

**MINUTES
WORKSHOP OF THE
CENTRAL VALLEY FLOOD PROTECTION BOARD
April 20, 2012**

A Workshop of the Central Valley Flood Protection Board was held on April 20, 2012 beginning at 9:00 a.m. in the Bonderson Building Cafeteria, 901 P Street, Sacramento, California.

The following members of the Board were present:

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

The following members of the Board staff were present:

Mr. Jay Punia, Executive Officer
Mr. Len Marino, Chief Engineer
Mr. Eric Butler, Supervising Engineer
Mr. Ali Porbaha, Senior Engineer
Ms. Nancy Moricz, Staff Engineer
Ms. Lorraine Pendlebury, Staff Analyst

The following members of the Department of Water Resources were present:

Mr. Jeremy Arrich, Chief, Central Valley Flood Planning Office
Mr. Paul Marshall, Assistant Chief, Division of Flood Management
Mr. Ward Tabor, Assistant Chief Counsel

Also present:

Mr. Greg Zlotnick, State and Federal Contractors Water Agency
Dr. Yung-Hsin Sun, MWH Global, Inc.

1. ROLL CALL

President Edgar welcomed everyone to the workshop between the Central Valley Flood Protection Board (CVFPB) and representatives of the Department of Water Resources (DWR).

Executive Officer Punia called the roll. All members were present except Mr. Villines, who arrived shortly.

2. APPROVAL OF AGENDA

President Edgar reviewed that agenda for the day. He noted that Item 4-III, Board/DWR Discussion of Key Issues Based on Public Input, was the major component of the workshop.

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

3. BRIEF OVERVIEW – THE CENTRAL VALLEY FLOOD PROTECTION PLAN

President Edgar made a few background comments first. He stated that DWR had produced the Central Valley Flood Protection Plan (CVFPP), a framework document, in December.

Required by law to conduct two public hearings, the Board had conducted four: in Sacramento, Marysville, Stockton, and Woodland. The Board had been pleased with the public participation; there had been good attendance and good comments.

Today's meeting was a conversation of sorts with DWR to arrive at general ideas on how to respond to the public comments. The Board sought to obtain direction for its staff, so that they could begin to populate the adoption document for the first Board review at the April 27 meeting. The Board would then begin to change, modify, and expand upon the document going through the next month.

Jeremy Arrich, DWR Central Valley Flood Planning Office Chief, described the CVFPP as reasonable, responsible, and balanced, serving as a good starting point for moving into implementation activities. He proceeded to make the following points.

- The legislation that required DWR to develop the plan was the Central Valley Flood Protection Act of 2008, embodied in SB 5. The Act was very specific: it defined in detail both the plan formulation process and the adoption process, as well as the guiding principles for DWR to follow in drafting the plan.
- While DWR tried to be very responsive to stakeholder and partner feedback, ultimately they were still guided, and even constrained, by the legislation. Paul Marshall, Assistant Chief, DWR Division of Flood Management, had included the legislative reference as Attachment 1 in the meeting packets.
- The Act states that DWR should consider taking a systemwide approach to formulating the plan by:
 - Expanding and adding bypasses to improve system capacity.
 - Expanding the capacity of the flood system either to reduce flood flows or to convey flood water away from urban areas.
 - Acquiring easements.
 - Integrating ecosystem restoration opportunities within the plan.

Those items were all pertinent to public input.

- In addition, DWR did an array of technical evaluations to look at the performance of the system, in order to find deficiencies and solutions.
- DWR is counting on the regional planning and the basinwide feasibility studies moving forward to develop more specifics of the proposals, to evaluate various alternatives, and to get to the root of the issues that have been raised during the public process.
- Ultimately, the decisions made to move forward with projects will be based on a thorough benefit analysis and evaluation. Most projects are going to have to come to the Board for some sort of approval for implementation, given the Board's statutory role.

Mr. Marshall noted that many people who commented felt that the plan didn't contain enough detail, and that DWR didn't meet with the public early enough. Mr. Marshall stated that he felt that the plan contained sufficient detail for this point in the process. Today, DWR and the Board could consider whether the lens of the post-plan implementation process – the regional planning and so forth – could enable them to address the public comments.

Ward Tabor, DWR Assistant Chief Counsel, offered some comments for the Board.

- The CVFPP came about partly because of the Paterno decision that arose out of the '86 levee break. One of the important criticisms of the court in that case was that they couldn't discern what the State's plan of flood control was. With the CVFPP descriptive document and assessment, no one will be able to make that complaint in the future.
- DWR developed the concept of a Programmatic EIR because they are not making any decision on any particular project; they are looking at the whole Central Valley.
- The price tag on the State Systemwide Investment Approach (SSIA) is enormous, and no one has any idea where the money is coming from. However, the court in the Paterno case said it did not care if the state did not have any money. This is the state system; it needs to step up and fund these activities.

4. RECAPPING OF COMMENTS RECEIVED AT PUBLIC HEARINGS AND DISCUSSION WITH DEPARTMENT OF WATER RESOURCES OF NEXT STEPS FOR ADOPTION OF THE CENTRAL VALLEY FLOOD PROTECTION PLAN

I. Overview of Proposed Adoption Process

Eric Butler, CVFPB Supervising Engineer, gave a presentation explaining the staff proposal as a package of documents which would serve the purpose of adopting the plan, and any of the related documents that the Board deems necessary.

Staff proposed to prepare an Adoption Resolution, a Plan Addendum, several exhibits which would include the plan itself, several documents incorporated by reference, the conservation framework, and the Program EIR. Mr. Butler explained these components.

The Board discussed modifications to the Adoption Resolution components.

II. Summary of Public Input

Nancy Moricz, CVFPB Staff Engineer, explained the methodology she used for analyzing the raw public comments. She noted that this summary of public comments was preliminary.

