

**MINUTES**  
**MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD**  
**September 23, 2011**

NOTE: THE BOARD WILL CONSIDER TIMED ITEMS AS CLOSE AS POSSIBLE TO THE LISTED TIME, BUT NOT BEFORE THE TIME SPECIFIED. UNTIMED ITEMS MAY BE HEARD IN ANY ORDER. MINUTES ARE PRESENTED IN AGENDA ORDER, THOUGH ITEMS WERE NOT NECESSARILY HEARD IN THAT ORDER.

A regular meeting (Open Session) of the Central Valley Flood Protection Board was held on September 23, 2011 at 8:30 a.m. in the Auditorium of the Resources Building, 1416 Ninth Street, Sacramento, California.

**The following members of the Board were present:**

Mr. Benjamin Carter, President  
Ms. Teri Rie, Vice President  
Mr. Butch Hodgkins, Secretary  
Mr. John Brown  
Mr. John Moffatt  
Ms. Emma Suarez  
Mr. Mike Villines  
Mr. Jared Huffman, Ex Officio, represented by Ms. Tina Cannon-Leahy

**The following members of the Board staff were present:**

Mr. Jay Punia, Executive Officer  
Mr. Len Marino, Chief Engineer  
Mr. Dan Fua, Supervising Engineer  
Mr. Eric Butler, Senior Engineer  
Ms. Mitra Emami, Senior Engineer  
Mr. Ali Porbaha, Senior Engineer  
Ms. Amber Woertink, Staff Assistant  
Mr. Jim Andrews, Legal Counsel  
Ms. Deborah Smith, Legal Counsel

**Department of Water Resources (DWR) staff present:**

Mr. Arthur Hinojosa, Chief, Hydrology and Flood Operations  
Mr. Paul Marshall, Assistant Chief, Division of Flood Management  
Mr. Mike Mierzwa, Supervising Engineer  
Mr. Mike Mirmazaheri, Chief, Bay-Delta Levees Branch  
Ms. Gail Newton, Chief, FloodSAFE Environmental Stewardship and Statewide Resources Office  
Mr. John Wilusz, Senior Engineer

**Also present:**

Mr. Michael Bessette, West Sacramento Area Flood Control Agency  
Mr. Martin Burnham  
Mr. Steve Jacques, California Department of Transportation

**1. ROLL CALL**

Vice President Rie welcomed everyone to the meeting. She stated that President Carter would be joining the meeting shortly.

Vice President Rie requested Executive Officer Punia to call the roll. All Board members were present except President Carter and Board Member Villines.

**2. APPROVAL OF MINUTES**

*Upon motion by Board Member Brown, seconded by Secretary Hodgkins, the Board unanimously approved the Minutes for July 22, 2011.*

**3. APPROVAL OF AGENDA**

Executive Officer Punia made the following recommendations.

Postpone Item 7G.

Remove Item 8A, as the issue had been resolved.

Postpone Item 9B.

Hear Item 9D and Item 12 before noon.

*Upon motion by Board Member Brown, seconded by Secretary Hodgkins, the Board unanimously approved the agenda as revised above.*

**4. PUBLIC COMMENT**

There was no public comment.

**5. REPORT OF THE ACTIVITIES OF THE DEPARTMENT OF WATER RESOURCES (DWR)**

Mr. Paul Marshall, DWR Flood Management Division Assistant Chief, reported on the following.

- The Marysville Ring Levee project has been stopped until further notice, as it does not meet the specifications of the Corps. This is an important detail, because the same contractor and the same methodology are being proposed for other projects within the Department.
- The 2011 flood risk notice will be mailed out in about a month. DWR is changing the look of the notice from year to year in order to catch people's attention. About 68% of people who receive it and read it say that it has raised their awareness of their flood risk.
- DWR is proposing a new location for the Joint Operations Center (JOC). Of the three potential locations, the favored location is unpopular with many people because it is federally owned land next to the American River bike trail, and is also very close to the Nimbus Fish Hatchery on the American River.

Board Member Suarez suggested that the flood risk notice be posted on the CVFPB website.

(President Carter joined the meeting at 8:45.)

