

MINUTES
MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD
September 23, 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 September 23, 2016, beginning at 9:06 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. Mike Villines

Board member absent:

Mr. Tim Ramirez

Board staff present:

Ms. Leslie Gallagher, Executive Officer
Ms. Kathryn Baines, Board Analyst
Ms. Andrea Buckley, Chief, Environmental Sciences and Land Management Branch
Mr. Eric Butler, Chief, Planning Branch
Ms. Ruth Darling, Senior Environmental Scientist
Ms. Mitra Emami, Acting Chief Engineer
Mr. Kanwarjit Dua, General Counsel
Mr. Eric Wright, Acting Chief, Operations Branch

Department of Water Resources (DWR) staff present:

Ms. Lori Brock, Senior Staff Counsel
Mr. Eric Koch, Acting Chief, Division of Flood Management (DFM)
Mr. Mike Mierzwa, Chief, DFM Planning Office
Ms. Mary Jimenez, Chief, DFM Flood Planning Office
Mr. Christopher Williams, Senior Engineer, DFM Central Valley Flood Planning Office

Mr. Boone Lek, Chief, DFM Reservoir Coordinated Operations Section
Mr. Darren Suen, Chief, DFM FloodSAFE Communications Lead
Mr. George Qualley, Retired Annuitant, Principal Engineer, DFM Office of the Chief

Also Present:

Ms. Melissa Hallas, United States Army Corps of Engineers
Mr. Glenn Marler
Mr. J.W. Sutton

1. WELCOME, INTRODUCTIONS AND ANNOUNCEMENTS

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

Ms. Leslie Gallagher, Board Executive Officer, announced that Ms. Andrea Buckley has been officially hired as the Board Environmental Sciences and Land Management Branch Chief.

In addition, Mr. Aaron Harris was hired as a Board Senior Support Analyst; and Ms. Monica Reis and Mr. Preston Shopbell as Board Senior Engineers.

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

Ms. Kathryn Baines, Board Analyst, called the roll and a quorum was achieved, with six members present.

3. APPROVAL OF MINUTES – July 22, 2016 Board Meeting

Upon motion by Secretary Dolan, seconded by Board Member Macdonald, the Board approved the July 22, 2016 Board Meeting Minutes (6-0-1absent).

4. REVIEW OF AGENDA

Executive Officer Gallagher announced that USACE approval letters have been received for Consent Items 5C and 5D. Also, there will be a Closed Session today (Item 9A).

Upon motion by Board Member Countryman, seconded by Board Member Macdonald, the Board unanimously approved the Agenda.

5. CONSENT ITEMS

A. Cease and Desist Order issued to Mr. J.W. Sutton

Consider the Cease and Desist Order for Enforcement Action No. 2016-5838 issued to Mr. J.W. Sutton. The Cease and Desist Order establishes Mr. Sutton as a responsible party for damage to a State Plan of Flood Control levee that was subsequently repaired by the Department of Water Resources and directs the responsible party to complete any additional corrective actions upon further direction of the Central Valley Flood Protection Board. The levee at issue is located within Sacramento-San Joaquin Drainage District flood protection easements in the Sutter Bypass, approximately 0.6 miles north of the Obanion Road and the Sutter Bypass East Levee crown road intersection. At the meeting, the Board may affirm, amend, modify, stay, or rescind the Cease and Desist Order. (Sutter County)

B. Cease and Desist Order issued to Mr. Glenn Marler

Consider the Cease and Desist Order for Enforcement Action No. 2016-5838 issued to Mr. Glenn Marler. The Cease and Desist Order establishes Mr. Marler as a responsible party for damage to a State Plan of Flood Control levee that was subsequently repaired by the Department of Water Resources and directs the responsible party to complete any additional corrective actions upon further direction of the Central Valley Flood Protection Board. The levee at issue is located within Sacramento-San Joaquin Drainage District flood protection easements in the Sutter Bypass, approximately 0.6 miles north of the Obanion Road and the Sutter Bypass East Levee crown road intersection. At the meeting, the Board may affirm, amend, modify, stay, or rescind the Cease and Desist Order. (Sutter County)

C. Permit No. 19094, Union Pacific Railroad

Consider approval of Permit No. 19094 to replace an existing bridge spanning the Consumes River west of Highway 99 and north of Dillard Road in unincorporated Sacramento County. (Sacramento County)

D. Permit No. 19095, Union Pacific Railroad

Consider approval of Permit No. 19095 to replace an existing bridge spanning the Consumes River located west of Highway 99 and south of Dillard Road in unincorporated Sacramento County. (Sacramento County)

Upon motion by Board Member Macdonald, seconded by Vice President Suarez, the Board approved the Consent Calendar (6-0-1 absent).

