

**MINUTES**  
**MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD**  
**December 20, 2013**

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 of the Central Valley Flood Protection Board was held on December 20, 2013, beginning at 9:04 a.m. in The Sacramento City Hall First Floor Council Chambers, 915 I Street, Sacramento, California.

**The Members of the Board:**

Mr. William H. (Bill) Edgar, President  
Ms. Emma Suarez, Vice President  
Ms. Jane Dolan, Secretary  
Mr. Joe Countryman  
Mr. Clyde Macdonald  
Mr. Tim Ramirez  
Mr. Mike Villines

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

Mr. Jay Punia, Executive Officer  
Mr. Len Marino, Chief Engineer  
Ms. Leslie Gallagher, Chief Counsel  
Mr. Eric Butler, Chief, Projects and Environmental Branch  
Ms. Mitra Emami, Chief, Permitting and Enforcement Branch  
Mr. Martin Janolo, Staff Engineer  
Mr. Curt Taras, Supervising Engineer  
Mr. Jon Tice, Staff Engineer  
Mr. David Williams, Senior Engineer  
Ms. Amber Woertink, Staff Assistant  
Mr. Michael Wright, Chief, Enforcement Section

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

Mr. Noel Lerner, Chief, Flood Maintenance Office  
Mr. Mark List, Chief, Maintenance Support Branch  
Mr. Paul Marshall, Assistant Chief, Flood Management Division  
Ms. Gail Newton, Chief, FloodSAFE Environmental Stewardship and Statewide Resources Office (FESSRO)

**DWR Staff Present (continued):**

Mr. David Pesavento, Chief, Flood Project Inspection Section  
Mr. Matthew Pi, Staff Engineer  
Mr. Don Rasmussen, Chief, Flood Project Inspection and Integrity Section  
Mr. Darren Suen, Chief, Flood Operations Center  
Mr. Sudhakar Talanki, Chief, River Forecasting Section  
Mr. Kent Zenobia, Chief, Project Delivery Branch

**Also Present:**

Ms. Paige Caldwell, United States Army Corps of Engineers (the Corps)  
Mr. Tom Engler, MBK Engineers  
Ms. Kim Floyd, Kim Floyd Communications  
Mr. Dan Kelly, Levee District 1  
Mr. Ryan Larson, the Corps  
Mr. Sean Minard, MHN Engineering  
Mr. Barry O'Regan, Reclamation District (RD) 108  
Mr. Andrew Stresser, RD 1001

**1. ROLL CALL**

Staff Assistant Amber Woertink called the roll and a quorum was achieved.

**2. APPROVAL OF MINUTES: OCTOBER 25, 2013**

*Upon motion by Secretary Dolan, seconded by Board Member Macdonald, the Board unanimously approved the Minutes of October 25.*

**3. APPROVAL OF AGENDA**

Executive Officer Punia requested no changes to the current Agenda.

*Upon motion by Board Member Macdonald, seconded by Secretary Dolan, the Board unanimously approved the Agenda "as is."*

**4. CONSENT**

**A. Permit No. 15773-1, Jim Morris**

**Consider approval of Permit No. 15773-1 to install a new boat dock supported by four steel piles connected by a metal bridge, concrete landing, utility conduit and rip rap; and to authorize various existing encroachments on the landside and waterside of the levee that were in existence prior to**

**Flood Control Project adoption in 1954 on the left (east) levee of Georgiana Slough. (Sacramento County)**

*Upon motion by Board Member Macdonald, seconded by Secretary Dolan, the Board unanimously approved the Consent Calendar.*

**5. PUBLIC COMMENT - None**

**6. U.S. ARMY CORPS OF ENGINEERS (THE CORPS) BRIEFING**

**Briefing regarding U.S. Army Corps of Engineers Headquarters November 25, 2013 Memo: Determination of Public Law (PL) 84-99 Status for Flood Risk Management Projects Update**

Ms. Paige Caldwell, the Corps, briefed the Board regarding the Memo and answered Board Member questions. Board Members and Board staff commented on the possible effects of pausing enforcement proceedings.

**U.S. Army Corps of Engineers Levee Inspection Results:**

- A. RD 2092 - Dos Rios Ranch (Stanislaus County)**
- B. RD 1001 - Bear River and Yankee Slough (Sutter and Placer Counties)**
- C. RD 1001 - Nicolaus, Feather River (Sutter County)**

Mr. Ryan Larson, the Corps, gave the Briefing and answered Board Member questions. He also clarified that the inspections were all finalized prior to the November 25 memo discussed above.

