

MINUTES
CENTRAL VALLEY FLOOD PROTECTION PLAN
PUBLIC OUTREACH HEARINGS
April 11, 2012

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 Public Hearing of the Central Valley Flood Protection Board was held on April 11, 2012 beginning at 3:00 p.m. at the Yolo County Board of Supervisors Chambers, Room 206, 625 Court Street, Woodland, California.

The following members of the Board were present:

Mr. Bill Edgar, President
Ms. Jane Dolan, Secretary
Mr. Clyde MacDonald
Mr. Tim Ramirez
Ms. Emma Suarez
Mr. Michael Villines

The following members of the Board staff were present:

Mr. Jay Punia, Executive Officer
Mr. Eric Butler, Supervising Engineer
Ms. Lorraine Pendlebury, Staff Analyst

Department of Water Resources staff present:

Ms. Mary Hadden, Staff Environmental Scientist
Mr. Paul Marshall, Assistant Chief, Division of Flood Management
Ms. Michelle Ng, Staff Environmental Scientist

Also present:

Ms. Yana Berrier
Mr. Tom Ellis
Ms. Christine Harlan
Mr. Curtis Knight, California Trout
Mr. Kyle Lang
Mr. Chris Lee, County of Yolo

Mr. William Lockett
Mr. Lonn Maier, Pacific Gas and Electric
Mr. William Mattos
Mr. Tim Miramontes
Woodland City Mayor Art Pimentel
Ms. Lynnel Pollock
Yolo County Supervisor Matt Rexroad
Dr. Nat Seavy, PRBO Conservation Science
Mr. Lauren Ward, Ward Farms

1. ROLL CALL

President Edgar welcomed everyone to the fourth public outreach hearing on the Draft 2012 Central Valley Flood Protection Plan (CVFPP). He thanked everyone for taking the time to attend.

President Edgar thanked Yolo County Board of Supervisors for allowing the Central Valley Flood Protection Board (CVFPB) to use their facilities for the hearing.

He noted that all comments on the Draft Environmental Impact Report (DPEIR) had to be received no later than 5:00 p.m. on Friday, April 20, 2012.

He also noted that although comments could be directed specifically to the plan itself, the Board would be reviewing all comments as if they pertain to the DPEIR. Audience members did not have to discern which document to address – the plan or the DPEIR – as the Board would consider the comments for both documents.

Executive Officer Punia reported that all Board Members were present except Mr. Countryman.

2. APPROVAL OF AGENDA

Upon motion by Board Member Suarez, seconded by Board Member MacDonald, the Board unanimously approved the agenda as published.

3. BRIEF OVERVIEW – THE CENTRAL VALLEY FLOOD PROTECTION PLAN

President Edgar gave a brief background on the development of the plan thus far, beginning with the passage of legislation in 2008 requiring DWR to prepare a broad plan of flood control improvements to the State Plan of Flood Control facilities. The Central Valley Flood Protection Board (CVFPB) was to review and adopt the plan after receiving public input.

Since January the Board had received recommendations from the public. President Edgar noted that nine focus areas had been identified based upon the input and information that the Board had received thus far. He invited those making public comments to address the issues listed with the focus areas.

President Edgar expressed the hope that audience members would share their opinions about the issues, and also how they would go about clarifying and changing the plan to address those issues.

He stressed that the plan is a conceptual framework to put in place so that we can move toward implementation planning. It is not a catalogue of specific projects that will begin next week – it's a long process. There are many feasibility studies, engineering studies, and economic analyses that must be done before any projects can proceed. The engineers estimate that actual construction of large systemwide improvements probably won't begin for 10-15 years.

Once the plan is in place, we will proceed to do the implementation studies and provide them to the Army Corps of Engineers as they conduct their integrated water management study. This will happen in 2017, coinciding with the required five-year update of the CVFPP. This is very important, because we want the Corps to share in the cost.

President Edgar proceeded to give instructions on the public comment procedure.