1. Public comments and input came in three forms: email, mail, and transcribed testimony from public meetings and hearings.
2. The raw indexed comments were updated weekly in a compilation document for the Board. The comments were there in their entirety, with no paraphrasing or truncating.
3. Staff broke down the contents of each public comment into individual categories. The categories included nine focus points from the February hearings as well as some additional categories deemed necessary.
4. Staff compiled statistical information based on the categorical breakdowns.
5. As of Thursday, April 19, there were 195 comments processed, which were broken down into approximately 1,300 individual comments.

One of those 195 comments actually represents the voice of 4,438 (and counting) supporters of a form letter sent out by the National Wildlife Foundation Action Fund. This comment was very positive.

6. Board staff worked with DWR staff to compare, cross-reference, and merge all the issues into a single prioritized listing for today's workshop. The end result was 15 categories that they felt represented the key issues.
7. The final report on the comments was to be presented on April 27.

Ms. Moricz answered Board questions about the methodology. Mr. Butler pointed out that she had not weighted an organization's or agency's comments any differently from an individual landowner's or citizen's.

Greg Zlotnick of the State and Federal Contractors Water Agency commented that next week his agency would be submitting a letter, signed jointly with The Nature Conservancy, American Rivers, and the Point Reyes Bird Observatory, among others. In the plan and the framework they had not seen mention of the co-equal goals, which is now state policy relevant to the Delta.

They had read the plan as subordinating the environment and water supply to the protection of life, and felt that all could be done concurrently. In addition, they had a particular interest in the bypasses, and would like to see the studies about them expedited. Last, Mr. Zlotnick mentioned consistency issues with the Bay Delta Conservation Plan as well as the Delta Plan.

PUBLIC COMMENT

III. Board/DWR Discussion of Key Issues Based on Public Input

President Edgar first noted that the CVFPP is a general plan, not a to-do list of specific projects the state is about to commence work upon. It is a framework – much more additional regional planning, feasibility studies, public outreach, and extensive input must be accomplished before on-the-ground implementation.

The idea was to use the statutory requirements that the plan be amended every five years, and the fact that the U.S. Corps of Engineers is proceeding with its Central Valley Integrated Flood Management Study. The Board wished to ensure that comments in five years are folded into that, because of the Board's interest in obtaining cost share for the program.

Mr. Butler added that Board and DWR staff need clarification towards resolution of key issues, as well as clarification of next steps, as they develop the adoption package.

Mr. Butler called attention to the notes in the document that ask, for each of the 15 issues:

Guiding Question 1: Can the issue be addressed through post-adoption implementation processes, which would include regional planning basinwide feasibility studies, a financing plan, project-level proposals, the conservation strategy, and environmental compliance; and then ultimately Board and Army Corps of Engineers approvals?

Guiding Question 2: Should the issue be clarified or emphasized in the adoption package?

1. Bypass Expansion and New Bypasses

- **Inclusion of bypasses in the plan**

Comments concerned:

- The role of bypass expansion and new bypasses.
- Potential effects on land uses.
- The low level of detail presented in the plan on the actual bypass elements.

President Edgar remarked that the CVFPP itself needs some kind of statement of process indicating how we will go about implementing any widening in the bypass.

Board Member Countryman commented that through the basinwide feasibility studies, we can make a determination as to whether we have a project that is sustainable economically and environmentally. He added that a downstream-to-upstream methodology should be used especially for bypass expansions.

Mr. Arrich stated that many assurances need to be considered. For example, if we build something downstream, we need assurances that our baseline is going to remain the same when, five or ten years later, we build the next upstream component, so that we can take advantage of the benefits and not have hydraulic impacts on a project that was intended to be systemwide.

He felt that for moving forward on a project, we should follow considerations rather than specific guiding principles. We need to have some flexibility in the studies.

Mr. Marshall emphasized that during the next phases – the regional planning that feeds into some of the basinwide feasibility studies – we will actually be talking to regional landowners, as well as flood control agencies, land-use agencies, etc.

Board Member Countryman clarified with Mr. Marshall that DWR does not intend that the the regional planning will address the systemwide aspects of the project.

Mr. Arrich noted that the difference in the present versus the past is that now we have a plan that looks at the entire system. We are limited in our opportunities to convey more flood flows and reduce peak flood stages – and the expansion of the bypass system is the key element to doing that.

He continued that there are going to be certain areas where we are limited in how we can expand a bypass. We want to make sure that the regional areas are considering those broader system elements that may be implemented in the future as they develop their local plans to protect themselves today.

Board Member Suarez commented that some people are fundamentally opposed to the whole notion of bypass expansion, no matter how much we try to reason or accommodate. Others are not opposed to the notion; they are just opposed to the idea of bypass expansion in the near future. For this group, perhaps we can do a better job at alleviating some of their concerns.

Mr. Arrich noted that the state has an interest in preserving the land use that exists today in the floodplains. We are not promoting further development in the floodplains. So if we can acquire agricultural conservation easements, as an example, then that certainly doesn't preclude us from expanding the bypasses in the future, as we continue the studies and work out more details.

Then, if we decide that is not a good place for bypass expansion, so be it, we have an agricultural conservation easement. We know that land use is going to be protected and help the agricultural economy, and keep risk to life and property to a minimum by not developing further.

He emphasized again that the projects are not shovel-ready. Implementation activities will bring more detail, and implementation doesn't mean construction.

Board Member Ramirez observed that systemwide improvements are unlikely to emerge on their own locally.

Board Member MacDonald referred to the Jackson Report, and stated that the legislature directed us to make a better system to protect people and property. What we have here is essentially a list of tools: reservoir re-op, weather forecast-based re-op, bypasses, levee strengthening, and so on. They're not integrated into a final package. What we are doing is very different from what has been done in the past: we are expanding the capacity of the system. The real question is how to integrate all the different tools that we have.

Board Member Countryman said that concerning the two Guiding Questions in the notes, the answer to both would be yes. He commented that the basinwide feasibility study is an absolute must to show that the new bypasses and bypass expansions are justifiable.

He asked if there will be a document that states how we will make the systemwide evaluations, as far as whether it is justified to build a feature or not.

Mr. Arrich responded that DWR is working on a systemwide benefit policy that will include the array of potential benefits.

