

“Celebrating 100 Years of Flood Management”

CENTRAL VALLEY FLOOD PROTECTION BOARD

California Natural Resources Agency – State of California

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BOARD MEMBERS

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John Brown, Member

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Mike Villines, Member

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Fran Pavley, Ex Officio Member

BOARD STAFF

Jay Punia, Executive Officer

Len Marino, Chief Engineer

Eric Butler, Supervising Engineer

Curt Taras, Supervising Engineer

Lorraine Pendlebury, Staff Analyst

Amber Woertink, Staff Assistant

BOARD COUNSEL

Deborah Smith, Legal Counsel

AGENDA

CENTRAL VALLEY FLOOD PROTECTION BOARD MEETING

Friday, December 2, 2011 – 8:30 AM
The Resources Building Auditorium, First Floor
1416 Ninth Street, Sacramento, CA 95814

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.

- 1. ROLL CALL**
- 2.* APPROVAL OF MINUTES** – September 23, 2011; August 12, 2011 SJRRP Site Visit
- 3.* APPROVAL OF AGENDA**
- 4. PUBLIC COMMENTS** (non-agendized items only)
- 5. REPORT OF ACTIVITIES OF THE DEPARTMENT OF WATER RESOURCES** *(Eric Koch)*
 - Central Valley Flood Protection Plan (CVFPP) Status Update – Public Draft and Board Adoption Process *(Jeremy Arrich)*
 - Flood Season Preparedness Briefing—Flood Emergency Response activities and outlook for the 2011-12 flood season *(Art Hinojosa)*

***action item**

Anyone may upon request obtain a copy of background or other material on an agenda item that has been distributed to the Members of the Board. A fee covering the cost of the provision of such materials may be charged. If you need reasonable accommodations due to a disability, or need language assistance, please contact the Equal Opportunity Management Investigations Office at (916) 653-6952, or TDD (916) 653-6934 at least a week prior to the meeting.

6. INFORMATIONAL BRIEFINGS

Overview of the Delta Plan and schedule for release of future drafts and documents
(Keith Coolidge, Delta Stewardship Council)

7. REPORT OF ACTIVITIES OF THE EXECUTIVE OFFICER (Jay Punia)

8.* CONSENT CALENDAR

A. Permit No. 18313-2-1, West Sacramento Area Flood Control Agency (David Williams)

Consider approval of Permit No. 18313-2-1 to plant mitigation plantings for “The Rivers” and “Riverwalk” projects along the Sacramento River. (Yolo County)

B. Permit No. 18353-1, Caltrans District 6 (Nancy Moricz)

Consider approval of Permit No. 18353-1, to install an irrigation system and plant trees to replace vegetation removed during construction of a State Route 198 widening project approved under Permit No. 18353 within the Cross Creek Designated Floodway. (Kings County)

C. Permit No. 18663, California Department of Transportation, District 10, North Fork Littlejohns Creek (Nancy Moricz)

Consider approval of Permit No. 18663 to widen existing bridge within the median to provide an additional lane and shoulder in each direction; replace concrete slope protection. (San Joaquin County)

D. Permit No. 18664, California Department of Transportation, District 10, South Fork Littlejohns Creek (David Williams)

Consider approval of Permit No. 18664 to widen existing bridge within the median to provide an additional lane and shoulder in each direction; place rock slope protection in the north abutment. (San Joaquin County)

E. Permit No. 18687, City of Madera Parks Department (Sterling Sorenson)

Consider approval of Permit No. 18687 to construct a bike pathway along the south bank and a small portion within the river bed at bridges traversing from east to west, as part of the North School Fresno River Bridge undercrossings. (Madera County)

F. Permit No. 18691, Fresno County Office of Education (Sam Brandon)

Consider approval of Permit No. 18691 to construct a plant nursery and garden area within a 40x23.33-foot wood-framed potting shed supported by twelve 4x4-inch #2 posts and draped within shade cloth as part of the Scout Island Outdoor Education Center within the San Joaquin River Designated Floodway. (Fresno County)

- Items on the Consent Calendar may be removed at the request of any Board member or person.

G. Schedule for Central Valley Floodplain Evaluation and Delineation Program
(David Wheeldon)

Pursuant to Senate Bill 5, consider approval of Resolution No. 11-29 to approve the current Schedule for the Central Valley Floodplain Evaluation and Delineation Program.