This motion was subsequently amended (see Public Comments below, Item 6):

Upon motion by Vice President Suarez, seconded by Board Member Villines, the Board authorized staff to proceed with the beginning of enforcement processes for

Items 5A and 5B, which will include the scheduling of future evidentiary hearings on the two matters. In addition, upon motion by Board Member Macdonald, seconded by Vice President Suarez, the Board approved Consent Calendar Items 5C and 5D. (6-0-1 absent).

6. PUBLIC COMMENTS

Mr. J.W. Sutton and Mr. Glenn Marler asked the Board to reconsider its approval of Items 5A and 5B and to re-open them as evidentiary hearings.

The Board discussed the request and decided to do so, thus requiring an amendment to the **motion** listed above (in Consent Calendar Agenda Item 5).

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

A. Briefing on California Silver Jackets

Report on U.S. Army Corps of Engineers Silver Jackets Team and cooperative Charter signed by representatives of local, tribal, state and federal agencies at the Floodplain Management Conference.

Ms. Melissa Hallas, USACE Silver Jackets representative, explained the origins of the Silver Jackets.

Ms. Mary Jimenez, DWR Flood Planning Branch Chief, discussed the history of the Silver Jackets - DWR collaboration.

8. DEPARTMENT OF WATER RESOURCES (DWR) ITEMS

Mr. George Qualley spoke in honor of Mr. Al Romero, DWR employee for over 40 years and former flood fighter, who passed away in September.

A. Monthly Report of the Department of Water Resources

Mr. Eric Koch, DWR Division of Flood Management Acting Chief, gave the report and answered Board Member questions.

B. Reservoir Forecast-Coordinated Operations (F-CO): 10th Anniversary

Briefing on the 10-year anniversary of the Forecast-Coordinated Operations component of the Flood Emergency Response Program.

Mr. Boone Lek, DWR Reservoir Coordinated Operations Section Chief, provided the briefing.

C. 2016 Flood Preparedness Week Events

Flood Preparedness Week is October 24 - 28, 2016. This briefing will discuss potential public outreach and awareness activities for Department-led events.

Mr. Darren Suen, DWR Floodsafe Communications Lead, provided the briefing.

D. Briefing on draft federal 2016 Water Resources Development Act (WRDA)

Update on proposed 2016 federal WRDA bill.

Mr. Suen provided the briefing.

E. 2017 Central Valley Flood Protection Plan (CVFPP) Update

Briefing and discussion on the State Systemwide Investment Approach (SSIA) Range of Investments over time for the 2017 CVFPP Update.

Mr. Mike Mierzwa, DWR Flood Planning Office Chief, provided the Board a general update on the 2017 Update of CVFPP and answered Board Member questions.

Ms. Jimenez and Mr. Chris Williams, DWR Senior Engineer, discussed the SSIA and answered Board Member questions.

9. CLOSED SESSION

A. Public Employee Performance Evaluation, pursuant to Govt. Code Section 11126(a)(1); Title: Board Counsel.

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. 2017 Central Valley Flood Protection Plan Update, Review and Adoption Planning Progress

Environmental staff will provide information on recent 2017 CVFPP Update and Program Environmental Impact Report coordination, review, integration, public outreach and schedule.

Ms. Ruth Darling, Board Senior Environmental Scientist, updated the Board.

B. Encroachment Removal Update, Bear Creek, West of I-5, Stockton

Enforcement staff will provide an update on the encroachment removal activities along the south levee of Bear Creek, west of Interstate 5 in Stockton.

Mr. Michael Wright, Board Operations Branch Acting Chief, gave the update and answered Board Member questions.

C. Update on Conservation Strategy Advisory Committee

Environmental staff will provide an update on the status of the final report that will serve as the Board's guidance document for the Conservation Strategy as it considers the 2017 Central Valley Flood Protection Plan Update.

Ms. Andrea Buckley, Board Environmental Sciences and Land Management Branch Chief, gave the Board a quick update.

**12. 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 or on the updates.)

13. BOARD COMMENTS AND COMMITTEE UPDATES - *None*

14. UPCOMING MEETINGS AND TOPICS FOR THE BOARD

Executive Officer Gallagher and the Board briefly discussed potential agenda items, including the October 14th Climate Change Workshop. Board Member Countryman

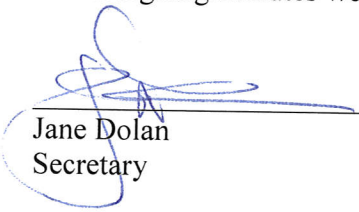
discussed the importance of the topic of this workshop and confirmed attendance at the upcoming Climate Change Workshop.

15. ADJOURNMENT

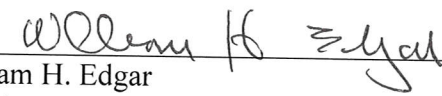
The Board unanimously adjourned the Open Session at 12:14 p.m.

Dated: January 27, 2017

The foregoing Minutes were approved:



Jane Dolan
Secretary



William H. Edgar
President