Mr. Art Hinojosa, Chief of Hydrology and Flood Operations, continued the report. He spoke on the difference between DWR's Levee Maintenance Program and Inspection Program, and the Corps Periodic Inspection Program.

- A fundamental difference between the two programs is the objectives.
- DWR inspects levees to ensure that maintenance is done adequately. The periodic inspections are more detailed and involved. There are seven full-time inspectors who inspect twice a year in spring and fall. They drive the crown of the levees, making visual inspections, and getting out to check certain things.
- The Corps has hired a series of contractors to walk the levees. Someone is on each toe, waterside/landside, and someone is on the crown as well. They give a much more thorough and detailed investigation.
- While DWR looks at maintenance issues, the Corps evaluates seepage and design issues as well.
- Part of the inspection effort involves noting vegetation.
- Following inspection, 39 Local Maintaining Agencies (LMAs) are no longer eligible for PL 84-99 rehabilitation support. For many of them, recovering eligibility involves a lot more effort with regards to vegetation management, penetrations in the levees, rodents, and design lifecycle issues.
- From the Central Valley Flood Protection Plan (CVFPP), when variable estimates are averaged, they come with about \$216 million annualized over a period of time to address the vegetation issue.
- Over the last 15 years, benefits annualized from PL 84-99 rehabilitation have totaled \$30 million.
- The urban areas will receive PL 84-99 assistance with the efforts going forward to improve and maintain their levees.
- In the rural areas, DWR doesn't expect PL 84-99 rehabilitation to be a viable service. Inspecting the rural areas will remain much as it is now.
- DWR would like to tie a grant program to that for rural assistance, based on their maintenance and participation in some of DWR's other programs.
- DWR's full-time staff of seven inspectors works year-round on levee maintenance, flood control structures, channels, and encroachment permits. They are also experts in flood fight training.
- DWR figures it would take the addition of three inspectors to fulfill the work it thinks is necessary. However, in the current economic climate, hiring more staff is unlikely.

Secretary Hodgkins requested for DWR to think about where public safety fits in, and also to examine how the Board is going to adopt the Title 2 technical specifications for encroachments when there are really two different standards – urban and rural – for levees. Secretary Hodgkins requested that the Board be part of the decision-making process, especially if it involves moving away from maintaining PL 84-99 eligibility.

Board Member Brown ascertained with Executive Officer Punia that the non-urban levees are eligible for restoration funds. Eligibility is tied to the inspection criteria; if the levee is meeting the Corps inspection criteria in the Operations & Maintenance (O&M) manual, then it is eligible for PL 84-99.

Board Member Brown requested to see at least an estimate of what the benefit to costs might be on the non-urban levees to meet the inspection criteria. Mr. Hinojosa responded that details for both urban and non-urban levees will be supplied in the coming months.

President Carter wanted to discern why rural levees are not eligible – is it due to vegetation, penetrations, pipes, rodents? He also agreed with Secretary Hodgkins that if DWR is going to propose that we abandon efforts to maintain PL 84-99 eligibility for rural areas, it needs to be discussed with them openly.

Board Member Moffatt inquired as to whether it would be acceptable for all non-urban areas to lose PL 84-99 eligibility, or whether the plan will outline a process by which sections of individual LMA areas are evaluated to make a decision for each one.

Mr. Hinojosa responded that it's a work in progress. There will always be LMAs that are less inclined to participate, and that's where DWR needs the regulations and more enforcement. It's much more beneficial to have the locals involved thoroughly on their own maintenance and rehabilitation. DWR is developing this through its Functional Area Cross Coordination (FAXCT).

Board Member Suarez asked about the difficulty for rural areas to meet the Endangered Species Act (ESA) requirements when it comes to managing vegetation. Mr. Hinojosa responded that the cost of repairing some of the rural levees far exceeds the value of the land or infrastructure behind it. That's rarely the case in the urban areas. But even in the urban areas, the rigidity of the current levee criteria conflicts is a problem in terms of the ESA.

Secretary Hodgkins raised the question of what the Corps should do if significant portions of the levees give up PL 84-99 because they cannot afford to be in compliance with the vegetation standard.

Mr. Michael Mierzwa, DWR Supervising Engineer, spoke about the Central Valley Flood Protection Plan, as summarized below.

