

**MINUTES**  
**MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD**  
**June 26, 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 June 26, 2015, beginning at 9:01 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  
Ms. Mitra Emami, Chief, Permitting Section  
Ms. Nancy Moricz, Senior Engineer  
Mr. Gary Lemon, Staff Engineer  
Ms. Amber Woertink, Board Analyst  
Ms. Nicole Rinke, Board Counsel

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

Mr. Joel Dudas, Senior Engineer  
Mr. Mike Mierzwa, Chief, Central Valley Flood Planning Office  
Mr. Matthew Pi, Staff Engineer  
Mr. Keith Swanson, Chief, Division of Flood Management

**Also Present:**

Mr. Tom Engler, MBK Engineers, Reclamation District 817  
Dr. René Henery, Trout Unlimited

**Also Present (continued):**

Mr. Ryan Larson, United State Army Corps of Engineers (USACE)  
Mr. Chris Neudeck, Kjeldsen, Sinnock, and Neudeck, Reclamation District 1601  
Mr. Scott Shapiro, Downey Brand, Oakstone Investments, LLC

**1. ROLL CALL**

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

**2. APPROVAL OF MINUTES – April 20, 2015 Board Financing Plan Workshop and April 24, 2015 Board Meeting**

*Upon motion by Vice President Suarez, seconded by Board Member Countryman, the Board unanimously approved the April 20, 2015 Workshop and April 24, 2015 Meeting Minutes.*

**3. APPROVAL OF AGENDA**

Ms. Leslie Gallagher, Acting Executive Officer, remarked that Item 4D indicates that the Corps (USACE) Letter was received; in fact, it was delayed. Thus, she recommended that the Board continue with this Item but not issue the permit until the Corps letter is received. Also, there will be a brief Closed Session in reference to Item 9C.

**4. CONSENT**

**A. Permit No. 19008, Union Pacific Railroad**

**Consider approval of Permit No. 19008 to replace the existing timber bridge, including abutments and piers, over French Camp Slough, east of Interstate 5 and west of the Stockton Metropolitan Airport. (San Joaquin County)**

**B. Permit No. 19010, California State University, Chico**

**Consider approval of Permit No. 19010 to replace the recently destroyed Gus Manolis pedestrian bridge over Big Chico Creek with a new pedestrian bridge. (Butte County)**

**C. Permit No. 19011, California State University, Chico**

**Consider approval of Permit No. 19011 to replace the existing Physical Science pedestrian bridge over Big Chico Creek with a bridge for pedestrian and emergency vehicle access between the CSU Chico campus and Arcadian Avenue. The project includes preservation of existing bridge-mounted**

**utilities and rerouting of a six-inch diameter water line within the channel bank. (Butte County)**

**D. Permit No. 19015, San Joaquin County/Stanislaus County**

**Consider approval of Permit No. 19015 to widen and replace the McHenry Avenue Bridge (Bridge No. 38C-032) over the Stanislaus River. (San Joaquin County/ Stanislaus County)**

**E. Permit No. 19017, City of West Sacramento**

**Consider approval of Permit No. 19017 to upgrade the existing Rice Mill Pier for public access to the Sacramento River, including structural repairs to the pier substructure, abutment, and the existing piles; and a new electrical conduit up and over the levee. (Yolo County)**

As referenced previously, issuance of the permit for Item 4D is subject to receipt of the Corps (USACE) letter.

*Upon **motion** by Vice President Suarez, seconded by Board Member Countryman, the Board approved the Consent Calendar by a vote of 5-0 (absent-Dolan, Villines).*

**5. PUBLIC COMMENTS**

Mr. Tom Engler, MBK Engineers, Reclamation District 817, discussed a problem they are experiencing in Wheatland, on the Bear River right bank upstream of 40 mile Road Bridge. There is an over-steepened sandy levee there with very high velocities that have resulted in significant sloughing occurring.

He informed the Board that, if and when it does start raining, they expect the Bear River to come up, and the district will more than likely declare an emergency. The county supports that declaration. Mr. Engler then answered Board Member questions.

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

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

- 1. RD 1601 - Twitchell Island (Sacramento County)**
- 2. RD 2085 - Kasson District (San Joaquin County)**
- 3. RD 2092 - Dos Rios Ranch (Stanislaus County)**
- 4. RD 2101 - Blewatt District (Stanislaus County)**
- 5. RD 2104 - Peters Pocket (Solano County)**

Mr. Ryan Larson, USACE Operations and Readiness Branch, gave the presentation and answered Board Member questions. He noted that Reclamation District (RD) 1601, Twitchell Island, was rated as minimally acceptable and is active in the rehabilitation program.

The other four RD's were rated unacceptable and inactive.

Mr. Chris Neudeck, Kjeldsen, Sinnock, and Neudeck, speaking on behalf of RD 1601, further clarified the ongoing repairs at Twitchell Island.

