

MINUTES
CENTRAL VALLEY FLOOD PROTECTION PLAN
PUBLIC OUTREACH HEARINGS
April 6, 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 5, 2012 beginning at 9:00 a.m. at the Yuba County Government Center, Board of Supervisors Chambers, 915 Eighth Street, Marysville, California.

DWR hosted an informational poster/question session for the Draft Program Environmental Impact Report (DPEIR) from 12:00-12:45 p.m.

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. Michael Villines

The following members of the Board staff were present:

Mr. Jay Punia, Executive Officer
Mr. Eric Butler, Supervising Engineer
Mr. Ali Porbaha, Senior Engineer
Ms. Nancy Moricz, Staff Engineer
Mr. James Herota, Staff Environmental Scientist
Ms. Lorraine Pendlebury, Staff Analyst

Department of Water Resources staff present:

Mr. Jeremy Arrich, Chief, Central Valley Flood Planning Office
Ms. Mary Hadden, Staff Environmental Scientist
Mr. Paul Marshall, Assistant Chief, Division of Flood Management
Ms. Michelle Ng, Staff Environmental Scientist

Also present:

Mr. Dick Akin, Akin Ranch
Mr. Lewis Bair, Reclamation District 108, Knights Landing Ridge Drainage District,
Sacramento River West Side Levee District
Mr. James Bell, County of Colusa
Ms. Tara Bocker, Yuba Sutter Farm Bureau
Mr. John Cain, American Rivers
Mr. John Carlon, River Partners
Sutter County Supervisor Stanley Cleveland, Jr.
Colusa County Supervisor Denise Carter
Mr. Mat Conant, California Farm Bureau
Mr. Tom Ellis
Ms. Diane Fales, Reclamation District 1001
Sutter County Supervisor James Gallagher
Mr. John Garner
Mr. Mark Hennelly, California Waterfowl Association
Mr. Carl Hoff, Butte County Rive Growers Association
Mr. Charlie Hoppin
Mr. Dale Klever, City of Colusa
Senator Doug LaMalfa
Mr. Kent McKenzie, Rice Experiment Station
Mr. Dan Merkley, California Farm Bureau
Sutter County Supervisor Larry Munger
Yuba County Supervisor John Nicoletti
Assemblyman Jim Nielsen
Mr. Daniel Peterson
Ms. Tiffany Ryan, Legislative Aide for Senator Doug LaMalfa
Ms. Susan Schohr
Mr. Mike Shannon, Shannon Farms
Mr. James Sligar
Mr. Loren Ward, Ward Farms
Mr. Russell Young

1. ROLL CALL

President Edgar welcomed everyone to the second public outreach hearing on the Draft 2012 Central Valley Flood Protection Plan (CVFPP). He thanked everyone for taking the time to attend and present their comments on the draft proposal.

President Edgar thanked Yuba County for allowing the Central Valley Flood Protection Board (CVFPB) to use their facilities for the day.

He noted that the Board would be receiving comments on the Draft Environmental Impact Report (DPEIR) in addition to the CVFPP. He reminded the audience that all

comments on the DPEIR must be received by the Department of Water Resources (DWR) no later than 5:00 p.m. on Friday, April 20.

President Edgar also noted that although comments could be directed specifically to the plan itself, the Board would be reviewing all of the comments. If they pertained to the plan or the DPEIR, the Board would take them into consideration for both, so that those making comments did not have to discern which document to address.

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

2. APPROVAL OF AGENDA

President Edgar outlined the day's agenda.

He noted that for Item 5, **Focus Point Discussions on CVFPP and Supporting Documents**, nine focus areas had been identified based upon the input and information that the Board had received thus far. He invited those making public comment to address the issues listed with the focus areas.

Upon motion by Board Member Countryman, seconded by Secretary Dolan, 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 2012, the prior Board had received recommendations. The current Board had taken those recommendations about topics to focus on during review of the draft plan. The current Board had received this input via regular Board meetings, the website, and public outreach meetings.

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.

President Edgar 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 flood 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 emphasized that we need to think about what happens after the June adoption of the CVFPP. We don't want to abandon this important framework, but to continue the process so we can proceed to actual systemwide improvements.

He reiterated that the Board was trying to separate the comments on the CVFPP from the comments on the PEIR, for legal reasons. However, all comments, whether they are made in the morning or the afternoon, will be sorted and related to the plan or the Draft PEIR.

He proceeded to give instructions on the public comment procedure.

Jeremy Arrich, Chief of the DWR Central Valley Flood Planning Office, came forward to provide an overview of the plan. He began by acknowledging the involvement of the partners and stakeholders who have participated in plan development, including the Board.

His 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. 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.
2. The Flood Control System Status Report, a report on the current conditions and capacity of that inventory of systems 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.

Mr. James Herota, CVFPB Staff Environmental Scientist, concluded the presentation with general comments about the conservation framework and the environmental attachments that were included with the plan.