- A financing strategy is needed to raise the capital necessary for improvements in the system.
- The Plan is a framework consisting of a series of documents that identify the local and State interest and their funding capabilities.
- There is a large variability in the funding capabilities of LMAs.

- The Flood System Financing Plan will be a compilation of the actual on-the-ground revenue stream, and the strategies to generate additional revenue to meet the capital improvement recommended in the Central Valley Flood Protection Plan itself.
- After that financing plan is completed in 2013, DWR will start to further refine the program implementation within the department. There will be improvements to the programs for inspections, capital improvement, emergency response, and flood risk notification.
- DWR has been developing general approaches:
  - The Achieve State Plan of Flood Control design capacity approach.
  - The high risk communities approach.
  - The enhanced flood system capacity approach.
- All of these approaches have led to the State systemwide investment approach, which has some of the benefits of the other approaches but has a more reasonable price tag.
- The intent of the financing plan is to denote the ratio of cost shares between the federals, the State, and the locals.
- The challenge that will be articulated in Chapter 5 of the plan is the need to start making investment in increasing system flexibility. This would be the actual improvements to the bypass system and construction of incremental levee setbacks.
- The plan will show the intention to continue working on foundational improvements, which usually take zero to five years to develop, and at the same time, begin working on developing more concrete and project-specific plans that would increase system flexibility and actually reduce the flows in the system itself.
- Of the \$13 billion to \$17 billion needed for State systemwide investment, only a fraction of that would be needed for the first 10 years.
- Of the foundational improvements DWR has targeted, the benefits (from an economic standpoint) tend to be locally focused, which means that the cost share tends to be locally based.
- If DWR were to have the new bypasses constructed, there would be a considerable increase in the need for additional engineers, inspectors, and maintenance staff. That would be denoted in another program implementation document.
- Residual risk management is a very important component of DWR activities. It would continue to evolve as the foundational improvements in the systems of levee bypasses are implemented.

In response to a question from Vice President Rie, Mr. Mierzwa noted that there will be a webinar to present some aspects of the administrative draft document.

Secretary Hodgkins encouraged Mr. Mierzwa's group to think about the standard for levees that aren't urban levees.

## 6. REPORT OF ACTIVITIES OF THE EXECUTIVE OFFICER

Executive Officer Punia made the report, as summarized below.

- Mr. Eric Butler has been promoted to Supervising Engineer, replacing Mr. Dan Fua's position. Mr. Butler will be the Chief of the Flood Projects Improvements Branch.
- Mr. Ali Porbaha will take over Mr. Butler's former position, and will assist Mr. Butler on the Tier 2 regulations development and other special projects.
- Ms. Angeles Caliso will take over Mr. Porbaha's former position in the Enforcement Branch. She will be Acting Senior Engineer for the Enforcement Section.
- Ms. Jill Phinney of the support staff is recovering from a stroke. A full recovery is hoped for and expected.
- With many bridge permits from the Corps coming down the pipeline, CalTrans has assigned Mr. Steve Jacques to help meet the deadlines. Mr. Jacques introduced himself, stating that he would be a liaison to the CVFPB, putting focus on ensuring that CalTrans submits quality permit applications.
- The Tier 1B document package is at the Office of Administrative Law and is midway through the 45-day review period.
- The latest version of Tier 2 is posted on the CVFPB website.
- Last week there was a workshop arranged by the Corps focusing on pipe standards. Board staff shared proposed regulations with the local reclamation districts and the Corps.
  - The locals expressed concern about the requirement that every five years the pipes have to be video-inspected, and every year the Corps is asking that the pipes be pressure-tested. This is going to cost money to the local districts and the permittees.
  - The Board agrees with the Corps that we need to look at our pipes more closely, but the Board is attempting to discern the best technique to ensure that inspections are done right.
- Staff prepared the comments on the fifth draft of the Delta Plan and sent a letter to the Delta Stewardship Council.
- Staff provided comments on the draft program EIS and EIR for the San Joaquin River Restoration Program.
- The West Sacramento projects approved by the Board are under construction and work is ongoing.
- Staff continues to work with DWR on the design for an optimal weir raise for the Fresno River Diversion at Road 9 project. (Board Member Suarez cautioned that

much time and effort is being spent on this project, which hasn't yet been approved by the Board.)

