

**MINUTES**  
**MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD**  
**August 28, 2015**

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. THESE MINUTES ARE PRESENTED IN AGENDA ORDER, BUT ITEMS WERE NOT NECESSARILY HEARD IN THAT ORDER.

A regular meeting of the Central Valley Flood Protection Board was held on August 28, 2015, beginning at 9:07 a.m. in The Sacramento City Hall First Floor Council Chambers, 915 I Street, Sacramento, California.

**Board Members present:**

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

**Board staff present:**

Ms. Leslie Gallagher, Acting Executive Officer  
Mr. Len Marino, Chief Engineer  
Mr. Eric Butler, Chief, Planning and Environmental Branch  
Ms. Mitra Emami, Chief, Operations Branch  
Mr. Michael Wright, Chief, Enforcement Section  
Ms. Nancy Moricz, Senior Engineer  
Ms. Amber Woertink, Board Analyst  
Ms. Nicole Rinke, Board Counsel

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

Mr. Patrick Luzuriaga, Staff Engineers  
Mr. Mike Mierzwa, Chief, Central Valley Flood Planning Office  
Mr. Ricardo Pineda, Chief, Floodplain Risk Management Branch  
Mr. Darren Suen, FloodSAFE Communications Lead  
Mr. Dave Wheeldon, Chief, Flood System Sustainability Branch

**Also Present:**

Mr. Ryan Larson, United States Army Corps of Engineers  
Ms. Paige Caldwell, United States Army Corps of Engineers  
Mr. Eric Nagy, MBK Engineers, for West Sacramento Area Flood Control Agency  
Mr. Jonathan Frame, Reclamation District 999  
Ms. Julie Rentner, River Partners  
Mr. Aaron Trott, Reclamation District 2091

**1. ROLL CALL**

Ms. Amber Woertink, Board Analyst, called the roll, all members present and a quorum was achieved.

**2. APPROVAL OF MINUTES – June 26, 2015 Board Meeting**

*Upon motion by Secretary Dolan, seconded by Board Member Macdonald, the Board unanimously approved the June 26, 2015 Meeting Minutes.*

**3. APPROVAL OF AGENDA**

Ms. Leslie Gallagher, Acting Executive Officer, stated that Item 4C is awaiting a Corps permission letter; thus, the permit will issue at the time the letter is received, rather than upon immediate approval today. Also, Item 4E is to be removed from the Consent as this item is to be a hearing item.

*Upon motion by Board Member Macdonald, seconded by Secretary Dolan, the Board unanimously approved the Agenda with the two changes referenced above.*

**4. CONSENT**

**A. Permit No. 18714-1, California Department of Transportation**

**Consider approval of Permit No. 18714-1 to plant vegetation required for environmental mitigation due to recent construction of two new bridges over the San Joaquin River. (Fresno/Madera County)**

**B. Permit No. 19024, Union Pacific Railroad**

**Consider approval of Permit No. 19024 to replace an existing timber stringer trestle-ballast deck bridge with a 94-foot long PCS girder bridge at MP 148.33 south of Golden State Highway over El Capitan Canal. (Merced County)**

**C. Permit No. 19037, Reclamation District 108**

**Consider approval of Permit No. 19037 to install a positive barrier (fish weir) on the downstream side of Knights Landing Outfall Gates. (Yolo County)**

**D. Permit No. 19045, Sacramento County Department of Water Resources**

**Consider approval of Permit No. 19045 to improve approximately 3,000 linear feet of Elder Creek by creating wetland, riparian, and upland habitats within an established Open Space Preserve along Elder Creek, north of McCoy Avenue and east of Hedge Avenue. (Sacramento County)**

**F. Letter of Support for Improvements Described in General Reevaluation Report for the American River Watershed Common Features Project**

**Consider approval of Resolution 2015-12 to:**

**1. Direct Central Valley Flood Protection Board staff to prepare a Letter of Support to the U.S. Army Corps of Engineers stating the Board's support for improvements described in the General Reevaluation Report for the American River Watershed Common Features Project.**

**2. Delegate to the Executive Officer authority to execute the letter.**

**G. Letter of Support for Improvements Described in General Reevaluation Report for the West Sacramento Project**

**Consider approval of Resolution 2015-13 to:**

**1. Direct Central Valley Flood Protection Board Staff to prepare a Letter of Support to the U.S. Army Corps of Engineers stating the Board's support for the improvements described in the General Reevaluation Report for the West Sacramento Project.**

*Upon motion by Vice President Suarez, seconded by Board Member Macdonald, the Board unanimously approved the Consent Calendar, with the exception of Item 4E and with the provision that the permit for Item 4C be issued once the letter from USACE is received...*

**Item 4E. Permit No. 19046, Three Rivers Levee Improvement Authority**

**Consider approval of Permit No. 19046 to enlarge and reshape existing dredge tailing embankments to a minimum 35-foot crest width, with 3:1**

**(horizontal to vertical) waterside and 5:1 landside slopes in the Yuba Goldfields at the eastern end of the Yuba River South Levee and extending approximately 2.1 miles into the Goldfields. (Yuba County)**

Ms. Nancy Moricz, Flood Board Senior Engineer, gave the presentation and answered Board Member questions. She stated the staff recommendation is that the Board adopt the CEQA findings; approve construction during the flood season from November 1 through April 15; approve draft Encroachment Permit 19046 in substantially the form provided; and direct the Executive Officer to take the necessary actions to file a Notice of Determination with the State Clearinghouse and execute the permit.

