 1. The program is moving forward.
- The American Rivers Common Features project completed its F4 conference on March 24 and is moving forward.
- On the Early Implementation Project (EIP), DWR has done closeout on both RD 2103 and LD 1.
- On TRLIA, the old levee has been degraded to 73 percent.
- On SAFCA, the Phase 2 slurry wall was completed on the cross-canal except for the Shelly property.
- Progress continues on the Delta levees and subventions, where 41 of 62 final claims received for '08-'09 are being processed. For '09-'10, 56 of 69 agreements have been completed.
- The revised final report for the State Plan of Flood Control descriptive document will be completed in June. The flood control system status report, out for internal review, is 75 percent complete.
- Phase One outreach is in the completion stages, and Phase Two is starting. Numerous areas in the San Joaquin and Sacramento regions have held their final workgroup meetings.
- The Assembly passed DWR's budget proposals of about \$210 million, but the Senate did not; it wants to hold open the bond issues, to gain a better

understanding from the Department of Finance of how cash flow goes to budget allocations. The Senate had no issues with the nature of the budget requests.

- DWR is developing an emergency fund (E-fund) for flood management: a million dollar proposal to be used out of the existing budget. It would give DWR the ability to move immediately during an emergency.
- DWR continues the move to align the State and the Corps in flood risk management, and held a Roundtable meeting. Issues remain regarding the interpretation of the vegetation policy and the framework.

Mr. Steve Bradley, DWR Division of Flood Management, reported on additional activities.

- A valley-wide forum for a number of meetings will happen in late May or early June. It will include a description of all current FloodSAFE programs and projects. Executive sponsors have been added who will support FloodSAFE and the planning process.
- From Phase One outreach have come two significant documents: the Regional Conditions Report and the Interim Progress Report. DWR is addressing comments and will finalize the documents shortly. Phase Two is currently moving forward.

6. REPORT OF ACTIVITIES OF THE EXECUTIVE OFFICER

Executive Officer Punia reported on the following items.

- The Board responded to the Corps' Policy Guidance Letter Variance from Vegetation Standards for Levee and Flood Wall, stating that the policy is not acceptable, for three reasons: it is expensive; it requests site-specific variance, where the Board requests regional variance; and the framework document is in place and will guide until 2012.
- Through the Roundtable meetings, the Board seeks to align with the Corps' efforts and also develop a new charter. At the April meeting the group changed its name from "California Levee Roundtable" to "California Roundtable", to denote its focus not only on levees, but restoration and ecosystem as well.
- Many Roundtable participants agree that the Roundtable framework document will function as the guide – that compliance with the policy guidance letter and the Corps' ETL is not necessary until 2012. However, there is still some confusion on this point at the Corps Headquarters.

- Board staff and members had a successful trip to the San Joaquin Valley, meeting with Mr. R.L. Schafer to discuss the solution for Road 9. Staff also visited Gill Ranch and the Lower San Joaquin Levee District.
- Staff conducted a site visit for TRLIA's Anderson Avenue mitigation site.
- Board and staff members met with Colonel Chapman to discuss options of how to expedite the permitting process. One proposal was for CVFPB staff to do the detailed hydraulic and geotechnical analysis, so the Corps can utilize it and save processing time.
- Mr. Len Marino, Chief Engineer, Mr. Dan Fua, Supervising Engineer, and Ms. Andrea Mauro, Staff Environmental Specialist, visited the property of Mr. Martin Burnham in Three Rivers regarding his request to modify the designated floodway (Agenda Item 11).
- Staff met with the Department of Fish and Game, the River Partners, and Levee District 1 in an effort to reach a settlement for the lawsuit filed by LD 1. The discussion is ongoing.
- Staff drafted a task order for developing a two-dimensional model for the Sutter Bypass. The task order has been provided to the Board's Executive Committee, with copies to the U.S. Fish and Wildlife Service, the DWR, and also a consultant team to develop the scope of work and the cost estimates.
- As a result of the Bear Creek hearings in September 2009, staff issued enforcement notices to the eight property owners. As some of them want to present their case again to the Board, staff is discussing whether to have a hearing officer or the full Board at the hearings.