- Staff provided comments on the high-speed rail EIS/EIR for the Fresno to Bakersfield reach and the Merced to Fresno reach.
- Staff has completed two task orders under DWR existing contracts with the private consulting firm Atkins.
- Staff participated in a briefing arranged by the Three Rivers Levee Improvement Authority (TRLIA) on the Goldfield study.
- Staff met with DWR in a collaborative meeting on the Small Erosion Repair Program.

Mr. Porbaha gave a synopsis of staff efforts on the encroachment enforcements.

- The Notices of Violations for August and September include 38 new ones, issued statewide for various code violations identified by 2010 Corps periodic inspections.
- The City of West Sacramento and the State Lands Commission were cited for a sinking dock at risk of breakaway.
- The August hearing decision was issued to the unpermitted Garden Highway wall owner.
- Fifty-one parcels in Linda of Yuba County were issued Notices of Violations for encroachment on State-owned levee land.
- In terms of the Corps' PI inspection compliance, on August 22 the Corps held an outbrief for the Sacramento River West Bank System periodic inspection.

Mr. Butler gave an update on the pending permit applications, as follows.

- Since July, staff has issued another 15 permits.
- In July, the Corps had been processing 15 permits approved by the Board. The Corps has since responded on 11 of those.
- Staff has scheduled approximately 39 permits with the Corps between now and January.
- Since July, five more problematic applications have been resolved while 24 are still being worked on. This represents a 60+% reduction in the backlog over the last 12 months.
- The intake process has done a very good job of keeping incomplete applications off the table.
- Staff has received a total of 95 applications this year. Corps has issued 70 comment letters, and staff has issued 87 permits to date.
- Mr. Butler expressed the hope that once the Tier 1B regulatory changes are approved and made law, staff will be able to further speed up the process. Many

of the routine permits that are of a less technical nature will be processed in-house and not brought to the Board.

Mr. Punia noted that the *Need for an Encroachment Permit* brochure has been updated. The next Board packet will include a copy.

**7. CONSENT CALENDAR**

**A. Permit No. 12632-A, Peter Steidle Mayer**

Consider approval of Permit No. 12632-A to install new 20-foot welded steel pipe intake on the water side of the levee, approximately 300 feet downstream of the current intake on the Sacramento River. (Colusa County)

**B. Permit No. 18471, Stan Pope**

Consider approval of Permit No. 18471 to authorize existing 3x52-foot wood stairs and gate on the landside slope of the left (east) bank levee of the Sacramento River. (Sacramento County)

**C. Permit No. 18670, Martin T. and Ellen K. Burnham**

Consider approval of Permit No. 18670 and adoption of Resolution 11-27 to construct a single family residence within the Kaweah River designated floodway based on Board hearing decision at the August 26, 2011 Board meeting. (Tulare County)

**D. Permit No. 18674, Tehama County Public Works**

Consider approval of Permit No. 18674 to replace the 38.83-foot wide, 460-foot long, three-span, cast-in-place, pre-stressed concrete box girder bridge at Bowman Road over the South Fork Cottonwood Creek. (Tehama County)

**E. Permit No. 18675, Buena Vista Water Storage District**

Consider approval of Permit No. 18675 to install a reinforced 78-inch diameter, approximately 1,510-foot long concrete pipeline, crossing under the Kern River Flood Control Channel, 6 feet below the surface. (Kern County)

**F. Permit No. 18680, Nevada Irrigation District**

Consider approval of Permit No. 18680 to install a "nature-like fishway" consisting of a series of rock chutes and armored step pools; stabilizing elements such as concrete capped sheetpiles placed within a matrix of large rock, and other smaller materials mixed in throughout. (Placer County)

**G. Renewal of Lease No. PRC 6873.9 with the State Lands Commission for the Palisades Demonstration Bank Protection Project on the Sacramento River (Postponed)**

Consider approval of Resolution No. 11-26 for the renewal of Lease No. PRC 6873.9 for the Palisades Demonstration Bank Protection Project. (Tehama County)

*Upon motion by Board Member Brown, seconded by Vice President Rie, the Board unanimously approved the Consent Items as recommended and amended by staff.*



Mr. Martin Burnham expressed respect and appreciation for the staff he had worked with regarding Permit #C. He asked how to proceed with changes in the architectural design of the dwelling in question.

