

**MINUTES**  
**MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD**  
**May 20, 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 May 20, 2016, beginning at 9:04 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 (not present at roll call, but arrived later in the meeting)

**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  
Mr. Martin Janolo, Staff Engineer  
Ms. Nancy Moricz, Senior Engineer  
Mr. Ali Porbaha, Senior Engineer  
Ms. Amber Woertink, Analyst to the Board  
Mr. Michael Wright, Acting Operations Branch Chief

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

Mr. Keith Swanson, Chief, Division of Flood Management (DFM)  
Mr. Ajala Ali, DFM, Flood Projects Office  
Mr. Jeremy Arrich, Manager, DFM, Flood System Implementation  
Mr. Chris Williams, Sr. Engineer, DFM Central Valley Flood Planning Office

**Also Present:**

Colonel Dan Ray, USACE Sacramento District Commander  
Mr. Michael Bessette, Sutter Butte Flood Control Agency  
Ms. Barbara Brenner, Latigo Farms  
Mr. Paul Brunner, Three Rivers Levee Improvement Authority  
Ms. Robin Burrow, Latigo Farms  
Ms. Megan Carter, American Public Works Association  
Mr. Greg Fabun, West Sacramento Area Flood Control Agency  
Mr. Mike Hardesty, Reclamation District 2068  
Mr. Dana Hertfelder, Merced County  
Ms. Frances Hofman  
Mr. Ryan Larson, United States Army Corps of Engineers (USACE)  
Mr. Eric Nagy, MBK Engineers  
Mr. Thomas Pate, Solano County Water Agency  
Mr. Ric Reinhardt, MBK Engineers  
Mr. Alex Tengolics, Yolo County

**1. WELCOME AND INTRODUCTIONS**

Mr. Bill Edgar, Board President, introduced and welcomed Colonel Ray, the incoming USACE Sacramento District Commander, who briefly addressed the Board.

Ms. Leslie Gallagher, Board Executive Officer, announced that the American Public Works Association (APWA) had chosen Board Senior Engineer Nancy Moricz as their Project Manager of the Year in Water Resources, Sacramento Region. Ms. Megan Carter, APWA, presented the award to Ms. Moricz.

Ms. Gallagher made the following Board personnel announcements: Ms. Mitra Emami will be the Acting Chief Engineer for the next six months or until the position, currently out for advertisement, is filled; Mr. Michael Wright will be backfilling as the Acting Permitting and Enforcement Branch Chief; Ms. Alison Tang will be backfilling as the Enforcement Section Chief; and Ms. Andrea Buckley is the Acting Environmental Program Branch Chief through July, 2016.

She welcomed Ms. Ruth Darling, new Senior Environmental Scientist, who joined the Board staff on May 2<sup>nd</sup>.

**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 – March 25, 2016 Board Meeting -  
*Postponed***

#### 4. REVIEW OF AGENDA

Ms. Gallagher remarked that there will be no Closed Session today.

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

#### 5. CONSENT ITEMS

##### A. Permit No. 5483-1, Jud Riggs

**Consider approval of Permit No. 5483-1 to remove a dwelling authorized by Permit No. 5483 and replace it with an improved, larger dwelling. Work includes an entry gate with columns; replacement of landscaping for the front and west side of the home; and authorization of an existing pool, pool fence, and wood deck. (Sacramento County)**

##### B. Permit No. 18571-1, CENTENNIAL CORRIDOR PROJECT, California Department of Transportation (Caltrans)

**Consider approval of Permit No. 18571-1 to widen the existing State Route 58 Bridge by adding seven (7) new 5-foot diameter columns at each existing bent (for a total of 10 columns at each bent). The 680-foot long, 200-foot wide bridge spans the Kern River Designated Floodway. (Kern County)**

##### C. Permit No. 19074, CENTENNIAL CORRIDOR PROJECT, San Joaquin Facilities Management, Inc.

**Consider approval of Permit No. 19074 to abandon an existing petroleum oil pipeline and remove 100-feet of the pipeline to accommodate a proposed bridge column, and to install a new 24-inch pipeline underneath the Kern River Designated Floodway in the City of Bakersfield. (Kern County)**

##### D. Permit No. 19077, CENTENNIAL CORRIDOR PROJECT, California Department of Transportation (CALTRANS)

**Consider approval of Permit No. 19077 to construct a bridge crossing over the existing Westside Parkway Bridge (westbound) on the Kern River. (Kern County)**

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

**Consider approval of a letter to the U.S. Army Corps of Engineers requesting 33 U.S. Code Section 408 approval to alter approximately 4,900 linear-feet of**

State Plan of Flood Control levee and adjacent appurtenances along the right (west) bank of the Feather River. (Sutter County)

**F. Permit No. 19031-1, Pacific Gas and Electric Company (PG&E)**

Consider approval of Permit No. 19031-1 to install a gas transmission line under the right (west) and left (east) bank levees and channel of the Knights Landing Ridge Cut. (Yolo County)

