

MINUTES
MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD
February 26, 2016

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 February 26, 2016, beginning at 9:00 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, Executive Officer
Mr. Eric Butler, Chief, Planning Branch
Mr. Michael Wright, Chief, Enforcement Section
Ms. Nancy Moricz, Senior Engineer
Ms. Amber Woertink, Analyst to the Board
Ms. Nicole Rinke, Board Counsel

Department of Water Resources (DWR) staff present:

Ms. Simar Dhanota, Division of Flood Management (DFM), Flood Projects Office
Mr. Mark List, Chief, DFM, Flood Maintenance Office
Mr. Eric Martinez, DFM, Flood Projects Office
Mr. Mike Mierzwa, Chief, DFM, Central Valley Flood Planning Office
Mr. Ran Singh, DFM, Flood Maintenance Office
Mr. Keith Swanson, Chief, DFM
Mr. Dave Wheeldon, Chief, DFM, Flood System Sustainability Branch

Also Present:

Mr. Jim Giottonini, San Joaquin Area Flood Control Agency (SJAFCA)

Mr. John Maguire, San Joaquin County

Mr. Glen Reed, United States Army Corps of Engineers (USACE)

1. WELCOME AND INTRODUCTIONS

Mr. Bill Edgar, Board President, congratulated Vice President Emma Suarez and Board Members Tim Ramirez, Joe Countryman, and Clyde McDonald on their recent reappointment by Governor Brown to additional terms of office of four years each. He added that all seven members of the Board originally appointed or carried over in 2012 have now been reappointed.

2. ROLL CALL/ESTABLISH A QUORUM (Water Code § 8560)

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

3. APPROVAL OF MINUTES – December 18, 2015 Board Meeting

*Upon **motion** by Secretary Dolan, seconded by Board Member Macdonald, the Board unanimously approved the December 18, 2015 Meeting Minutes.*

4. REVIEW OF AGENDA

Ms. Leslie Gallagher, Board Executive Officer, stated that the agenda was in order.

5. CONSENT ITEMS

A. Permit No. 19051, City of Sacramento

Consider approval of Permit No. 19051 to modify approximately 2/3-mile segment of gravel service road at the toe of the levee to incorporate a paved multi-use trail, including creation of a trailhead and restoration of floodplain habitat. (Sacramento County)

B. Permit No. 19062, Union Pacific Railroad

Consider approval of Permit No. 19062 to replace an existing timber string trestle bridge over Canal Creek with a new 7-span, 120-foot-long bridge deck, precast caps and girders supported by H-piles. (Merced County)

C. Marysville Ring Levee Project – Amendment No. 1

Consider approval of Resolution No. 2016-02 to:

1. Approve Project Partnership Agreement Amendment No. 1 with the U.S. Army Corps of Engineers and Marysville Levee District to allow the State to receive credit for improvements in the Yuba River Basin and update current authorized project costs.

2. Delegate to the Board President the authority to sign the Agreement Amendment.

D. Transmittal for RD 70 and RD 1660 – Sutter Basin North Levee System: Letter of Intent to Submit a System-Wide Improvement Framework Plan to the U.S. Army Corps of Engineers

Consider authorizing the Executive Officer to transmit a Letter of Intent to develop and implement a System-Wide Improvement Framework (SWIF) to the U.S. Army Corps of Engineers (USACE), prepared by Reclamation Districts 0070 and 1660, in partnership with the Department of Water Resources, for the RD 0070 and RD 1660 - Sutter Basin North Levee System, as defined by the USACE's Periodic Inspection dated October 18, 2013. (Sutter County)

Upon motion by Vice President Suarez, seconded by Secretary Dolan, the Board unanimously approved Consent Items 5A, 5B, 5C, and 5D as submitted.

6. PUBLIC COMMENTS - None

7. U.S. ARMY CORPS OF ENGINEERS (USACE) ITEMS

A. Sutter Basin Flood Protection Project – An informational presentation on the current status of the Sutter Basin Flood Protection Project.

Ms. Simar Dhanota, DWR Staff Engineer, updated the Board on the USACE feasibility study, local projects currently underway, and the future federal projects in the Sutter Basin.

B. Lower San Joaquin River Feasibility Study Letter of Support

Consider approval of Resolution 2016-03 to:

1. Approve a Letter of Support, from the Central Valley Flood Protection Board (CVFPB) to the U.S. Army Corps of Engineers (USACE), indicating support for the recommended plan.