President Carter made a request regarding the Three River Anderson Avenue Mitigation Site: that the applicants show that the elderberry trees proposed for planting inside the levee channel will not be put at risk as a species. Any future applications for doing this kind of mitigation should address this issue.

Mr. Marino updated the Board on the pending permit applications. Of the total of 80 active permits, 17 are actually available to be worked on – 29 are tied up in the Calaveras River applications, 17 are non-conforming applications, and 17 are awaiting information from applicants.

President Carter noted that the intention to reduce the permit backlog is not going well. With budget cuts to the Corps, and the Corps attempting to shift some of its work to Board staff, he observed that things would probably get worse before they get better.

7. CONSENT CALENDAR

A. Permit No. 17569-B, Richard Sinnott

Consider approval of Permit No. 17569-B to construct a concrete block and wood office building, within Area B of the designated floodway (as depicted in Title 23, Section 134, Figure 8.11) of the left (south) bank of the Yuba River. (Yuba County)

B. Permit No. 18504, AT&T

Consider approval of Permit No. 18504 to bore (horizontal directional bore) under (minimum depth of 20 feet) and across Pixley Slough and install an HDPE casing with fiber-optic cable. (San Joaquin County)

C. Permit No. 18509, Renee Carter

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

D. Permit No. 18541, Palmira August

Consider approval of Permit No. 18541 to install a metal handrail supported by square metal posts inserted into the existing concrete steps on the landside slope of the left (east) bank levee on the Sacramento River. (Sacramento County)

E. Permit No. 18549, Stockton JACS LLC

Consider approval of Permit No. 18549 to authorize removal and replacement (trench) of a section of existing steel pipe (siphon) through the right (west) bank levee of Georgiana Slough. (Sacramento County)

F. Permit No. 18553, Brent Davis

Consider approval of Permit No. 18553 to install a wood and metal storage shed on the right (north) bank overflow area (Area C) of the Yuba River. (Yuba County)

G. Permit No. 18558, City of Stockton Municipal Utilities District

Consider approval of Permit No. 18558 to install (micro-tunnel) a C300 raw water pipeline under and across Pixley Slough. (San Joaquin County)

H. Permit No. 18562, Caltrans

Consider approval of Permit No. 18562 to construct two additional inside lanes between the existing north and southbound Interstate 5 bridges, and place rock riprap on the left (south) bank of the Calaveras River. (San Joaquin County)

I. Permit No. 18563, Caltrans

Consider approval of Permit No. 18563 to construct two additional inside lanes between the existing north and southbound Interstate 5 bridges, and construct one outside lane on each bridge over Fourteen Mile Slough. (San Joaquin County)

J. Permit No. 18565, San Joaquin County Department of Public Works

Consider approval of Permit No. 18565 to replace existing bridge with a three-span concrete flat slab bridge supported by two bents, five concrete piles each, across Tom Paine Slough. (San Joaquin County)

K. Permit No. 18568, Gill Ranch Storage LLC

Consider approval of Permit No. 18568 to bore, horizontal directional bore (HDD) under the Chowchilla Canal Bypass, the San Joaquin River and the Fresno Slough and install a natural gas pipeline. (Madera and Fresno Counties)

L. Permit No. 18570, City of Yuba City

Consider approval of Permit No. 18570 to construct a 48 million gallons per day (mgd) water intake/fish screen structure to include an air-burst cleaning system; install an underground pipe from the new intake/fish screen structure to the existing low lift pump station structure; construct concrete stairs on the riverbank; place rock riprap; install drainage culverts under existing waterside access road; place geotextile fabric and compacted road base on top of existing waterside access road; plant cottonwood trees; remove existing intake structure; concrete and abandon, in place, two buried intake pipes on the right (west) bank of the Feather River. (Sutter County)

M. Permit No. 18571, City of Bakersfield

Consider approval of Permit No. 18571 to construct three bridges; two bridges across the channel of the Kern River and a third to direct eastbound traffic over Truxtun Avenue. (Kern County)

N. SAFCA - Natomas Levee Improvement Program, Phase 4a Project

Consider approval of a letter to the U.S. Army Corps of Engineers requesting a preconstruction crediting agreement pursuant to Section 104 of WRDA 1986 for improvement work along the Sacramento River East Levee (SREL).

