

**MINUTES**  
**MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD**  
**May 24, 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 May 24, 2013, beginning at 9:01 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 (not present today)

**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. Mitra Emami, Senior Engineer  
Ms. Lorraine Pendlebury, Staff Analyst  
Ms. Nicole Rinke, Legal Counsel  
Mr. David Williams, Senior Engineer  
Ms. Amber Woertink, Staff Assistant  
Mr. Michael Wright, Senior Engineer

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

Mr. Noel Lerner, Chief, Flood Maintenance Office  
Mr. Eric McGrath, Senior Engineer  
Mr. David Pesavento, Chief, Flood Protection Inspection Section

**Also Present:**

Mr. Michael Bessette, Sutter Butte Flood Control Agency (SBFCA)  
Mr. Mike Inamine, SBFCA

**Also Present (continued):**

Mr. Ryan Larson, United States Army Corps of Engineers (the Corps)  
Mr. Scott Shapiro, SBFCA

**1. ROLL CALL**

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

**2. APPROVAL OF MINUTES – March 8 and March 22, 2013**

*Upon motion by Secretary Dolan, seconded by Board Member Macdonald, the Board unanimously approved the March 8 and March 22 Minutes.*

**3. APPROVAL OF AGENDA**

Executive Officer Punia stated the staff recommendation that the Agenda remain as posted.

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

**4. CONSENT CALENDAR**

**A. Permit No. 18817, Stockton East Water District**

**Consider approval of Permit No. 18817 to remove and replace existing culverts; and remove native material and replace with engineered streambed material and bankline rock in Mormon Slough. (San Joaquin County)**

**B. Permit No. 18851, City of West Sacramento**

**Consider approval of Permit No. 18851 to construct a 615 foot long, 80 foot wide eight-span concrete slab bridge over the Barge Canal that will connect existing sections of South River Road east of Jefferson Blvd and the William G. Stone locks, and west of the Sacramento River. (Yolo County)**

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

**5. PUBLIC COMMENTS**

Mr. David Pesavento, DWR Flood Project Inspection Section Chief, commented that the inspection situation previously described by Mr. Joe Sallaberry, Reclamation District 2063 President (at the Board's April 26 Meeting), has been addressed and the matter is resolved.

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

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

- Putah Creek Unit 1 Levee System--Yolo Bypass, Willow Slough
- Putah Creek right bank, Unit 2 Levee System

Mr. Ryan Larson, the Corps, gave the presentation and the Corps' conclusion that the ratings for the two systems are unacceptable and inactive; and answered Board Member questions.

Mr. Noel Lerner, DWR Flood Maintenance Office Chief, and Mr. Eric McGrath, DWR Senior Engineer, noted that the area is maintained by DWR. They further clarified the ongoing methods used by DWR to address the levee deficiencies and answered Board Member questions.

## 7. HEARINGS AND DECISIONS

### A. Permit No. 18793-1, Feather River West Levee, Project Area C, Sutter Butte Flood Control Agency (SBFCA)

**Consider approval of Permit No. 18793-1 and Resolution No. 2013-07 to construct 14.77 miles of levee improvements on the west levee of the Feather River. Work includes degrading and reconstructing levees, constructing cutoff walls, and reconstruction or removal of other existing appurtenant structures. (Butte and Sutter Counties)**

Mr. Eric Butler, Board Supervising Engineer and Branch Chief for the Projects and Environmental Branch, led the staff report.

Mr. David Williams, Board Senior Engineer, presented the specifics of the Permit request and concluded with the staff recommendation to approve draft Permit No. 18793-1, conditioned upon receipt of the Section 408 Record of Decision (ROD) and Letter of Permission from the Corps. Further, staff recommends to delegate authority to the Executive Officer (XO) to make non-substantive changes to the draft permit as needed to incorporate additional design changes submitted by SBFCA prior to receipt of the Corps' ROD and Letter; to adopt the CEQA findings and Resolution 2013-7 and direct the staff to file a Notice of Determination with the State Clearinghouse; to direct the XO to process applications to amend existing or issued new encroachment permits to owners of pipeline crossings within Project Area C that will be reconstructed as a part of Project Area C; and to direct the XO that if, during construction, additional non-conforming encroachments or constructability issues are discovered by any party, SBFCA will consider whether or not they can be brought into compliance during construction. Board staff will evaluate the proposals for Board's approval to be made either by direct Board action or by delegation to the XO, as appropriate.

Ms. Nicole Rinke, Board Legal Counsel, clarified various elements of Permit language.

Mr. Mike Inamine, SBFCA Executive Director, spoke in support of the staff report and recommendation.

Mr. Michael Bessette, SBFCA Director of Engineering, clarified some of the technical aspects of the Project.

Mr. Scott Shapiro, SBFCA General Counsel, discussed some of the permit issue conditions.

Mr. Michael Wright, Board Senior Engineer and Enforcement Section Chief, discussed the potential enforcement actions for the Permit.

Board Members asked various questions of the presenters and deliberated on how best to proceed.

President Edgar remarked that the Board could adopt the Permit with the understanding that, if there are substantive issues, those issues will need to come before the Board.

Secretary Dolan suggested that there be periodic reporting to the Board on the progress being made; and that part of that reporting would be to inform the Board of changes that have been decided to be non-substantive or substantive, and the Board can respond to and change those decisions as they deem necessary.