Michelle Ng, DWR Staff Environmental Scientist, spoke on behalf of Jeremy Arrich, Chief of the DWR Central Valley Flood Planning Office, to provide an overview of the plan. She began by acknowledging the involvement of the partners and stakeholders who have participated in plan development, including the Board.

Her summary is highlighted below.

- The flood management system for the Central Valley needs a major overhaul. Flood risks in the Central Valley are among the highest in the nation, putting the people of California and their economic livelihoods at unacceptable risk.
 - The State Plan of Flood Control was not built to do the job we expect of it today. Much of it is over 100 years old and was constructed in a piecemeal fashion.
 - It suffers from a lack of stable funding and problems such as deferred maintenance, changes in regulations and societal priorities, and imprudent development in deep floodplains that leaves almost a million people at risk.
 - In the future, federal resources in both staff and funding are likely to diminish. At the same time, increasing federal regulations present additional implementation challenges.
 - In response to these realities, the State Legislature enacted unprecedented flood risk management legislation in 2007, including the Central Valley Flood Protection Act of 2008. The Act set a clear directive for an integrated systemwide approach, and provided specific guidance for DWR to follow.
 - The CVFPP describes the State's vision for a sustainable flood management system in the Central Valley. It provides for a high degree of public safety, promotes long-term economic stability, and supports compatible efforts to restore riverine and floodplain ecosystems.

- DWR staff believe that the State Systemwide Investment Approach (SSIA) is a responsible and balanced investment approach to achieve this vision. It prioritizes limited public funds and invests them responsibly.

The features of the SSIA are summarized below.

- As public safety is the State's highest priority, the SSIA establishes minimum flood protection targets.
 - For urban areas protected by the State Plan of Flood Control, DWR proposes to help cities and counties achieve at least a 200-year level of flood protection.
 - DWR proposes managing rural flood risks to a combination of physical improvements and nonstructural actions to support small communities and sustainable rural-agricultural enterprises, without promoting development within State Plan of Flood Control floodplains.
 - Many small communities would receive a 100-year level of flood protection through improvements in adjacent urban areas or through system improvements.
 - State investment in rural-agricultural areas focuses on improving overall flood risk management and promoting rural-agricultural economies.
- DWR's evaluation concluded that the expansion and extension of the bypass systems and continued improvements in reservoir operations are the most effective ways to reduce flood stages throughout the system.

This also provides opportunities for ecosystem restoration and environmental enhancement of the flood management system that contribute to mitigation for proposed structural improvements, as well as mitigation for operations and maintenance (O&M) of flood management facilities.
- Even with physical improvements to the flood management system, flood risks will always remain in the Central Valley. Therefore, the SSIA also includes investments in residual risk management, such as emergency preparedness, as well as response and support for flood insurance reform.
- With the SSIA, DWR recognizes the importance of maintenance in protecting state investments. DWR proposes actions to improve efficiency, including encouraging the consolidation of O&M responsibilities on a regional basis and streamlining the permitting process.
- The SSIA cost is between \$14 and \$17 billion.
- The SSIA reduces the potential for loss of life by 50% and reduces annual flood damages by 67%.
- It boosts construction-related jobs by 6,500 and economic output by over \$100 million annually.

- It provides 200-year or greater flood protection to 100% of the citizens in urban areas protected by the State Plan of Flood Control, and 100-year or greater flood protection to 90% of small community and rural-agricultural citizens.
- It provides up to 10,000 acres of additional habitat within the flood management system.
- The SSIA and its program EIR do not in and of themselves permit any specific physical improvement actions to move forward. The SSIA does not provide detailed project descriptions or funding assurances.

Future steps are as follows.

- DWR is already proactively investing available funds through early implementation projects, critical repairs, and other actions consistent with the SSIA.
- Per legislative requirements, after the CVFPP is adopted by the Board, DWR will develop a financing plan.
- Additional regional planning and state-led feasibility studies will be conducted to refine the SSIA, including physical elements such as the size and configuration of the proposed bypass expansion and new bypasses.
- Through the legally mandated five-year update process, we can continue to enhance both the vision and the supporting information as we move forward with implementation.