O. TRLIA – Upper Yuba River South Levee Project

Consider approval of a letter to the U.S. Army Corps of Engineers requesting a preconstruction crediting agreement pursuant to Section 104 of WRDA 1986 for improvement work along the Upper Yuba River South Levee.

P. Reclamation District 2103 (RD-2103), Bear River North Levee Rehabilitation (BRNL), EIP Project – Operation, Maintenance, Repair, Replacement, and Rehabilitation (OMRR&R) Agreement Execution Between the Central Valley Flood Protection Board and RD-2103

Consider approval of Resolution No. 10-15 to approve and execute the OMRR&R Agreement for the RD-2103 Bear River North Levee Rehabilitation Project (EIP Project) between the Central Valley Flood Protection Board and RD-2103. (A Non-JPA OMRR&R Agreement)

(As mentioned previously, Items 7A, 7G and 7L were postponed to a future meeting.)

Upon motion by Secretary Doherty, seconded by Board Member Brown, the Board unanimously approved Consent Calendar Items 7B, 7D, 7E, 7F, 7I, 7J, 7M, 7N, 7O, and 7P as recommended by staff in the reports; and conditionally approved Items 7C, 7H, and 7K, 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.

(Board Member Teri Rie joined the meeting.)

BOARD REPORTS

(16.) BOARD COMMENTS AND TASK LEADER REPORTS

Board Member Brown, along with Vice President Hodgkins, traveled to the San Joaquin Valley to discuss issues on the Fresno River.

He also met with the Central Valley Flood Protection Planning agency, and was impressed with Phase 1 and their progress.

Secretary Doherty attended the Sacramento River Conservation Area Forum. She was concerned that landowners are not being represented, as they are not attending meetings. She requested other Board members to review the Forum projects, because she would like to go over them at some point.

President Carter reiterated Secretary Doherty's concern. The Forum comprises representatives from seven different counties, and is intended to be a forum for all voices. But some key stakeholders and players have essentially given up on the process, and the Forum is not making a substantial effort to engage them.

Board Member Rie and President Carter have completed a comment letter to send to the Corps for the vegetation variance policy.

Vice President Hodgkins, during the San Joaquin Valley trip, gleaned many different perspectives from different landowners in connection with the restoration project.

He attended the Interagency Flood Management Collaborative Program Management group meeting. Items discussed included the vegetation variance, the Board's permitting process, the corridor management strategy for the Feather River, and a project to stop river erosion downstream of Hamilton City.

He attended the meeting with the Corps. He was concerned, along with President Carter, to hear that the Corps is losing resources because that will adversely impact the permit backlog.

Board Member Suarez met with the executive staff of the Delta Stewardship Council to discuss the Implementation Agency Advisory Committee, a new group that will react to questions and concerns that the council is considering.

She attended a legal panel, representing the Board. It dealt with the regulatory process that project applicants must navigate, at both the state and the federal levels.

President Carter, as well as Vice President Hodgkins and Executive Officer Punia, met with DWR executive staff. The Board would like to hire its own legal counsel, and a potential method of doing that is to convert the staff position vacated by Mr. Yego.

He also attended the Roundtable, and wants to be sure that the flood interests are taken care of as well as the water supply and ecosystem interests. He considered the meeting a defining moment for the Roundtable, in terms of transitioning from tactical work on addressing challenges, to operations, maintenance, and projects for the Central Valley, with regard to the ETL on vegetation issued in 2006 or '07. In addition, everyone present agreed to the proposal to work on more proactive and strategic policy efforts for integrating state and federal planning.