The two RD 1001 systems were deemed unacceptable with an active status, due to encroachments, erosion, animal control and seepage; and RD 2092 was deemed minimally acceptable with no change in status.

Mr. Andrew Stresser, RD 1001; Mr. David Pesavento, DWR Flood Project Inspection Section Chief; and Mr. Tom Engler, MBK Engineers, clarified some elements of the inspection results and briefed the Board about the ongoing repairs being conducted there.

**7. REPORT OF ACTIVITIES OF THE DEPARTMENT OF WATER RESOURCES**

**Division of Flood Management Activities/Updates**

Mr. Paul Marshall, DWR Division of Flood Management Assistant Chief, noted that ongoing programs continue to move forward. The Division continues to see more and more written materials from the different regions and is confident that all of them are on track to be able to deliver on time.

## **FloodSAFE Environmental Stewardship and Statewide Resources Office Activities/Updates**

Ms. Gail Newton, FloodSAFE Environmental Stewardship and Statewide Resources Office (FESSRO) Chief, updated the Board on the Delta Levees Program and answered Board Member questions.

### **Flood Season Preparedness Briefing - Flood Emergency Response activities and outlook for the 2013-14 flood season**

Mr. Darren Suen, Flood Operations Center Chief, provided the Briefing. He and Mr. Don Rasmussen, DWR Flood Project Inspection and Integrity Branch Chief, answered Board Member questions.

Mr. Sudhakar Talanki, DWR River Forecasting Section Chief, further discussed the outlook and answered questions from Board Members and staff.

Mr. Noel Lerner, DWR Flood Maintenance Office Chief, provided information about DWR's ongoing maintenance activities and also answered Board Member questions.

## **8. STATUS OF REGIONAL FLOOD MANAGEMENT PLANNING ACTIVITIES**

Ms. Kim Floyd, Kim Floyd Communications, provided the status report.

She noted that membership has more than doubled since the end of 2012 and meetings continue to have increased attendance and participation.

The next meeting is scheduled for January 22, 2014. The meeting will include an update on the draft rural levee repair guidelines from DWR's Dave Wheeldon, and from DWR's Michael Sabbaghian on the flood risk reduction programs.

Ms. Floyd also updated the Board on activities in the various regions.

## **9. REPORT OF THE ACTIVITIES OF THE EXECUTIVE OFFICER**

Mr. Jay Punia, Board Executive Officer, provided the Report. Highlights included:

- The personnel office has approved the staff package to hire a new Chief Administrative Officer for the Board, and the package has now gone to the California Human Resources Department for approval.

- In November 2013 a high water marking event, coordinated by the Corps, DWR and FEMA, was held at Garcia Bend Park in the Pocket Area of South Sacramento. Board President Edgar and Mr. Punia attended the event and made comments on behalf of the public.
- Board staff plans to bring the new draft action plan, formulated following the approval of the Board's Strategic Plan, to a full Board briefing at the January 10 Board Meeting.
- The LOI for RD 1001 was approved by the Corps as of November 18, 2013, and is now in effect.
- The litigation between Fay Island, the Board, and several other state agencies, has been settled.
- DWR staff is preparing to brief the Board on the regional flood protection guidelines at the February Board Meeting.
- Flood system improvement projects updates:
  - Cache Creek setback levee: work is almost completed.
  - Knights Landing Ridge Cut Drainage District's 408 request: currently under review by the Corps.
  - Levee District 1, Sutter County: staff will soon present to the Board to finalize the project and return it to the locals for Operations and Maintenance (O&M).
  - Natomas Cross Canal: Sacramento Area Flood Control Agency (SAFCA) has transmitted the supplement O&M manual and project as-built drawings to Board staff, who are now reviewing it.
  - San Joaquin Area Flood Control Agency (SJAFCOA): work continues on finalizing the project and returning it to local control.
  - Sutter Butte Flood Control Agency, Feather River West Levee Project, Project Area C, Reach 13: construction work is underway and project completion is expected in a few months.
  - Three Rivers Levee Improvement Authority (TRLIA), South Yuba River, East Feather River Project: Board staff is working with TRLIA to make sure the O&M manuals are developed, accepted, and handed back to the locals for O&M.

- West Sacramento Area Flood Control Agency Project: two projects are completed—I Street and The Rivers/CHP Academy. Staff is working on getting finalized documents. The next portion - the South Project - documents and drawings are being reviewed by staff, which anticipates bringing this before the Board in the summer of 2014, with anticipated construction in 2015.
- Bay Delta Conservation Plan: the draft EIR is out for review.