## 9. INFORMATIONAL BRIEFINGS

### D. Discussion of Central Valley Flood Protection Board's Role in State-Sponsored Habitat Restoration Efforts in the Sacramento/San Joaquin Delta

Vice President Rie led the discussion. She began with the following review.

- Currently there are four projects involving the Delta:
  - The Delta Plan, sponsored by the Delta Stewardship Council.
  - The Bay Delta Conservation Plan (BDCP), sponsored by the Resources Agency.
  - The Delta Levee Subvention Program.
  - DWR's Special Delta Projects.
- These projects cannot be implemented unless we address habitat issues. Primarily there must be no net loss of habitat.
- Moving forward with the discussion on the Erosion Repair Program, we also need to have a plan for expediting the mitigation projects, because we can't have erosion repair projects unless we have mitigation.
- When we have levee repair projects, we must mitigate the environmental impacts. Since the levees are along the river banks, there are always going to be habitat impacts.
- Where trees and brush are overgrown, it's obviously a very good habitat for species, but its poor condition for flood control. Maintenance must be done, but there will be impacts to habitat, and the resource agencies are going to require mitigation.
- Federal law stipulates that if we impact endangered species, we have to mitigate.
- Although the CVFPB has not had a specific policy, it has always put public safety first. That tenet has been adopted by the Resource Agencies as well through the California Roundtable.
- To the extent that we can do the mitigation and have a zero impact on public safety elements of the flood control system, we do that. In some cases, we can actually have a positive impact on the public safety and operation of the system through habitat mitigation.
- Some mitigation may need to occur on Board lands or along Board levees, so there need to be opportunities for mitigation in the Board's jurisdiction along its levees in some of the bypasses.

(Board Member Villines joined the meeting at this point.)

Secretary Hodgkins noted that part of partnering with resource agencies and environmentalists is making sure that they understand what the flood issues are.

He also noted that one of the challenges with BDCP is that they're moving forward very quickly to get their EIR done and get their permit, and the details of habitat improvements in the Yolo Bypass are unresolved.

Board Member Suarez reminded the Board that part of the 2007 overhaul included in AB 5 was a section in the code that actually directs the Board to work on mitigation banking as a new program area.

Ms. Gail Newton, Chief, FloodSAFE Environmental Stewardship and Statewide Resources Office, spoke to the Board as summarized below.

- Public safety is the number one priority, but there are many opportunities where you can provide both public safety and environmental enhancements, so that's what FloodSAFE is working on with the conservation strategy in conjunction with the CVFPP.
- FloodSAFE has a program in place called the Regional Advanced Mitigation Program done in conjunction with CalTrans.
- The CVFPP by and large does not address many of the non-project levees in the Delta. FloodSAFE has the programmatic mitigation program as well as the enhancement. The first step of that is a PSP, a solicitation package, looking for bulk acquisition of credits to make sure that we can mitigate for any outstanding obligations that we have in subventions and special projects.

President Carter stated that the CVFPB does not have any predetermined notions on any specific projects. Those decisions will be made when the projects or efforts are brought before the Board and the evidence is presented.

Board Member Suarez noted that currently there are many public processes relating to the system. Board members have all been asked individually to represent the Board in some of these efforts. It is important to recognize our roles as we participate in these processes – if a Board member feels that there's an important message that needs to be communicated, it should be brought to the group.

## **12. CLOSED SESSION**

The Board went into closed session to discuss litigation.

They reconvened into open session at 12:24 p.m. President Carter reported that they had given direction to legal staff to proceed on two items.

## **8. REQUESTED ACTIONS**

### **A. PERMIT NO. 18649, CITY OF GRIDLEY (Resolved)**

**Consider removal of condition THIRTY-SIX from Permit No. 18649 so that the proposed project can proceed. Permit No. 18649 was authorized by the Board on May 27, 2011.**

### **B. 2011-12 DELTA LEVEES MAINTENANCE SUBVENTIONS PROGRAM**

**Consider approval of the following:**

1. **Staff-recommended funding allocation plan under the Delta Levee Maintenance Subventions Program for FY 2011-12, and**
2. **Approval of the Guidelines: Procedures and Criteria, dated September 23, 2011.**

Mr. John Wilusz, Senior Engineer of the Delta Levees Maintenance Subventions Program, gave a presentation. Below is a summary.