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

- Assemblyman Jim Nielsen spoke from the perspective of a farmer from the Sacramento and San Joaquin Valleys, of an agricultural representative in the State Legislature, of the author of Senate Bill 1086, and of the founding president of the California Alliance to Protect Private Property Rights.

He stated that government has done too much behind closed doors, particularly the California State Legislature. The limiting of input in public is disturbing to him.

The levees and bypasses have a specific purpose of protecting life and property. Protection of habitat, recreation, etc. ought to be de minimis purposes.

The accumulation of debris in our bypasses has long been a problem, and the removal of debris is critically important to preserve their integrity and well as the levees' integrity.

The south end of the Yolo Bypass is a significant bottle stopper. First came the taking over of Conway Ranch for parks, pathways, and habitat. Now comes the designs of the Delta Stewardship Council and the Bay Delta Conservation Plan for mitigation of environmental concerns in the Delta applied to the southern end of the Yolo Bypass. That project does not make good sense.

One of the greatest problems we have in government is the lack of trust in it. The development of a massive impediment of bureaucracy has aggravated the problem. One of the purposes of SB 1086 was the cooperation between state, federal, and local government; Assemblyman Nielsen hopes to see more cooperation in the future.

Assemblyman Nielsen shared an anecdote from the water debate a few years ago, when one of the scientists stated that the problem with the Delta was the need for more salt water coming up the river.

He thanked the audience for their open-mindedness and respect for their government, and for their dedication as stewards of the future.

- Tiffany Ryan, Legislative Aide for Senator Doug LaMalfa, stated that the plan jeopardizes thousands of acres of farmland that is some of the best in the world. Agriculture and its interests should have been included in the drafting of the plan.

The amount of time from the very loose draft to the adoption date is very short and shortchanges the public's input and ability to come to grips with the plan's effects on their lands, and their ability to farm the crops of their choice rather than what the state allows them to grow.

The establishment of habitat on all levees and bypasses risks the breach of another levee similar to the breach in Yuba County in 1997.

The State has little ability to borrow \$17 billion with the current crisis of the State budget, the down economy, silly costly pursuits such as the high-speed rail project, and an impending vote on a water bond this November to not have a well thought-out plan that truly addresses the handling and flow of flood water.

Senator LaMalfa expects farmers to have a firm place at the table, and asks that this Board convey the message to DWR that a hasty, arbitrary timeline is neither productive nor fair, and will not be tolerated by his office or his constituents whose lives are directly affected by this proposal.

- Assemblyman Dan Logue emphasized the fact that this county has flooded twice in 10 years. His concern was that the state work hand-in-hand with the local communities and elected officials on the ground. They understand the dynamics better than anybody from Sacramento.

He also believed that the solution for our problem will be offstream storage flood control dams. In the last 20 years, the farmers and businesses in the north state have lost over two-thirds of the water supply in the north state. As a member of the Yuba County Water Board and Chairman of Three Rivers, Assemblyman Logue had heard a sound proposal to build mini-dams throughout the north state that would hold water back for 90 days and release it gently throughout the year.

Businesses are leaving California. The north state must protect the ag industry by providing water and resources for them to produce, to feed the world, and to make sure that their land is not taken out of production.

Assemblyman Logue wanted to make sure that the definition of "urban" is not to protect Sacramento at the cost of the north state.

- James Gallagher, Vice Chairman of the Sutter Butte Flood Control Agency and a County Supervisor representing areas protected by over 100 miles of rural levees, identified for the Board three areas in the plan that are worthy of support.
 1. The plan sets aside \$100 million for a rural levee program.
 2. The plan includes DWR's support of much-needed reforms to FEMA's National Flood Insurance Program.

3. Sutter and Butte County are very supportive of the commitment in the plan to fund vital urban levee projects.

Mr. Gallagher then voiced significant concerns with the plan:

- Its conceptual plans and conservation framework will have a tremendous negative impact on agriculture.
- The taking of 40,000 acres of prime productive agricultural land would be a tragedy and should be reconsidered in the final plan.
- He encouraged the increase of funding for, and a more firm commitment to, the rural levee program.
- He encouraged the Board and DWR to join the Agricultural Floodplain Management Alliance, and to become supporters of reforms to the National Flood Insurance Program.
- Before considering bypass expansions, the plan must provide for the maximization of the existing bypasses and channels to ensure that we are getting the most out of what we already have.

For well over a hundred years, we have given a lot to the partnership with the state of California:

- Sutter County was the site of the very first levee district – Levee District 1. Local citizens taxed themselves to build the very first levees in the system.
- Landowners in Sutter, Colusa, and Yolo Counties were the very first to give up their land to develop the bypass system.
- Our reclamation districts, levee districts, and water districts have contributed scarce resources to vital projects, including pump stations, fish screens, weirs, channels, dams, and conservation easements.
- We have kept our floodplains in agriculture, and kept risks low in the floodplain.

