

MINUTES
MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD
May 11, 2012

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

A regular meeting (Open Session) of the Central Valley Flood Protection Board was held on May 11 beginning at 9:00 a.m. in the Auditorium of the Resources Building, 1416 Ninth Street, Sacramento, California.

The following members of the Board were present:

Mr. Bill Edgar, President
Ms. Emma Suarez, Vice-President
Ms. Jane Dolan, Secretary
Mr. Joe Countryman
Mr. Clyde McDonald
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. Eric Butler, Supervising Engineer
Ms. Nancy Moricz, Staff Engineer
Ms. Amber Woertink, Staff Assistant
Ms. Deborah Smith, Legal Counsel

Department of Water Resources staff present:

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

Also present:

Ms. Denise Carter, Colusa County Supervisor
Mr. Patrick Porgans
Ms. Susan Schohr, Schohr Ranch, Inc.
Mr. Scott Shapiro, Downey Brand
Mr. Ronald Stork, Friends of the River

1. ROLL CALL

President Edgar greeted everyone in attendance, and welcomed them to the special meeting to discuss the Draft 2012 Central Valley Flood Protection Plan (CVFPP).

Executive Officer Punia reported that Board Members Ramirez and Villines would not be present for the meeting. Also present was Ms. Tina Leahy representing Assemblyman Jared Huffman.

President Edgar reviewed the meeting order.

2. APPROVAL OF AGENDA

Upon motion by Secretary Dolan, seconded by Board Member McDonald, the Board unanimously approved the agenda.

3. DRAFT ADOPTION RESOLUTION AND PACKAGE FOR THE CENTRAL VALLEY FLOOD PROTECTION PLAN

President Edgar began with some comments about the CVFPP.

- He summarized the preparation of the plan.
- The Department of Water Resources (DWR) prepared and proposed the plan in accordance with state law. DWR presented it to the Board in January. Some of the Board members present at today's meeting had not yet been appointed at that time.
- During the last month, DWR and the Board had held a number of public hearings. They had also participated in many special and individual meetings. They were pleased with the public participation and the adoption process of the plan.
- Stakeholders had provided some valuable local perspectives on various aspects of the plan. Board staff had compiled them; Staff Engineer Nancy Moricz would be presenting them shortly.
- The Board would then begin its first review of the draft resolution. The resolved portion lays out four sections:
 1. It names what the Board is adopting.
 2. It lists the substantive issues raised by the public and states how the Board intends to address them in the adoption process.
 3. It names the understandings the Board will have in adopting the plan.
 4. It supplies the California Environmental Quality Act (CEQA) findings. At this point the CEQA findings were blank because the Board had not yet received a certified copy of the Programmatic Environmental Impact Report (EIR).
- Although the plan is voluminous, its purpose is simple. It proposes:
 - To repair, rehabilitate, and increase the capacity of an aging flood control system over 100 years old.

- To improve the operation and maintenance (O&M) of the system.
- To improve the emergency response system.
- The plan had been prepared to conform to and incorporate four major items in the recitals portion of the resolution:
 1. A systemwide approach to recommended improvement concepts.
 2. The redefined State Plan of Flood Control, approved by the Legislature, in three levels of flood control: urban, small communities, and rural agriculture.
 3. Integration of flood control improvement with ecosystem restoration enhancements.
 4. A bottom-up approach to implementation of the plan and the projects contemplated in the plan.
- President Edgar encouraged the Board to use the day's meeting to get the "big picture" right, before heading into implementation.

Summary of Public Comments

Ms. Moricz gave the presentation for the Board, summarized below.