- DWR is making the following recommendations:
  - Adopt the guidelines, procedures, and criteria dated September 23, 2011.
  - Recommend approval of funding in the amount of \$12 million for the Delta Levees Subventions Program for fiscal year 2011-2012.
  - Authorize DWR to proceed with preparation and circulation of the subventions program work agreements for signature by the Board's Executive Officer.
- The Subventions Program provides State funds for levee maintenance and rehabilitation in the Delta. It is a State cost-share program authorized by Water Code Sections 12980-12995.
- The goal of the program is to preserve the physical characteristics of the Delta, essentially in their present form, while at the same time ensuring no net loss of habitat.
- It is a reimbursement program, and local agencies are responsible for the work. The program reimburses participating agencies up to 75% of eligible expenses.
- State expenditures since 1973 have totaled about \$147 million. Local expenditures during that time have been about \$118 million.
- The guidelines were updated in order to improve financial accountability, to address evolving environmental regulations, and to clarify technical standards.
- Stakeholder input was solicited.

Mr. Mike Mirmazaheri, Chief, Bay-Delta Levees Branch, clarified the cost-sharing between the State and the local agencies.

Vice President Rie asked why State reimbursement has been decreasing since 2007. Mr. Mirmazaheri replied that it's a balancing act throughout the program. The main driver is that given the poor state of the economy, the districts have to go out and borrow money to fund their share of the cost.

*Upon motion by Vice President Rie, seconded by Secretary Hodgkins, the Board unanimously approved the recommendations given above.*

9. **INFORMATIONAL BRIEFINGS (continued)**
  - A. **Overview for the West Sacramento Area Flood Control Agency to improve City of West Sacramento Flood Protection System**

Mr. Michael Bessette, West Sacramento Area Flood Control Agency (WSAFCA), gave a presentation. Below are highlights.

- Project objectives and goals are:
  - To achieve a 200-year level of flood protection for the entire City of West Sacramento.
  - To provide recreational and open space improvements as we move forward with our flood protection program.
  - To preserve and enhance the riparian and other habitats throughout the city.
  - To ensure continued federal assistance for repairs and maintenance.
- WSAFCA is optimistic about the recent delegation letter to the Assistant Secretary of the Army (ASA) signed by 13 members of Congress. It also has a federal lobbyist assisting in this process.
- Organizational objectives are to reduce risks of impact flooding through a combination of structural and non-structural measures.
- The City Council has made flood protection its number one priority for the past five years.
- The city was active in getting public support and allowing its citizens to pass a flood assessment on their property to pay for the program. The citizens also approved a sales tax extension.
- Non-structural flood risk reduction activities are:
  - Updating the emergency operations plan.
  - Updating the slow rise flood plan.
  - Participating in the National Flood Insurance Program – the Community Rating System.
  - Updating the floodplain management ordinance.
  - Increasing public outreach.
- For structural flood risk reduction, the General Reevaluation Report will enable congressional authorization for the program.
- Currently there are four active construction projects: the Rivers project, the CHP Academy project, the Sac Bank setback levee project, and the Yolo Bypass slip repair project.

(Ms. Tina Leahy joined the meeting at 1:43.)

- B. **Road 9 Fresno River Diversion Project briefing to discuss an alternate approach for the repair of the East Side Bypass drop structure in order to restore water delivery to riparian water rights owners through the Fresno River diversion structure at Road 9 in Madera County (Postponed)**
- C. **Overview of the Delta Plan and schedule for release of future drafts and documents**

As the Delta Stewardship Council was not able to provide a representative to give the presentation, Mr. Len Marino, Chief Engineer, gave a brief overview of the Delta Plan as it stands now in version 5.

The Delta Stewardship Council has two equal goals: water supply and habitat restoration. They want to build many habitat projects, some of which are contingent upon bond funding being passed in 2012 or 2013.

They have talked about creating an independent flood control agency for Delta flood control projects.