8. HEARING AND DECISIONS

A. SACRAMENTO AREA FLOOD CONTROL AGENCY, APPLICATION NO. 18159-4, SREL 2B, Reach 5A-9B, Pritchard Lake Pumping Plant, and Reclamation District 1000 Pumping Plant No. 2, SACRAMENTO COUNTY

Consider approval of Permit No. 18159-4 to alter the project levee on the left (east) bank of the Sacramento River by constructing approximately 4.5 linear-miles of adjacent levee on the landside slope of the existing Garden Highway Levee (Reaches 5A-9B, STA 228+00 to 468+00); installing seepage cutoff wall throughout the entire project, ranging in depth from 40 to 115-feet deep; constructing 300-foot seepage

berm from STA 228+00 to 232+50 and from 457+00 to 468+00; constructing an 80-foot seepage berm from STA 336+80 to 353+00; constructing approximately 500 linear-feet of a reinforced concrete floodwall from STA 442+00 to 447+00; installing drainage structures and outfalls through the existing Garden Highway Levee; completing above ground construction for the Reclamation District (RD) 1000 Pumping Plant No. 2 and Natomas Mutual Water Company (NMWC) Pritchard Lake Pumping Plant; removing, relocating, and replacing pumping structures, outfalls, and appurtenances to complete construction, including grading, of the NMWC Elkhorn Pumping Plant; and complete private drainage improvements.

Mr. David Williams, Senior Engineer, gave a detailed presentation on the Item. Mr. Fua read into the record an email from Mr. Siddiqui, landowner.

Mr. John Bassett, SAFCA Director of Engineering, answered questions from the Board. Mr. Les Harder, SAFCA Board of Senior Consultants Chair, described the design process that the improvements have gone through. Mr. Ric Reinhardt, MBK Engineers, Natomas Program Manager, responded to additional Board Member questions. Mr. Mike Inamine, DWR, described the review process.

Mr. Paul Devereux, General Manager for Reclamation District 1000, spoke in support of the application.

Landowners speaking in opposition were Mr. Don Rosa, Mr. Ed Bianchi, Mr. John Perry, and Mr. Ralph Hantz. They were concerned about access to their property, fair land appraisals, and so on.

Mr. Bassett responded to issues raised by the four property owners. He, Mr. Reinhardt, and Ms. Deborah Smith, Staff Legal Counsel, then answered Board Member questions regarding acquisition of the properties.

*Upon **motion** by Vice-President Hodgkins, seconded by Board Member Rie, the Board approved the permit per the staff recommendation and adopted the resolution, adding conditions to the permit. Condition number 75 states that within 18 months SAFCA will return with proof that it is in compliance with the Board's JPA policy, as defined. Condition number 76 states that SAFCA will report back on its acquisition process. A modification to Condition 56, requested by Mr. Bassett, states, "Debris that may accumulate on the permitted pump station and drainage outfall encroachments..." et cetera, was accepted by the Board as part of the approval. The motion carried by a vote of five to one.*

(18.) CLOSED SESSION

Pursuant to the authority of Government Code section 11126, subdivision (e), the Board will meet in Closed Session to discuss litigation involving the Board.

President Carter stated that the Board listened to the counsel and provided direction to its attorneys.

REQUESTED ACTIONS

9. POLICY DISCUSSION AND GUIDANCE TO STAFF ON DELEGATION OF PERMIT APPROVAL TO EXECUTIVE OFFICER

Board Member Suarez and Vice President Hodgkins comprised a regulatory revision taskforce dealing with legislation delegating to the General Manager the authority to make certain permitting decisions without having to go through the evidentiary hearing process.

This taskforce held a meeting with the sponsors of the legislation last December, in which they discussed the type of authority to grant the General Manager. The taskforce then prepared a memo listing three options for the Board to consider. Staff had also prepared a document outlining some of the points they would like the Board to consider when determining how broad or limited this authority should be.

Discussion ensued, during which the Board decided to choose Option 3: that the taskforce explore all limitations to the General Manager's authority that might be worthwhile, for example, to consider the nature, scope, and scale of the request, if the project is one that may result in improvements in flood protection vs. one which would facilitate new development along the adopted plan of flood control. The taskforce would later supply specific language regarding the boundaries of the delegated authority.

*Upon **motion** by Board Member Brown, seconded by Vice-President Hodgkins, the Board unanimously approved to give direction to the taskforce to develop a delegation of authority for consideration by the Board following the guidelines under Option 3 as presented in the memorandum dated February 16.*

10. MAINTENANCE AREA BUDGETS

Mr. Keith Swanson, DWA Chief of the Flood Maintenance Office, presented the proposed 2010-2011 Maintenance Area Budget of \$2,412,500. Board members inquired about specific areas, stricter new vegetation requirements, and Department costs for maintenance areas, and Mr. Swanson supplied information for them.