4. STAFF TECHNICAL ASSESSMENT

A. Technical Review Briefing

Staff will report to the Board on their review and observations on the Central Valley Flood Protection Plan, documents incorporated by reference, and technical attachments.

Eric Butler, CVFPB Chief of the Projects and Environmental Branch, presented a technical review of the plan and its attached documents. He stressed that the comments are preliminary. They may alter somewhat as the CVFPB staff vets the findings with DWR.

Mr. Butler explained that the documents are organized around the plan as follows:

1. The State Plan of Flood Control Descriptive Documents, essentially the inventory of the system.
2. The Flood Control System Status Report, a report on the current conditions and capacity of that inventory of structures in the flood control system.
3. The Urban Levee Design Criteria (in draft form).
4. The Urban Level of Flood Protection (in draft form).

CVFPB staff had also been asked to review several attachments, including approximately 30 technical attachments dealing with how DWR meets the intention of the legislation, a conservation framework, and a number of supporting documents, including the technical analysis and supporting documents for the conservation framework.

The complete presentation is available on the CVFPB website: www.cvfpb.ca.gov

5. FOCUS POINT DISCUSSIONS ON CVFPP AND SUPPORTING DOCUMENTS

A. Statement of Plan Vision

Issue: Is the proposed Plan in need of a vision statement which helps set goals and guide priorities? If yes, what should the vision statement say?

B. Multi-Benefit Projects

Issue: Does the proposed Plan adequately articulate how future flood protection projects will incorporate, if at all, multiple benefits, such as flood protection, water supply, ecosystem restoration, recreation, and economic vitality?

C. Existing System Maintenance / Improvement and Utilization of Existing Storage Facilities / Basins

Issue: Does the proposed Plan properly consider the role – and associated cost benefits - of enhancing the current system through maintenance and targeted improvements *versus* an emphasis on new, more expensive multi-benefit alternatives?

D. Urban / Urbanizing Area Compliance with Senate Bill 5 Planning Requirements

Issue: How will local agencies comply with urban/urbanizing requirements outlined in Senate Bill 5 and does the proposed Plan provide the framework necessary for urban areas to meet their new statutorily-mandated planning obligations?

E. Rural Versus Urban Flood Protection

Issue: Urban/urbanizing areas are provided assurances by the proposed Plan and SB 5 to receive 200-year level of flood protection, but are similar safety and funding assurances lacking when it comes to rural communities?

F. Agriculture Land Conversion

Issue: Has the proposed Plan clearly articulated the scope of possible agricultural farmland conversion for flood control purposes? Has the proposed Plan identified how landowners will be compensated for farmland conversion or use? Has the proposed Plan identified all possible uses – besides public safety - of farmland that is taken out of production?

G. Bypass Proposals and Other Regional Issues

Issue: To what extent has data been collected regarding the widening of existing – or proposal for new - bypasses shown in the proposed Plan? Can future plans for regional community outreach and information gathering be incorporated in the proposed Plan?

H. Funding

Issue: What is the expected source of funding for proposed Plan implementation? Are partnership opportunities anticipated? How will the prioritization of spending be determined and will public outreach be included in those efforts?

I. Adoption Process and Additional Review

Issue: In adopting the proposed Plan should the Board consider adopting all supporting documents, or only some but not others? Should the Board adopt a schedule relating to regional planning and implementation?

Public Comments

- Yolo County Supervisor Max Rexroad noted that flooding has been a divisive issue in Woodland, starting from about 10 years ago when the city embarked on the idea of providing flood protection for itself.

The Yolo Bypass contains a bottleneck that is created at Interstate 5. CVFPP maps show large portions of the Elkhorn Basin and Elkhorn area that would be taken over and become flood properties. However, Mr. Rexroad believed that there was no part of the plan that indicates that this area would be sufficiently expanded to allow the necessary flow capacity.

Some of the environmental benefits attributed to the CVFPP are actually results of the Bay-Delta Plan.

Mr. Rexroad had found out about the Elkhorn flooding project largely as a result of a constituent calling him. He did not feel that Yolo County residents were well-notified of the process and ramifications, which impact agriculture and homes.

