

MINUTES
MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD
January 23, 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 January 23, 2015, beginning at 9:02 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. Tim Ramirez
Mr. Mike Villines

Board Member not present:

Mr. Clyde Madonald

Board staff present:

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

Department of Water Resources (DWR) staff present:

Mr. Keith Swanson, Chief, Division of Flood Management
Mr. Stacy Cepello, Chief, Floodway Ecosystem Sustainability Branch
Mr. Mike Mierzwa, Chief, Central Valley Flood Planning Office
Mr. David Pesavento, Chief, Flood Project Inspection Section
Ms. Nekane Hollister, Chief, Flood Projects Integrity Section B

Mr. David Rizzardo, Chief, Snow Surveys Section
Mr. Dave Wheeldon, Chief, Flood System Sustainability Branch
Mr. Kasey Schimke, Assistant Director

Also Present:

Mr. Ryan Larson, United States Army Corps of Engineers
Mr. Stephen Osgood, United States Army Corps of Engineers
Ms. Judy Soutiere, United States Army Corps of Engineers
Mr. Scott Shapiro, Downey Brand
Mr. Tom Smythe, Lake County Watershed Protection District

1. ROLL CALL

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

2. APPROVAL OF MINUTES – November 21, 2014

Upon motion by Secretary Dolan, seconded by Board Member Countryman, the Board unanimously approved the November 21, 2014 Minutes.

3. APPROVAL OF AGENDA

Ms. Leslie Gallagher, Board Acting Executive Officer, noted that Agenda Item 4C incorrectly states 2014 Final Supplemental Environmental Assessment and will be changed to 2015.

She had two personnel announcements:

1. Three new staff members have come aboard on a contract basis (for up to 12 months): Ilene Wellman-Barbree, Alfred Lam and George Avila.
2. Staff Engineer Angeles Caliso will be leaving the Board to do water rights permitting for the State Water Board.

Upon motion by Secretary Dolan, seconded by Board Member Countryman, the Board unanimously approved the Agenda with the change referenced above.

4. CONSENT

A. Permit No. 18944, Decker Island, LLC

Consider approval of Permit No. 18944 to extend electrical cables buried across Sherman Island Flood Protection Levee on the Sacramento River,

under the Sacramento Horseshoe Bend Channel floodway, and up onto Decker Island. (Sacramento County)

B. Permit No. 18994, North San Joaquin Water Conservation District

Consider approval of Permit No. 18994 to construct a water diversion facility with an elevated pump station including a fish screened intake, electric motor, controls, and 1000 linear feet of underground discharge pipe within the Mokelumne River Designated Floodway. (San Joaquin County)

C. Folsom Dam Modification Project - Right Bank Stabilization, 2015 Final Supplemental Environmental Assessment/Environmental Impact Report

Consider approval of Resolution No. 2014-28 to certify the Folsom Dam Safety and Flood Damage Reduction Project - Right Bank Stabilization, 2015 Final Supplemental Environmental Assessment/Environmental Impact Report.

D. Sacramento Area Flood Control Agency (SAFCA), North Sacramento Streams Improvement Project, Sacramento County

Consider approval of a letter to the U.S. Army Corps of Engineers (USACE) pursuant to federal Title 33, USC Section 408 requesting that USACE initiate, in cooperation with SAFCA, a joint review of possible improvements to levees along Arcade Creek and the Natomas East Main Drainage Canal.

E. Sacramento Area Flood Control Agency (SAFCA), Sacramento River East Levee Improvement Project, American River to Freeport, Sacramento County

Consider approval of a letter to the U.S. Army Corps of Engineers (USACE) pursuant to federal Title 33, USC Section 408 requesting that USACE initiate, in cooperation with SAFCA, a joint review of possible improvements to the Sacramento River east levee.

F. Three Rivers Levee Improvement Authority (TRLIA), Western Pacific Interceptor Canal (WPIC), Yuba County

Consider approval of a letter to the U.S. Army Corps of Engineers (USACE) pursuant to federal Title 33, USC Section 408 requesting that USACE initiate, in cooperation with TRLIA, a joint review of possible improvements to the WPIC.

