

## TOUR MINUTES

August 14, 2008

The tour started at the Cache Creek, Road 102, Northeast Corner followed by a tour of the Yolo Bypass Wildlife Area, 45211 county Road 32B, Davis, and ending the tour in the City of West Sacramento, City Hall 110 West Capital Avenue, West Sacramento.

The purpose of the Cache Creek tour was to visit two proposed levee setback sites, Levee Mile 3.9 Left and levee Mile 4.2 Left, where the work will be done under the Sacramento River Bank Protection Project. The purpose of the West Sacramento tour was to inspect levee sites where work is being proposed to address seepage concerns.

Participants in the tour from the Central Valley Flood Protection Board and Department of Water Resources were:

Ben Carter, CVFPB, President  
Butch Hodgkins, CVFPB, Vice President  
Maureen "Lady Bug" Doherty, CVFPB, Secretary  
John Brown, CVFPB, Member  
Rose Marie Burroughs, CVFPB, Member  
Jay Punia, CVFPB, Executive Officer  
Geoff Shumway, CVFPB, Staff Analyst  
Virginia Cahill, CVFPB, Counsel  
Nancy Finch, DWR, Counsel  
Ward Tabor, DWR, Counsel  
Karin Shine, DWR, Counsel  
Jon Yego, DWR, Chief, Floodway Protection Section  
Steve Dawson, DWR, Floodway Protection Section  
Gary Lemon, DWR, Floodway Protection Section  
David Gutierrez, DWR, Acting Deputy Director of Public Safety and Security  
George Qualley, DWR, Chief, Division of Flood Management  
Mike Inamine, DWR, Chief, Levee Repairs and Floodplain Management Office  
Elizabeth Scott, DWR, Public Affairs  
Mark List, DWR, Department of Flood Management  
Paul Farris, DWR, Chief, Real Estate Branch  
Angelica Aguilar, DWR, Real Estate Branch  
Alejandra Lopez, DWR, Real Estate Branch  
David Wheeldon, DWR, Cache Creek Critical Repairs Program Manager

### **First Tour Stop – Cache Creek**

Fran Borcalli, Flood Management Program Manager, briefly discussed and explained the FloodSAFE Yolo Pilot Program and handed over several copies of the briefing paper to the Board members.

Mike Inamine and Dave Wheeldon explained the Levee Repairs and the Sacramento River Bank Protection programs and the need for setting back the levees at two locations along the Cache Creek. Board members and public participants toured the proposed sites and Dave Wheeldon presented an overview of the proposed project.

### **Second Tour Stop – Yolo Bypass Wild Life Area**

Dave Feliz, Yolo Bypass Wildlife Area Manager, explained that the Yolo Bypass Wildlife Area is located within the Yolo Basin in Yolo County. The Northern section of the Bypass is formed by the Union Pacific Railroad. The Eastern portion is shaped by the East Toe Drain which also comprises the Sacramento River Deep Water Ship Channel. The Western most boundary is generally shaped by the west levee of the Yolo Bypass. Dave explained the seasonal wetlands and many innovative, natural resource-compatible agriculture practices occurring in the Yolo Bypass Wildlife Area to provide valuable habitat for a diverse assemblage of wildlife species.

Board members and Mike Hardesty, California Central Valley Flood Control Association, emphasized that we need to keep in mind that Yolo Bypass is an important feature of the Sacramento River Flood Control Project and its carrying capacity should not be compromised.

### **Third Tour Stop – West Sacramento**

Michael Bessette, Flood Protection Manager, City of West Sacramento, and Eric Nagy, HDR, provided a tour of several levee locations within the City of West Sacramento where work is being proposed to address seepage concerns. For the specific locations of the sites visited, please see the map attached to the Board meeting agenda.

## MINUTES

### MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD August 15, 2008

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. MINUTES ARE PRESENTED IN AGENDA ORDER, THOUGH ITEMS WERE NOT NECESSARILY HEARD IN THAT ORDER.

A regular meeting (Open Session) of the Central Valley Flood Protection Board was held on August 15, 2008, beginning at 8:39 a.m., at The Resources Building Auditorium, 1416 Ninth Street, Sacramento, California.