Mr. Gallagher posed the question: Are we valued? Under the current plan, it appears that urban environmental interests get better at the expense of agriculture and the rural areas.

We need recognition and credit for the fact that our farming operations are ecological. We want the plan to prioritize enhancement through removal of vegetation and sediment from the river channels and the bypasses that we have already given up to the mission of capacity.

- John Nicoletti, Yuba County Supervisor, Director for Three Rivers Levee Improvement Authority (TRLIA), and Yuba County Water Agency Director, stated that the draft plan includes elements that will benefit Yuba County, including the rural levee program and modifications to the outlets at New Bullards Bar.

We have an excellent opportunity to work together and improve public safety in the Yuba and Sutter region.

Mr. Nicoletti shared the concerns about the Cherokee Bypass and the widening of the Sutter Bypass. He wanted to make sure that the locals can work closely with the Board and DWR to confirm that these projects continue to make sense for all involved.

- Danny Merkley of the California Farm Bureau, a fifth generation farmer in the Sacramento Valley, stated that although this is a system-level plan, the beginning has set the forms. The next step – the adoption – sets the foundation. It is going to be difficult to move this house once those forms and that foundation are set.

We would ask that you take a little closer look at the enabling legislation to balance flood protection with habitat. We have concerns about the 10,000 acres of habitat that would come out of productive farmland, in addition to the 30,000 acres of farmland that would be impacted.

Mr. Merkley has seen firsthand what a bad neighbor habitat can become if it is not managed properly.

We also ask that for any land that is impacted by these things, the owners are fairly compensated.

The public, environmental organizations, and engineers don't truly understand the impacts of some of these things on what it actually takes to get a crop from seed to harvest.

Mr. Merkley commended DWR and the Board for trying to meet the timeline. However, he pointed out that getting the plan right should be the highest priority.

- Dick Akin commented on the length of the plan. What scared him most are the conservation easements that are talked about within the bypass channels.

As a former Sutter County Supervisor during the 1997 flood in Meridian, Mr. Akin felt concerned because what happened there was the fault of DWR and the Department of Fish and Wildlife, who allowed vegetation to grow within the floodplain channel.

Everyone present lives with high water every year that rainfall is plentiful. The design of the system in place is very good if it's allowed to operate at design specs.

The Sutter Bypass, the Moulton Weir, the Colusa Weir, the Fremont Weir, and the Sacramento Weir have not always been allowed to operate at design specs because of the buildup of sediment within the channels. The sediment has not been allowed to be removed because of environmental issues over the years.

Mr. Akin remarked that we could cut the cost of levee repair by two-thirds if we could work on current levees without environmental impact studies.

- John Carlon, President of River Partners, stated that River Partners' top priority in this flood plan is public safety, and the best way to protect public safety is through expanding bypasses and moving levees back. Excellent examples in the community are TRLIA's Bear River setback and the Feather River setback.

We need to improve water supply reliability for agriculture, and that can be done with levee setbacks. Levee setbacks result in an increase in wildlife populations and decreased needs for mitigation in the future. There are increased opportunities for hunting, fishing, and recreation, all of which are important to the local economies, as well as reduced operation and maintenance (O&M).

Another critical factor is leveraging state and federal funding to get more dollars into flood control. Having everyone working together – elected officials, state and federal agencies, levee districts, farmers, and conservationists – can result in the benefit of leveraging those funds.

There are many viable multi-benefit projects ready to go, many of which have not been captured in the plan.

- Tom Ellis, landowner in the Colusa Basin, voiced concern over the two-tiered level of flood protection that was mandated by SB 5, requiring a 200-year level of flood protection for urban areas and a 100-year level of protection for rural communities. As a result of SB 5, rural areas have been placed in an untenable position, uncertain of their future flood protection.

The Sacramento River Flood Control Project has kept us relatively free from significant flooding, and we have become accustomed to that level of protection.

The new flood plan appears to be more of an ecosystem restoration plan than a flood protection plan. There should be a grievance procedure and a good neighbor fund in place to address conflicts that will occur when those in ag production find themselves neighboring a restoration project. Discussion of this issue was squelched in the Ag Stewardship Committee because plan leadership maintained that the plan is definitely a flood protection plan and not an ecosystem plan.

Another area of concern involves the development of the 90-plus management actions under consideration. As those actions were under discussion during the workshops, facilitators hustled the process along to meet the time limits, explaining that there would be more detailed discussion in Phase 3 and Phase 4 of the planning process. Phase 3 and Phase 4 were then cancelled. This challenged us to put much faith in the plan. The management actions discussed in the workshops were to appear in the final edition of the plan.

Of special concern was Management Action #82 in the Revenue and Finance workshop, for compensating rural areas for accepting a lesser flood protection than the urban areas. It has been deleted in the final plan.