- The comment period closed on May 4 at 5:00 p.m.
- Comments were received via email, mail, and transcribed testimony from public hearings.
- The raw comments were posted to the website weekly.
- They were categorized into individual comments. For example, one person may have submitted a comment letter that contained eight comments that were individually categorized.
- There were 297 comment submittals with approximately 1,800 individual comments.
- Fifteen topics were presented at the April 20 workshop for discussion:
 - Bypass expansion and new bypasses
 - Ag land conversion and effects
 - Technical economics
 - Rural versus urban flood protection
 - Urban SB 5 compliance
 - Existing system maintenance
 - Multi-benefit projects
 - Plan vision and formulation
 - Issues specific to the State Systemwide Investment Approach (SSIA)
 - Reservoir storage and operation
 - Sacramento-San Joaquin Delta considerations
 - Technical hydrology and hydraulics
 - Outreach and engagement

- Post-adoption
- Funding
- Other categories were used for staff purposes that were technical in nature, or encompassed all of the other comments:
 - General
 - Adoption process
 - Clarification
 - Editorial
 - Technical – climate change
 - Technical – environmental
- Ms. Moricz presented a pie chart showing a categorical breakdown of all comments. The main categories were multi-benefit projects, ag land conversion, bypass and floodway expansion, and public outreach. No one category really dominated.

Mr. Countryman requested a tabulation of topics and percentages, which Ms. Moricz agreed to supply.

Adoption Package Overview

Eric Butler, Staff Supervising Engineer, provided the overview as summarized below.

- The whole package will be enveloped in the shell of a staff report.
- It includes attachments and exhibits:
 - The key attachment is the Resolution.
 - Staff is preparing a document that discusses in narrative format the activities of the Board since receiving the plan from DWR.
 - Another document will summarize the comment process.
 - The last attachment is a description of post-adoption activities moving forward.
 - The first exhibit is the plan.
 - The next exhibit is the Volume 1 attachment to the plan: attachments 1- 6, the things the resolution will adopt.
 - DWR is preparing errata sheets to address errors and omissions.
 - The State Plan of Flood Control descriptive document is an exhibit.
 - The Flood Control System Status Report is an exhibit.
 - Staff is putting together a collection of documents associated with the regional planning process – another exhibit.
- The key components of the resolution:
 - Recitals about the history.
 - Enabling legislation.
 - The need for the plan.
 - Recognition of existing funding sources.
 - The Board’s vision.

- Engagement between federal, state, and local agencies.
- Local planning and the urban levee design process.
- Board and DWR coordination.
- The key components of the plan:
 - The preliminary and supporting goals.
 - The preliminary approaches.
 - The proposed SSIA.
 - Public stakeholder engagement.
 - Delivery of the documents.
 - Documents delivered to the Board for review.
 - Board review process and hearings.
 - The Draft Programmatic EIR.
 - In the “Now therefore be it resolved that...” section: documents the Board proposes to adopt, along with some further general resolutions.
 - A section that recognizes the substantive public and stakeholder issues the Board received through the comment process and public hearings.
 - A section that discusses the understandings of anticipated future post-adoption activities.
 - The Board’s CEQA findings.
 - The exhibits.

President Edgar pointed out that the resolution and its related exhibits are essentially legal documents. They respond to the statute and the public comments, to bring credibility as we move forward. The public outreach/media piece will be a separate item.

Vice-President Suarez suggested adding a transmittal letter under the Board President’s signature to DWR and the leadership in the legislature, to let them know that the Board has completed the process.

4. BOARD REVIEW AND DISCUSSION OF DRAFT ADOPTION RESOLUTION AND PACKAGE

Mr. Butler explained how to follow the hardcopy draft resolution that the Board members had before them.

He then led the Board in an explanation of the contents. The comments the Board made are highlighted below.

- **Errata.** Vice-President Suarez noted that changes to the plan at this point will be captured in the errata sheet. The public will have 15 days to see the errata before adoption of the plan. President Edgar added that it will be critical for DWR to supply the errata sheet in time for proper posting.

Vice-President Suarez noted that the errata sheet will not be inconsequential. It will capture not only errors and omissions that DWR has been able to identify during their plan review, but also corrections the public has flagged during the public process.

President Edgar said that his understanding was that much of the public comment related to the attachments that the Board was not adopting at the end of June. Vice-President Suarez explained that some public comment had to do with tables that were mislabeled, and some with inconsistent language in one section versus the other.

- **The Vision.** President Edgar stated that four basic components of the plan constitute the vision:
 - Systemwide improvements that are embodied and incorporated in the plan. The Board needs to disseminate the message that systemwide improvements benefit everyone – rural areas, agricultural areas, urban areas, and so on.
 - The three levels of flood protection: urban, small communities, and rural. By not defining the levels of flood protection in the rural areas, those people feel that they are not getting anything out of the plan. The Board needs to articulate a different message for them.

