

MINUTES
MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD
August 24, 2018

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 August 24, 2018, 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. Jane Dolan, Secretary
Mr. Joe Countryman
Mr. Clyde Macdonald
Mr. Tim Ramirez
Mr. Mike Villines

Board Members absent:

Ms. Emma Suarez, Vice President

Board staff present:

Ms. Leslie Gallagher, Executive Officer
Ms. Andrea Buckley, Chief, Environmental Services and Land Management Branch
Mr. Kanwarjit Dua, General Counsel
Mr. Ali Porbaha, Senior Engineer
Mr. Preston Shopbell, Chief, Inspection Section
Mr. Jon Tice, Acting Chief, Enforcement Section
Mr. Michael Wright, Chief, Plan Implementation and Compliance Branch

Department of Water Resources (DWR) staff present:

Ms. Elizabeth Bryson, Chief, State-Federal Flood Operations Center
Mr. Jon Ericson, Chief, Division of Flood Management
Mr. Wilbur Huang, Senior Engineer
Ms. Reena Jawanda, Staff Engineer
Mr. Mark List, Chief, Maintenance Support Branch
Mr. David Parker, IT Manager
Mr. Ryan Young

Also Present:

Mr. Michael Bessette, Sutter Butte Flood Control Agency
Mr. Chris Elias, San Joaquin Area Flood Control Agency
Mr. Erik James, United States Army Corps of Engineers
Ms. Alicia Kirchner, United States Army Corps of Engineers
Mr. Sean Minard, MHM Engineering
Mr. Cameron Sessions, United States Army Corps of Engineers
Mr. Scott Shapiro, California Central Valley Flood Control Association

1. WELCOME, INTRODUCTIONS AND ANNOUNCEMENTS

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

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

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

3. APPROVAL OF MINUTES – June 22, 2018 Meeting

Upon motion by Secretary Dolan, seconded by Board Member Macdonald, the Board approved the June 22, 2018 Minutes (6-0-1 absent).

4. REVIEW OF AGENDA

President Edgar reviewed the day's agenda.

Ms. Leslie Gallagher, Board Executive Officer, stated that Board Administrative Officer Lucy Montgomery is moving on to take a promotional opportunity with High-Speed Rail. She thanked Ms. Montgomery for her years of service and expressed how important Ms. Montgomery has been to the Board.

5. CONSENT ITEMS

A. Reclamation District 3 Levee Improvement Project Along Steamboat Slough

Consider approval of a letter to the U.S. Army Corps of Engineers (USACE) pursuant to federal Title 33, USC Section 408 requesting USACE to initiate, in cooperation with Reclamation District 3 and other federal agencies, a joint review of possible alterations to a section of Steamboat Slough left (east) bank levee. (Sacramento County)

B. Permit No. 19312 Black Rascal Creek Bridge

Consider approval of Permit No. 19312 to remove an existing private bridge and to construct three new bridges for a new roadway crossing Black Rascal Creek. The northbound bridge will be single span, 38.5 feet long and 39 feet wide, and the southbound bridge will be single span, 38.5 feet long and 53.5 feet wide. The new private bridge will be single span, 38.5 feet long and 17 feet wide. (Merced County)

C. Permit No. 19032 Raley's Boat Dock Replacement

Consider approval of Permit No. 19032 to replace a boat dock, known as the Raley's Dock, that was removed in 2012 due to disrepair, and construct an ADA compliant replacement dock. The project includes a 235-foot long debris deflector boom, gangways, access ramp, and electrical conduit for lighting. (Yolo County)

Upon motion by Secretary Dolan, seconded by Board Member Macdonald, the Board unanimously approved the Consent Calendar.

6. PUBLIC COMMENTS

Mr. Francis Coats, Yuba City resident, commented on Section 25, Article 1 of the Constitution, which he views as providing in part that no land owned by the State shall ever be sold or transferred without reserving to the people the absolute right to fish thereupon. President Edgar stated the Board can only receive and not discuss items not on our agenda.