**G. Permit No. 19031-4, Pacific Gas and Electric Company (PG&E)**

Consider approval of Permit No. 19031-4 to install a gas transmission line under the right (west) and left (east) bank levees of the Yolo Bypass and trench across the interior of the Yolo Bypass. (Yolo County)

**H. Permit No. 19087, City of Porterville**

Consider approval of Permit No. 19087 to widen the existing Jaye Street Bridge over the Tule River to four lanes and reconstruct the street approaches. (Tulare County)

**I. Permit Nos. 19092-1, 19092-2, and 19092-3, City of Roseville**

Consider approval of Permit Nos. 19092-1, 19092-2, and 19092-3 to construct two new pedestrian bridges and realign one existing pedestrian bridge (Downtown (n), Ice House (e) and Library Bridges (n)) crossing Dry Creek in the City of Roseville. All projects are included in the Final Environmental Impact Report titled Downtown Roseville Specific Plan. (Placer County)

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

**6. PUBLIC COMMENTS – None**

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

**A. Merced County Streams Feasibility Study – Informational presentation on the current status of the USACE study for Merced County**

Mr. Ajali Ali, DWR Water Resources Engineer, gave the presentation. He and Mr. Dana Hertfelder, Merced County Department of Public Works, answered Board Member questions.

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

**A. Informational Briefing on Yolo Bypass Flood System Improvements**

Mr. Jeremy Arrich, DWR Flood System Implementation Manager, gave the briefing of studies and analysis to be included in the 2017 Update of the Plan and certain actions that will have project-specific EIR separate from the Supplemental PEIR of the Plan Update. He answered Board Member questions. He discussed system needs, accomplishments thus far, what's needed next to build system resiliency, the phased approach to implementation, current and ongoing activities, and next steps in the project.

**B. Overview of 2017 Central Valley Flood Protection Plan: Operations & Maintenance, Repair, Replacement and Rehabilitation (OMRR&R) Report Findings**

Mr. Christopher Williams, DWR Senior Engineer, gave the overview and answered Board Member questions. He updated the Board on estimates of the true long-term cost for the OMRR&R that is to become part of the Plan update.

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

Mr. Keith Swanson, DWR Division of Flood Management Chief, responded to questions about the submission.

**9. HEARINGS**

**A. Permit No. 18793-1, Sutter Butte Flood Control Agency (SBFCA), Feather River West Levee Project, Project Area C**

**Consider approval of Resolution No. 2016-11 to amend Permit No. 18793-1 to include cutoff wall gap closure work required to complete the Project Area C segment of the Feather River West Levee Project which includes additional requested variances to Title 23, Division 1, Article 8. (Sutter County)**

Ms. Nancy Moricz, Board Senior Engineer, gave the presentation and answered Board Member questions. The updated permit includes additional cutoff wall gap closure work.

She gave the staff recommendation that the Board adopt the CEQA findings and Resolution 2016-11 with modifications necessary to reflect only one variance is approved; approve the requested construction variance to Title 23 Section 123(d)(20), pursuant to Section 11A and BB; draft amended flood system alteration Permit 18793-1, conditioned upon receipt and incorporation of the anticipated USACE Sacramento District Letter of Permission to supersede the previously issued permit.

She also asked the Board to delegate authority to the Executive Officer to make non-substantive changes to the draft amended permit to incorporate the anticipated USACE decision; to make any changes to the drafted amended permit to reflect only one

variance is being granted and issue technical construction variances as needed to incorporate requested design changes to unanticipated field conditions that may be encountered during construction; to direct the Executive Officer to take the necessary actions to issue amended Permit 198793-1; and to prepare and file a Notice of Determination pursuant to CEQA with the State Clearinghouse.

Mr. Michael Bessette, SBFCA, noted that his agency is ready to go on these projects and there has been extensive coordination with Ms. Moricz as well as DWR and the USACE. They anticipate arrival of the USACE Letter of Permission very soon.

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

**10. CLOSED SESSION – None**

- 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.**

**11. CLOSED SESSION REPORT - None**

**12. HEARINGS (continued)**

- A. Permit Nos. 19020 and 19020-1, Three Rivers Levee Improvement Authority (TRLIA), Western Pacific Interceptor Canal (WPIC) West Levee 200-Year Standard Project**

**Consider approval of Resolution No. 2016-09 to approve Flood System Alteration Permits 19020 and 19020-1 to alter the west levee of the Western Pacific Interceptor Canal. Permit 19020 includes installation of a Deep Mix Method cutoff wall, and two conventional cutoff walls. Permit 19020-1 includes a drain berm, a stability berm, placement of landside fill, and construction of an 18-foot-wide landside toe access road. (Yuba County)**

Mr. Deb Biswas, Board Staff Engineer, gave the presentation and answered Board Member questions. He noted that the purpose of the project is to bring the entire WPIC

into compliance with DWR's Urban Levee Design Criteria (ULDC) to meet the 200-year level of flood protection.