Board Member Countryman pointed out that historically, the Corps had conducted many studies in rural areas and consistently found that none of them are economically justified. There is deep concern in the rural areas that this study could go the same way. Damage cost benefits are not very large in those areas.

President Edgar commented that the original design was supposed to accommodate 600,000 cfs, and we have had flood flows of over a million cfs. DWR has not yet decided on what the plan is supposed to accommodate, but the idea is to make systemwide improvements to accommodate a larger amount of water through the system, which ultimately benefits everyone.

Board Member Countryman noted that a certain amount of money is available now, and there is a certain amount of money that must be brought in to do the whole project. One of the concerns in the rural areas is that all of the money currently available will go for urban protection and habitat, and rural will not see the benefit of any of it.

Board Member MacDonald remarked that DWR has been trying to work with the Corps to see urban, small communities, and rural as one system. Board Member Countryman commented that the Corps has consistently refused to acknowledge the need for this approach, and that is where the rural concern lies.

- **Compliance Schedule.** President Edgar voiced concern about not knowing when the locals must actually comply with the 200-year level of flood protection in their general plans. DWR must first provide them with the flood maps, so they can determine what areas in their cities are in the 200-year floodplain, etc.

Vice-President Suarez commented that another matter was the issue of the vegetation policy – it's being litigated right now. There is a possibility that pending that court decision, the vegetation policy of the federal government might be set aside. They might decide to change it themselves after reconsidering.

She continued that there are a couple of issues – vegetation and flood protection levels – that are captured in the plan that might change due to litigation or policy. A stakeholder had suggested including some general language that litigation or changes to the law may require the plan to be updated.

President Edgar agreed that the plan needs language to state that it may need updates to accommodate changes in law or circumstances. Mr. Butler added that we are silent currently on adopting either of the two urban level documents for this reason; there is uncertainty as to when these documents will be finalized and whether or not the legislation might be amended.

President Edgar remarked that the Legislature had anticipated the fact that this is a dynamic process – models change, circumstances change, law changes – and that’s why the plan has to be updated every five years.

Acting Ex Officio Board Member Cannon-Leahy commented that there were actually two issues here regarding vegetation. One was that the state was sort of reserving to itself that it disagrees with interpretation of a policy. The other was whether or not the state is actually changing its own policy.

Secretary Dolan agreed with the President: the statute requires local governments, cities, and counties of all sizes and all financial capacities to update and amend certain elements of their general plan within two years of plan adoption. But across the board people were saying that they don’t have the necessary information about mapping, technical assistance, or back-up.

President Edgar commented that the kinds of improvements that actually have been physically done, have been accomplished by local governments pushing the state and the Corps, and assessing themselves. DWR’s inclination to use bottom-up implementation within the state guidelines makes sense.

Ward Tabor, DWR Assistant Chief Counsel, explained that it is SB 5 that triggers the 200- or 100-year levels of flood protection; and SB 5 is somewhat arbitrarily tied to the Board’s adoption of the plan. It is relevant and appropriate to say that if the law changes, the plan needs to be subservient to those changes. If the Legislature decides to change exactly how the local obligations are triggered, the CVFPP will be a part of that process.

Mr. Ward continued that there are approximately 93 communities and 25 counties, and over 100 local agencies that are going to have to use the general plan amendment process and the zoning process. No one in the Legislature intended multiple different approaches to achieve the goal of greater flood protection.

The Board ascertained with Mr. Butler that in the next three to six months, the Urban Level of Protection document and the Urban Levee Design Criteria document should be adopted as part of the plan package, with possible amendments.

- **Outreach and Media Plan.** Acting Ex Officio Member Cannon-Leahy and President Edgar referred to the need for an outreach/media plan that would develop

some documents summarizing the plan in layman's language, in order to offer it in a more understandable way.

Vice-President Suarez suggested a one-page cover sheet attached to the draft resolution and also available on the Board website. President Edgar suggested taking Mr. Butler's outline and expanding on it, while yet making it a little simpler. Vice-President Suarez suggested three explanatory sentences underneath each subheading.