Mr. Ellis commented that the Cherokee Canal would transfer risk from the east side of the Buttes to the west side, which already has some flood issues.

Several of those in the Upper Sacramento Region group feel strongly that a history document should be included in the plan.

When the Tisdale Bypass was finally cleaned out in 2007, it created remarkable improvement in the Sacramento River below Tisdale down through Knights Landing.

- John Sligar, Butte County farmer, spoke regarding the proposed Cherokee Canal. The process of involving the most affected, i.e. landowners, was completely lacking until the final phase of the discussion – and then only by notification by the California Farm Bureau.

Mr. Sligar detailed his concerns with the proposed canal and offered alternative solutions.

Regarding the district lands: landowners could be compensated by annually paid easements and participation would be voluntary. By graduating easement payments based on the number of acre feet a farmer is willing to agree to pass, DWR could encourage landowners to make physical alterations to their properties in order to pass more water.

- Charlie Hoppin, farmer in the Sutter Bypass area and Chair of the State Water Resources Control Board, voiced concern that the Board is being dragged into a habitat enhancement issue. Habitat and flood control don't necessarily go hand-in-hand.

A helicopter view of the Sutter Bypass showed that the barrier of trees on the upstream side of the Sutter Wildlife Refuge acted as a dam with all the flotsam that was coming out of the Butte Sink. The result was a breach in the bypass.

Mr. Hoppin's concern wasn't that the bypass system is inadequate, but rather the agencies that are involved: U.S. Fish and Wildlife, Fish and Game, DWR, the Corps of Engineers, the Bureau of Reclamation, and Caltrans. He provided an example relating to the 1997 flood regarding bridges built by Caltrans over the Tisdale portion of the bypass and below, that impeded flows.

Mr. Hoppin expressed concern that we are in a process of potentially abandoning the flood control system that we have, when a goodly portion of the problem is maintaining the system have has functioned for a long period of time.

When the Bureau of Fish and Wildlife is allowed to plant cottonwood trees and tules in the center of the bypass, it looks nice – but you don't push water through a dirty ditch.

- Dale Klever, City of Colusa Public Works Director, stated concern over Colusa receiving 100-year flood protection although it is an urban area.

He also stated concern over the Cherokee Creek issue: it looks to shift water from the east side of the Buttes over to the west side into the Colusa Basin – yet the city of Colusa will not have 200-year flood protection.

The whole flood system is basically a storm drain system. You don't bring mains together into a main line: it turns into a trunk line, an interceptor that gets bigger and bigger.

An aerial view of the flood system shows pinch points and backup points. The levee system doesn't, in effect, turn from a main line into a trunk line. It doesn't increase

proportionately with the increase of flow, so the pressure builds. To try to relieve it with Cherokee Creek and send it over to Colusa County seems ill-advised at best.

Mr. Klever agreed with the River Partners that improving the bypasses and setting back the levees at appropriate places to appropriate levels would be a much better system to control floods in the future and protect the people that live in this prone area.

- John Cain of American Rivers stated that this organization recognizes that regarding flood management, public safety is the #1 priority.

American Rivers thinks that ag is an important part of the solution rather than the problem. The problem is actually losing land from agricultural to urban areas on deep floodplains that should not be developed.

American Rivers wants to work with ag as a partner, not an adversary. We've had a successful partnership in the south Delta and San Joaquin County working with the local South Delta Water District, a developer, and some agricultural landowners to develop a new flood bypass there.

Mr. Cain recommended much more of a local planning model in which the state's role is to establish clear goals and objectives for how the different regions will sum up into a statewide plan, and then empower the locals to develop a good plan that has a good prospect of getting funding and permitting.

- John Garner said that he wished this hearing had been held two years ago, to give more time before the deadline to adopt the plan.

As someone personally involved with the Sacramento River in the Colusa area, he had been part of a group that had done a conservation plan that included a 3D hydraulic modeling on the river. It indicated that the bypass system as originally designed is quite sufficient to maintain flood control in the Sacramento Valley.

Mr. Garner agreed with prior speakers that the key element is maintenance in the bypass system. It is in disrepair. What bothered him the most was the fact that when they did clean out the Tisdale Weir, they had to mitigate for all the habitat they removed. Having to go upstream or downstream to mitigate for a flood control structure seemed like a waste of money.

If the CVFPB is a flood control board, you should be spending your resources on flood control, and not be a habitat board.

Agriculture is never given credit for creating habitat with half a million acres of rice, and all the other fields and orchards. The habitat contribution of agriculture should be weighed in how resources are spent.

For the sake of trust from the public, you should take the Cherokee Canal proposal out of the plan, with the footnote that you'll look at it during the next five years and talk to the local people involved.

- Matt Conant, California Farm Bureau Board, stated that his family has farmed in the Rio Oso area since 1921.