2. Approve a Self-Certification of Financial Capability, from the CVFPB to the USACE, indicating financial capability to satisfy the obligations for the study.

3. Delegate to the Executive Officer the authority to sign the Letter of Support and Self-Certification of Financial Capability in substantially the forms attached hereto.

Mr. Eric Martinez, DWR Staff Engineer, gave the presentation and answered Board Member questions. He concluded by requesting that the Board approve Resolution 2016-03, which includes approval of a letter of support and a self-certification of financial capability from the Board to the USACE, and delegation to the Executive Officer the authority to sign the letter of support and self-certification in substantially the form submitted.

Mr. Glen Reed, USACE Project Manager for the Sacramento District; and Mr. Jim Giottonini, San Joaquin Area Flood Control Agency Executive Director, added clarifying remarks and answered Board Member questions.

Mr. Giottonini and Mr. John Maguire, San Joaquin County, expressed their support for the project.

*Upon **motion** by Vice President Emma Suarez, seconded by Board Member McDonald, the Board approved the Resolution by a vote of 6-1 (Edgar). Further, the Board expressed their understanding that the detailed design studies will show the actual amount of takings that are going to be needed to do this project, and that the design studies will not eliminate the future possibility of protecting 43,000 people in RD 17.*

8. DEPARTMENT OF WATER RESOURCES (DWR) ITEMS

A. Update on reorganization plan for the DWR Division of Flood Management

Mr. Keith Swanson, DWR Division of Flood Management Chief, provided the update and answered Board Member questions. He noted that DFM is trying to address their decreased funding by looking to right-size the organization through attrition and natural movement while continuing to deliver projects and advocate for additional funding.

B. Central Valley Flood Protection Plan Update: Developing and Evaluating Regional Portfolios

Mr. Mike Mierzwa, DWR Central Valley Flood Planning Office Chief, provided the update and answered Board Member questions. He detailed where DWR is with respect to integrating the Regional Flood Management Plans into the Central Valley Flood

Protection Plan. He also discussed where the process is going next, specifically how they are moving towards building regional portfolios.

C. Information on Flood System Repair Program (FSRP)

Mr. Dave Wheeldon, DWR Flood System Sustainability Branch Chief, provided a short briefing on FSRP. He and Mr. Ron Singh, DWR Staff Engineer, also discussed levee penetration rehabilitations, primarily regarding pipes that are in various states of disrepair.

Mr. Wheeldon, Mr. Singh, and Mr. Mark List, DWR Flood Maintenance Office Chief, answered Board Member questions about FSRP.

D. Report of the Department of Water Resources (Written Submission)

(There was no discussion on Item 8D.)

9. BOARD ITEMS

A. Update on Conservation Strategy Advisory Committee meetings

Vice President Suarez and Board Member MacDonald provided the update on the recent Advisory Committee meeting.

B. Overview of 2015 Achievements of the Projects and Environmental Branch

(There was no discussion on Item 9B.)

**10. EXECUTIVE OFFICER'S REPORT
(Documents Submitted for Board Member Review)**

A. Update on Board Administration

B. Update on activities of the Operations Branch (Permits and Enforcement)

(There was no discussion on Items 10A or 10B.)

11. BOARD COMMENTS AND COMMITTEE UPDATES - *None*

12. UPCOMING MEETING AGENDA(S) AND TOPICS FOR THE BOARD

Executive Officer Gallagher briefly reported that the April 8th meeting will be held as the Public Meeting for the Notice of Intent to prepare a Supplemental PEIR of the 2017 Update of the Central Valley Flood Protection Plan. DWR is the CEQA Lead Agency.

13. CLOSED SESSION

- A. To discuss the evaluation, selection, employment, and other personnel matters related to the Board’s interviewing of candidates and hiring for the position of Board Counsel pursuant to Govt. Code Section 11126(A)(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.**

14. CLOSED SESSION REPORT

President Edgar announced that the Board has hired Mr. Jit Dua as its new Board Counsel. He will be formally welcomed at the next Board Meeting.

15. ADJOURNMENT

The Board unanimously adjourned the Open Session at 11:45 a.m.

Dated: _____

The foregoing Minutes were approved:

Jane Dolan
Secretary

William H. Edgar
President