Mr. Michael Wright, Board Enforcement Section Chief, updated the Board on recent enforcement activities.

## 10. REQUESTED ACTIONS

### A. Sacramento River West Bank (SRWB) Levee System Letter of Intent

**Consider approval to send a Letter of Intent to the U.S. Army Corps of Engineers for a System-Wide Improvement Framework (SWIF) for the SRWB Levee System in Sutter, Yolo, Colusa, Butte, and Glenn Counties. The SRWB Levee System includes the following local maintaining agencies: Reclamation District (RD) 108, RD 787, Levee District (LD) 1 Glenn County, LD 2 Glenn County, Sacramento River West Side Levee District, and DWR State Maintenance Areas 1 and 12.**

Mr. Martin Janolo, Board Staff Engineer, gave the presentation and concluded with the staff recommendation that the Board authorize the Executive Officer to finalize the letter of transmittal and forward it with a signed Letter of Intent (LOI) to the Corps.

Mr. Barry O'Regan, RD 108, clarified elements of the LOI process and expressed his concerns regarding the clarity of some of the comments in the November 25 Corps Memo (referenced in Agenda Item 6 above).

Board Members and staff, and Corps representatives, deliberated on how best to address the apparently conflicting information in the Memo, specifically regarding what happens with the active/inactive status of RDs following Corps approval of an LOI.

*Upon motion by Vice President Suarez, seconded by Board Member Ramirez, the Board unanimously approved the transmittal letter and signed LOI to the Corps; said transmittal to include an inquiry/request for clarification on what happens to the LOI once it is accepted, in terms of whether the local maintaining agencies enter a grace period or are immediately active/acceptable again.*

## 11. CLOSED SESSION

**- To discuss litigation (Hardesty et. al. v. Sacramento Metropolitan Air Quality Management District et. al; United States District Court, Eastern**

**District of California - Sacramento Division Case No. 2:10-cv-02414-GEB-JFM) pursuant to Govt. Code section 11126(e)(1).**

**- To discuss litigation (Central Valley Flood Protection Board v. Lino Catabran, Sacramento Superior Court Case No. 34-2013-142003) pursuant to Govt. Code section 11126(e)(1).**

**- 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.**

**12. CLOSED SESSION REPORT - None**

**13. REQUESTED ACTIONS (continued)**

**A. Star Bend Setback Levee (a portion of the Sacramento River Flood Control Project, Unit No. 144, West Levee of Feather River), Transfer of Operation and Maintenance Responsibilities to Levee District 1, Sutter County**

**Consider approval of Resolution No. 2013-21 to transfer Operation and Maintenance responsibilities for the Star Bend Setback Levee, approved pursuant to U.S.C. Title 33, Section 408 by the U.S. Army Corps of Engineers on June 16, 2009 and constructed under Board Permit No. 18191 issued May 11, 2009, to the Local Maintaining Agency, Levee District 1 Sutter County.**

Mr. David Williams, Board Senior Engineer, gave the presentation and concluded with the staff recommendation that the Board adopt the Resolution and authorize the Board Executive Officer to execute the transfer letter.

Vice President Suarez suggested that the Resolution include language authorizing the Executive Officer to finalize whatever signatures are required to complete the real estate transactions involved.

President Edgar commented on the lengthy completion process for this Resolution. Mr. Eric Butler, Projects and Environmental Branch Chief, explained some of the elements that contributed to the extensive completion time.

Mr. Dan Kelly, LD1 General Counsel, and Mr. Sean Minard, MHN Engineering, further clarified the completion process.

*Upon motion by Vice President Suarez, seconded by Board Member Macdonald, the Board unanimously approved the staff recommendation, with the addition that the remaining real estate transactions be delegated for closure to the Executive Officer.*

**B. American River Common Features**

**Consider approval of Resolution No. 2013-28 to:**

**1. Adopt the Mitigated Negative Declaration, Findings, and Mitigation, Monitoring and Reporting Plan for the R3A, L10, L7 and R7 Levee Improvement Projects and delegate authority to the Executive Officer to execute the Notice of Determination;**

**2. Approve the R3A, L10, R7 and L7 Levee Improvement Projects.**

Mr. Matthew Pi, DWR Staff Engineer, gave the presentation, concluded with the staff recommendation for adoption of the Resolution, and answered Board Member questions.