As president of the local high school, he expressed concern over the area of land that will be affected: it will reduce ADA in the local schools, because they are going to lose a lot of homes. The area will lose jobs, because 10,000 acres are not going to be farmed at all. The other 30,000 acres is not going to be farmed intensively as it is today. Most of that land is prime agricultural land. In many cases, the best orchard ground is right next to rivers.

All the jobs in the habitat restoration area will be lost, plus additional jobs nearby: those farmers won't be hiring people. Local affected communities will also suffer job loss.

This flood control system has worked for over a hundred years. There can be some improvements made to the structures and we can build more storage (for example, Shasta could be raised 150'). Those would constitute better flood protection ideas.

We cannot afford a project that costs \$15-17 billion. The high speed rail project estimated cost has risen astronomically – will this project do the same?

- Dan Peterson, property owner and Sutter County resident, expressed concern that this plan will be used to evaluate local projects, such as repair of existing levees, as “no regrets” projects. A number of ongoing local projects could be affected if the plan is adopted.

Mr. Peterson named the proposed bypass and weir expansion projects and the habitat expansion projects. He cautioned that lengthening the duration and slowing the flows through the bypasses is a recipe for sedimentation. The plan as currently proposed is going to increase O&M efforts and expenses, not decrease them.

The FloodSAFE Program stated that part of their goals were economic sustainability and water supply. However, none of the alternatives identified in the CVFPP included any additional storage, nor did they improve water supply in any instance.

The proposed use of the bypasses will eliminate agricultural activities within them because farmers are not going to be able to prepare the ground, plant, and harvest due to the frequent and longer durations of the inundations. Mitigation in those easements and within the bypasses will further restrict the types of agricultural activities that can go on.

We will see an extensive loss of tax base and number of jobs that will have an enormous impact, not only on the individual farmers, but on the entire economies of Sutter County and the other northern California counties.

The plan seems to promote ecosystem restoration over flood protection and water supply. There is no mention of increased water storage.

In the absence of any hydraulic modeling, it's going to be very difficult to see what the benefits are of the setback levees and widening the bypasses.

The plan often refers to habitat conservation plans, corridor management plans, and the Regional Advanced Management Planning (RAMP) of Mitigation Planning. All contain restraints on activities to make them habitat-friendly. Very often those restraints can make agriculture infeasible. This should be mentioned in the EIR, because what could end up happening is an inverse condemnation of tens of thousands of acres of agricultural land.

There is a potential for a decrease in local land use authority within the plan. Throughout, it talks about the state having an interest in ongoing management activities, including the designation of land use for certain areas to preclude future development.

The locals have not been involved at all in the RAMP workgroup.

A concern about the cost: although no construction will begin for the next 10 years, there will be a local contribution of half a billion dollars by the year 2017. This will be a contentious issue with the locals.

Years were spent preparing this plan and doing public outreach. Yet once the final plan has come out, the public has had very little time to review it.

- Mark Hennelly of the California Waterfowl Association commented that historically flood control projects, while necessary for public safety and the protection of public property, have also been a major cause in the decline of riparian and wetland habitat in California.

Those habitats have been reduced by about 90%. Fortunately, our partners in the agricultural sector have been very good at providing surrogate habitat on their ground, particularly rice, corn, and wheat cultivation.

We agree that flood control should remain the primary purpose of this plan, but we support multiple benefits. We didn't see much detail on multiple benefits. A suggestion would be to integrate existing fish and wildlife conservation plans for the Central Valley, particularly, the 2006 Central Valley Joint Venture Implementation Plan.

We would also like to see increased and enhanced wildlife-dependent recreational opportunities, particularly hunting and fishing, which generate a lot of local economic activity. We believe this can be done in cases where fee title acquisition is involved for habitat purposes, by making sure that hunting and fishing opportunities are a part of those acquisitions. This is probably best done by the participation of the Department of Fish and Game.

Existing state and federal landowner incentive programs can also be integrated into the plan.

We'd also like to see more clarity on creating a more reliable water supply, which, of course, supports water deliveries for both managed wetlands and wildlife-friendly agricultural lands. We believe this can be accomplished by expanded floodways and setback levees, which allow for more flexibility in upstream reservoir operations.

We don't believe there's enough detail in the plan to determine the extent to which farmland would be taken out of production. In addition, the draft plan does not adequately identify how landowners would be compensated for farmland conversion.

The draft plan should consider agriculture's important role in conserving wildlife and achieving ecosystem restoration goals and objectives, and recommend steps to avoid or minimize impacts to farmlands with the highest wildlife habitat value, such as flooded rice.

The draft proposal needs discussion on potential third party impacts to local agricultural communities that are going to be affected.

Any acquisition of farmland for flood control purposes should occur on a willing seller basis.

Flood control projects should be focused on flood-prone or marginal crop lands.

The Cherokee Canal project would impact a number of state and national wildlife refuges and wildlife areas, as well as a number duck clubs.