*Upon **motion** by Board Member Brown, seconded by Secretary Doherty, the Board unanimously approved the 2010-2011 Maintenance Area Budget.*

**11. CONSIDER A REQUEST FOR MODIFICATION OF THE
KAWEAH RIVER DESIGNATED FLOODWAY, TULARE
COUNTY**

Mr. Marino gave a presentation explaining the request to the Board. He stated that the floodway boundary was drawn in 1967, and it ignored the local topography. After he physically checked the site, he felt that it was safe in the event of a 100-year flood.

Board Member Suarez expressed a concern: Under what authority can the Board not enforce the designated floodway, in a situation where the hydrology and current information indicates that regulatory boundaries should be redrawn? Does the Board have the authority under its statute and under its regulation to circumvent its own regulatory boundaries? Vice-President Hodgkins added the question, If we start granting permits for houses in designated floodways, do we even have a designated floodway program?

Upon motion by Vice-President Hodgkins, seconded by Board Member Brown, the Board voted not to consider altering the designated floodway. Ms. Rie abstained.

**12. THREE RIVERS LEVEE IMPROVEMENT AUTHORITY –
APPLICATION NO. 18577, UPPER YUBA LEVEE IMPROVEMENT
PROJECT, FROM SIMPSON LANE TO YUBA GOLDFIELDS,
YUBA COUNTY**

Mr. Deb Biswas, Staff Engineer, gave a presentation through which he requested the Board to consider sending a letter to the Corps requesting Title 33 U.S.C. Section 408 approval to alter the project levee as proposed in application number 18577 by TRLIA.

President Carter expressed a concern with the 200-year picture showing flooding, and that from the area called Linda, the water flows south to the Plumas Lakes area, where potentially flooding gets much deeper.

Board Member Rie noted that from a legal perspective, the Board would be requesting the Corps to start a process; the Board wouldn't be approving a project. By the time the Board would consider approving the project, the California Environmental Quality Act (CEQA) would be in place; the complete hydraulic analysis would be ready.

Mr. Reinhardt stated that in the professional judgment of the engineers, a hydraulic analysis was required. He also clarified that flooding coming out of the Goldfields goes into cross-levees; it doesn't necessarily flood Plumas Lakes.

Mr. Fua read into the record letters from Ms. Frances Hofman and Mr. Gene Ginochio, expressing their concern about the lack of mitigation funds for the project's effects on groundwater and wells.

Mr. Paul Brunner, Executive Director for Three Rivers, commented that there is funding for mitigation for their projects.

Upon motion by Vice-President Hodgkins, seconded by Board Member Brown, the Board unanimously voted to send the letter to the Corps as presented in the staff report. The letter from President Carter will state that the Board has reviewed the 60 percent design.

**13. SACRAMENTO AREA FLOOD CONTROL AGENCY,
APPLICATION NO. 18159-7, REACH 10-15, SACRAMENTO
COUNTY**

Ms. Nancy Moricz, Staff Engineer, gave a presentation explaining the application to send a letter to the Corps, requesting 33 U.S.C. Section 408 approval to alter approximately 5.9 linear miles of federal flood control project levee along the left east bank of the Sacramento River in Sacramento County. Ms. Moricz presented a project description, hydraulic analysis, and geotechnical analysis.

Upon motion by Board Member Rie, seconded by Board Member Brown, the Board unanimously voted to send the letter to the Corps as presented in the staff report. The letter from President Carter will add "proposed construction plans" and state that the Board has reviewed the 60 percent design.

14. BOARD SPONSORED PROJECTS AND STUDY AGREEMENTS

**A. YUBA RIVER BASIN, MARYSVILLE RING LEVEE –
CEQA & PROJECT PARTNERSHIP AGREEMENTS**

Mr. Chris Scobba, DWR Senior Staff Engineer, introduced the Item with a presentation of an Environmental Analysis Initial Study for the project. He stated that if the Board approved the study as a CEQA compliance, then DWR would seek approval of a three-party federal partnership agreement between the Corps, CVFPB, and the Marysville Levee District acting by and through the Marysville Levee Commission. It also would seek approval for a two-party Local Project Partnership between the CVFPB and Marysville Levee District acting by and through the Marysville Levee Commission.