*Upon **motion** by Vice President Suarez, seconded by Board Member Countryman, the Board unanimously approved Item 4E.*

**5. PUBLIC COMMENTS - None**

**6. U.S. ARMY CORPS OF ENGINEER (USACE) BRIEFINGS**

**A. U.S. Army Corps of Engineers Levee Inspection Results (Ryan Larson)**

- 1. RD 0536 - Egbert tract (Solano County)**
- 2. Mellin Levee - Rio Vista (Solano County)**
- 3. Sacramento - SacYolo South (Yolo/Solano Counties)**
- 4. RD 1602 - Del Puerto (Stanislaus County)**
- 5. RD 2091 and RD 2063 - Chase and Crows Landing (Stanislaus and Merced Counties)**
- 6. North Fork Feather River at Chester -east levee (Plumas County)**
- 7. North Fork Feather River at Chester -west levee (Plumas County)**
- 8. Fresno River left bank (Madera County)**
- 9. Ash Slough right bank (Madera County)**
- 10. Berenda Slough left bank – Fresno River right bank (Madera County)**
- 11. Ash Slough left bank - Berenda Slough right bank (Madera County)**

Mr. Ryan Larson, USACE, presented the inspection results and answered Board Member questions. All 11 levee systems were rated unacceptable and inactive in the Rehabilitation Program.

Ms. Mitra Emami, Board Operations Branch Chief, and Mr. Michael Wright, Board Enforcement Section Chief, further clarified some of the issues involved.

Mr. Eric Nagy, MBK Engineers, and Mr. Aaron Trott, Superintendent for RD 2091, offered additional clarifying comments regarding work that has been done to address the inspection report and answered Board Member questions.

Mr. Jonathan Frame, Reclamation District 999, remarked that his district is taking these issues very seriously and they are committed to maintaining the levees and keeping them as strong as possible to protect their district. Many of the items noted are recurring and the district addresses the work as the season and funding allow. Other issues facing the district are different timetables for inspection between USACE and DER and different standards of sufficient maintenance.

## **7. BOARD STAFF INFORMATIONAL ITEMS**

### **A. Chief Engineer's Report**

Mr. Eric Marino, Board Chief Engineer, submitted a written report and answered questions about elements of the report. He also introduced Mr. Mike Thao, a new staff person.

## **8. DWR INFORMATIONAL ITEMS**

### **A. 2017 Central Valley Flood Protection Plan Updates**

#### **1. Hydrologic Variability and Climate Change in the CVFPP**

Mr. Michael Mierzwa, DWR Central Valley Flood Planning Office Chief, provided the updates.

Mr. Darren Suen, DWR FloodSAFE Communications Lead, summarized the DWR Public Workshop held June 24 to provide information and receive comments on the process of the 2017 CVFPP Update and the integration of the Conservation Strategy, regional planning and basin-wide studies in to the update. He and Mr. Mierzwa answered Board Member questions.

### **B. Flood System Repair Project Update**

Mr. Dave Wheeldon, DWR Flood System Sustainability Branch Chief, provided the update.

### **C. DWR Quarterly Report on CVFPB Resolution 2012-25, which adopted the 2012 Central Valley Flood Protection Plan**

Mr. Ricardo Pineda, DWR Floodplain Risk Management Branch Chief, gave the Quarterly Report.

## **9. CLOSED SESSION**

### **A. 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).**

- B. 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).**
- C. 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.**
- D. To discuss the evaluation, selection, and employment of candidates for the position of Board Executive Officer pursuant to Govt. Code section 11126(a).**

## **10. CLOSED SESSION REPORT**

President Edgar stated that the Board had concluded a Closed Session on the matter of employing a candidate for the position of Board Executive Officer (Item 9D above), and had decided by unanimous vote to move the selection process to the next level.

## **11. ADDITIONAL INFORMATIONAL BRIEFINGS**

- A. Update since April 2015 on the Nonstructural Alternative at the Three Amigos Site - Stanislaus County**

Ms. Julie Rentner, River Partners; Ms. Paige Caldwell, USACE; and Mr. Patrick Luzuriaga, DWR Staff Engineer, provided the briefing and answered Board Member questions.

## **12. DISCUSSION WITH POSSIBLE ACTION**

- A. Staff update on the Central Valley Flood Protection Board Financing Plan requested by the Senate Budget Subcommittee.**

Ms. Leslie Gallagher, Acting Executive Officer, gave the update.

## **13. BOARD COMMENTS AND COMMITTEE UPDATES - *None***

## **14. UPCOMING MEETING AGENDA(S) AND TOPICS FOR THE BOARD**

The Board discussed potential future agenda items and workshops.

## **15. ADJOURN-REGULAR BOARD MEETING**

The Board unanimously adjourned the Open Session at 2:16 p.m.

Dated: \_\_\_\_\_

The foregoing Minutes were approved:

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Jane Dolan  
Secretary

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William H. Edgar  
President