

**MINUTES**  
**MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD**  
**June 24, 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 June 24, 2016, beginning at 9:02 a.m. in The Sacramento City Hall Second Floor Hearing Room, 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 Macdonald

**Board staff present:**

Ms. Leslie Gallagher, Executive Officer  
Mr. Eric Butler, Chief, Planning Branch  
Mr. Deb Biswas, Staff Engineer  
Mr. Kanwarjit (Jit) Dua, General Counsel  
Ms. Mitra Emami, Acting Chief Engineer  
Ms. Nancy Moricz, Senior Engineer  
Ms. Amber Woertink, Analyst to the Board

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

Ms. Robin Brewer, Assistant Chief Counsel, DWR Legal Office  
Mr. Keith Swanson, Chief, Division of Flood Management (DFM)  
Ms. Reena Jawanda, DFM, Flood Projects Office, Project Manager, American River Watershed Project, Natomas Basin  
Ms. Andrea Lobato, DFM, Delta Levees Office, Supervising Engineer, Delta Levees Maintenance Subventions Program and Special Projects

Mr. Sandi Maxwell, DFM, Senior Engineer, Delta Levees Maintenance Subventions Program

Mr. Michael Mierzwa, Chief, DFM, Central Valley Flood Planning Office

Mr. Michael Sabbaghian, Chief, DFM, Flood Risk Reduction Projects Branch

Mr. Ward Tabor, Senior Attorney

**Also Present:**

Mr. Michael Bessette, Sutter Butte Flood Control Agency

Ms. Paige Caldwell, United States Army Corps of Engineers (USACE)

Mr. Gilbert Cosio, MBK Engineers

Mr. Rick Johnson, Sacramento Area Flood Control Agency (SAFCA)

Mr. Chris Neudeck, Kjeldsen, Sinnock & Neudeck

Mr. Joe Silveira, United States Fish and Wildlife Service

**1. WELCOME AND INTRODUCTIONS**

Mr. Bill Edgar, Board President, welcomed the participants.

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

Ms. Amber Woertink, Board Analyst, called the roll and a quorum was achieved, with one member absent.

**3. BOARD RESOLUTION PRESENTATION**

President Edgar presented the resolution to Mr. Keith Swanson, DWR Division of Flood Management (DFM) Chief, who is retiring after over 25 years of service to the state of California. Board Members told anecdotes about Mr. Swanson and expressed their appreciation for his many years of service. Mr. Swanson responded by stating that it had been an honor and a pleasure to work with the Board.

**4. APPROVAL OF MINUTES – March 25, 2016 Board Meeting**

*Upon motion by Secretary Dolan, seconded by Board Member Ramirez, the Board unanimously approved the March 25 Board Meeting Minutes.*

**5. REVIEW OF AGENDA**

Ms. Leslie Gallagher, Board Executive Officer, remarked that there will be two Closed Sessions today, on Items 11A and 11C.

**6. CONSENT ITEMS**

**A. Permit No. 19073, Recology Yuba Sutter**

**Consider approval of Permit No. 19073 to install two temporary steel compost runoff collection tanks with two above ground conveyance pipes and a pumping station; to authorize an existing above ground gravity pipe parallel to the levee. Project components will remain in place for 2-5 years, at which time the entire facility will be removed from the floodway. (Yuba County)**

*Upon motion by Board Member Countryman, seconded by Vice President Suarez, the Board unanimously approved Item 6A.*

**7. PUBLIC COMMENTS – None**

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

**A. American River Watershed Project, Natomas Basin, Project Partnership and Local Project Partnership Agreements**

**Consider Board approval and authority to sign Resolution No. 2016-13 to approve the Project Partnership Agreement (PPA) between the Board, the USACE, and the Sacramento Area Flood Control Agency (SAFCA); and to approve the Local Project Partnership Agreement (LPPA) between the Board and SAFCA for the construction of the American River Watershed, Natomas Basin Project; and to adopt responsible agency findings and sign the Notice of Determination pursuant to CEQA guidelines § 15096. (Sacramento and Sutter Counties)**

Ms. Reena Jawanda, DWR Staff Engineer, conducted the presentation and concluded with the staff recommendation that the Board adopt, in substantially the form provided, the responsible agency CEQA findings, the Statement of Overriding Considerations, and Resolution 2016-13; approve in substantially the form provided the PPA and the LPPA, and delegate authority to the Board President to sign the agreements and direct the Executive Officer to file a Notice of Determination pursuant to CEQA with the State Clearinghouse.