In addition, he did not feel that the maps that were used accurately reflect the conditions. The maps are painted with a very broad brush and could involve flooding not just farmland, but homes.

When the Supervisors brought their concerns to the DWR Director, he did not seem well-informed. This was surprising, given that the environmental document takes credit for some of the issues that are in the Bay-Delta Plan – the same Director and the same Department.

Supervisors McGowan and Provenza (members of the subcommittee) regularly meet with Director Cowin. They should have found out about these issues long before they did, and had the opportunity to comment.

Regarding a solution for the Elkhorn problem – Mr. Rexroad suggested moving the levee to the west. This could provide the capacity you are looking for to increase flow volume, without having to make people lose their homes along the river.

The SSIA is estimated to cost \$15-17 billion dollars – \$2 billion of planning money. Without turning any dirt, you have a long way to go. With the CVFPP's requirement of a local match for some of the projects, this plan might collapse under its own weight.

- William Lockett, owner of a 97-year-old home along the Sacramento River, stated that he would fight very hard not to be included in the CVFPP. Widening or setting back the levee would destroy his home, farm shop, and equipment years, as well as his river pumps. The capacity of the river could be increased if all the debris could be pulled from the river, as it used to be before the environmentalists wouldn't let the Corps do it anymore.

Dredging the high spots would increase the capacity also. Levee setbacks would push any winter seepage farther out into the basin. Bypass expansions would not be necessary if the existing bypasses were cleared of all vegetation and excess dirt and maintained.

This is not a flood control plan – it is a plan to satisfy the environmentalists to keep the area natural. Why is it that the agricultural and rural areas share greater burdens, pressure, risks, and liabilities compared to urban and urbanizing areas?

Mr. Lockett expressed the hope that the CVFPP, as proposed now, will not be authorized. The plan would be extremely expensive and would harm a lot of farmers, landholders, and rural areas.

- Yana Berrier, homeowner and attorney, stated that at the meeting of the Board of Supervisors in Sutter County, she found that there has been no engineering justification for this levee.

There will be a devastating impact on agriculture and a severe impact on tax revenues and jobs. The Yolo Bypass expansion doesn't really help in flood protection; it is basically done for habitat. The cost of condemning these lands will be very large with enormous litigation. The soil is some of the most fertile in California.

Ms. Berrier emphasized the impact on human lives. People living in that area have farms as well as memories, emotions, and attachments. Compensation provided by the Fifth Amendment does not suffice. Human emotions, attachments, and lives should outweigh any habitat. Ms. Berrier described some of her neighbors who will lose their homes.

When people came to this country, they reclaimed the lands from wilderness and worked them. We shouldn't give them back. We should preserve what we have; there are other ways of preserving and maintaining the wildlife.

Once you adopt the plan, with the maps attached showing property planned to become habitat in 10 years, the values of the property will go down drastically right now.

The lack of notice is appalling. This is not your fault: the Act of 2008 states that there must be no fewer than two public meetings – that's all. Ms. Berrier had brought this up to the Sutter County counsel to see about bringing an action against the state.

The properties of residents already harbor a large amount of wildlife. Ms. Berrier asked not to ruin their lives for the sake of habitat.

- Tom Ellis spoke as a concerned farmer and landowner in the Grimes area. He had participated in the upper Sacramento region group meetings, the Agricultural Stewardship Committee, and on three of the management action workshops.

His first concern was the two-tiered level of flood protection that was mandated by Senate Bill 5 requiring a 200-year level of flood protection for urban and urbanizing areas, and a 100-year level for rural communities. When the Sacramento River Flood Control Project was built, there was no such distinction made.

Later a Memorandum of Understanding was executed assuring rural areas of the protection provided by the '57 profile. However, as a result of SB 5, rural areas have been put in an untenable position, uncertain of their future flood protection.

The plan appears to be more of an ecosystem restoration plan than a flood protection plan. This brings to the forefront the need for landowner assurances, so those in production agriculture have some resource (such as a grievance procedure and a good neighbor fund) when they find themselves neighboring a restoration project.