- **Verbiage.** Board Member MacDonald suggested minor wording changes.
- **Final Adoption Package.** President Edgar requested for DWR to have the errata sheets and the regional initiative presentation ready with the final adoption document. Keith Swanson, DWR Chief of the Division of Flood Management, agreed.

Mr. Butler suggested also including the Central Valley Flood Protection Plan Regional Flood Management Planning document.

- **Recognition of Public Issues.** President Edgar expressed the need to state *how* the Board is responding to issues raised by the public. Some will be addressed in the post-adoption process. Some, such as the vision statement, have already been addressed in the "whereas" section. For the rest, some kind of a response is necessary.

Vice-President Suarez noted that the section that recognizes public input is followed by the section articulating adoption of the plan with the understanding that certain things are going to occur post-adoption. The purpose of the latter section is to address and explain how we are dealing with the public comments we received. What we are missing is linkage between the two sections.

- **FEMA Rural Insurance.** Vice President Suarez stated that numerous members of the public asked the Board to flag the issue of the Federal Emergency Management Agency (FEMA) not distinguishing risks associated with rural versus urban areas in their insurance scheme. The plan references this issue; in that section verbiage could be added that nothing in the Board's efforts should impede or discourage resolution in a way that deals with the rural concerns on the issue.

Ms. Moricz noted that the FEMA issue comments were included within the category of rural versus urban flood protection. At President Edgar's request, she agreed to sort them and break them out.

Board Member Countryman stated that vast areas in the Sacramento basin were never put in the FEMA floodplain for some reason. Now, the levees haven't changed, but the evaluation of them has changed, so vast areas are now going to be in the FEMA floodplain that never were before. The impacts to agriculture will be huge. Board Member Countryman agreed that we need a special recognition in the plan for these impacts on agriculture.

Secretary Dolan suggested a statement that the Board recognizes and wishes to support efforts to try to resolve the ag concerns.

- **Systemwide Benefits Methodology.** Board Member Countryman asked about the criteria that define the different elements, other than just flood damage reduction, for economic benefit evaluation of projects. Jeremy Arrich, DWR Central Valley Flood Planning Office Chief, replied that DWR is developing the methodology to articulate systemwide benefits, aside from the typical Flood Damage Analysis (FDA) benefits.

He continued that the methodology will probably fit more broadly into the FloodSAFE financing plan that DWR is authorized to do by law, to start helping people prioritize not just the flood issue, but all the other benefits that need to be considered.

Mr. Arrich acknowledged that the wording could be more specific, and could include some terminology regarding multiple benefits, not just risk reduction.

Vice-President Suarez stated that the Board, as well as the public, are saying that it is an issue of whether the Board can take some leadership in making these things happen. It is a coordination opportunity; further, the Board should take a lead in ensuring that these groups collaborate and the issue gets resolved. Money is running out, and there is concern that clear guidance will be lacking on the issue's resolution and the expenditure of money.

The Board wordsmithed the section in question.

- **Water Conveyance Capacity.** President Edgar stated that the Board will have a committee to work with DWR to determine how much water the system is going to need to be able to accommodate beyond its original design capacity. We need to proceed toward implementation, and the easiest way to do that is to get the Board involved (for example, attendance at meetings) and to put pressure on DWR.
- **Developing Regional Plans.** Secretary Dolan asked about instructions to stakeholders on developing regional initiatives. President Edgar stated that DWR had informed the Board that they wanted the stakeholders to be involved in developing the regional organizations, as well as developing the specific projects (the bottom-up approach).

President Edgar also stated that the Board wants a partnership with DWR such that Board staff and members can participate with DWR in the implementation process; then when projects come before the Board for approval, the Board will be well-acquainted with them already.

Mr. Swanson added that DWR was happy to work with the Board. In addition to staff collaboration, he planned on keeping the Board apprised through his monthly reports. DWR would look to the Board for guidance on any working groups or subcommittees needed.

President Edgar remarked that from a local government standpoint, it is important for the Board and DWR to be saying the same thing.

- **The Bottom-Up Approach.** Board Member Countryman referred to feedback he had received from several different groups about the bottom-up approach. The concern

was that with this approach, regions will devise plans that are focused on their needs with systemwide needs going unaddressed.

