

**MINUTES**  
**MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD**  
**April 22, 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 April 22, 2016, beginning at 9:10 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. Jane Dolan, Secretary  
Mr. Joe Countryman  
Mr. Clyde Macdonald  
Mr. Tim Ramirez  
Mr. Mike Villines

**Board member not present:**

**Ms. Emma Suarez, Vice President**

**Board staff present:**

Ms. Leslie Gallagher, Executive Officer  
Mr. Eric Butler, Chief, Planning Branch  
Ms. Mitra Emami, Supervising Engineer  
Ms. Amber Woertink, Analyst to the Board  
Mr. Kanwarjit (Jit) Dua, General Counsel  
Mr. Deb Biswas, Staff Engineer  
Mr. James Herota, Senior Environmental Staff  
Ms. Natasha Nelson, CVFPB and Program Manager I, Integrated Water Management/FESSRO

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

Mr. Keith Swanson, Chief, Division of Flood Management (DFM)  
Mr. Michael Zelazo, DFM, Flood Projects Office/Flood Risk Reduction Projects Branch  
Mr. Mark List, Chief, DFM, Flood Maintenance Office  
Ms. Erin Brehmer, DFM, Flood Projects Office, Environmental Support Branch

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

Mr. Jason Brabec, DFM, Flood Projects Office/Flood Risk Reduction Projects Branch  
Mr. Darren Suen, DFM, FloodSAFE Communications Lead  
Mr. Michael Mierzwa, DFM, Chief, Central Valley Flood Planning Office  
Mr. Dave Wheeldon, DFM, Chief, Flood System Sustainability Office  
Mr. David Martasian, Chief, Environmental Support Section, Flood Projects Office,  
Division of Flood Management  
Ms. Robin Brewer, Assistant Chief Counsel, DWR Legal  
Mr. Russell Eckman, Chief, Sacramento Maintenance Yard  
Mr. Ricardo Pineda, DFM, Supervising Engineer, FloodSAFE Program Management  
Office  
Mr. Terri Gaines, DFM, Chief, Habitat Project Implementation Branch, Floodway  
Ecosystem Sustainability Office

Mr. Hamid Bonakdar, DFM,  
Mr. Wilbur Huang, DFM, Flood Projects Office

**Also Present:**

Ms. Kimane Riggs  
Ms. Heather Riggs  
Mr. Josh Garcia, United States Army Corps of Engineers (USACE)  
Mr. Rick Johnson, Sacramento Area Flood Control Agency  
Mr. Clay Carithers  
Mr. Vincent Heim  
Mr. Rick Reinhardt, MBK Engineers  
Mr. Tim Kerr, American River Flood Control District  
Mr. Reggie Hill, Lower San Joaquin Levee District  
Ms. Alicia Eagan, Edelman  
Mr. Raj Rai, Edelman  
Mr. Dan Tibbitts, USACE  
Mr. Rick Johnson, SAFCA  
Mr. Chris Ellis, Pacific Gas & Electric  
Mr. Pete Daniels, GTW

**1. WELCOME AND INTRODUCTIONS**

**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 – February 26, 2016 Board Meeting**

*Upon motion by Secretary Dolan, seconded by Board Member Macdonald, the Board unanimously approved the February 26, 2016 Meeting Minutes.*

#### **4. REVIEW OF AGENDA**

Ms. Leslie Gallagher, Board Executive Officer, stated that the agenda was in order and there is a Closed Session item today, Item 9C.

*Upon motion by Secretary Dolan, seconded by Board Member McDonald, the Board unanimously approved the agenda.*

#### **5. CONSENT ITEMS**

##### **A. Permit No. 19022, City of Yuba City**

**Consider approval of Permit No. 19022 to expand the existing Parkway by 84 acres, create 2.6 miles of trails, picnic benches and interpretive signs north of Colusa Avenue on the eastern edge of Yuba City, along the Feather River. (Sutter County)**

*Upon motion by Secretary Dolan, seconded by Board Member Countryman, the Board unanimously approved Item 5A.*

##### **B. Permit No. 19031-2, Pacific Gas and Electric Company (PG&E)**

##### **C. Permit No. 19031-3, Pacific Gas and Electric Company (PG&E)**

**Consider approval of Permit No. 19031-3 to install a gas transmission line under the right (west) and left (east) bank levees and channel of the Sacramento River. (Sacramento County)**

*Upon motion by Secretary Dolan, seconded by Board Member Countryman, the Board unanimously approved Items 5B and 5C by a vote of 6-0 (recused-Villines).*

#### **6. PUBLIC COMMENTS**

Ms. Kim Riggs, who resides at 1885 Claremont Road in Carmichael, discussed an encroachment permit application she and her husband submitted in February 2015 to demolish their existing home and construct a new one. She stated that they were told, in July 2015, that their permit application was complete and had been sent to the Corps for approval.