- James Bell, County of Colusa, stated that the SSIA is really the best plan, looking at all aspects of this flood protection program. We appreciate the inclusion of all-weather access road protection, and mitigation for improvements is important as well.

Putting in new bypasses can actually form diversions which may not have adequate receiving systems.

We would like the plan to consider controlling the inflow and improving the outflow at the lower end. The Sites Reservoir could store water off the central system, increasing flexibility.

The existing bypass systems need further analysis and optimization before we dive into expanding new bypass systems. Increasing habitat may cause more debris in the current systems, which presents a capacity issue.

We would like to see development of the rural levee standards, maybe with funding in Prop 1E.

When we think about addressing impacts or mitigating, there will probably have to be some dedication of funds. The rural areas now exposed as the weaker links really are the areas that need that consideration.

Transitory storage is envisioned as 200,000 acre of feet. But not really fully understood is the depth of impoundment.

- Diane Fales, Manager of Reclamation District 1001, stated that while we support the concept of making systemwide improvements, we are vehemently opposed to the inclusion of specific projects: the Feather Bypass and the Bear River Setback Levee. These projects do not appear to have been developed with consideration of the impacts on the rural areas and property owners, and could have severe negative impacts to our district.

We are disappointed that these projects were included in the plan without coordination with our local agencies that are responsible for the O&M of these areas. We could, however, support in-place fixes of the levees.

In addition, we ask that you advocate to FEMA the need for changes that would ease the financial burden of flood insurance to our rural area landowners.

Further, the plan would remove prime agricultural land and homes in our district – generations of family farms.

- Larry Munger, Sutter County Supervisor, stated that if Cherokee Creek comes in from the north and fills the Butte Sink, Mossen Bridge will see the same scenario as the 1997 flood in Meridian. About 200 acres of habitat below the bridge will back up the flow higher into the basin.

We should dredge and open our capacity, instead of spending billions on widening. Barges used to travel on the Sacramento River up to Colusa, but no longer.

Mitigation is costly – about two thirds of our projects are mitigation. What will the mitigation be 20 or 30 years from now with our children?

- Carl Hoff, Butte County Rice Growers Association, commented that in looking at a conceptual plan, he would look at the issues facing California. The state needs revenue, it needs water, and it needs flood protection.

Taking ag land out of production will reduce tax revenue to the state. Local communities will be hit with lower property tax values. A lack of water has caused idle acreage, which causes unemployment. We should focus on reservoir storage as part of this flood control package, e.g., Sites Reservoir.

We need to keep ag land in a productive state. We need more water to generate more tax revenue, help restore the Delta through environmental flows, and add to flood protection.

- Denise Carter, Colusa County Supervisor, stated the need for a firm commitment to a rural levee program. The plan needs to address the development of the rural levee standard and allocate the appropriate funding from Prop 1E to develop it. Future funding should also contain specific funding for the rural communities.

The plan states that farming is a good use for the floodplain. It's important to the viability of Colusa County to continue our agricultural economy.

This plan must be built on trust. Trust is only built by giving those impacted by these projects a voice in the ultimate implementation of these projects.

There are additional risks and expenses when farming in the floodways or bypasses. Landowners need to be compensated fairly for the enormous benefit that they are providing for the rest of the state.

Additionally, these lands are much more likely to be maintained if they are in private ownership, even those that are converted to habitat. Local farmers should be paid to maintain those lands wherever possible.

- Russell Young reiterated two issues. The first was the lack of public input up until now. The second was that the funding for this program should be based on benefit costs. Those who benefit the most, pay the most. Mr. Young saw this plan as an instrument to protect the City of Sacramento at the expense of agriculture.
- Tara Brocker, President of the Yuba Sutter Farm Bureau, reiterated the concern that farming in a floodplain can be very difficult.

Ms. Brocker was encouraged by DWR's statement about improving the plan to incorporate more local stakeholder involvement. This is needed to regain trust from the locals.

The Farm Bureau would like to see a change in attitude that will show a commitment to preserve, protect, and respect agriculture and rural communities. That means avoiding conversion of our very valuable, non-renewable, productive ag ground. The ag community should be treated in the plan with an air of respect; they are the experts that know how to farm and manage that resource.

Ms. Brocker encouraged the Board to recognize the need for a FEMA Ag Zone to keep language in the plan that addresses flood insurance and building restrictions in the remapping of rural areas.

We need a plan to show agriculture that the state is committed to protecting us. The first step would be to make a hard commitment of funding resources to rural levee projects – for instance, monies from Prop 1E.

Levee setbacks and bypass expansions are bad for ag. We believe the focus should be on fixing the bypass system we have. The environmental interests have interfered with the current system. We want to see a local ground-up driven plan that focuses on fixing what we have and not appeasing environmental interests.

We should be able to come together with local communities and develop a program that can include habitat and environment in a positive way that would work well with the agricultural interests.