Mr. Chris Elias introduced himself as the new Executive Director of the San Joaquin Area Flood Control Agency (SJAFCA) and gave information on some of the upcoming business that SJAFCA will have with the Board.

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

A. Supplemental Appropriations in the Bipartisan Budget Act of 2018

The Bipartisan Budget Act of 2018 became law on February 9, 2018. The law provided funds for the U.S. Army Corps of Engineers to initiate and complete projects and studies identified for long-term disaster recovery investment. This informational briefing will provide the Board with an overview of what this influx of supplemental funds means for the Central Valley, and the key projects that will benefit.

Ms. Alicia Kirchner, USACE Acting Deputy District Engineer for Project Management, Sacramento District, gave the briefing and answered questions.

B. Levee Screenings, LSAC Assignments, and Risk Communication

As a follow-up to the presentation on the National Levee Database (NLD) presented to the Board in June 2018, the Sacramento District will discuss the levee screening process and role of the Local Sponsor/Local Maintaining Agency. USACE staff will update the status of the effort, integration of information into the NLD and future risk communication efforts.

Mr. Erik James, USACE Levee Safety Program Manager, Sacramento District, updated the Board and answered questions.

8. DEPARTMENT OF WATER RESOURCES (DWR) ITEMS

A. Monthly Report of the Department of Water Resources

Department of Flood Management (DFM) Division Chief Jon Ericson and designated staff will update the Board on Department of Water Resources Projects and Recent Events.

Mr. Jon Ericson, DWR DFM Division Chief, provides a monthly written report and he presented highlights of the report and answered questions.

Mr. Mark List, DWR DFM Maintenance Support Branch Chief, discussed some of the maintenance and replacement issues pertaining to the large number of aging pipes throughout the system.

B. Preseason Flood Coordination

Briefing on the preseason flood coordination meetings held throughout the State in September and October regarding flood preparedness in each region and updates on annual preparedness activities.

Ms. Liz Bryson, DWR DFM Flood Operations Center Section Chief, provided an overview of the meetings.

C. Flood Emergency Response Information Exchange (FERIX) Database

Board and Department staff will provide an overview of FERIX, including background and capabilities and the different applications within the web-hosted database.

Mr. David Parker, DWR IT Manager, discussed FERIX and answered questions. FERIX highlights DWR's coordination and exchange of data, and its collection of data with many different agencies.

D. American River Watershed Project, Natomas Basin

Staff will provide an informational briefing on the design and construction for Amendment #1 to the Project Partnership Agreement (PPA) and Local Project Partnership Agreement (LPPA) of the American River Watershed Project, Natomas Basin.

Ms. Reena Jawanda, DWR Staff Engineer, gave the briefing.

E. American River Common Features (WRDA 2016) Informational

DWR Flood Projects Office project management staff will present an informational update to the Board on the status of the American River Common Features (WRDA 2016), including the federal emergency supplemental funding and the path forward for the Project Partnership Agreement (PPA) and Local Project Partnership Agreement (LPPA).

Mr. Ryan Young, DWR Project Manager, provided the update.

9. BOARD ITEMS

A. Feather River West Levee Project Encroachment Permitting Update

Staff will update the Board on efforts made to bring all existing encroachments into compliance with State and federal requirements for the improved levee sections constructed by the Sutter Butte Flood Control Agency (SBFCA) through the Feather River West Levee Project. Future presentations to the Board will require action on more than 130 permits, which will be presented in packages of multiple permits for existing encroachments.

Mr. Ali Porbaha, Board Senior Engineer; Mr. Michael Bessette, SBFCA Director of Engineering; and Mr. Sean Minard, MHM Engineering, provided the update. They, along with Executive Officer Gallagher and Mr. Wilbur Huang, DWR Senior Engineer, answered questions.