G. Reclamation District 108 (RD 108), Knights Landing Outfall Gates Fish Barrier Project, Yolo County

Consider approval of a letter to the U.S. Army Corps of Engineers (USACE) pursuant to federal Title 33, USC Section 408 requesting that USACE initiate, in cooperation with RD 108, a joint review of possible improvements to the Knights Landing Outfall Gates structure.

Board Member Countryman recused himself from Items 4C, 4D and 4E.

Upon motion by Secretary Dolan, seconded by Board Member Countryman, the Board unanimously approved the Consent Calendar, with the recusals listed above.

- 5. PUBLIC COMMENTS - None**
- 6. U.S. ARMY CORPS OF ENGINEERS (THE CORPS) BRIEFING**
 - A. U.S. Army Corps of Engineers Levee Inspection Results**
 - 1. Littlejohn Creek Left Bank - Unit 1 (San Joaquin County)**
 - 2. Littlejohn Creek Right Bank - Unit 2 (San Joaquin County)**
 - 3. Middle Creek Left Bank - Unit 1 at Clear Lake (Lake County)**
 - 4. Middle Creek Left Bank - Unit 1 North (Lake County)**
 - 5. Middle Creek Left Bank - Unit 5 and part of 1 (Lake County)**
 - 6. Middle Creek Right Bank - Unit 2 (Lake County)**
 - 7. Middle Creek Right Bank - Unit 2 North (Lake County)**
 - 8. North Middle Creek Left Bank - Unit 1 South (Lake County)**

Mr. Ryan Larson, the Corps' Flood Protection and Navigation Section Chief, presented the levee inspection results and answered Board Member questions. He remarked that the Littlejohn Creek Left and Right Bank, Units 1 and 2 (numbers 1 and 2 above) were rated minimally acceptable and remain active in the Rehabilitation Program. The remaining six levee systems (numbers 3 through 8 above) were deemed unacceptable and inactive in the Rehabilitation Program.

Mr. Tom Smythe, Lake County Watershed Protection District, addressed some of the elements in the Report, discussed the overall difficulty of meeting the levee system standards and answered Board Member questions.

- B. Update on implementation of Engineering Circular 1165-2-216, Policy and Procedural Guidance for Processing Requests to Alter US Army Corps of Engineers Civil Works Projects Pursuant to 33 USC 408**

Mr. Larson updated the Board on the Circular and answered Board Member questions.

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. Highlights included:

- Mr. Darren Suen has been appointed to the Elk Grove City Council.
- Mr. Todd Bernardi took a lateral transfer to DFM to help Jeremy Arrich with issues of the Yolo Bypass implementation.
- The Urban Flood Risk Reduction Program guidelines were approved by the Director and are now on the website. The 45-day solicitation phase, where applicants are asked to put together brief packages requesting funding, has begun. It is expected that funding decisions will be made in the March/April time frame.
- The Small Community Program guidelines are moving forward. An executive briefing is expected to occur within the next couple of weeks. DFM is about to start recruiting for a Supervising Engineer-level position to run the program. As currently envisioned, the program will provide up to \$500,000 per community to develop plans.
- In the coming year DWR DFM will focus on:
 1. Central Valley Flood Protection Plan development, in coordination with the Board.
 2. (In 2016) working on alignment with the resource agencies and others on how to implement multi-benefit projects and, more importantly, how to manage them as we move forward.
 3. Implementation of the Yolo Bypass.
 4. The Small Communities Program.
 5. Working with the Board on encroachment management and enforcement, in alignment with the Corps.
 6. Stepping up our federal advocacy program.
 7. Beginning discussions on flood financing, which will require a common strategy that all can articulate, that demonstrates the value that DWR provides, and that documents the achievements it has on an annual basis.

A. Annual Department of Water Resources Inspection Briefing

Mr. David Pesavento, DWR Flood Project Inspection Section Chief and Ms. Nekane Hollister, DWR Flood Projects Integrity Section B Chief, provided the Briefing and answered Board Member questions.

B. Snow Surveys Program and Water Supply Forecasting

Mr. David Rizzardo, DWR Snow Surveys Section Chief, gave the presentation and answered Board Member questions.

C. 2017 Flood Protection Plan (CVFPP) Update

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

1. CVFPP Conservation Strategy Update

Mr. Stacy Cepello, DWR Floodway Ecosystem Sustainability Branch Chief, gave the Update. He and Mr. Mierzwa answered Board Member questions.