Board Member Rie inquired as to how the Board could forego CEQA and adopt an EA Finding of No Significant Impact (FONSI), a federal NEPA document, in lieu of a CEQA document. Mr. David Martasian, DWR Senior Environmental Specialist, assured the Board that it was possible: Section 15225 of the CEQA guidelines provided for when an EA or EIS has been circulated, and a finding of FONSI has been circulated broadly as state or local law might require for CEQA, that a lead agency may adopt the FONSI in lieu of a Mitigated Negative Declaration. Mr. Ward Tabor, DWR Assistant Chief Counsel, confirmed this.

Mr. Martasian said that DWR had received fewer than ten public comments, and that they addressed archeological surveys. DWR had responded to the comments, and no one objected to the project.

Upon motion by Board Member Brown, seconded by Secretary Doherty, the Board unanimously voted to adopt the FONSI in lieu of the Mitigated Negative Declaration, Mitigated Monitoring Plan and Findings, and approve the Project Partnership Agreements and the Local Project Partnership Agreement.

B. SACRAMENTO RIVER BANK PROTECTION PROJECT

Mr. Dave Wheeldon, DWR Senior Engineer, gave a presentation supporting Resolution 10-14 for the Sacramento River Bank Protection Project construction of a setback levee at Sacramento River Mile 57.2 right bank. The Resolution essentially requested the Board's approval of adopting the Mitigated Negative Declaration findings and Mitigation Measures; approval of the construction of the project, and delegation of the authority to the Executive Officer to sign the Local O&M Agreements.

Mr. Michael Bessette, City of West Sacramento, answered questions on the financial transaction.

Upon motion by Board Member Suarez, seconded by Vice President Hodgkins, the Board voted to approve Resolution 10-14. Board Member Rie was absent.

INFORMATIONAL BRIEFINGS

15. UPDATE ON ACTIVITIES OF THE NATIONAL COMMITTEE ON LEVEE SAFETY

Mr. Rod Mayer, FloodSAFE Assistant Deputy Director, gave a presentation. He is a member of the Levee Safety Committee, developed from the Water Resources Development Act (WRDA) of 2007.

Last year the Levee Safety Committee submitted a report to Congress, recommending development of a national Levee Safety Program through a new Levee Safety Commission. It would have strong federal leadership and strong levee safety programs in all states with aligned federal agencies.

As part of the Levee Safety Committee's strategic implementation activities, it explored funding of the existing authorities through the Corps. The committee put together a proposal that the Corps submitted to the Office of Management and Budget (OMB); OMB was supportive and included funding in the President's budget for fiscal year 2011.

The committee would like to fix the way that federal agencies collect data, ensuring that they collect data on flood damages and loss of life associated with levees. This data will be useful in the future when floods occur.

The committee's liability concerns focus on engineering services, as well as design, construction, and O&M.

The committee is working on expanding the national levee database, making it a platform into which local cities, counties, and agencies can place their data.

The WRDA is moving forward; the Senate says it's going to hold hearings and solicit projects for the WRDA.

The committee has developed an outreach plan to hold various public meetings, targeting different regions and groups such as states or levee owners. These meetings will inform the public about the committee – its recommendations, legislation, and activities. The committee will also seek public input to bring back to Congress.

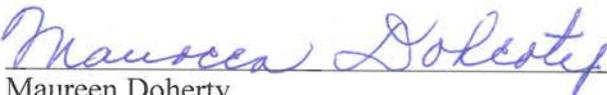
The committee is aware of the problem of lack of funding for the Corps' 208 and 408 activities. Deputy Director Mayer assured the Board that the Levee Safety Program is an independent action.

19. ADJOURN

President Carter adjourned the meeting at 5:46 p.m.

Dated: July 19, 2010

The foregoing Minutes were approved:



Maureen Doherty
Secretary



Benjamin F. Carter
President