President Edgar responded that he had seen it work at the local level where, for example with the Early Implementation Programs (EIPs), the local areas present levee projects. The state then looks at them and provides financial incentives for setbacks and that type of ecosystem restoration; sometimes there are hydraulic benefits also. The locals then decide to go forward with the projects.

Beyond that, in terms of the total systemwide benefits, the plan now provides a framework that the state can use to look at local projects from a statewide perspective. It will likely be a tug of war between the individual regional projects and the state systemwide benefit projects.

President Edgar continued that the Board and DWR need to have the same perspective, talking constantly with the regional groups. They need to ensure some systemwide benefits and improvements in the regional projects coming forward, and this needs to be done at the beginning when plans are in formulation.

This will require a different relationship between the Board and DWR. It will require many more meetings and more work, but it's the only way to get these projects implemented.

Mr. Swanson agreed entirely. He added that to be successful in obtaining additional state revenue to fund these projects, we must be able to justify them on a multi-benefit basis. Thus DWR is looking at methodology to capture benefits from perspectives of water reliability, environment, and traditional public safety.

- **The Vision.** Acting Ex Officio Member Cannon-Leahy stated that she was not seeing a clear articulation in the plan about vision. On the local level, the public needs to have an indication of priorities and measurable objectives when they begin planning their projects.

Mr. Tabor stated that in the EIP process, a set of guidelines over 100 pages long provides that kind of specific guidance. In the post-adoption process of making improvements, DWR will be collaboratively working with all the stakeholders and the Board on developing guidelines.

DWR has a very specific approach to how many extra points are awarded for recreation, habitat, open space, disadvantaged areas, etc. They intend to do the same sort of process of structured guidance for local communities to know where proposals will fit in the hierarchy.

Board Member MacDonald stated that in contrast to the EIP projects, which were basically fixing the levees in place, the CVFPP is about a much more complicated system approach. The first thing DWR has to do is to decide the capacity of the system. Is it a 10% increase in capacity, or 15% or 20%? Then, DWR should look at what that increased capacity does for reducing flooding. To some extent, you have to start at the upper end of the watershed and work down.

The key element is what we can achieve in the system, what looks like it would work. DWR must bring that out to some extent with their models.

Vice-President Suarez noted that the vision question had come up in every public forum. The best role that the Board can play is to provide the impetus and leadership to organize checklists or priorities that help people decide whether their project is one worth moving forward. This is what the members of the public want.

- **Five-Year Updates.** Mr. Butler recommended that although state law does not require five-year updates, the intent of a descriptive document is to be a compendium of all facilities of the State Plan of Flood Control. It needs to be maintained to current standards. Further, if you maintain a flood control plan and update it every five years, the encyclopedia of the facilities that comprise it should also remain current.
- **The CEQA Document.** President Edgar noted that the Statement of Overriding Considerations for the CEQA document is going to be made by DWR in approving the EIR. Deborah Smith, Staff Legal Counsel, stated that the Board, as a responsible agency, will make its own findings and this will be reflected in the resolution. Mr. Butler added that the Board can choose to utilize the lead agency's findings.
- **The Urban Level of Protection Document and the Urban Levee Design Criteria Document.** Vice-President Suarez commented that the issue is not whether the documents will be completed, but whether or not the Board will incorporate them at some future date.

President Edgar enquired about the development of the Rural Levee Design Criteria. Mr. Swanson responded that DWR is interested in working with rural communities to develop enough flexibility to use the necessary funding wisely, so that they can fix levees in kind and not become obligated to fix existing levees to an unreasonable standard.

The key to that is in the Title 23 Updates that the Board is envisioning. That could be a starting point in ensuring enough flexibility in those regulations, so that people can fix problems at the appropriate level given the limitations in funding that exist. Many people have articulated the end goal as the ability to fix levees reasonably.

President Edgar ascertained with Mr. Swanson that the level of flood protection for rural areas will vary depending upon the need and the money available. DWR's vision is to work on the worst of the worst sites. DWR will tackle the others and try to come up with appropriate repairs for the area.