- Lauren Ward, Ward Farms, stated that he had done a financial analysis of the four options that are presented in the plan. He distributed them to the Board.

By his calculations, the SSIA would result in a net loss of \$338 billion to the state. The Protect High Risk Communities option would result in a loss of \$153 million. This plan is neither financially feasible for the State of California nor is it fiscally responsible.

Mr. Ward gave an example of the state purchasing prime rice ground to save 10,000 acres of habitat, versus purchasing from willing sellers where the cost would be considerably less.

He encouraged the Board to take into account the fiscal effects of the conceptual plan. The federal government requires a 1/1 benefit ratio. The benefits set forth in the plan will in no way justify us obtaining funds from the federal government. You'll have to raise bond money, which the citizens of California are unlikely to vote in favor of.

- Lewis Bair, RD 108 Manager and Vice President for the Central Valley Flood Control Association, stated that the plan does not invest enough in the rural interests. He addressed the small community plan, Attachment 8J, and explained specific concerns.

The FEMA program language in the plan needs to be strengthened.

The state should be front and center in investing in the AFMP process for protecting deep floodplains from urbanization.

In the tables, you ask the rural area to depart from the design promise of the project. Yet we don't know what the rural levee standard is going to be in the future. For us, that means substantial investment in the rural levee program. While 75% of the levees would be considered rural, we have \$100 million of investment shown in the table.

When that 75% of the system has a much lower level of flood protection, what actually plays out is that the urban levees have such a higher level of protection, that the rural levees would probably have protection equal to maybe a 20-year level. There should be an exchange of resources from the urban areas to compensate the rural areas for that benefit.

Federal funding currently assumes that 46% of this program is going to be paid for federally. This is especially problematic in the rural areas. We don't meet Corps cost-benefit programs.

The plan refers to investments in rural areas as "if funding available" and "where feasible." The plan doesn't have that same language for the urban investments.

We need to clean the bottom of the bypass first. It was somewhat irresponsible of DWR to include large specific projects such as the Cherokee Canal in the plan without vetting them first.

The Executive Committee of the Central Valley Flood Control Association has been working with some of the NGOs on coming up with a combination of recommendations that we think could positively impact the plan.

Board Member Countryman asked if Mr. Bair had a suggestion for an allocation for the rural levee program, if \$100 million wasn't adequate. Mr. Bair responded that somewhere in the 15-20% range might be sufficient. He added that the other challenge was the cost share locally.

Board Member Countryman asked if he would consider something like the local share as if there were federal participation: 7 ½%. Mr. Bair assented, commenting that the Association might be recommending something in that range as well.

- Susan Schohr requested President Edgar to review the process and schedule: dates, requirements, and so on. He proceeded to go through it.

Board Member Ramirez noted that he had a schedule conflict in the afternoon and would have to leave. He also referred to Assemblyman Nielsen's bill which had

launched the Sacramento River Conservation Area Forum; decades later, that discussion and that group continue on. Board Member Ramirez noted that the Board would like for the CVFPP to do the same.

President Edgar noted that Board Member Villines had joined the group.

- Mike Shannon of Shannon Farms commented that he had first heard of the CVFPP by reading about it in the California Farm Bureau magazine. Mr. Shannon farms next to the Sutter Bypass, but cannot get any information on the exact distances the state wants to widen it.

President Edgar responded that the large proposed system projects are designated as possible options that will be examined in detailed engineering analyses and studies that will take place after this framework is put in place.

Mr. Shannon replied that his made it difficult for the public to make comments. He expressed the hope that as the project goes on, decisions will be made very clearly so the public can consider them.

Mr. Shannon stated that his father had helped build the levee at Star Bend. Two important factors when the levee was built were to keep the river dredged and to keep the bypass clean, although the environmentalists don't like it.

Before the state says that the existing system is a hundred years old and is not feasible, all the individuals present should travel down the rivers in boats to see what's happened in the last 40 years with unmaintained vegetation and blocked waterways.

At the time of the flooding in 1997 the dams had been mismanaged: water should have been released in December when 32" of rain fell. Instead of examining what went wrong and fixing what we have, the state has decided to come up with a huge, expensive project.

In the 1960s and 70s, the rivers were dredged every year, and there were record runs of steelhead and salmon. The fish were not adversely affected by silt stirred up by the dredging.

If we take 10,000 acres from agriculture and make it natural habitat, but then destroy 60 miles of levee to move it over, what have we gained? We're still doing the same amount of damage to habitat. It seems that the Endangered Species Act can be manipulated any way people want.

If you take a family's ranch away from them, they are not going to be able to go down the road and start over. This project is extremely important to the people who farm and live by the bypass. With the high cost for a project whose success is not guaranteed, we should be looking at what we already have.

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 and Board staff for participating in the preparation of the Program EIR. 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. There were three remaining degrees of impacts after mitigation. There were nine resources with “potentially significant” or “significant” impacts after mitigation.

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.