9.* BOARD SPONSORED PROJECTS AND STUDY AGREEMENTS

A. Central Valley Integrated Flood Management Study (Deborah Condon) – **11:00 AM**

Consider approval of Resolution No. 11-28 to:

1. Approve Amendment No. 1 to the Central Valley Integrated Flood Management Study Feasibility Cost Sharing Agreement (FCSA) among the U.S. Army Corps of Engineers, the Department of Water Resources, and the Central Valley Flood Protection Board in substantially the form attached hereto.
2. Delegate to the Board President the authority to execute the amendment in substantially the form attached hereto.

B. American River Watershed, Folsom Dam Modification – Joint Federal Project (JFP)
(Wilbur Huang/Heather Lee) – **11:30 AM**

Consider approval of Resolution No. 11-30 to:

1. Approve Amendment No. 3 to the Project Cooperation Agreement (PCA) authorizing the acceleration of funds to the U.S. Army Corps of Engineers (Corps) in an amount not to exceed the current estimate of the non-federal sponsors' required cash contribution for the JFP, less any funds previously contributed, for the immediate use by the Corps.
2. Delegate to the Board President the authority to execute the amendment in substantially the form attached hereto.

LUNCH BREAK

10.* HEARINGS

A. Enforcement Hearing for Susan LaGrand (Enforcement Action 2011-287) (Angeles Caliso)
– **1:00 PM**

Enforcement hearing regarding the Notice of Violation sent to Ms. Susan LaGrand for the removal of existing encroachments including a portion of a permanent structure located on State of California, Sacramento and San Joaquin Drainage District property and right-of-way, on the landside of the Feather River east levee in West Linda, CA. (Yuba County)

- Items on the Consent Calendar may be removed at the request of any Board member or person.

- B. Proposed Enforcement Order 2011-268 for Mr. Michael King ordering the removal of unauthorized encroachments on State property (*Angeles Caliso*) - **2:00 PM**

Consider approval of Enforcement Order 2011-268 for removal of existing encroachments located on State of California, Sacramento and San Joaquin Drainage District property and right-of-way, on the landside of the Feather River east levee in West Linda, CA. A Notice of Violation was issued to Mr. Michael King on August 5, 2011 however, he did not request a hearing in response to the issued Notice of Violation. (Yuba County)

- C. Enforcement Hearing for Carol Miller (Enforcement Action 2011-272) (*Angeles Caliso*) – **2:30 PM**

Enforcement hearing regarding the Notice of Violation sent to Ms. Carol Miller for the removal of an existing fence located on State of California, Sacramento and San Joaquin Drainage District property and right-of-way, on the landside of the Feather River east levee in West Linda, CA. (Yuba County)

- D. Proposed Enforcement Order for 48 Notices of Violation issued for the removal of unauthorized encroachments and fences on State property (*Angeles Caliso*) – **3:00 PM**

Consider enforcement order authorizing the removal of existing encroachments located on State of California, Sacramento and San Joaquin Drainage District property and right-of-way, on the landside of the Feather River east levee in West Linda, CA, for 48 respondents who did not timely request a hearing in response to the Notices of Violation sent to them. (Yuba County)

- E. Permit No. 18690 Three Rivers Levee Improvement Agency (*Angeles Caliso*) – **4:00 PM**

Consider approval of Resolution No. 11-31 granting authorization of protested Permit No. 18690 to install chain link fencing, K-rails, and a maintenance road on State of California, Sacramento and San Joaquin Drainage District property and right-of-way, on the landside of the Feather River east levee and Yuba River south levee in West Linda, CA. (Yuba County)

- F. Adoption of California Code of Regulations Title 23 Revisions Rulemaking (*Curt Taras*) (Necessary only if additional written comments are received by November 18, 2011.) – **4:30 PM**

Hearing to accept public comments and consider adoption of the Tier 1B Revisions to Title 23 of the California Code of Regulations, as published in the California Notice Register. The proposed regulatory amendments address new California laws regarding added enforcement authority and delegated authority to the Executive Officer for permitting, as well as other substantive and non-substantive changes.

11. BOARD COMMENTS AND TASK LEADER REPORTS

12. FUTURE AGENDA

- Items on the Consent Calendar may be removed at the request of any Board member or person.

13. CLOSED SESSION

- To discuss litigation (*Giudice v. State of California et. al*; San Joaquin County Superior Court Case No. 39-2011-00256176-CU-OR-STK) pursuant to Govt. Code section 11126(e)(1). (*Deborah Smith, Deputy Attorney General*)
- Pursuant to the authority of Government Code section 11126, subdivisions (e)(1), (e)(2)(B)(i), and (e)(2)(C)(i), the Board will meet in Closed Session to consider potential litigation involving the Board.

14. ADJOURN

- Items on the Consent Calendar may be removed at the request of any Board member or person.