Mr. Swanson continued that DWR will reach agreement with the regional groups on strategy, and make sure that they don't regulate to unnecessary levels.

- **Rural Levee Repair Program.** President Edgar stated that the Board had heard much public testimony about people wanting a rural levee repair program in addition to the erosion and emergency repair programs. He asked about DWR's position on setting aside money for that program.

Mr. Swanson replied that DWR currently had about \$200 million in allocation that they had envisioned for this effort. They are going through the guideline development process, and are developing a program that has the flexibility to address various issues, depending on what is identified at the regional level.

President Edgar felt that the plan contained a large amount of verbiage, but it would be a good idea to put succinctly into one place the benefits to the rural areas. They get the systemwide improvements, the erosion program, and the \$200 million for the levee repair program. The plan needs to state this clearly.

Mr. Swanson suggested some outreach pieces. Also, as DWR moves forward with regional planning, they will bring this information out. They will solicit information as they develop the guidelines, which will lay out how the cost shares occur. As they get into the prioritization process, they will work through the issues of rating one project relative to another.

Board Member Countryman summarized the development of the Sacramento River and San Joaquin River systems, illustrating that providing a rural level of protection comparable to the urban is an impossibility. The Board needs to bear in mind that this system is not really subject to an overall level of protection type of standard.

5. NEXT STEPS IN THE ADOPTION PROCESS

President Edgar commented that as the Board has been holding various meetings, workshops, and hearings throughout the valley on the plan, it's obvious that there is some skepticism and opposition to its principles.

By now the plan's vision is essentially clear from the Board's point of view. As the Board moves toward an adoption package, with the resolution, exhibits, and so on, we need a robust short-term outreach/media effort. President Edgar requested for Executive Director Punia to talk with DWR about this.

Executive Officer Punia outlined the next steps in the adoption process.

May 25: CVFPB Regular Meeting. Discuss the next version of the plan. Staff receives direction to continue to refine the resolution and the adoption package.

June 15: Special CVFPB Meeting. Staff seeks Board approval to post the proposed adoption package on the website as required by the Legislature.

June 22: CVFPB Regular Meeting. At the Board's direction, staff may continue to refine the resolution but not the plan.

June 29: Special Meeting. Approval of the plan.

6. PUBLIC COMMENTS

- Patrick Porgans, citizen and de facto Public Trustee, voiced doubt about the Board President's stated concerns regarding the public. The Board was moving too fast for the public to keep pace. Also, the Board lacked key information – the cost-benefit analysis and the system design capacity – to make informed decisions.

Mr. Porgans felt that the plan is not really a flood protection plan; it is about water increased reliability. It shifts the cost from the water contractors back onto the general public under the auspices of great benefits for everyone.

He pointed out that 85% of DWR's budget comes from the water contractors and the bond act. If the Board was relying on DWR's data, they were going to have problems. For the Board to say that this was an economically viable plan, Mr. Porgans wanted to see the data.

- Scott Shapiro, General Counsel for the California Central Valley Flood Control Association, stated that most of the members of the Association would agree that the CVFPP is a pretty good plan. Most would also agree that it could use six to nine more months of vetting many of the issues.

Mr. Shapiro provided a red-lined hardcopy of the resolution to the staff that contained changes he proposed. He felt that the plan does articulate a vision, it just isn't named as such.

The Association agreed that the plan identified the budget and the need to work together to figure out where the money should be spent in the rural areas. The Association also felt that a rural standard was necessary and should be specifically referenced in the plan.

Mr. Shapiro agreed that the state legislation contemplated a trifurcated system in the Central Valley. However, he did not necessarily feel that the legislation redefined the State Plan of Flood Control.

He and President Edgar both felt that the Board and DWR should "fence off" some money for the rural program, and the resolution should probably underscore that.

Mr. Shapiro wanted it clarified that the Board was not actually adopting the documents referenced in the document. He mentioned several other places where he offered wording changes. He suggested adding the item regarding FEMA zones.

Mr. Shapiro suggested clarifying the Board's determination to adopt the plan as is, while perfecting its imperfections during implementation.