## **7. REPORT OF THE ACTIVITIES OF THE DEPARTMENT OF WATER RESOURCES (DWR)**

Mr. Keith Swanson, DWR Division of Flood Management (DFM) Chief, provided a brief overview of DWR activities and answered Board Member questions. Highlights included:

- Mr. Matt Pi, DWR Staff Engineer, is leaving DWR and moving to San Jose, where he will be working for the California Water Service Company.
- Mr. Greg Farley was promoted to Supervising Engineer and will run the new Small Communities Program.
- The budget process is now completed, and DWR did receive the monies outlined in its BCPs. The money came in at a high level and that will provide flexibility of movement as various projects come to fruition.
- The remaining bond funds have been allocated. New funding streams will need to be developed moving forward.
- A big issue around DWR DFM cash flow is the understanding of how the USACE will treat the credits that have been amassed. DFM is now waiting for implementation guidance associated with the WRRDA bill.
- The Knights Landing Levee Repair Project is expected to start soon. Magnus Pacific was selected as the contractor. The bid was \$4.6 million to stabilize the Ridge Cut, which has been a long-standing problem site.
- The West Feather River Levee repair work will restart soon.
- DWR gave a recent briefing to Director Cowin and Deputy Bardini on the Statewide Emergency Response Program. DWR will be announcing allocations of \$5 million in Prop 84 money for the program. Twenty of the 23 applicants will

be funded, with partial funding for most of them, because the requests were on the order of \$15 million for the \$5 million available.

**A. 2017 Central Valley Flood Protection Plan (CVFPP) Update**

- 1. Summary of Public Workshop**
- 2. RFMP Review Summary**

Mr. Michael Mierzwa, DWR Central Valley Flood Planning Office Chief, provided the Update and answered Board Member questions.

Mr. Rene Henery, Trout Unlimited California Science Director, advocated for an emphasis on integration on the part of DWR and the Board to facilitate the Plan and to provide DWR with the support they need to integrate the different elements of the Plan and the Conservation Strategy measurable objectives effectively.

**8. REQUESTED ACTIONS**

**A. American River Common Features – Natomas Basin Design Agreement and Local Design Agreement Amendment #2**

**Consider approval of Resolution No. 2015-09 to:**

- 1. Approve Design Agreement Amendment #2 with the U.S. Army Corps of Engineers (USACE) and the Sacramento Area Flood Control Agency (SAFCA) for the American River Watershed - Natomas Basin Project; and**
- 2. Approve the Local Design Agreement Amendment #2 with SAFCA for the American River Watershed - Natomas Basin Project to reflect the changes to the Design Agreement; and**
- 3. Delegate to the Board President the authority to sign the Amendments.**

Mr. Matt Pi, DWR Staff Engineer, gave the presentation and answered Board Member questions. He summarized the Natomas Basin and its stages of work, the purpose of the amendments, the scope of work for the amendments, and the project phases that are currently ongoing.

He concluded with the staff recommendation for approval of Amendment #2 for the design agreement, approval of the amendment to the local design agreement, and to delegate authority to the Board President to sign the amendments.

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

**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.**

As referenced previously, the Board briefly deliberated on Item 9C.

**10. CLOSED SESSION REPORT - *None***

President Edgar remarked that there was no item to report.

**11. HEARINGS AND DECISIONS**

- A. Permits No. 14389-1, 14389, 15793, 16120, 16120 (Revised), 18096, 15494, and 16151 - Oakstone Investments LLC/The Rivers Community Association Inc.**

**Consider approval of Permit No. 14389-1 that amends Permit No. 14389-A; name change requests for Permits No. 14389, 15793, 16120, 16120 (Revised) and 18096; and Revocation of Permits 15494 and 16151.**

**The Project is located on the waterside of the levee within Phase 1A of The Rivers Development (originally referred to as the Lighthouse Marina and Riverbend Development), and includes subdivided lots for sale as single-family residences.**

**The requested amendment, name changes, and revocations of these permits will consolidate all of the permits that were issued for the Lighthouse Marina Project initially authorized in 1987.**

Mr. Gary Lemon, DWR Staff Engineer, gave the staff report and answered Board Member questions.

Mr. Scott Shapiro, speaking on behalf of Oakstone, provided additional clarifications.

*Upon **motion** by Board Member Countryman, seconded by Secretary Dolan, the Board approved the requested amendment, name changes, and revocations of the Permits. The vote was 4-3 (No-Villines, Macdonald, Ramirez).*

## **12. INFORMATIONAL BRIEFING**

### **A. Proposed project between DWR & USACE to update 100-year flood elevations for the Delta & Suisun Marsh**

Mr. Joel Dudas, DWR Senior Engineer, gave the briefing and answered Board Member questions.

## **13. DISCUSSION WITH POSSIBLE ACTION**

### **A. Update on the progress of the Central Valley Flood Protection Board Financing Plan, requested by the Senate Budget Subcommittee**

Ms. Leslie Gallagher, Board Acting Executive Officer, updated the Board. No action was taken.

## **14. BOARD COMMENTS AND COMMITTEE UPDATES**

President Edgar remarked that, after a lot of work, the Board did get approval and funding for the Executive Officer permanent position. He asked that a special meeting be scheduled for candidate interviews and Board deliberation. A meeting was scheduled for Friday, August 7.

## **15. FUTURE AGENDA**

The Board discussed potential future Agenda topics.

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

The Board unanimously adjourned the Open Session at 12:42 p.m.

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

The foregoing Minutes were approved:

\_\_\_\_\_  
Jane Dolan  
Secretary

\_\_\_\_\_  
William H. Edgar  
President

DRAFT