B. Permitting and Inspection Fee Rulemaking Documentation Approval

Board staff requests Board approval for rulemaking package to be submitted to the Office of Administrative Law in accordance with the Administrative Procedures Act regarding the implementation of fees for permitting and inspection services.

Mr. Preston Shopbell, Board Inspection Section Chief, gave the presentation and concluded with the staff recommendation that the Board adopt the CEQA findings,

approve the four rulemaking documents, and direct the Executive Officer to take the necessary CEQA actions and submit the documents to the Office of Administrative Law.

Mr. Scott Shapiro, General Counsel of the Central Valley Flood Control Association, spoke in support of the staff recommendation and also highlighted issues that will be brought up for discussion through this public process.

Upon motion by Board Member Ramirez, seconded by Board Member Macdonald, the Board approved the staff recommendation to approve the package and submit it to the OAL. (6-0-1 absent)

C. Consideration and Adoption of Resolution No. 2018-06 Regarding State Position on Operation and Maintenance for the State Plan of Flood Control

For the past year, Board and DWR staff have worked together to implement the award-winning 2017 Update to the CVFPP. As the Board stated in its Resolution of Adoption 2017-10, implementation of the CVFPP will focus on improved operations and maintenance of the existing State Plan of Flood Control facilities and the identification of short-and-long-term sustainable funding sources to ensure operation and maintenance is adequately conducted throughout the life of the project. Board staff will be presenting, for discussion and adoption, Draft Resolution No. 2018-06 which clarifies the State's standards for acceptable operation and maintenance of State Plan of Flood Control facilities.

Mr. Michael Wright, Board Acting Chief Engineer, also spoke in favor of adoption and answered questions. He concluded with the staff recommendation that the Board adopt the resolution in substantially the form provided.

The Board deliberated on various aspects of the resolution.

Mr. Scott Shapiro, California Central Valley Flood Control Association General Counsel, spoke in support of adopting the item.

Upon motion by Secretary Dolan, seconded by Board Member Countryman, the Board adopted the item in substantially the form provided, and to allow the Board Executive Officer to make minor changes. (6-0-1 absent)

**10. 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**

Executive Officer Gallagher briefly commented on aspects of the update.

11. BOARD COMMENTS AND COMMITTEE UPDATES

Board Member Macdonald commented that he and Vice President Suarez attended the recent Advisory Committee Meeting. At this meeting discussion was held on perhaps making a selection of a pilot project and also, he raised the issue of investigating a change in process to allow projects before the Board to get consultation under Section 7 of the Endangered Species Act. The idea is to move to direct consultation with the resource agencies rather than doing an HCP. He stated that there seemed to be no objection from the department and, of course, there are many details to work out with the resource agencies.

The Executive Officer reported that staff is beginning to look at the 2019 calendar and will be seeking input from the Board.

12. UPCOMING MEETINGS AND TOPICS FOR THE BOARD

- **Flood Management Association Conference, September 4 – 7, 2018 (Reno, NV)**
- **Board Meeting, September 28, 2018 (Sacramento)**
- **Board Field Inspection, San Joaquin Valley, October 12, 2018 (TBD)**

The Board briefly discussed elements of the upcoming schedule.

13. CLOSED SESSION

- A. Pursuant to the authority of Government Code Section 11126 (e)(i). To discuss litigation: Friends of Putah Creek v. Central Valley Flood Protection Board, Solano County Superior Court Case No. FCS051040. (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).**


14. CLOSED SESSION REPORT - *None*

14. ADJOURNMENT

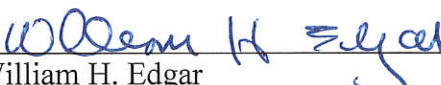
The Board unanimously adjourned the Open Session at 2:01 p.m.

Dated: October 26, 2018

The foregoing Minutes were approved:



Jane Dolan
Secretary



William H. Edgar
President