On September 14, staff sent them a second letter because they hadn't picked up many of the comments that were made in the first letter dated June 27. Staff will be looking closely at the next draft of the Delta Plan, due to come out on November 1. It has been important for CVFPB to submit its comments in writing with its position stated, especially with regard to permitting activities on State and federal levees.

Acting Ex Officio Member Leahy ascertained with Mr. Marino that once the Council has an approved draft of the plan, they will go into their California Environmental Quality Act (CEQA) process. Mr. Marino wanted to make sure that CVFPB comments were in the sixth draft, so that they get picked up in the CEQA document as well.

#### **10. BOARD COMMENTS AND TASK LEADER REPORTS**

- Board Member Brown stated that he had attended the Interagency Flood Management Collaborative Group meeting with Secretary Hodgkins. He had shared with the Board some of the concerns they had in making sure that maintenance on Board ditches and levees stays ahead of the growth of the cover.

He attended the San Joaquin Valley Restoration Program for the San Joaquin River. The project is coming along well.

- Vice President Rie reported that at the Urban Levee Design Criteria meeting that week, they had finalized the criteria, although several stakeholders had some issues with it. It is currently put on hold.

The vegetation guidance in the latest standards are different from what the Board is proposing in Title 23; the Board is recommending that we adopt the Corps' requirements, while the Urban Levee Design Criteria is different – it's more along the lines of the framework document.

- Acting Ex Officio Member Leahy shared that the Assembly Water, Parks, and Wildlife Committee is going to have an oversight hearing on the BDCP on October 19. She also offered to add any interested persons to a distribution list for notification of oversight hearings or bill hearings.
- Board Member Villines reported that they will be meeting on Monday to talk about the anniversary, and moving toward the two CVFPP public meetings.
- Board Member Suarez has been participating in the Sacramento River Area Conservation Forum board meetings. The voting board members of the group authorized their Executive Director to offer her services as a facilitator in discussion regarding the Singh unit.

As Board Member Villines reported, we are beginning the process of laying the groundwork for the public process for the CVFPP when it is delivered to the Board in January.

Board Member Suarez thanked Secretary Hodgkins and Mr. Butler who have done some outreach activities on the latest draft of Tier 2. The current thinking is to spend the next three or four months working on the comments that we have already received from stakeholders, DWR, and the Corps.

- Secretary Hodgkins added that the meeting with the Central Valley Flood Protection Association on Tier 2 was an eye-opener. Staff has now produced a set of technical regulations that put us in compliance with the Corps.

The association had responded that they are not urban levees. They are ag levees or levees protecting small urban communities. The association wasn't sure it made sense to enforce the gold standard on them, because the work will be much more costly than it needs to be for ag standards.

They also raised the issue that when we adopt new technical standards, we should work with them to make sure everyone understands when the new standard applies to an existing encroachment.

Secretary Hodgkins also went with staff to the meeting with the pipe group. They had gotten good comments there mostly from DWR, emphasizing the importance of making sure those regs get a thorough look by all of DWR.

He also added comments to the staff comments on the San Joaquin Restoration EIR. The more he delved into that extensive document, the better he found it.

- President Carter participated in the Steering Committee of the Central Valley Comprehensive Conservation Strategy, which is one of DWR's efforts in support of the CVFPP that had come out of the Roundtable.

President Carter continued to work with the Roundtable, and cautioned the Board that he is very concerned about where it is headed as a collective group. There are clearly two paths that are not converging with respect to the efforts.

Those two paths are the DWR and their CVFPP with their concept of what the system will look like, particularly with respect to vegetation. Then there is the Corps and their perspective on what the system is going to look like and how to bring the system into compliance.

The resource agencies seem to be comfortable with DWR's approach, but the Corps is not coming around. It puts the CVFPB in a very difficult position.

There is agreement on how new levees will be designed, constructed, and maintained. However, the legacy issues, particularly vegetation, are problematic.

## **11. FUTURE AGENDA**

The Board discussed the future agenda with staff.

## **13. ADJOURN**

President Carter adjourned the meeting at 2:48 p.m.

Dated: DECEMBER 2, 2011

The foregoing Minutes were approved:

  
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Butch Hodgkins  
Secretary

  
\_\_\_\_\_  
Benjamin F. Carter  
President