He suggested acknowledging that reservoir expansions or modifications proposed by other entities could be considered going forward. The notion that locals might have some ideas is worthwhile, for example the Yuba County Water Agency's ideas regarding New Bullards Bar and Sutter Butte's ideas regarding Oroville Dam.

There was a lot of concern about how the local regional projects are going to be integrated with the systemwide projects. At some level there needs to be some guidance as to how to prioritize regional projects that are non-systemwide, but ready now and fundable, versus the future funding of systemwide projects that would benefit more people.

The Association strongly supported the notion of the Board being a forum.

- Ron Stork, Senior Policy Advocate with Friends of the River, stated that a number of NGOs and environmental organizations were in contact with the Central Valley Flood Control Association. He expressed the hope that his collaboration will continue and be useful in helping the Board to frame the issues in the future.

Friends of the River is the lead party suing the Corps on the levee vegetation issue. They expect that the litigation will come to fruition sometime this year. Mr. Stork commented that the plan may quickly become dated if the Corps has to come up with a new Engineering Technical Letter (ETL). It was unclear to him how the Board will go about amending the plan.

Mr. Stork added that the conception that the plan is simply a vehicle for transferring water to Los Angeles is not politically smart.

In answer to a question from President Edgar, Mr. Stork advised adopting a plan whose elements don't become dated quickly. It is appropriate for the plan to be a living document revised through time. It should have the capability of accommodating minor revisions as it goes forward. To wait for the next five-year major update might cause the plan to stall, and become a kind of five-year planning exercise as the State Water Plan sometimes is.

Mr. Stork stated that there's no reason that both the Board and DWR cannot make recommendations and proposals to change the National Flood Insurance Program. Further, if the Board and DWR have implementation issues with SB 5, both the public and the Legislature ought to hear them.

President Edgar requested Mr. Tabor to devise a way to amend the plan through time, to keep it current. Mr. Tabor added that every time the Board adopts the plan modifications, it will have to rethink the issue of CEQA compliance.

Mr. Tabor pointed out that the plan ought to express guidance to cities and counties on portions of the general plans – certainly the safety element, land-use element, and conservation element – and how to incorporate them such that it is not a huge upheaval and a huge cost. The legislation does not require a massive change in the entirety of general plans with local government.

- Denise Carter, Colusa County Supervisor, stated that convincing the rural areas to support the plan is still going to be difficult. One reason is that the plan does not state a clear vision.

Regarding systemwide benefits, the rurals want to know how much they have to pay.

Ms. Carter commented that in the 15-page resolution, the "Be it resolved..." items in some ways directly conflict with what the plan says. Where should a person start reading – at the resolution or the plan? She recommended setting a timeframe going forward for the plan to be modified with all the revisions in six to nine months, so that you have the document current at the time of adoption. There would be one document, not many separate pieces.

President Edgar explained that the Board was up against a statutory deadline. They wanted to put a framework in place, then use the bottom-up approach to try to address all of the issues as they implement. They did not want to spend a lot more money on overarching planning; out of the \$4 billion, they had spent almost half in the planning effort.

He continued that if the Board is really interested in improvement to the system, determined locally and by the state, they need to get out of the planning mode and into implementation. But the problem with the bottom-up concept is that the Board cannot answer many of the specific questions people are raising.

Vice-President Suarez asked for an example of an inconsistency between the resolution and the plan; Ms. Carter named the Cherokee Canal. The resolution makes a general statement about bypasses while the plan more specifically outlines it. Vice-President Suarez responded that the Board was trying to communicate that many of the items cannot be implemented until the next level of regional planning and outreach to the communities occurs.

- Susan Schohr, Schohr Ranch, Inc., stated that if the Cherokee Canal were deleted from the plan she would not need to attend further meetings. She had never seen the bottom-up approach work, although it is a good idea.

Ms. Schohr mentioned the problem that other speakers had mentioned, that the resolution had not been up on the website until 5:00 that morning. There had not been time to read and analyze it.

President Edgar clarified for Ms. Schohr that Volume 1 of the report, which includes Appendices 1-6, is planned to be adopted. The other appendices, which were submitted later, are not. Ms. Schohr noted that this would end some confusion.

