

MINUTES
MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD
June 23, 2017

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 23, 2017, beginning at 9:02 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
Ms. Kathryn Baines, Board Analyst
Ms. Andrea Buckley, Chief, Environmental Services and Land Management Branch
Mr. Kanwarjit Dua, General Counsel
Ms. Mitra Emami, Acting Chief Engineer
Mr. James Herota, Senior Environmental Scientist
Mr. Mike Thao, Acting Chief, Permitting Section Branch

Department of Water Resources (DWR) staff present:

Mr. Eric Koch, Chief, Division of Flood Management (DFM)
Ms. Mary Jimenez, DFM, Chief, Flood Planning Branch
Ms. Sandy Maxwell, DFM, Senior Engineer
Mr. Dave Wheeldon, DFM, Chief, Flood System Sustainability Branch

Also Present:

Mr. Wayne Dayle, West Stanislaus Irrigation District

Mr. Gerald Dion, River Partners Mr. Heyo Tjarks, River Partners

Also Present (continued):

Mr. Mike Harvey, West Stanislaus Irrigation District
Mr. Janelle Krattiger, West Stanislaus Irrigation District
Mr. Ryan Larson, United States Army Corps of Engineers
Mr. Chris Neudeck, Kjeldsen, Sinnock & Neudeck
Ms. Emily Pappalardo, MBK Engineers
Mr. Bobby Pierce, West Stanislaus Irrigation District
Mr. Don Trieu, MBK Engineers Ms. Melinda Terry, California Central Valley Flood Control Association

1. WELCOME, INTRODUCTIONS AND ANNOUNCEMENTS

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

Ms. Leslie Gallagher, Board Executive Officer, introduced Mr. Justin Logan, a new Board employee assigned to the Permitting Section.

She noted that the Folsom Dam auxiliary spillway was named Water Project of The Year for ASCE Region 9.

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

Ms. Kathryn Baines, Board Analyst, called the roll and a quorum was achieved.

3. APPROVAL OF MINUTES – April 28, 2017 Board Meeting

Upon motion by Secretary Dolan, seconded by Board Member Macdonald, the Board unanimously approved the April 28, 2017 Board Meeting Minutes.

4. REVIEW OF AGENDA

Board Executive Officer Gallagher reported that Consent Calendar Item 5E shows an incorrectly referenced creek (in permit condition number 24). The error will be corrected for the official record.

Also, there will be no Closed Session today.

5. CONSENT ITEMS

A. Permit No. 16849-1 Hwy 99 Bridge Widening

Consider approval of Permit No. 16849-1 to widen the Highway 99 northbound Merced River Bridge to accommodate an additional lane. The bridge will be composed of a two span CIP/PS box girder supported by typical seated abutments and a central pier wall. (Merced County)

B. Permit No. 19083 River Partners – (combined with Item C below)

Consider conditional approval of Permit No. 19083 to restore floodplain habitat near the confluence of the San Joaquin and Tuolumne River consisting of planting native riparian vegetation, degrading of berms and creation of swales and mounds.

C. Permit No. 19083-1 River Partners

Consider approval of Permit No. 19083-1 to restore floodplain habitat on the left bank of the Tuolumne River consisting of planting native riparian vegetation, degrading of berms and creation of swales and mounds.

(The Board removed Items B and C from the Consent Calendar.)

Mr. Mike Thao, Board Permitting Section Branch Acting Chief, introduced and provided background for Items B and C.

Mr. Bobby Pierce, West Stanislaus Irrigation District (WSID) General Manager, and Ms. Janelle Krattiger, Herum Crabtree Suntag Attorneys and WSID legal counsel, requested that the Board postpone action on the Items, noting an insufficient time to review, analyze and protest the River Partners application.

Mr. Mike Harvey, WSID, discussed some of his concerns with the project.

Mr. Heyo Tjarks, River Partners, provided additional information.

Mr. James Herota, Board Senior Environmental Scientist, clarified aspects of the process.

Board Members and staff deliberated on the proposed postponement and the possibility of additional meetings between the applicant and the district.

Upon motion by Board Member Ramirez, seconded by Board Member Countryman, the Board unanimously approved Items B and C, on the condition that a report be made to the Board (before the Corps completes its final study of the permits) detailing the outcome of the upcoming meetings between WSID and River Partners.

D. Permit No. 19172 Garret Te Velde

Consider approval of Permit No. 19172 to authorize an existing 30 row solar panel array and to install 30 additional rows of solar panels. (Kings County)

E. Permit No. 19184, Putnam 590 LLC

Consider approval of Permit No. 19184 to construct a pedestrian bridge crossing over the Porter Slough Designated Floodway. (Tulare County)

F. Permit No. 19188 Pipe Bridge Replacement

Consider approval of Permit No. 19188 to remove and replace the existing pipe bridge crossing the Outlet Canal within the Kern River Designated Floodway. The new bridge will be a steel bolted truss structure bridge approximately 160 feet long and 11 feet wide. The pipes currently attached to the existing bridge will be re-aligned and attached to the new bridge. (Kern County)

G. Permit No. 19159 Sutter County

Consider approval of Permit No. 19159 to replace the Nicolaus Avenue Bridge over a drainage tributary of Coon Creek with a single-span concrete slab bridge of 26 feet long and 35 feet wide. (Sutter County)