Secretary Dolan commented that there isn't a level of detail now because the process did not intend to have one at this point. These are conceptual options that are going to be investigated in how they fit systemwide. This is a new approach; it is not the piecemeal approaches done in the past and that is what hasn't worked.

Mr. Butler asked the Board to consider the level of specificity for staff to use in producing the adoption documents.

Board Member Suarez referred to the plan Section 4.5.2 that mentions DWR's plans for the next five years once we adopt. Any opportunity to clarify in that section that additional planning, outreach, and decision-making needs to occur would be helpful.

President Edgar agreed that it needs to be clarified and expanded for the public. Board Member Villines commented that people call him regarding that section, thinking that the projects are a done deal.

Board Member Ramirez stated that the message when the CVFPP is adopted from the state should be that bypasses provide significant benefits. Currently we have done a lot of modeling. We think there is a potential opportunity here for everyone and for the systemwide aspect, but there is a huge amount of work to be done. There is no one project that will start construction right away. It's down the road, if it even gets that far.

He continued that people are waiting to hear what the plan is, and need meaningful feedback. They need to make sure that they stay engaged – not to go away and come back in 2017.

2. Agriculture Land Conversion and Effects

• Land use effects and land acquisitions

Comments concerned:

- The effects of the plan on agriculture, including agricultural land conversion for flood management or other purposes.
- How lands needed for flood system improvements will be identified and acquired.
- Landowner compensation.

Secretary Dolan pointed out that at the hearings, everyone thought that the acreage numbers of 40,000 and 10,000 apply solely to their own counties.

President Edgar commented that what we have now is a planned framework – a high level estimate of what we're considering in terms of clearance area for the bypass sights and clearances, and 10,000 acres for additional habitat. People want to know where that is and why, and we are not even near determining that.

Mr. Marshall stated that the numbers need to come out of feasibility studies and regional planning.

Board Member Ramirez referred to what happens over the course of decades. Because of the bypasses that were built, we have open space that will be open space forever that can be farmed, even though it's a part of the flood control system. Decades from now, hopefully there will be more of that: open space that is protected permanently for agriculture, because it is protected for conveyance capacity for flood flows.

He continued that maybe we can think about how to frame this in an honest and constructive manner that is not just a California Environmental Quality Act (CEQA) response.

Mr. Marshall stated that from the CEQA standpoint, DWR needed to come up with numbers. The 40,000 and 10,000 acres were maximum conversion. In the CEQA plan they said that it is a potentially significant, unavoidable impact – as hard of a truth as you can possibly get.

He noted that from a department policy standpoint, DWR wants to limit the amount of agricultural land they take out of production. He agreed that framing this in a better way might make it more palatable for the public when we talk about our intentions.

Mr. Tabor stated that if we can give, as President Edgar suggested, a description of the process that we are going to use to analyze the proposed projects, and if we can use the opportunities for public outreach, it will go a long way to address the concerns that people have.

President Edgar noted that the issue for the public is that “you’re taking my property.” At an outreach meeting the previous night, a gentleman had said that if you’re going to take property for conversion to bypass or habitat, you should use property owned by the state or the federal government first.

President Edgar added that we all can agree that agriculture is probably the best land use of the floodplain. We need to have a way to explain to the landowners that we are not going to come in and take 10,000 of their acres.

Board Member MacDonald said that the original bypass system was built largely to protect agriculture. Planners had to take agricultural land out of production to protect agriculture. Now, the Legislature has told DWR to include habitat in projects. However, the reality is that if you look at every bond act in the last 30 years or so, they are not single-purposed anymore. They are multiple-purposed. This situation hurts agriculture and benefits agriculture at the same time, and we ought to look at both sides.

Secretary Dolan commented that an explanation of how the bypasses benefit agriculture would be helpful, as well as some history on how the bypasses got there.

Mr. Arrich stated that the resolution needs to make clear that once we start the basinwide feasibility studies, those acreage numbers will change.

Mr. Marshall mentioned that the caveat is that for the past four years, the Army Corps of Engineers has been working with the U.S. Geological Survey (USGS) on new hydrology for the Central Valley. They are going to submit it to DWR in September. Once DWR

sees it, they will have a much better idea as to the real hydrology and hydrodynamics. At that point, it is going to drive many of the studies that Mr. Arrich and his crew will be working on in basinwide system feasibility.

Mr. Tabor pointed out that before we expand or build a new bypass, we will have a brand new CEQA document with Notice of Preparation, basin line, and process with opportunities for the public and the agencies to participate.

Board Member Countryman pointed out that Guiding Questions 1 and 2 for this item would both be answered yes.

3. Technical – Economics

▪ Sustainability of rural agricultural economies

Comments concerned:

- Rural-agricultural area flood protection under the CVFPP.
- How plan elements will help sustain rural-agricultural economies.
- Flood insurance reform in the rural areas.

Secretary Dolan commented that we need to state that this effort looks at the flood insurance program, the Federal Emergency Management Agency (FEMA) mapping, and the special designations for agriculture, so that they are not left out and cannot rebuild agriculture buildings.

Board Member Suarez asked whether guaranteeing sustainability of rural-ag economies is a statutory mandate under the plan. Mr. Marshall replied that it is not, but it is an impact area in CEQA, thus it is considered.

Secretary Dolan said that some of the hearing comments identify this as a key area, clearly tiered with land taken out of agricultural production. Landowners, local officials, and business people have expressed concern that land taken out of production affects the rest of the local economy. She added that the language on flood insurance reform could be worded more strongly – possibly calling it “agriculture floodplain management” or something similar.

Mr. Tabor stated that what they are seeing here is a parallel to the BDCP process, where a state agency is charged with looking at the economic sustainability of the Delta, agricultural and otherwise, in light of potential major infrastructure projects there. It is clearly a legitimate issue for the locals to have.

Board Member Ramirez commented that as the Board looks at this particular issue as requested under legislation, we should consider that it is not just a CEQA response. It is the Board’s intent to have these areas agriculturally oriented. It’s good for public safety, the environment, and local economies. There are tools we could develop to facilitate this issue.