*Upon motion by Vice President Suarez, seconded by Secretary Dolan, the Board voted 5-0 to adopt the staff recommendation. The motion was approved with one abstention (Countryman).*

**B. U.S. Army Corps of Engineers Non-Federal Levee Program, West Sacramento**

**Informational briefing on the process that allows non-project levees to participate in the PL 84-99 rehabilitation program, and information on the recent separation of the West Sacramento Sac/Yolo South levee system into two separate levee systems by the inclusion of the West Sacramento South Cross Levee.**

Ms. Paige Caldwell, USACE Readiness Section Chief, provided the briefing and answered Board Member questions.

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

**A. Cooperative Land Management in the Sacramento River Watershed**

**Informational Briefing on Cooperative Land Management in the Sacramento River Watershed and recommendation for future management of the Sacramento-San Joaquin Drainage District (SSJDD) properties.**

Mr. Swanson, DWR DFM Chief, provided the informational briefing and answered Board Member questions. He presented a DFM proposed strategy on how to cooperatively manage Board-owned property, as well as a Memorandum Of Understanding (MOU) between the Board, DWR, and the U.S. Fish and Wildlife Agency. The proposal was referred to Board staff who had not yet been involved with its development.

Mr. Joe Silveira, Sacramento National Wildlife Refuge Complex Wildlife Biologist, remarked that the MOU is a big step forward in cooperative management of the lands for the riparian and floodplain habitats they were intended to provide. Further, it promotes collaborative management efforts to maintain the flood control system where lands are managed for wildlife habitats along the Sacramento River.

**B. 2016 Delta Levees Maintenance Subventions Program**

Mr. Sandi Maxwell, DWR Senior Engineer, and Ms. Andrea Lobato, DWR Supervising Engineer, discussed the new proposed guidelines for 2016, the public comment to the guidelines received and DWR response, answered Board Member questions, and asked that the Board adopt the new guidelines.

Mr. Chris Neudeck, Kjeldsen, Sinnock and Neudeck, speaking on behalf of over 20 reclamation districts; and Mr. Gilbert Cosio, MBK Engineers, provided further clarification of some of the issues involved and asked the Board to postpone the vote so that some of the ongoing unresolved details could be worked out.

Ms. Robin Brewer, DWR Assistant Chief Counsel, noted that a postponement would not significantly affect the program.

After further deliberation, President Edgar continued the matter for 30 days with the understanding that the Board will receive a progress report, and possibly an Action Item, that clarifies the unresolved issues. Further, the Board wants the issues resolved and the new guidelines adopted no later than the August Board Meeting.

**C. Property Transfers for EIP Acquired Right-of-Way**

**Informational briefing regarding the property rights acquired by the Early Implementation Program (EIP) which are to be transferred to the SSJDD.**

Mr. Michael Sabbaghian, DWR Flood Risk Reduction Projects Branch Chief, gave the briefing and answered Board Member questions. The purpose of the briefing was to explain what kinds of properties DWR has acquired through the EIP, the process that has occurred thus far, and how DWR could transfer those properties to the Board.

Board Members and others deliberated on how best to proceed. It was decided that, as projects move forward and individual properties are acquired, a package containing acquired properties will be put together periodically and presented to the Board, possibly in the Consent Calendar, for the Board to consider as an Action Item.