H. Three Rivers Levee Improvements Authority (TRLIA) Yuba Goldfields Levee Project

Consider approval of a letter to the U.S. Army Corps of Engineers (USACE), pursuant to federal Title 33, USC Section 408, requesting that USACE initiate, in cooperation with TRLIA, a joint review of possible levee extension for the south bank levee of the Yuba River. (Yuba County)

*Upon **motion** by Vice President Suarez, seconded by Secretary Dolan, the Board unanimously approved Items 5A, 5D, 5E, 5F, 5G, and 5H.*

6. PUBLIC COMMENTS

Ms. Melinda Terry, California Central Valley Flood Control Association (CCVFCA) Executive Director, encouraged the Board to engage with CCVFCA on legislation.

7. DEPARTMENT OF WATER RESOURCES (DWR) ITEMS

A. Monthly Report of DWR (Information)

DWR Project Updates and Recent Events

Mr. Eric Koch, DWR Division of Flood Management Chief, briefed the Board on the status of Emergency Rehabilitation Program 2017 flood damage; provided a brief update on the Small Communities Program; and discussed some current flooding on the Kings River due to the snowmelt runoff.

He and Mr. Dave Wheeldon, DWR Flood System Sustainability Branch Chief, answered Board Member questions.

B. State Plan of Flood Control (SPFC) Update (Information)

Purpose, history and a high-level update will be presented including how the update differs from the 2010 version.

Ms. Mary Jimenez, DWR Planning Branch Chief, gave the presentation and answered questions.

C. 2017-18 Delta Levees Maintenance Subventions Program (Action Item)

Consider approval of the staff recommended funding allocation plan under the Delta Levee Maintenance Subventions Program for FY 2017-18.

Ms. Sandy Maxwell, DWR Senior Engineer, gave the presentation and answered questions. She concluded with the staff recommendation that the Board approve the amended 2016-17 funding plan for the additional maintenance required on Venice and Tyler Islands; approve \$12 million for the Subventions Program's funding plan for FY 2017-18; and authorize DWR to begin processing its work agreements for signature.

Mr. Chris Neudeck, Kjeldsen, Sinnock, and Neudeck, further clarified the amended plan.

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

8. CLOSED SESSION - None

A. To discuss litigation (Central Valley Flood Protection Board v. Lino Catabran, Sacramento Superior Court Case No. 34-2013-142003) pursuant to Government Code Section 11126(e)(1) (Kanwarjit (Jit) Dua, Board Counsel).

B. 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 (Kanwarjit (Jit) Dua, Board Counsel).

9. CLOSED SESSION REPORT - *None*

10. BOARD ITEMS

A. Central Valley Flood Protection Board's encroachment permit application review process (Information)

Discussion of the encroachment permit process, including U.S. Army Corps of Engineers' involvement.

Mr. Thao presented the overview of the process.

Mr. Herota provided an overview of the Board and Corps roles under Corps Policy Engineer Circular E1165-2-216. He also discussed current public outreach efforts and some of the actions underway to streamline compliance.

They, along with Ms. Mitra Emami, Board Acting Chief Engineer, and Mr. Ryan Larson, USACE, answered Board Member questions.

Mr. Larson also provided information on recent news regarding the lack of available funding for any further processing of 408 permits until the new federal budget begins October 1. Board Members and others discussed the implications of the reduced funding.

B. Legal Update, Executive Order Briefing (Information) - *Postponed*

Senate Bill 5 update will be presented.

C. Memorandum of Understanding (MOU) between the Central Valley Flood Protection Board (the Board), the Delta Stewardship Council (Council), and the Department of Water Resources (DWR) regarding the Council's Delta Levees Investment Strategy. (Action Item)

President Edgar and Ms. Gallagher provided short presentations on the MOU.

Ms. Gallagher gave the staff request that the Board approve the MOU and attachment, and authorize the Executive Officer to execute the MOU on behalf of the Board.

Ms. Terry, CCVFCA, and Ms. Emily Pappalardo, MBK Engineers, requested that the approval vote be delayed to allow them more time for review and detailed comment.

Board Members deliberated on the potential impact of delaying the vote. Vice President Suarez requested that the Board be informed, as often as possible, of the outreach that is being done as the MOU proceeds, as well as what meetings have been arranged, what conversations have occurred, and how the various issues are being resolved. President Edgar seconded her comment.

*Upon **motion** by Board Member Villines, seconded by Board Member Countryman, the Board unanimously approved the MOU, in substantially the form as presented.*

11. 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 the updates.)

12. BOARD COMMENTS AND COMMITTEE UPDATES - *None*

13. UPCOMING MEETINGS AND TOPICS FOR THE BOARD

- Workshop, July 14, 2017 (West Sacramento)**
- Board Meeting and Workshop, July 28, 2017 (West Sacramento)**
- Workshop, August 11, 2017 (West Sacramento)**
- Board Meeting, August 25, 2017 (Sacramento)**

The Board briefly discussed elements of the upcoming workshops.

14. ADJOURNMENT

The Board unanimously adjourned the Open Session at 1:06 p.m.

Dated: _____

The foregoing Minutes were approved:

Jane Dolan
Secretary

William H. Edgar
President