The final Corps approval has still not been received. She asked the Board to look into the matter. Ms. Gallagher, Board Executive Officer, commented that they were aware of the issue and hoped to have a resolution soon.

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

**A. American River Common Features – General Reevaluation Report (GRR) and Environmental Impact Report (EIR)**

**Consider approval of Resolution 2016-04 to:**

- 1. Approve the American River Common Features General Reevaluation Report;**
- 2. Adopt the final Environmental Impact Statement/Environmental Impact Report; and**
- 3. Delegate to the Central Valley Flood Protection Board Executive Officer the authority to execute the Notice of Determination.**

Mr. Michael Zelazo, DWR Division of Flood Management (DFM), gave the presentation and answered Board Member questions. He concluded with the staff recommendation to approve the resolution to certify the environmental document; to adopt the findings and statements of overriding considerations addressing the significant unavoidable effects, along with the MMRP plan; to approve the recommended plan; and to delegate the authority to execute the Notice of Determination (NOD).

Ms. Erin Brehmer and Mr. David Martasian, DWR Environmental Scientists; Mr. Dan Tibbetts, USACE; and Mr. Rick Johnson, SAFCA, further clarified the issues and answered questions.

The Board deliberated and decided to amend the wording in the resolution to make it clear that, although the Board is supportive of the document at this programmatic level and wants to continue the authorization process, no construction shall result from today's actions. At a later date in the project level analysis the Board will reconsider and potentially take action at that time to begin construction.

*Upon motion by Board Member Ramirez, seconded by Board Member McDonald, the Board unanimously approved the Resolution, including the amended wording listed in the paragraph above.*

**8. DEPARTMENT OF WATER RESOURCES (DWR) ITEMS**

**A. Department of Water Resources' Maintenance Area Budgets for Fiscal Year 2016-17 (Action Item)**

**Consider approval of DWR proposed fiscal year 2016-17 maintenance area budgets, pursuant to Water Code Section 12878.**

Mr. Mark List, DWR Flood Maintenance Office Acting Chief, provided background information and specifics on the proposed budget and answered Board Member questions.

*Upon motion by Board Member Macdonald, seconded by Secretary Dolan, the Board unanimously approved the proposed 2016-17 fiscal year maintenance area budgets.*

**B. Folsom Dam Modification Projection - Phase V 2016 Final Supplemental Environmental Assessment Environmental Impact Report (SEA/EIR)**

Mr. Jason Brabec, DWR Staff Engineer, gave the report and concluded by asking that the Board approve the Phase V 2016 Resolution, which certifies the 2017 supplemental document of the 2016 SEA/EIR for the Phase V Site Restoration Related Mitigation Activities, adopts the Statement of Findings and Mitigation Monitoring Reporting Plan, approves the Design Refinement, and delegates authority to the Executive Officer to execute the NOD.

Mr. Brabec and Mr. Eric Butler, Board Projects and Environmental Branch Chief, answered Board Member questions.

*Upon motion by Board Member Macdonald, seconded by Secretary Dolan, the Board unanimously approved the Resolution by a vote of 6-0 (recused – Countryman).*

**C. 2017 Update to the Central Valley Flood Protection Overview**

Mr. Mike Mierzwa, DWR Central Valley Flood Planning Office Chief, provided the Update and answered Board Member questions. The Board discussed various parts of the Flood Protection Plan.

**D. Update on Lower San Joaquin Levee District State Plan of Flood Control**

Mr. Robin Brewer, DWR Legal Counsel, updated the Board and responded to Board comments.

**E. Report of the Department of Water Resources (written submission)**

(There were no questions on the 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.**

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

**11. BOARD ITEMS**

- A. **Legislative Update on AB 1716 which, if passed, will establish the Lower American River Conservancy, governed by a 12-member board.**

Mr. Jit Dua, Board General Counsel, provided the update.

- B. **Update on Conservation Strategy Advisory Committee meetings**

Board Member Macdonald and Mr. James Herota, Board Senior Environmental Scientist, provided the update.

**12. 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)**
- C. **Update on the activities of the Projects and Environmental Branch**

(There were no questions on the report and updates.)

**13. BOARD COMMENTS AND COMMITTEE UPDATES**

Board Member Countryman commented that he was asked by DWR Flood Management Office to review a draft of their new River Atlas for the Sacramento Basin and he did offer them some feedback.

Secretary Dolan remarked that the Executive Committee continues to work with staff on plan delivery, which includes the hearing process, outreach, timing and coordination with the environmental document.

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

(There was no discussion.)

**15. ADJOURNMENT**

The Board unanimously adjourned the Open Session at 2:09 p.m.

Dated: July 22, 2016

The foregoing Minutes were approved:

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Jane Dolan  
Secretary

William H. Edgar  
William H. Edgar  
President