Mr. Marshall noted that the National Flood Insurance Program (NFIP) itself has been looking at trying to be more actuarial about the types of rates that they are charging, rather than using a set rate for any particular type of community.

He pointed out that the plan does include a number of different elements that are beneficial to rural communities, from fixing known deficiencies in levees to trying to get all-weather surfaces on levees. DWR is continually improving its ability to forecast problems that will require flood fighting. DWR seeks to reduce flood losses to property, as well as to nullify any kind of life losses on its watch.

4. Rural Versus Urban Flood Protection

- **Rural Repair Standards**

Comments concerned:

- How the plan will affect local maintaining agency operations and maintenance (O&R) responsibilities and requirements.
- Eligibility for emergency repair funding.
- The need for rural repair standards and criteria.

- **Flood Protection Levels and Equity**

Comments concerned:

- The levels of flood protection targeted by the plan for different areas.
- Issues of flood protection equity.
- Shifting of risk from one area to another.

- **Cost Sharing**

Comments concerned:

- Federal funding, given the potentially low benefit to cost ratios for some plan elements or projects.
- Issues of local affordability and capacity to pay.

Ms. Moricz commented that some elements of the plan can suggest putting vegetation in the floodway, resulting in increased maintenance costs that could be passed on to the rural communities which are less densely populated. If they are going to sustain these extra costs, it would be a greater amount essentially per person or per levee mile than in urban areas

Mr. Butler added that if the plan proposes activities in the floodways that impact O&M, this is tied to periodic inspections and vegetation that affect PL 84-99 eligibility.

President Edgar recalled that Lewis Bair, a Reclamation District (RD) manager, had commented that the bypasses are filled with too much habitat now, and now we're going to put in more bypasses.

Ms. Moricz stated that there was a broad range of comments on this issue. They came down to specific funding issues. Some aspects of the plan would incur more costs for maintenance, and people are worried about the increased share that they would have to contribute.

Mr. Arrich stated that DWR does not intend to increase O&M costs on levees. If DWR does habitat or ecosystem improvement, it needs to have a well-managed plan for O&M that does not rest on the backs of the local maintaining agencies (LMAs).

President Edgar stated that this information should be captured. Also, a system that operates better will result in benefits to the LMAs.

Mr. Tabor commented that bond funds cannot be used for routine maintenance; there has to be a different source. Mr. Arrich pointed out again that future implementation activities and benefit assessments will work that out.

President Edgar noted that O&M seems to come at the end of the development of systemwide improvement, but it needs a place at the table. Board Member Ramirez agreed, saying that the source of funding for maintenance obligation needs to be specified exactly for the agencies.

Board Member Countryman stressed the difference between mitigation and enhancement. If a project is systemwide enhancement, that's not mitigation, and the cost should not go to the LMAs.

Mr. Butler pointed out that page 4-11 in the plan is a bulleted list that enables a yes answer to Guiding Question 1.

He directed the group to the **Flood Protection Levels and Equity** subtopic.

President Edgar remarked that the comments may not correctly characterize what actually happens. As a south levee is improved, you're not making the north levee worse.

Mr. Arrich added that he has talked to some of the agricultural landowners. Their concern is that we are shifting risk to rural agricultural areas by protecting urban areas. The reality is that we are looking at the system as a whole, and we are reducing peak flood stages throughout – not only in the main stem, but in the bypasses as well. That also takes pressure off the rural-agricultural levees.

Ms. Moricz clarified that the landowners are also referring to the two-tiered level of flood protection: we are giving 200-year protection for urban areas, 100-year for small communities, and we don't have a standard for rural. This is what the rural landowners mean by saying they are not going to benefit as much. They are concerned that they may have an even smaller level of flood protection than before.

Mr. Arrich stated that for rural-agricultural areas, the plan targets fixing known critical deficiencies rather than a level of protection. The legislation asked us to target a 200-year level of protection for urban, and we think that what makes the most sense moving forward, is to look at each rural-ag community independently. What does that community want to achieve? How much are they willing and able to pay to achieve a level of protection?

Mr. Arrich continued that from the state's perspective, we don't want to promote development in the floodplain. If a community is interested in building a stronger levee and the Board and DWR agree, the state may not be willing to cost-share and must decide whether to participate.

Board Member Suarez pointed out that some of these levels of protection are statutorily mandated – required by law. There is nothing the Board or DWR can do about it. Mr. Arrich commented that the other half of that is that the wisest use of the floodplains is agriculture, because people and property are not put in harm's way.

Ms. Moricz noted that a major thread in the comments is that this very expensive plan is being proposed, and public safety for all should come before restoration and multi-benefit projects.

Board Member Suarez cautioned the group not to have a policy debate on the statutory mandate.

Mr. Marshall stated that some people may perceive that because of the differing levels of flood protection, we are not protecting people at the same level. However, we are trying to increase everyone's protection while meeting the legislated mandate.

Mr. Butler directed the group to the **Cost Sharing** subtopic. Board Member Suarez asked if the commenters had any suggestions. Ms. Moricz replied that the only suggestion was to modify the language such that when it comes to doling out funding, flood safety would be paramount to multi-benefit projects, restoration, etc.

Mr. Arrich pointed out that when you look at the residual risk management components, which are a huge benefit to the rural-agricultural areas, and then you look at the actual rural-agricultural improvements that are addressed in the plan, they represent around 23% of the overall cost of the SSIA. President Edgar noted that this should be stated in the plan.

Board Member Ramirez commented that there are ways to try to make cost-sharing work better: additional funds can be brought to bear by involving funding in part by conservation/restoration programs. An example is the flood reduction plan for Hamilton City.

Secretary Dolan noted that when rural communities say that they want to be considered as important as the large urban communities that have billion dollars of structures and a million people, it is cruel to explain the cost-benefit ratio. This conundrum has existed since California was settled.

President Edgar commented that we need to be clearer in the plan. Mr. Tabor explained that the legislature had seen the Paterno problem. One reason we are having this plan is to reduce liability to the state.

