

**Memorandum**      **REVISED – 11/22/2013 Bd. Mtg.**

Date: August 23, 2012

To: Members of the Central Valley Flood Protection Board  
cc: Board Staff

*William H. Edgar*

From: William H. Edgar, President  
Central Valley Flood Protection Board

Subject: Items for Discussion Re: Issues, Priorities, and Next Steps.

**Introduction**

It is probably not an over statement to say that the new Central Valley Flood Protection Board (CVFPB) has been extremely busy since the new members were appointed approximately 20 months ago. Some of the major accomplishments have been:

1. The adoption of the historic Central Valley Flood Protection Plan (CVFPP) on June 29, 2012.
2. The creation of an effective partnership (The Coordinating Committee) with the Department of Water Resources (DWR) to energize and coordinate the various activities related to the implementation of the CVFPP.
3. The change in the Board's meeting location from the State Resources Building to the Sacramento City Council Chamber to improve transparency through webcasting (live streaming) of the Board meetings, and the use of more advanced technology for the benefit of the Board, the stakeholders, and the public.
4. The adoption of the CVFPB's Strategic Plan on June 28, 2013.
5. Passage of S.B. 753 which provides the CVFPB with a more modernized process and better legal tools for dealing with encroachment enforcement within the Central Valley.

With the Board's adoption of the Strategic Plan and the Board staff starting the process of producing a work program or implementation plan, it seems appropriate to pause and review some of the major issues facing the Board itself. And, while our Strategic Plan prioritizes the Flood Board's organizational and programmatic initiatives, the members of the Flood Board, separately and in their unique capacity as public officials appointed by the Governor and confirmed by the State Senate should also identify and prioritize policy initiatives that would, as a Board, further the flood protection goals identified by the State of California. The following is a draft list of such issues that has been completed to begin our discussion as a Board.

## **Issues, Priorities, and Next Steps**

**Organizational and Budget Issues** – What should the role of the Board be in the preparation, adoption, and amendment of the CVFPB’s Budget. In the past the Board has had virtually no role. The proposed budget is prepared by the staff negotiated with DWR and decided by the Agency, the Department of Finance, and the Governor’s office. Is there a need for the Board to have a greater role? A review of the current Memorandum of Understanding (MOU) between the Department of Water Resources would be a good place to start.

**Implementation of the CVFPP** – How are the more comprehensive planning activities such as system-wide issues (increased system capacity) and the overarching conservation objectives integrated into the Regional Plans? How does the CVFPP integrate into the other on-going planning efforts and the BDCP? What are the on-the-ground options? What will the role, if any, of the CVFPB be in the development and advocacy for a water bond issue in the fall of 2014? Can we do something to reduce the risk of “Paterno-type” law suits?

**Implementation of S.B. 753 and Enforcement** – Are we going to be ready in January, 2014 with emergency regulations to implement S.B. 753? Up-dating the current regulations is a high priority as the Board has to grant variances to the current regulations because they do not reflect current engineering practice. What do we plan to do with the many under-performing Local Maintaining Agencies (LMA’s)? How are we going to deal with the encroachment issues in the Pocket area of Sacramento, and how should we engage the landowners and the public? How should we deal with local agencies requests to relinquish maintenance of the SPFC facilities such as Huff’s Corner?

**Permitting** – What are the facts in the permitting area now, such as who gets most of our permits and what do they cost to process? Do we need to spell out the different types of permits – traditional encroachment applications, encroachment applications for levee improvements, and encroachment applications for ecosystem restoration? Do we need a “Fee Schedule” to recover costs of providing staff services? It is the feeling of the Board that we need to take some time to build a track record of accomplishment and smart use of the new tools we have just received in order to build upon the positive feedback that we are now receiving from our stakeholders and to demonstrate progress in the field at the local level.

## **Changing Role of the USACE** –

Given the fact that relationships with the USACE have become more and more challenging for the State and local partners, and because future Federal funding levels for USACE projects remains uncertain, should we be exploring different relationships with USACE on various projects in the Valley?

**Federal Emergency Management Agency (FEMA)** – What can we do about getting FEMA relief for small communities? What are FEMA's plans for re-mapping the basins within the Central Valley? What are the implications of FEMA's plans to implement the Flood Insurance Reform Act of 2012?

The purpose of this memo is to provide some information for the Board to begin discussion on issues, priorities, and next steps so that the Board can begin to specifically focus on what it wants to do to implement its Strategic Plan.

Thank you.