**D. 2017 Central Valley Flood Protection Plan Update**

**Linking Actions to Flood-Specific Outcomes**

Mr. Michael Mierzwa, DWR Central Valley Flood Planning Office Chief, provided the update and answered Board Member questions. He covered three main points: one, he reviewed the State System-wide Investment Approach (SSIA) from the 2012 Central Valley Flood Protection Plan, highlighted its general direction, and provided some of the information used to update the SSIA; second, discussed how the investments actions contribute to the intended outcomes; and third, gave a brief overview of the expected 2017 updated version of the SSIA and some of the policy issues around that.

**E. Report of the Department of Water Resources (Written Submission)**

There were no questions regarding the written submission.

**10. HEARINGS**

**A. Permit No. 18793-4, Sutter Butte Flood Control Agency (SBFCA), Feather River West Levee Project, Laurel Avenue Repair Project**

**Consider adoption of Resolution No. 2016-15 and approval of Permit No. 18793-4 to construct levee improvements and removal/relocation of adjacent encroachments for approximately 4,900 linear-feet of the Feather River right (west) bank levee and approve variances to California Code of Regulations,**

**Title 23, Division 1, Article 8 Standards requested by SBFCA. (Sutter County)**

Ms. Nancy Moricz, Board Senior Engineer, gave the presentation, answered Board Member questions, and concluded with the staff recommendation that the Board, in substantially the form provided, adopt the CEQA findings and Resolution 2016-15; approve by requested instruction variances to Title 23 Sections 120(a)(9), 120(a)(13), 120(a)(18), 123(d)(20), and Section 130, 8.08 and 8.09, pursuant to Sections 11(a) and 11(b); draft flood system alteration permit 18793-4, conditioned upon receipt and incorporation of the anticipated Corps Sacramento District Letter of Permission; delegate authority to the Executive Officer to make non-substantive changes to the draft permit to incorporate the anticipated Corps decision; issue technical instruction variances as needed to incorporate requested design changes due to unanticipated field conditions that may be encountered during construction; direct the Executive Officer to take the necessary actions to issue Permit 18793-4; and prepare and file a Notice of Determination pursuant to CEQA with the State Clearinghouse.

Mr. Michael Bessette, SBFCA Director of Engineering, spoke in support of the staff recommendation and answered Board Member questions.

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

**11. 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.**

**12. CLOSED SESSION REPORT**

President Edgar reported that no action was taken in the Closed Session.

**13. BOARD ITEMS**

**A. Adopt Amended Board Policy Regarding Board Member Committee Assignments**

**Consider approval of amended Board policy regarding Board Member committee and liaison assignments.**

Executive Officer Gallagher and Secretary Dolan discussed elements of the proposed amended Board policy.

*Upon motion by Secretary Dolan, seconded by Vice President Suarez, the Board unanimously adopted the amended Board policy.*

**B. Update on Conservation Strategy Advisory Committee Meetings**

Vice President Suarez provided the update.

**C. Report on Board Staff Approach to Central Valley Flood Protection Plan Update Review and Integration Teams**

Board Senior Engineer Moricz reported on a proposed Board staff review and public hearing process for the 2017 Update of the CVFPP and answered Board Member questions. The Board discussed some of the issues involved.

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

**A. Update on Board Administration**

**B. Update on the activities of the Operations Branch**

**C. Update on the activities of the Plan Implementation and Compliance Branch**

**D. Update on the activities of the Environmental Services and Land Management Branch**

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

**15. BOARD COMMENTS AND COMMITTEE UPDATES**

President Edgar commented that the Advisory Committee is in the home stretch of the review process for the Plan and the 2017 update of the Plan. The basin-wide studies, regional planning, Advisory Committee report on how the Board will deal with reviewing the Plan vis-à-vis the Conservation Strategy, the specifics of the financial plan, and etc., are nearing completion.

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

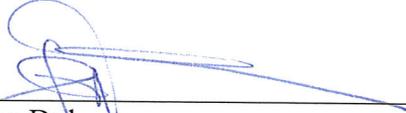
Executive Officer Gallagher and the Board briefly discussed potential agenda items.

**1. ADJOURNMENT**

The Board unanimously adjourned the Open Session at 2:54 p.m.

Dated: 8/26/16

The foregoing Minutes were approved:

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

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