For building future developments in the floodplain, Ms. Schohr asked if the plan and resolution address that; or would communities have to address that at the local LAFCO levels and in community general plans? President Edgar responded that the plan does nothing to take away planning authority from cities and counties.

He continued that probably in 2013, DWR will produce the flood maps necessary for the counties and cities to determine whether their general plans have to be changed to ensure that development behind the floodplain is at a 200-year level. Senator Wolk has some legislation being discussed with DWR that would change the compliance date from 2014; President Edgar felt that the legislation will probably pass.

Ms. Schohr stated that many in the rural communities need some assurance that building in the floodplains will not be continued at their expense.

She asked Board Member MacDonald to explain the concept of having habitat down the middle of the levees and farming at the edges. He responded that he was most familiar with the Yolo Bypass. The idea was to widen the bypass and put habitat down in the trough, keeping it away from the farmers on the other side of the levees.

It would be an attempt to solve salmon migration problems and maintenance problems.

Ms. Schohr responded that the farmers along the Cherokee farm down the center, so the concept wouldn't work there.

She expressed concern about documentation taken on flood levels of the Cherokee in recent years.

She stated that the rural communities still do not understand the way the plan is written and they don't understand the resolution.

Right now everything along the Cherokee is paid for by those who farm on it. The \$170,000 in the Maintenance Area 13 budget came from Butte County taxes on the farmers. They can't pay for an upgrade on the Cherokee that is going to protect somebody somewhere else. The Board needs to figure out how to do the funding and let the farmers know.

Ms. Schohr had enjoyed the Corps' comments and the Yolo County comments on the document. There will be no benefit to the rural communities. They already have issues that will continue, and will only be exacerbated by the plan.

The rural communities do not understand what FEMA is going to do to them.

President Edgar stated that the dilemma is that the Board has a deadline, and they are trying to change the paradigm: they want the state and the locals to begin to collaborate. He cited two examples of locals (i.e., city councils and boards of supervisors) being disconnected from the state and giving entitlements: Natomas and Plumas Lakes.

The collaborative process would involve the local people, who know the flooding issues, making proposals and suggestions that the state reviews. It will be some time before that process works well. The Corps must be involved in it, and right now they are not, on many different levels.

However, the Board is trying to put a framework in place, indicating to the local areas that they are going to drive the implementation process. Ms. Schohr replied that if the information from DWR had been disseminated earlier, and the locals had been made a part of the process, DWR would have earned their trust. But from Day One, DWR had not included them at the same level that they included many other interests.

The rural communities harbor massive distrust of DWR because they have not helped them; they have only cost them money.

Ms. Schohr expressed concern that as Board member appointments change frequently, the values of the members change. She appreciated the current Board for communicating among themselves and keeping the public informed. However, six years from now, the rural communities will still be here, but the current Board members will not.

President Edgar stated that the Board knows it needs to earn trust from the rural communities again.

Ms. Schohr invited the Board to come to her county to see what she was talking about. She understood that their time was valuable; so was the time of the farmers, who were all out working at this time of year instead of attending meetings such as this one. She suggested that video-conferencing and emails could be used for communication.

Vice-President Suarez noted that Ms. Schohr's comment on sediment removal was a good one. She was looking to flag that issue and to see how it ties in to the implementation section.

Vice-President Suarez continued that in 2007 the Legislature recognized that there wasn't an effective public forum for people from the communities to come and express their views. The Board is able and willing to serve as that forum.

President Edgar explained that currently, the focus point for comments was the resolution. Vice-President Suarez suggested sending the resolution out, as it is edited and updated, to the email list.

- Mr. Shapiro mentioned that as the Board has taken the position that whatever is adopted needs to be posted for two weeks prior to adoption, he was concerned that if the Board posts the errata on June 14, they won't have the ability to change any mistakes before adopting it. He suggested putting the errata out for public review at the beginning of June instead, to give the public a chance to comment. Mr. Arrich agreed.


7. ADJOURN

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

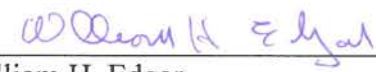
President Edgar adjourned the meeting at 2:53 p.m.

Dated: July 27, 2012

The foregoing Minutes were approved:



Jane Dolan
Secretary



William H. Edgar
President