5. Urban Compliance with Senate Bill 5 (Central Valley Flood Protection Act of 2008)

- **The Urban Level of Flood Protection**

Comments concerned:

- How the plan and information presented in that document can be used by local cities and counties in meeting urban protection requirements triggered by plan adoption.

- **The Urban Levee Design Criteria**

Comments concerned:

- When is it going to be adopted?
- **Information Needs for Local Jurisdictions**

Comments concerned:

- Given that the plan is conceptual, how is information in the plan to be used by local cities and counties as they move to update their general plans and to meet other local planning requirements triggered by plan adoption?

President Edgar pointed out that once the plan is adopted, local government has a certain time period to bring their general plans up to current status, so that when subdivisions come in they can certify that they meet the 200-year level of protection. Their general plans must consider this.

Mr. Tabor explained that if the Board adopts the plan on July 1 (for example), local governments have two years from that date to amend their general plans. This applies to rural areas as well as urban, with rural areas meeting the 100-year standard if they want to develop. They are subject to the same requirements for findings as urban areas; they just have a lower threshold to meet.

Mr. Tabor continued that the Urban Levee Design Criteria is intended to provide the engineering criteria and standards for how a community might reach a 200-year level of protection. The Urban Level of Flood Protection focuses more on process-related issues about making that certification based upon specified evidence.

He said that at this point in time, no public agency has published maps that clearly show the 200-year inundation zone behind State Plan of Flood Control facilities. It is a necessary tool. Fundamentally, the legislature put it on the local shoulders to figure out how to do this. Also, there is a schedule for our development and release of that map, which may well get incorporated into amendments to the language in SB 5.

In answer to a question from President Edgar, Mr. Tabor said that cities or counties can certainly do the inundation studies themselves.

Mr. Tabor emphasized that it is not the plan that requires the land-use regulations of the 200-year level, it is the statute— an important distinction.

Board Member Ramirez noted that when the plan is adopted, the counties will be under the two-year deadline, but they won't have two years of new information in front of them. Secretary Dolan added that some communities have not received their updated FEMA maps yet. Mr. Tabor commented that the FEMA maps do not help a great deal because their authority is to have the 100-year flood as their regulatory floodplain.

Board Member MacDonald pointed out the potential interlink between the Urban Levee Design Criteria and the Urban Level of Flood Protection programs. The cities and counties have to figure out how to meet 100-year or 200-year by 2025; but what is the plan going to do between now and 2025? If the plan lowers the stage by 2' someplace, that changes what the city might have to do.

Board Member Suarez commented that there is already much information in the plan that can help local entities engage in the planning process for their general plans. Perhaps within our documentation, we could provide examples to guide the local entities to the sections that can help with particular issues. There is no chapter called “Complying with SB 5,” but in reality much of that information is already included in various sections.

Mr. Butler asked about the Central Valley Hydrology Study, a joint DWR and Corps effort. Mr. Marshall answered that the study only gives the 200-year hydrology, which is really just a model input into Central Valley Flood Evaluation and Delineation. Mr. Butler asked if it is what we need to move forward for compliance with SB 5; Mr. Marshall replied that it was, in the most ultimate way. Mr. Butler commented that the answers to the two Guiding Questions were probably yes.

President Edgar summarized that the deadline is 2025, and local governments are going to have to do the inundation studies themselves. DWR will follow them with information, material, and data that will help, but it is essentially a local government responsibility.

Board Member Ramirez felt that we should say as much as possible about information available now and in the future, ensuring that the cities and counties know what their obligation is. They can make a start, but they can only start with what they have today.

Secretary Dolan commented that maybe some discussion with their associations about documents and planning guidelines that exist for developing their safety element would be helpful.

Mr. Marshall clarified for the record that the maps DWR is developing only pertain to State Plan of Flood Control (SPFC) levees.

Mr. Tabor mentioned that while cities and counties have the obligation that’s triggered now by the adoption of the CVFPP to amend their general plans and zoning ordinances, one of the findings they can make until 2025 is that they are making adequate progress.

6. Existing System Maintenance

- **Maintaining Existing Infrastructure**

Comments concerned:

- The role of improving maintenance and repair of the existing flood management system channels, levees, etc. versus construction of new facilities or system improvements.

Mr. Arrich spoke regarding the comment asking why expand the bypass system instead of fixing the existing system. DWR had considered fixing the existing system under the Achieve SPFC Design Capacity approach. It turned out to be very expensive with not enough benefits and many redirected hydraulic impacts.

He continued that focusing on clearing out all vegetation in the channels is not feasible with respect to resource agencies requirements as well as environmental laws and regulations.

Board Member Villines noted that this comment has been consistent from the agricultural community. Mr. Arrich responded that DWR has plenty of documentation showing that the system is not functioning as it should. Statements that the existing system will work better if the vegetation is cleared are not substantiated, based on the analysis and evaluations – channel hydraulics and geotechnical investigations – that DWR has done to date. In some cases, design capacity cannot be achieved as originally specified: DWR has tried to resolve problems in the past, but to no avail.

Mr. Butler noted that many comments suggested dredging. Mr. Arrich replied that the legislation did not ask us to consider dredging; also, if the Board agrees with the systemwide approach, then there is not much of a response possible to that comment.

Board Member Countryman commented that dredging channels just doesn't work. Dredging a channel 10', 15', and 20' deeper makes no difference in its capacity.

Board Member MacDonald noted that we do need proper maintenance. Mr. Arrich responded that we can always do a better job with maintenance, but we have challenges: funding, environmental laws and regulations, and permitting requirements just to do routine maintenance. Sometimes we must design a project just to do maintenance, such as sediment removal in a bypass.

He continued that we can certainly improve permitting processes by streamlining them, and work on the self-mitigating aspects of proposals in the plan. But DWR is trying hard to do a good job, as are the local entities.