8. CLOSED SESSION

A. To discuss litigation (Steamboat Acres, L.P. v. Daniel P. Whaley; Sacramento Superior Court Case No. 34-0212-00134547) pursuant to Govt. Code section 11126(e)(1).

B. 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).

C. 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).

D. 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.

9. CLOSED SESSION REPORT - None

Only Item 8A was discussed. President Edgar stated that no reportable action was taken.

10. HEARINGS AND DECISIONS

A. Permit No. 18931, Union Pacific Railroad

Consider approval of Permit No. 18931 to stabilize and replace the existing bridge (Bridge 143.71) east of Live Oak Blvd. and west of the Feather River, just north of Yuba City. (Sutter County)

Ms. Nancy Moricz, Board Senior Engineer, gave the presentation and concluded with the staff recommendation that the Board find the project statutorily exempt from CEQA and approve the requested variances to Title 23 Sections 128(a) and 128(a)(16) pursuant to sections 11(a) and (b); approve the draft Encroachment Permit Number 18931 in substantially the form provided; and direct the Executive Officer to take the necessary actions to execute the Permit and file a Notice of Exemption pursuant to CEQA with the State Clearinghouse. She also answered Board Member questions.

Upon motion by Vice President Suarez, seconded by Secretary Dolan, the Board unanimously approved the staff recommendation.

11. REQUESTED ACTIONS

A. Biannual confirmation of Board meeting schedule

Without objection, the Board concurred with the updated meeting schedule.

B. Flood System Repair Project (FSRP)

Consider approval of Resolution 2015-01 to:

- 1. Approve the form of the FSRP Operations and Maintenance agreement template;**
- 2. Delegate authority to the Executive Officer to sign operation and maintenance agreements funded under FSRP; and**
- 3. Approve the operation and maintenance agreements signed by the Executive Officer under previous delegation for FSRP projects.**

Mr. Dave Wheeldon, DWR Flood System Sustainability Branch Chief, provided a brief summary of the status of FSRP. He and Ms. Gallagher answered Board Member questions.

Mr. Scott Shapiro, speaking on behalf of a number of different LMAs, discussed some of the elements of the FSRP.

Upon motion by Vice President Suarez, seconded by Board Member Ramirez, the Board unanimously approved the Resolution. It also directed

that there be a six month update provided to the Board on the progress and implementation of the Project.

12. INFORMATIONAL BRIEFINGS

A. Overview of current status of Sacramento Riverbank Protection Project and release of the Public Draft Post Authorization Change Report and Programmatic Environmental Impact Statement/Environmental Impact Report (PACR/EIS/EIR) for review and comment

Mr. Wheeldon provided the Overview. He, Ms. Judy Soutiere, the Corps, and Mr. Stephen Osgood, the Corps, answered Board Member questions.

B. Review of the Governor's budget and its effect on the Board's Strategic Action Plan

Mr. Kasey Schimke, DWR Assistant Director, Ms. Lucy Montgomery, Board Chief Administrator, and Mr. Len Marino, Board Chief Engineer, gave the presentation and answered Board Member questions.

13. BOARD COMMENTS AND TASK LEADER REPORTS

President Edgar commented that he has been spending a lot of time on Executive Committee matters, including in-house organizational, staffing and budgeting issues, and with the Agency. Mr. Edgar views the priorities for the coming year to include the issue of internal administration and management; getting the enforcement program up and running and the permitting system up-to-date with the Title 23 regulations; the integration of the various water activities; and the Board's legislative program.

Board Member Ramirez continued his work on the Delta Stewardship Council implementation and on Resources Agency matters.

Board Member Villines continued his assignments on the Delta.

Vice President Suarez continued her Executive Committee duties. She also attended a reception for Latino appointees of Governor Brown.

Secretary Dolan continued her Executive and ad hoc organization/budget committee duties.

14. FUTURE AGENDA

Ms. Gallagher reiterated that there will be a Board workshop for the February 13 meeting which will include a briefing on the Conservation Strategy.

15. ADJOURN-REGULAR BOARD MEETING

The Board unanimously adjourned the Open Session at 3:42 p.m.

Dated: March 27, 2015

The foregoing Minutes were approved:



Jane Dolan
Secretary



William H. Edgar
President