*Upon motion by Vice President Suarez, seconded by Board Member Macdonald, the Board unanimously adopted the staff recommendation.*

**C. Knights Landing - Service Area 6 - Yolo Bypass West Levee System Letter of Intent**

**Consider approval to send a Letter of Intent to the U.S. Army Corps of Engineers for a System-Wide Improvement Framework for the Knights Landing - Unit 2, Yolo County Service Area 6; and Yolo Bypass West Levee - Unit 1 Levee System in Yolo and Sutter Counties. This system is maintained by the Knights Landing Ridge Drainage District, Yolo County, and the DWR Sacramento Maintenance Yard.**

Mr. Jon Tice, Board Staff Engineer, gave the presentation.

Mr. Barry O'Regan, RD 108, requested that the transmittal letter be amended to include the same language as was agreed to previously (see Agenda Item 6).

*Upon motion by Board Member Macdonald, seconded by Secretary Dolan, the Board unanimously approved the LOI and amended transmittal letter request, as previously detailed in Agenda Item 6.*

**D. Emergency Regulations Implementing Senate Bill 753**

**Consider the status of draft emergency regulations supporting the enactment of Senate Bill 753 which grants the Board expanded enforcement authority, including the authority to issue administrative fines for code violations.**

Mr. Curt Taras, Board Supervising Engineer, provided the status update. President Edgar noted that this was an information item only and no action was required.



## 14. DISCUSSION ITEMS

### A. Discussion of the Draft Bay Delta Conservation Plan (BDCP) Environmental Impact Report and Environmental Impact Statement (EIR/EIS).

Ms. Leslie Gallagher, Board Chief Counsel, updated the Board on activities of the BDCP EIR/EIS and answered Board Member questions. She, Board Members and Board staff commented on various elements of the Plan.

## 15. BOARD COMMENTS AND TASK LEADER REPORTS

President Edgar commented that he has been spending a lot of time with the regional planning groups and thinking about how best to coordinate and integrate the various efforts involved. He has also been tracking Secretary Laird's comments related to the State Water Plan. He noted that the Secretary recently talked about the importance of creating a single vision for the Central Valley that everyone else can "plug into."

He mentioned that the Delta Stewardship Council met recently and agreed to place the Board on their Delta Plan Interagency Implementation Committee.

He, Vice President Suarez and Secretary Dolan have been spending a lot of time, along with Board staff, trying to fine-tune the complex scheduling requirements for the varied meetings and agenda items Board Members and staff attend. (His comment led to extensive deliberation on how best to notify Members regarding upcoming meetings and events.)

Board Member Ramirez attended a meeting, along with DWR's Jeremy Arrich, regarding basin-wide plans in the San Joaquin.

He has been researching the National Flood Insurance Program issues in the valley and talking to people about what might be done to best meet the needs of the various stakeholders.

Board Member Villines spent a great deal of time working on the BDCP and the State Water Plan, including discussion with several legislators about the overall water needs of the state.

Board Member Countryman attended several different meetings, including that of the West Side Coordination Committee (the Yolo Bypass Group).

Vice President Suarez, in addition to her work related to the Executive Committee, attended the Assembly Water Parks and Wildlife water bond hearing, as well as a portion of the Sacramento River Region Integrated Water Plan Workshop, both held in Redding.

She attended the recent Central Valley Flood Control Association meeting and briefed them on emergency regulations and next steps.

She and Executive Officer Punia traveled to San Francisco and attended the Corps' briefing on alternative funding mechanisms to help fund water projects.

Board Member Macdonald met with Jeremy Arrich and discussed the basin-wide plans.

He commented that the situation regarding the pipes in the River Park area has been handled, and that issue is now put to rest.

He toured the Sutter Butte levees.

Secretary Dolan continued her work with the Executive Committee and the Mid Upper Sac and Feather River Regions.

## 16. FUTURE AGENDA

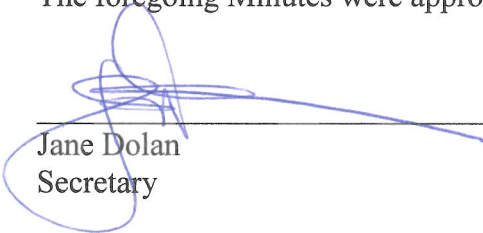
Executive Officer Punia read the draft Agenda for the January 10<sup>th</sup> and (possible) January 24<sup>th</sup> Board meetings and answered Board Member questions.

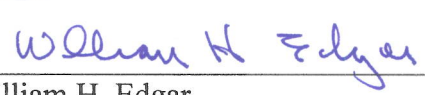
## 17. ADJOURN-REGULAR BOARD MEETING

The Board unanimously adjourned the Open Session at 3:34 p.m.

Dated: 2/28/2014

The foregoing Minutes were approved:

  
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Jane Dolan  
Secretary

  
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William H. Edgar  
President