Board Member MacDonald asked about the I-5 constriction that the commenters had mentioned. Mr. Marshall replied that where I-5 goes over the Yolo Bypass, the bypass necks down a bit. Some of the maps published in the Sacramento Bee had showed an expansion of the bypass throughout the Elkhorn Basin, which gave a rather bulbous look to the top and bottom portions of the bypass. In actuality, DWR has said that it wants possibly to extend a portion of the Fremont Weir and to widen the bypass so it can take on more flow. Currently there are no definite numbers for any of that.

In response to a query from Mr. Butler, Mr. Arrich said that future analyses of all the bypasses will include detailed looks at what people might consider choke points or hydraulic barriers, and these questions will be resolved as we move forward.

Board Member Suarez pointed out that there were three locations where people had very specific suggestions for fixing the issues they had. They were Paradise Cut, the Paradise Cut bypass expansion, and the Yolo Bypass.

7. Multi-Benefit Projects

- **Inclusion of Water Supply Benefits**

Comments concerned:

- There should be a greater focus on water supply as part of the plan.

- **Ecosystem Improvements**

Comments concerned:

- Integration of ecosystem restoration as part of flood system improvements and measurable objectives.
- Land-use implications.
- Concerns for decreased flood channel capacity as a result of vegetation.

- **Recreation**

Comments concerned:

- A desire for greater focus on recreational opportunities in the plan.

Ms. Moricz stated that many commenters said that the plan sends water off to be wasted when we need to be capturing it; that we are not spending the money wisely by widening the bypasses and then letting vegetation grow; and that two of the main storage dams on the Sacramento River and the Feather River could be raised for a portion of the cost, possibly involving Southern California for cost sharing.

Mr. Marshall stated that we did want to look at multi-benefit projects, and water supply is certainly another benefit, as are habitat and recreation. We can go into the regional planning and studies looking for those opportunities in addition to public safety.

Board Member Suarez ascertained with Ms. Moricz that commenters would like the plan amended to have the SSIA include dams. Board Member MacDonald noted that we have a rigid system for operating reservoirs for flood control. A more flexible one has some risks in it, but also significant benefits.

Mr. Butler commented on the confusion raised between the Bay-Delta Conservation Plan, which has two co-equal goals of water supply and ecosystem restoration, and the CVFPP. People have the misperception that the CVFPP is also mandated to meet those co-equal goals as well. Board Member Suarez added that many environmental representatives had said how inappropriate it was that the CVFPP didn't have co-equal goals.

Mr. Arrich stated that the plan is clear on this issue: the primary goal is improved flood risk management with four supporting goals. Board Member Villines noted that the debate on the Assembly floor was solely about not having levees break.

Ms. Moricz noted that there were two sets of comments on this issue:

1. This is an ecosystem restoration plan as opposed to a flood protection plan.
2. The way to get the best cost effectiveness for a multi-benefit project is reservoirs, because you can get recreation, habitat, flood control, and water supply.

Board Member MacDonald mentioned that we don't really have any suitable new reservoir locations. Sites Reservoir is largely a water supply facility, not flood control. Shasta is a federal project with multiple problems.

Ms. Moricz stated that comments suggested increasing the storage in the existing reservoirs instead of just expanding bypasses.

Board Member Ramirez noted the importance of acknowledging that in this area, the state has multiple mandates.

8. CVFPP Vision/Formulation

Comments concerned:

- The plan lacks some level of a vision statement. What are its goals and objectives?

President Edgar noted that there was one comment suggesting a historical context for the plan.

Board Member Suarez noted that the Sierra Club thought that the FloodSAFE vision statement could be a good starting point. Mr. Butler suggested incorporating the DWR goals and objectives.

President Edgar suggested listing the legislative mandates and then stating the vision.

Board Member MacDonald suggested having some concise verbiage for the newspapers to print.

Board Member Suarez suggested for staff to review the first chapter of the document for the historic context, the vision, and the goals. That chapter may contain the essence of what we are trying to capture, in a way that can be articulated quickly.

9. Issues Specific to the State Systemwide Investment Approach

Comments concerned:

- This is not the most cost-effective approach.
- This approach is too expensive.

President Edgar stated that the only alternative he had heard was to fix the current system.

Board Member Ramirez stated that if the Board does not disagree with DWR, then response is fairly easy. Mr. Arrich said to keep in mind that the other three approaches do not meet the entire intent of the legislation. They are limited and don't meet the multiple objectives.

He added that there is a much larger story to be told about the benefits of the SSIA. DWR had tried to describe it in a complete sense in the plan, but there are many nuances to understanding.

Mr. Arrich continued that there is much work that needs to be done: developing a financing plan, and continuing to develop and refine the systemwide benefits policy. You can't just look at the dollars. The non-monetary benefits include the value to society of creating habitat, for example, or creating recreation.

He added that the cost to the SSIA includes all the early implementation projects that have already been constructed.

Secretary Dolan commented that she would not answer yes to both of the Guiding Questions. The issue will be addressed in the adoption package, and there is an agreement with the approach that was chosen.

Board Member MacDonald noted that the plan is truly preliminary. DWR is going to go back and refine the elements into specific projects – then benefits and costs will be outlined. Mr. Butler made the explicit comment that the plan as currently proposed does not preclude anything to be added, and nothing in it is prescribed to come to fruition.

President Edgar asked about the plan's baseline. For example, are projects coming online now part of the baseline or part of the added benefit of new projects? Mr. Arrich responded that the Notice of Preparation represents the baseline for the purposes of the plan from the CEQA standpoint.

Mr. Marshall stated that from a political standpoint, the Legislature awarded DWR \$5 billion to revamp the system. We embarked on some early implementation projects that were specifically meant to improve public safety, and the projects accomplished that. However, those projects did not get counted into some of the benefit summaries that were put into the document. DWR would need to go back and look at that for a portion of the baseline.

Board Member Countryman commented that we are realizing the benefits of EIP projects.

10. Reservoir Storage and Operations

Comments concerned:

- Why didn't you move more reservoir reoperation options into the SSIA?
- Why didn't you include new reservoirs in the SSIA?