Discussion of this issue was squelched in the Agricultural Stewardship Committee by plan leadership, because they maintained that the plan is a flood protection plan.

Another area of concern involves the development of the 90-plus management actions. These actions were addressed in 11 workshops with restricted timeframes. Facilitators explained that Phases 3 and 4 would afford more time; however, those phases were then cancelled. Later when Mr. Ellis read the final plan, the management actions appeared in Attachment 7, Section 6.

The Finance and Revenue workshop included Management Action 82. When the final plan came out it had been deleted.

Flood risk is being shifted to the rural areas. This issue alone has made Mr. Ellis distrust the process.

He described the poor design of the Cherokee Canal bypass.

Another concern is that the CVFPP needs a history document.

- Dr. Nathaniel Seavy, Central Valley Research Director of PRBO Conservation Science, stated that agriculture is a vital part of the California economy, and these working lands provide important habitat for wildlife. Farmland such as rice fields provides habitat that we may not have any other opportunity to consider.

PRBO Conservation Science strongly supports a flood plan that protects people and property while also looking to conserve farmland and improve fish and wildlife habitat. We need to look for creative shared solutions that are supported by science. If done carefully, expanding flood bypasses and setback levees can provide a shared solution for people and for nature. Bypasses in the Central Valley greatly reduce the probability of uncontrolled flooding of agricultural lands in the early 20th century.

The CVFPP needs a vision that includes the importance of these shared solutions. In addition, the plan needs to be as transparent as possible.

- Curtis Knight, Conservation Director for California Trout, stated that they see the plan as a public safety effort, first and foremost. They also recognize the importance of agriculture to the landscape and economy of the Central Valley. Agricultural lands provide important open space and habitat for fish and wildlife. They support a flood plan that conserves farmland, improves flood capacity, and enhances hunting and fishing opportunities.

Water supply is also an important aspect of the plan. Expanding the capacity of the flood system will allow for greater flexibility. In the management of upstream reservoirs, this could lead to more water storage.

The lack of floodplain habitat is an underappreciated limiting factor for Central Valley steelhead and salmon. Improved floodplain habitat can help ease the regulatory burden.

California Trout commits to working with the agricultural community. Mr. Knight provided an example in which they worked successfully with a Yolo County landowner.

- Lauren Ward, landowner in Butte County, summarized the comments being heard at the public hearings.
 - People do not want a removal of prime farmland from production.
 - Counties don't want a removal of land from the county tax rolls.
 - Bypass expansion is not wanted.
 - More storage is wanted.
 - Wildlife habitat or riparian corridor protection are important.
 - Financial feasibility needs to be addressed.

Mr. Ward offered a constructive way to deal with these conflicts and supplied details.

1. Adopt the Protect High Risk Communities option.
2. Spend \$4 billion on increased storage, but not downstream storage.
3. Spend \$1 billion on the Feather River system.
4. Spend \$2 billion south of the Delta for increased storage.

5. Purchase non-development easements on lands in the Central Valley floodplain.
6. Spend \$1 billion for riparian corridor restoration and protection.

The costs add up to \$16 billion, the same amount as the SSIA. The difference is that with a focus on upstream storage, you will add value to the system, instead of spending money to get rid of water that we really need to save.

- Lonn Maier, licensing and permitting specialist at PG&E in Sacramento, offered some prepared comments.

He stated that it is essential to understand the number of PG&E facilities in proximity to existing levees. In recent months, they have reached out to the Flood Protection Board, DWR, and the Corps, and have been working collaboratively with staff to provide data on these facilities.

PG&E has over 850 transmission line towers, 9,000 electric distribution poles, and over 25 miles of gas transmission lines, in addition to hundreds of miles of gas distribution lines. Many of these facilities were originally sited along or near levees to provide gas and electric service to the agricultural communities. Now PG&E is providing that service to metropolitan commercial and residential customers as well.

It is imperative that PG&E be involved at the earliest possible planning stage when flood protection facilities are scheduled for upgrades or renovations.

If relocation of facilities is necessary, it's a very long review and approval process. Mr. Maier provided photographs of the Marysville Ring Levee project where this relocation is happening. The estimated cost is around \$10.5 million.