Ms. Hadden described the schedule DWR was using in developing the PEIR.

B. Public Comment on the DPEIR

- Kent McKenzie, Rice Experiment Station Director, stated that the station is located in the banks of the Cherokee Canal on Highway 162, the site of the proposed Feather River Bypass. The proposed expansion would appear to condemn the facility. Relocation opportunities could be fatal for the institution. There is a component of habitat: the 100-year floodplain runs through the station.

The excavation of the Cherokee Canal to return it to its fully functioning flood control, with adequate maintenance, would be a good decision for the Board to consider. The adjacent lands are productive, profit-making, fertile, tax-generating, and rich in wildlife.

The existing canals and irrigation systems of the rice acreage in the area have a tremendous capacity to absorb a rare flooding event should one happen.

Agriculture is a primary industry for the state and for the Central Valley, and needs to be preserved.

- Senator LaMalfa stated that many people have been caught by surprise by the plan. Other than what the Farm Bureau has been able to inform them, they are trying to catch up on the information.

It's acceptable not to adopt a plan, especially given some of the controversy around it that is going to be facing the landowners and farmers – those most directly affected.

Senator LaMalfa asked about the goals of the plan; how were they established? Who came up with the 32,000 cfs number for the shifting of possible flood water from the Feather to the west through the proposed bypass, for example? When will we know what the actual maps will look like?

For the acres that are going to be setback, there seems to be an inconsistency with the use for farmers of that land. They will be very limited as to what crop type they can use, if any. On the other hand, some of these same lands will be planted with habitat trees and shrubs that will be a direct impediment on the flow of water. This inconsistency keeps coming up in public comment.

Also, has the stalling of the delisting of the elderberry beetle been taken into account? With the elderberry bush possibly being used for mitigation, is the elderberry beetle considered an integral part of this proposal?

Why aren't we doing more to clean up existing waterways, and have the water flow to its maximum as designed? This would preclude the pain of condemning property with the construction of wider zones.

Would the rice zones have to be replaced with a more direct habitat?

Hurrying through a vague plan with unbelievably high costs in a state that is fiscally strapped and facing many other funding goals, such as the possible water bond on the November ballot, may not be the best action to take.

Senator LaMalfa asked that the Board hold more of these hearings before the June adoption. It is very important to return to this district to have a plan more concrete and defined for the public to comment upon.

- Stanley Cleveland, Sutter County Supervisor, spoke directly to the PEIR by listing concerns with specific sections of it.

He questioned the permanent prohibition of growth of multiple commodities that would result from the SSIA. That approach would take thousands of acres of prime

agricultural land out of production, eliminate many agricultural-related jobs, prohibit development in many areas throughout the county, and limit future growth and construction of additional housing.

- Ms. Brocker spoke as a landowner and rice farmer in south Sutter County. She had recently lost about 300 acres of farm ground for mitigation to The Conservancy for urban development in the Sacramento area. She was concerned about the risk of losing a significant portion of additional ground to habitat and environmental impacts.

Agriculture loses ground not only to urban expansion, but also to the development of habitat for environmental interests. It would be nice if the Board and the plan could devise ways to incorporate this habitat in a friendly manner with the agricultural community, rather than considering it a competing interest.

Farmers care very deeply about the environment and about their ground. If we don't maintain our ground, we don't sustain our farms. There are many good ideas on incorporating habitat and avoiding the continued struggle for limited acreage in the Central Valley.

Board Member Countryman asked for examples of how to incorporate habitat in the existing farm operations, rather than in the flood project. Ms. Brocker responded that farmers have ground that cannot be utilized because of the way it's located on the property. It might be a corner parcel that they aren't able to farm or get water to. Small pieces of ground can easily be developed to promote habitat.

She continued that there may be farmers that have unproductive soil types, who would be willing to convert some of that ground towards habitat. There may be small setbacks along ditches or road easements that could incorporate buffers for upland game birds.

If there were compensation to participate in these programs, the state would find that farmers can be very creative in developing ways to do both.

- Mr. Ellis voiced concern with the DPEIR. The draft plan released in December 2011 appeared to be more of an ecosystem restoration plan than a flood protection plan. The DPEIR mentions a Wildlife Hazard Management Plan. Such a plan could be used to address wildlife problems that are affecting adjacent farm operations; that plan exists for airports.

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 were coming up.

He requested Executive Officer Punia to talk with DWR to ensure that messaging from the Board and from DWR is consistent on the issues.

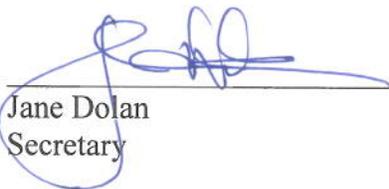
9. ADJOURN

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

The meeting adjourned at 3:16 p.m.

Dated: June 22, 2012

The foregoing Minutes were approved:



Jane Dolan
Secretary



William H. Edgar
President