President Edgar noted that people had commented about the SSIA including levee repairs and bypass widening, but not reservoir reoperations or storage. Mr. Arrich responded that the bypass expansions are the most cost effective. We can get the best conveyance, capacity improvement, and reduced stages through the bypass expansions.

Mr. Arrich continued that a constraint is that each reservoir is located in a specific watershed. A storm must fall in that watershed to capture the flood benefits of that project. The second and probably the primary reason is that from DWR's perspective, implementing a new reservoir storage project is currently almost impossible.

He stated that DWR is going to continue implementing its forecast-coordinated operations for dams. The next step in that process is a more forecast-based operations program. Those programs are identified in the plan.

Mr. Marshall expanded on the idea of storms not centering over particular reservoirs. Looking on a vertical scale, you expect a storm to be released at higher elevations. But with climate change in effect, precipitation may actually be released further down. That's where bypasses help. Also, if a storm does inundate a reservoir, expanded bypasses will facilitate moving the water out.

Board Member MacDonald noted that DWR has been doing studies on reservoirs for a number of years, and this ought to be mentioned.

Board Member Ramirez stated that we received lots of comments about the two water supply systems: the supply side and the flood control side; and the two don't coordinate.

Much work has actually been done to integrate them, and that should stay on the radar screen.

11. Sacramento-San Joaquin Delta Considerations

Comments concerned:

- Treatment of Delta areas protected by facilities which are not part of the SPFC.
- Potential hydraulic impacts to the Delta that could be caused by implementation of the plan.

President Edgar summarized the larger comment: we have the Delta Plan, the Bay-Delta Conservation Plan, and the SSIA. The plans overlap. They must line up and be made consistent.

Board Member Suarez stated that people from the Yolo region were urging postponement of the decision. That would give them more opportunity to engage with DWR over the bypass expansion, which is their major issue. As a threshold question, we need to respond to them.

Mr. Butler referred to the comments alluding to the possibility that the plan was taking benefits from one of the other Delta plans and claiming them. Mr. Marshall explained those comments from the vantage point of someone having worked on the BDCP.

Mr. Marshall added that during the technical briefing, DWR had shown that the hydraulic modeling done for the plan shows no stage impacts on the Delta. He added that only a small portion of the Delta actually has levees within the SPFC. That is one of the reasons that DWR is not showing a lot of benefits to other levees throughout the Delta.

President Edgar stated that to respond to the comments, we should say that we are considering this issue and that the impacts will be analyzed.

12. Technical – Flood Hydrology and Hydraulics

- **Hydraulic impact policy**

Comments concerned:

- Development of a state level policy.
 - Guidance for addressing the potential hydraulic impacts or repairing existing State Plan of Flood Control facilities.
- **Hydraulic effects of specific SSIA elements**

Ms. Moricz explained that most of the hydraulic comments were that the right things were not examined, or not enough detail was used, or the Delta was not included – quite technical comments. Some people had commented on the locations of the bypasses: they aren't in the proper place – they are at choke points – so they will pool water as opposed to moving it.

Board Member Suarez pointed out that we have a technical team that did a technical review, and the Board had heard the preliminary recommendations. Mr. Butler agreed

that the staff's analysis concluded that current appropriate standards, best available science, and best available data were used and would continue to be used in the future. The analysis did not need to be rerun.

Ms. Moricz added that the comments concerned preliminary projects such as bypasses, for which no details have been given.

Executive Officer Punia noted that the Board doesn't need to respond to each and every comment. Staff has already dealt with some of the comments.

Board Member Countryman said that Board policy should be that repairing facilities does not require a hydraulic impact analysis to other parts of the system. Executive Officer Punia explained that if the repair is extensive, then staff has done a hydraulic analysis to ensure that there is no hydraulic impact. However, if someone is superimposing a project on an existing project, such as a restoration, then staff asks them to do the extensive hydraulic analysis to ensure that we are not shifting the hydraulic impacts downstream or upstream.

Mr. Arrich noted that the plan itself will not set a new, different, or specific hydraulic impact policy. DWR will continue to work with the Corps and the Board on this topic.

12. Outreach and Engagement

Comments concerned:

- You didn't provide enough.
- We were there with you all along and we appreciated your efforts.
- Different phases may or may not have included the level of detail that stakeholders anticipated.

Mr. Butler noted that there were no specific comments on changing the current process, other than stakeholders saying they want to participate in the future. For the first Guiding Question, the Board staff has a list of processes they will employ. The list is called out in the adoption documents. It is definitely everyone's plan to engage the public as we move forward.

Secretary Dolan suggested inserting more explanation of the cancellation of Phases 3 and 4 because of time and funding constraints, and also because some of their components are going to be part of the next phase, the update, the regional plans, and the stakeholder involvement. Acknowledgement of the comments on this issue should be made, perhaps in recitals.

Mr. Butler stated that the "whereas" statements will cover the outreach that's already been done.

Board Member Ramirez suggested keeping a paper trail of notification to cities and counties when information comes available, so that then they can take actions necessary under the legislation. Secretary Dolan pointed out that boards of supervisors and city councils are suitable as official contacts, rather than county public works staff as the sole source of contact.

13. Post-Adoption

- **Post-Adoption Regional Planning Process**

Comments concerned:

- Specific attributes of timing, format, and intended outcomes of regional planning processes as part of plan implementation.

Ms. Moricz explained that commenters said that they look forward to engaging with us in the future, or on the other hand, that they weren't engaged properly and do not want the plan adopted in June.

President Edgar pointed out that at the next Board meeting, Mr. Arrich would report on the regional planning process in detail.

Board Member Ramirez remarked on the various regional maps and plans, which are loosely connected with some gaps. With the basin feasibility level study and the existing comprehensive authority boundary study, having some way of more clearly understanding the colors, shapes, and expected benefits would be helpful.

Mr. Arrich stated that DWR will have a framework for conducting regional planning. At the same time, once we begin talking to the nine regions, each one will have a different perspective and a different need, and we will have to adjust accordingly. The regions will vary in their abilities to develop the information and the amount of support they will need from DWR.