He concluded with the staff recommendation that the Board adopt the CEQA findings and Resolution 2016-09; approve Draft Permit 19020, conditioned upon receipt, review and incorporation of the anticipated USACE Letter of Permission and the draft Permit 19020-1; delegate authority to the Executive Officer to make non-substantive changes to the permit, if needed, or to incorporate USACE decisions for Permit 19020 and issue technical construction 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 necessary actions to issues Permits 19020 and 19020-1; and prepare and file a Notice of Determination pursuant to CEQA with the State Clearinghouse.

Mr. Jit Dua, Board General Counsel, and Mr. Eric Butler, Board Planning Branch Chief, added clarifying comments and answered questions.

Mr. Paul Brunner, TRLIA Executive Director, and Mr. Ric Reinhardt, MBK Engineers, stated their agreement with Mr. Biswas' presentation, provided additional information and answered questions.

Mr. Ryan Larson, USACE, verified that the USACE recommendation is for approval of the permit.

Ms. Barbara Brenner and Ms. Robin Burrow, Latigo Farms; and Ms. Frances Hofman, a local resident, spoke as protestants to the Permit.

Board Members asked, and Board staff and the various interested parties responded to, a series of questions specifically aimed at possible issues that may occur on the east side of the canal following project completion.

Mr. Butler remarked that Board staff had concluded that the additional enhancement before the Board today, which will bring the federal project up to the ULDC standard, will do so without further exacerbating any pre-existing flood conditions that may or may not exist on the east side of the canal.

*Upon motion by Board Member Countryman, seconded by Board Member Ramirez, the Board unanimously approved the staff recommendation.*

### **13. OTHER INFORMATIONAL BRIEFINGS**

#### **A. Regional participation as a non-Federal sponsor in the Sacramento River General Reevaluation Report (GRR)**

Mr. Eric Nagy, MBK Engineers, gave the briefing and responded to Board Member questions. He noted that Item A involves a request from six entities of the Lower Sacramento Delta North Region to be considered as additional non-federal sponsors to the GRR and described some of the activities the region has taken in preparation for making this request.

Mr. Nagy and Board Members discussed various elements of the “regional participants as co-sponsor” concept.

Mr. Alex Tengolics, Yolo County; Mr. Mike Hardesty, Reclamation District 2068; Mr. Thomas Pate, Solano County Water Agency; and Mr. Greg Fabun, City of West Sacramento Area Flood Control Agency, all spoke in favor of the co-sponsorship.

President Edgar concluded the briefing by asking Executive Officer Gallagher to research the issue further and report back to the Board with a staff recommendation on how to proceed.

#### **14. BOARD ITEMS**

##### **A. Update on Conservation Strategy Advisory Committee meetings**

Board Member Macdonald provided the update and answered questions.

##### **B. Update on Enforcement activities including the Enforcement Authority Delegation Program and Local Maintaining Agency Assistance work**

Mr. Michael Wright, Acting Operations Branch Chief, provided the update. He and Ms. Mitra Emami, Acting Board Chief Engineer, answered Board Member questions.

Mr. Martin Janolo, Board Staff Engineer, provided an overview of the Local Maintaining Agency Assistance Program.

#### **15. EXECUTIVE OFFICER’S REPORT (Documents Submitted for Board Member Review)**

##### **A. Update on Board Administration**

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

##### **C. Update on activities of the Projects Branch**

##### **D. Update on activities of the Environmental Branch**

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

## 16. BOARD COMMENTS AND COMMITTEE UPDATES

Secretary Dolan reported on the groundbreaking held for the Hamilton City Flood Damage Reduction and Ecosystem Restoration Project. She indicated a photo from the groundbreaking is up on the screen and highlighted those present at the event, especially the Hamilton City Citizens in Action members. Board Members discussed the relevance of this project and its lengthy history.

Board Member Ramirez commented on the ongoing need for additional funding to help defray some of the costs associated with researching and obtaining historical information related to land usage and ownership. The required documentation is archived in various locations throughout the state and is often difficult and time-consuming to find.

Vice President Suarez commented that, in addition to her regular duties on the Executive Committee and Conservation Strategy Advisory Committee and working with the Department on the communications and public process component of the 2017 revisions, she has been able to participate in the Coordinating Committee meetings via phone. She joined a group of Latino appointees at the California Hispanic Chamber of Commerce Latino Appointee Reception. She participated in the recent California Chamber Host Committee Breakfast. She joined the recent FEMA Agricultural Workshop tour on Montna Farms.

President Edgar remarked that he and Board Member Macdonald continue to attend the working group meetings on developing the Financing Plan and developments continue to move along slowly.

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

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

## 18. ADJOURNMENT

The Board unanimously adjourned the Open Session at 4:14 p.m.

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

*July 22, 2016*

The foregoing Minutes were approved:

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Jane Dolan  
Secretary

*William H. Edgar*  
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William H. Edgar  
President