The significant urban development of the Central Valley means that relocation of PG&E facilities would require extensive rerouting at very substantial expense to customers. The rerouting would also trigger additional environmental concerns and be subject to environmental review. Rerouting must be viewed as a last resort.

- Kyle Lang, third generation walnut farmer, stated that he farms a permanent crop. His trees are 75 years old, planted by his grandfather. If his farm is made into a flood area, as shown in the Sacramento Bee, he cannot continue to farm.

To farm walnuts, when you plant a tree it is about 10 years until the orchard starts to produce. Farmers cannot be paid compensation for taking out an orchard.

Mr. Lang pointed out elevation problems with the Yolo Bypass. He also pointed out that a study done by the Corps showed problems with flooding RD 1600.

It was unfortunate that in the development of the plan, the reclamation districts, county, and landowners were not consulted to help find solutions.

Mr. Ward mentioned the bottleneck in the Yolo Bypass at I-5. Widening the Elkhorn area to the north or south will not change the bottleneck.

The soil that was used to make the landing for I-5 is blowsand from the Gold Rush era. You will need a lot of concrete and metal work to get that area secure.

Mr. Lang explained problems with creating the fish channel: acres of farmland will have to be taken out. In addition, when floods occur (about every 10 years) the soils that come down through the Sutter and the Feather River are the blowsand, and they fill in the channel very quickly.

The CVFPP lacks details – it isn't really a plan. It would be good to extend the deadline, and include the reclamation districts, the county, and the landowners. Do not just post information in the Sacramento Bee showing families that their land is going to be flooded.

- Christine Harlan stated that her family has been farming in Yolo County since the mid-1850s.

Flood control must protect the cities, but not by forcing the demise of the rural landowners who end up shouldering the burden for other people's decisions that may have not been well thought out.

Ms. Harlan requested the Board to consider delaying its decision. The County Supervisors have said that they were not included in the plan's development.

In addition, landowners are very familiar with their land. They are willing to make suggestions that you may not have known about. You might come up with some great solutions.

Ms. Harlan also asked the Board to look at some of the proposals regarding storage capacity. This would benefit not only local plant life and wildlife, but people in providing recreational opportunities and preserving farmlands without flooding them.

Not allowing people to provide input until the twelfth hour has been frustrating.

- Art Pimentel, Mayor of the City of Woodland, spoke of the skepticism that the community feels when they find that Yolo County is being used again to resolve someone else's flood issue.

Major impacts to farming in the region will certainly have an impact to suppliers that have businesses in Woodland.

Mayor Pimentel requested for DWR and the Board to continue working with not just the farmers, landowners, Board of Supervisors, and other agencies, but also the communities and cities that you will directly impact.

- Lynnel Pollock, farmer and landowner in Yolo County, stated that she was another of the area residents who first found out about the plan through the Sacramento Bee article.

Those explaining the plan have said that public safety was the highest priority. But don't forget about the safety of the rural community and the rural agricultural areas where many people also live.

Ms. Pollock requested to know how the City of Woodland is viewed. Is it an urban area slated for 200-year protection, or is it slated for 100-year protection?

She mentioned that DWR staff indicated that as the plan moves forward, they would work with local flood control agencies. But for many of the locals, DWR is their local flood control agency, both for bypass levees and for outlying levees.

The west side tributaries, such as Cache Creek, the Cache Creek Settling Basin, and the Knights Landing Ridge Cut, need to be included in the plan.

The economic analysis needs to be expanded. The area of impact is not just within the bypasses as they are created and perhaps land is taken out of production; farmers along the bypass are experiencing significant seepage. Even this last year, which was not a very high water year, farmers did have damage to winter wheat crops from seepage along the Sacramento River levees. The impact is felt on the outside of the levees, not just within them.

The staff report had included terms such as maintenance, streamlined permitting, and significant public engagement. These terms have been bandied about for a number of years. Promises made have not always been kept by the agencies. Ms. Pollock encouraged assurances to the public, local agencies, local land-use authorities, and local governments that when promises are made, they are kept.