He continued that information provided to answer some of the questions on the specifics of the regional planning and the basinwide studies must be general only. A general sense of the timing and the scope is sufficient, because once the specifics change, people will question the adoption package.

Mr. Butler summed up that this issue will be further clarified as we move forward.

- **Basinwide Feasibility Studies**

Comments concerned:

- People are looking for more information on the intent, engagement with stakeholders, timing, format, intended outcomes, etc.

Mr. Butler reiterated that it is the intent of the Board and DWR that this is part of the next steps. The public is going to be engaged.

Board Member Ramirez requested some kind of a general timeframe in terms of seasons and years on what will be done regionally.

- **The Federal Role**

Comments concerned:

- How is the Corps going to be involved in plan implementation and modifications to the system? What is their role?

Ms. Moricz stated that there were concerns with vegetation management, as well as concerns about cooperation between all the agencies for consistency.

Regarding the levee vegetation standard, Executive Officer Punia stated that the Corps is indicating that they will provide a set of comments compiled from the Headquarters, Division, and District. He stated concern that we may not receive their comments until the tail end, and we may not be able to provide DWR with detailed recommendations.

- **Future Coordination with Other Planning Efforts**

Comments concerned:

- How will this plan be coordinated with the Bay Delta Conservation Plan, the Stewardship Council's Delta Plan, the San Joaquin River Restoration Program, etc.?

Mr. Marshall stated that DWR is already working with those agencies and with other Delta efforts.

Mr. Butler mentioned that DWR has published four fact sheets on this subject. Mr. Arrich elaborated that they are called Project-Related Fact Sheets, the project being the CVFPP. They are for the different programs – BDCP and others, and they are available on the FloodSAFE website.

15. Funding

- **Allocation/Prioritization of Available and Future Funds**

Comments concerned:

- Allocation of current and future funding to achieve public safety goals – rural and urban alike.
- Local capabilities to pay.
- Use of the phrase “economically feasible” in the plan.

Ms. Moricz explained that the comments essentially came from the rural stakeholders, concerning the two-tiered approach to protection. Because of the nature of the low population and development density in rural areas compared to that of urban areas, the cost-share will be more in the rural areas, and they won't see as high a level of flood protection as the urban areas.

She noted that Lewis Bair had some very specific recommendations about percentages and some assurances that EIP funding can perhaps be dedicated to some of the rural projects, improvement projects for public safety, and so on.

President Edgar expressed the need to provide more assurances to the rural areas to show that there is indeed interest in protecting the small communities, rural areas, and agriculture. It is a major objective of the plan.

Ms. Moricz added that the rural and agricultural areas commented that there are proposals to take their land and affect their economy in some areas in order to expand habitat, and they are worried about funding. They may not meet benefit cost ratios for improvements

in their areas because of densities and levels they are protecting, so that funding for them is going to be really restrictive. They shouldn't be held to similar percentages – they need the larger percentages.

President Edgar commented that the issue is that they will not qualify for Corps funding; Ms. Moricz agreed. They must come up with a state share and a local share, and their local share, while the small percentage as in urban areas is going to be a burden.

Mr. Arrich noted that we are required to develop a financing plan after the CVFPP is adopted. Many of these issues will be addressed during that process.

The plan does talk about the rural program having \$100 million or so allocated to fixing some of the critical deficiencies. We're going to launch that program very soon and locals will have the opportunity to comment on the guidelines.

Regarding the problem of the locals not qualifying for Corps funding, Executive Officer Punia felt that the solution is that the cost share between the state and the rural areas could be different than the cost share between the state and the urban areas. There are genuine concerns: much of the time the rural areas can't achieve the matching funding to implement the projects.

He stated that in the guidelines, Board staff will work with DWR and the locals. From the staff perspective, if the formula can be different for the rural areas so that they can participate, that will be effective in easing the problem.

Mr. Arrich stated that there is a program starting that will rank and prioritize the critical deficiencies in the rural areas and begin to address those deficiencies. In addition, DWR has a program called the Small Erosion Repair Program (SERP).

Mr. Tabor stated that DWR has a generic cost-sharing guideline for flood protection presently in effect. It provides for up to a 95% state cost share. A 20% increment of that is for low income areas. This is another available incentive that is already being used by local communities to get an enhanced cost share.

President Edgar pointed out that another roadblock for rural areas is that unless they have a large Joint Powers Agency (JPA), and they have been able to get an assessment passed, they don't have funds to do the feasibility studies and other studies.

Mr. Arrich stated that at the upcoming Board meeting, DWR will describe financial assistance it will be offering to the locals in the regional plan effort.

Mr. Butler ascertained with Mr. Arrich that the financial plan is still anticipated for completion in 2013.

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

President Edgar stated that the document that the Board would be receiving from staff at the April 27 meeting would be the draft approval package. Over the next month the Board and DWR would be receiving comments on it and modifying it.

He stated that his main concern was that we don't walk away on July 1, but that it really is the start of a regional process.

The Board, staff, and DWR discussed the calendar going forward to the scheduled adoption date of June 29. They came up with the following dates:

- April 27 Regular Board meeting
- May 11 Special Board meeting
- May 25 Regular Board meeting
- June 15 Special Board meeting
- June 22 Regular Board meeting
- June 29 Special Board meeting for plan adoption

Board Member Suarez raised a question of whether or not the Board can adopt documents that were not delivered by the statutory deadline of January 1, 2012, because the statute is supposed to allow people six months to review the plan and provide input. She stated that it is important to know exactly what attachments were delivered to the Board by the deadline.

Secretary Dolan agreed that adopting all of the technical attachments would be problematic. Board Member Suarez pointed out that some of the attachments were delivered as recently as three weeks ago.

President Edgar requested Mr. Tabor to look into the issue.

6. ADJOURN

Upon motion by Board Member Countryman, the Board voted unanimously to adjourn.

President Edgar declared the meeting adjourned at 4:31 p.m.

Dated: July 27, 2012

The foregoing Minutes were approved:



Jane Dolan
Secretary



William H. Edgar
President