*Upon **motion** by Secretary Dolan, seconded by Board Member Macdonald, the Board unanimously approved Resolution 2013-7 and Permit 18793-1 (as per the staff recommendation described above); with the caveat regarding substantive/non-substantive changes noted in the preceding paragraph.*

## **8. REQUESTED ACTIONS**

### **A. Senate Bill 753, An Act to Amend the Water Code Relating to Flood Protection**

**Consider the status of, modifications to, and other actions related to legislation approved by the Board for the legislature's consideration to broaden the Board's authority, primarily related to encroachment permitting and enforcement including the authority to issue administrative fines for uncorrected code violations.**

President Edgar remarked that the bill came off the suspense calendar on May 23 and was approved as amended. He directed Board Member Macdonald, Legal Counsel Rinke and Executive Officer Punia to keep track of current bill language to ensure that it is similar

to the Board's intentions and that no policy items are left outstanding, and to periodically report to the Board in memo form on the bill's current status.

**B. Board Approval of Permanent Change of Venue for Monthly Board Meetings**

**Consider approval to move the Board Meetings, on a permanent basis, from The Resources Building Auditorium to the Sacramento City Council Chambers.**

Executive Officer Punia gave the presentation. He delineated the pros and cons of moving and the costs involved. He noted that the feedback Board staff has received from stakeholders is very positive; they are pleased with the new location and, in particular, with the webcasting feature.

Mr. Punia gave the staff recommendation that the Board approve the move from the Resources Building Auditorium to the Sacramento City Council Chamber for its monthly meetings for the foreseeable future; and that the Board authorize the Executive Officer to take the necessary steps to implement the change in venue.

Ms. Lorraine Pendlebury, Board Staff Analyst, reported on her investigation into what other types of new buildings might be available, and the associated costs, and echoed the staff recommendation.

Board Members commented on the positive results such a change would bring.

*Upon motion by Secretary Dolan, seconded by Board Member Macdonald, the Board unanimously approved the Board meeting location move to the Sacramento City Council Chambers for its monthly meetings, and to authorize the Executive Officer to take the necessary steps to implement the move.*

**9. BOARD COMMENTS AND TASK LEADER REPORTS**

Board Member Macdonald commented that the SB 753 legislation has taken up much of his time. As mentioned previously, the bill was approved by the Senate Appropriations Committee on May 23.

He has been talking to DWR about the messaging on some of the conservation programs, and how they might make those things interact.

Secretary Dolan commented that she and Board Member Countryman have been working with the Urban Level of Protection Criteria Refinement Work Group.

She spent two days on the flood tour of the Water Education Foundation.

She has been working closely with President Edgar and Vice President Suarez, as part of the Executive Committee, on the logistics for the rest of the Board.

Board Member Ramirez commented that he had had a couple of discussions with Marc Hoshovsky about the conservation strategy under the Central Valley Flood Protection Plan.

He noted that the Board probably has a small role to play with the Delta Vision Group and discussed (along with President Edgar) how that interaction might best work to ensure adequate communication on items of mutual interest.

He remarked that the Council on Environmental Quality has put out Updated Principles and Guidelines for Water and Land-Related Resources Implementation Studies, which Board staff may want to familiarize themselves with. He will continue to discuss the potential impacts with the Corps and others.

Board Member Countryman commented that he went to San Joaquin Valley to participate in and provide verbal feedback about a site inspection of proposed modifications to the Chowchilla Canal Bypass weir structure for the Salmon Restoration Program.

He attended a meeting of the Rural Levee Repair Group, which is trying to develop a repair standard that is not the same as an urban repair standard.

He attended the latest Interagency Collaborative Group meeting, where the big issue is the rodent management in the levees and how that might affect the giant garter snake habitat.

He gave a talk at the Water Education Foundation on the history of the flood system.

He attended part of the Coordinating Committee Meeting.

Vice President Suarez commented that she continues her Executive Committee work, as well as the work on SB 753 legislation.

She attended the Flood Future Report briefing.

She participated in the DWR technical workshop regarding basin-wide planning.

President Edgar commented that he continues the work with the Coordinating Committee and the SB 753 legislation.

He and DWR's Jeremy Arrich have agreed on what to call the process that DWR and the Board is engaged in; DWR is now recognizing that we are really dealing with one process with different activities.

Work on the strategic plan is finishing up. The Executive Committee will probably have another meeting to refine the plan, prior to bringing it back before the Board for approval. The goal is to have the plan adopted in September.

The various Committee assignments, and the recruitment and selection process for the Board's legal counsel, were discussed at the Executive Committee Meeting.

As mentioned previously, SB 753 was approved on May 23, and any amendments will be seen next week.

## 10. FUTURE AGENDA

Executive Officer Punia commented on the proposed Agendas for the June 14 and June 28 meetings and clarified some Agenda Items in response to Board Member questions.

## 11. CLOSED SESSION

**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.**

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

**- To discuss litigation (Hardesty et. al. versus 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 Government Code Section 11126(e)(1).**

**- To discuss litigation (Fay Island Reclamation District v. California Department of Fish and Game, et. al; California Superior Court, County of San Joaquin, Case No. 39-2009-00228660-CU-BC-STK) pursuant to Government Code Section 11126(e)(1).**

## 12. ADJOURN-REGULAR BOARD MEETING

*The Board unanimously adjourned the Open Session at 1:57 p.m.*


Dated: July 26, 2013

The foregoing Minutes were approved:



---

Jané Dolan  
Secretary



---

William H. Edgar  
President