The plan brings a lot of uncertainty to the area. Should a farmer plant a new orchard, or wait and see for five years or 10 years what is going to happen? Is their land going to be taken away from them for flood control, or can they continue to farm? Farming is not just a year-to-year proposition. It's almost generational. This uncertainty is something the farmers have to live with until you decide what is going to happen to their livelihoods and their lives.

The other big uncertainty is the financial means by which this plan is going to come to fruition. Costs can be expanded greatly, because when you start taking the land away from people, the process drags on and on. There are significant expenses that perhaps have not been calculated into the analysis.

- Chris Lee from the County Administrator's Office delivered comments on behalf of the Yolo County Board of Supervisors.

They oppose proposals to expand the Yolo Bypass. The County is concerned that the plan needs to specify that 2012-17 is the planning stage. There are some inconsistencies between the draft plan and the Program EIR; Mr. Lee gave an example.

The State should not lump any study of the Yolo Bypass expansion into a regional flood plan process proposed for Yolo County and the surrounding areas. The bypass expansion is very complex and includes several different stakeholder groups. Further, there are interesting interactions between the Yolo Bypass conservation measure proposed under the Bay Delta Conservation Plan, and the study of expanding the bypass being considered by the CVFPP.

Losses to agricultural production were not included as elements in the regional economic analysis in Attachment 8H. Further, Attachment 8I refers to qualitative benefits for enhanced agricultural sustainability without giving support to how this would be achieved.

The proposed bypass expansions particularly would require new flooding easements on agricultural land and would impact agricultural productivity on these lands. Yolo County, for example, is in the process of completing a study of the agricultural impacts, including indirect economic impacts, of flooding the Yolo Bypass more often for fish habitat. Such analyses are not covered by the Draft EIR.

Yolo County supports a 100-year level of flood protection for small communities and a separate standard for rural levees. Unfortunately, despite significant savings to state and federal government in terms of flood protection and costs for potential disasters through FEMA, Yolo County has less money available to do the type of levee improvements that might be feasible in an area like Natomas.

As a result, the County requests that the plan should incentivize the type of land-use planning that's been historically prevalent in Yolo County, by providing additional funding for rural levees and small communities in these areas.

The plan promotes multi-benefit projects as a goal, but does not adequately articulate how these flood protection projects will incorporate the multiple benefits. For example, the expansion of the Yolo Bypass could simultaneously provide additional fish habitat for endangered salmon species, while impacting the habitat for the endangered Giant Garter Snake.

The plan assumes ecological benefits of modifying the Fremont Weir and expanding the Yolo Bypass by incorrectly assuming that these benefits would not occur absent the expansion of the bypass.

- William Mattos from RD 785 commented that the plan, although a systemwide EIR, is vague.

Finding out crucial information via the Sacramento Bee raises the emotional level for the affected landowners.

As a third generation farmer who has a son that farms with him, Mr. Mattos doesn't like to see the plan without definition towards his livelihood and his future. He is three years into a new orchard; in his case, the trees have not begun producing, but eventually they might produce for 35-40 years.

The Board has asked for possible alternatives from the speakers. However, there are no maps, posters, or anything defined yet.

Pertaining to the bottleneck of the Yolo Bypass at I-5, expanding the bypass to the east up against County Road 22, would allow for the lowering of the headwaters of the Sacramento – probably a good idea. However, taking in the Elkhorn area between I-5 south to the Sacramento Bypass should be excluded from the plan because it doesn't create flow.

With the ongoing increased need for water, not just to Southern California, but to sustain agriculture in the Central Valley, we need to look to basins and reservoirs for water retention.

Mr. Mattos commented that we need to separate mitigation for wildlife from flood control. The plan needs to be one or the other.

Every local channel in this area has trees and brush in the bypass that restricts water flow, backs it up, and creates headwaters.

There is no better steward of the land than someone that has to derive his livelihood from it. There is a great variety of wildlife in the habitat created by Mr. Mattos' farm.

6. DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT (DPEIR)

A. Formal Presentation of DPEIR

Paul Marshall, DWR Assistant Chief for the Division of Flood Management, thanked the Board for combining the plan hearing with the DPEIR hearing. He introduced Michelle Ng, who presented a very brief overview of the DPEIR; and Mary Ann Hadden, DWR Staff Environmental Scientist, who outlined the procedures for comments.

Ms. Ng explained that DWR's proposed program was the SSIA. It has physical elements, regional improvements – urban, small community, rural, and agricultural – as well as system improvements that include ecosystem restoration opportunities that are integrated into the regional improvements. It has suggestions for policies, guidance, and implementation strategies as well.

The PEIR considers alternatives, whereas the plan does not. CEQA requires DWR to consider alternatives. The three other approaches are considered as CEQA alternatives, and evaluated for environmental impacts and mitigation strategies.

Four additional alternatives are discussed in the PEIR. One was a no-project alternative and another was a modified SSIA.

The PEIR will inform the public and allow DWR and the Board to consider the broad policy alternatives and potential program-level impacts and mitigation measures from implementation of some or all of the components of the SSIA.

DWR evaluated 20 resource categories. The degrees of impact remaining after mitigation were “less than significant,” “potentially significant and unavoidable,” and “significant and unavoidable.”

Because the CVFPP is a program, the DPEIR is not specific project level. Any of the actions alternatives undertaken under the SSIA or the CVFPP would be subject to project level environmental review and documentation for CEQA compliance.

Ms. Hadden stated that the DPEIR was prepared in accordance with the California Environmental Quality Act (CEQA). DWR is the lead agency under CEQA pursuant to the lead agency agreement between DWR and the CVFPB. The DPEIR was developed to inform DWR and the Board about potential program level environmental effects and mitigation measures related to the components of the plan.

Ms. Hadden noted that MWH and AECOM were hired by DWR to review independently the supporting technical documentation associated with the plan, and to use that documentation to support preparation of the PEIR with DWR.

She described the schedule DWR was using in developing the PEIR.

B. Public Comment on the DPEIR

- Mr. Ellis stated that in December 2009, plan leadership had rejected the issue of landowner assurances for a farmer whose farming operation is adjacent to an ecosystem restoration project, and who is experiencing wildlife intrusion on his property resulting in crop losses. Plan leadership stated that this was a flood plan rather than an ecosystem restoration plan.

However, when Mr. Ellis saw the draft plan in December 2011, it appeared to be more of an ecosystem restoration plan than a flood plan. The landowner assurances issue became important once again.

He asked why the plan could not be used to address wildlife problems affecting adjacent farming operations. Airports have wildlife hazard management plans (regarding waterfowl and shorebirds) that project proponents must prepare. For farming operations, a grievance procedure and then a funding mechanism should be developed to address this problem.

7. ADDITIONAL PUBLIC COMMENTS

There were no additional public comments.

8. PUBLIC PROCESS FOR THE ADOPTION OF THE CENTRAL VALLEY FLOOD PROTECTION PLAN

President Edgar defined and differentiated for the public all of the meetings that are coming up.

He reiterated that the plan is a general framework, a beginning rather than an end. Improvements to the flood control system have been more successful when the approach is bottom-up – we have seen this with Sacramento Area Flood Control Agency (SAFCA); the West Sacramento Flood Control Agency (WSAFCA); the San Joaquin Area Flood Control Agency (SJAFCA); the Three Rivers Levee Improvement Authority (TRLIA); and the Sutter Butte Flood Control Agency (SBFCA). What the state is trying to do with the CVFPP is to set a framework in place to ensure that all such improvements and projects are linked together.

9. ADJOURN

Upon motion by Board Member Suarez, seconded by Secretary Dolan, the Board unanimously voted to adjourn.

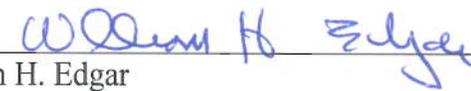
The meeting adjourned at 6:10 p.m.

Dated: June 22, 2012

The foregoing Minutes were approved:



Jane Dolan
Secretary



William H. Edgar
President