The following members of the Board were present:

Mr. Benjamin Carter, President  
Mr. Francis "Butch" Hodgkins, Vice President  
Ms. Lady Bug Doherty, Secretary  
Mr. John Brown, Member  
Ms. Teri Rie, Member  
Ms. Emma Suarez, Member

The following members of the Board staff were present:

Mr. Jay Punia, Executive Officer  
Mr. Eric Butler, Senior Engineer  
Ms. Virginia Cahill, Legal Counsel  
Mr. Dan Fua, Supervising Engineer  
Mr. Gary Hester, Chief Engineer  
Ms. Lorraine Pendlebury, Staff Analyst  
Mr. Geoff Shumway, Staff Analyst

Department of Water Resources staff present:

Ms. Annalena Bronson  
Mr. Kris Brown  
Mr. Steve Dawson, Floodway Protection Section  
Ms. Nancy Finch, Staff Counsel  
Mr. Eric Koch  
Mr. Ricardo Pineda, Chief, Floodplain Management Branch  
Mr. George Qualley, Chief, Division of Flood Management  
Mr. Ward Tabor  
Mr. Jon Yego, Chief, Floodway Protection Section

Also Present:

Mr. Ted Alexander, River Partners  
Mr. John Bassett, Sacramento Area Flood Control Agency  
Mr. Michael Bessette, City of West Sacramento  
Mr. Paul Brunner, Three Rivers Levee Improvement Authority  
Mr. Paul Devereaux, Reclamation District 1000  
Mr. Eric Nagy, HDR Engineering  
Mr. Jim Sandner, United States Army Corps of Engineers  
Ms. Kathy Schaefer, Federal Emergency Management Agency, Region 9  
Mr. Scott Shapiro  
Mr. Steve Winkler, San Joaquin County Public Works

**1. ROLL CALL**

*Before the Roll Call, President Carter noted that the Board met yesterday (8-14-08) and toured portions of Yolo County; two sites where setback levees were being proposed on Cache Creek; and the Yolo County wildlife area in the Yolo Bypass. They then toured West Sacramento sites that will be coming before the Board.*

*Executive Officer Punia then called the roll.*

**2. APPROVAL OF MINUTES - May 30, 2008 Subcommittee and June 20, 2008 Meetings**

*Upon motion by Member Brown, seconded by Vice President Hodgkins, the Board unanimously approved the May 30, 2008 Subcommittee Meeting Minutes.*

*The June 20, 2008 Meeting Minutes will be corrected and brought back before the Board in the future.*

**3. APPROVAL OF AGENDA**

*Executive Director Punia stated that staff recommends that Item 8B be removed from the day's Agenda as more review of the application is needed.*

*Upon motion by Secretary Doherty, seconded by Member Brown, the Board unanimously approved the Agenda as amended above.*

**4. PUBLIC COMMENT - none**

## 5. HEARINGS AND DECISIONS

### **APPLICATION NO. 18336, WEST SACRAMENTO AREA FLOOD CONTROL AGENCY, I STREET BRIDGE - SOUTH LEVEE PROJECT, YOLO COUNTY**

**Consider approval of draft Permit No. 18336 to construct approximately 475 feet of slurry cutoff wall and to modify the slopes on the west bank levee of the Sacramento River south of the I Street Bridge in Yolo County.**

*Supervising Engineer Fua gave a presentation on the proposed project, which would be the construction of a cutoff wall to strengthen that portion of the levee. He also stated that the Section 408 letter that the Board approved at the March 21, 2008 Board Meeting was sent to the Corps and staff is awaiting a response to that letter. He concluded by recommending that the Board approve the Permit, adopt the CEQA findings, and direct staff to file a Notice of Determination and delegate the authority to the Executive Officer to complete and sign the cooperation agreement between the Agency and the Board.*

*Vice President Hodgkins expressed concern about a recent editorial in the Sacramento Bee that stated that the City and County of Sacramento had, in effect, notified their developers that there were going to be new flood maps coming out in December and they needed to move forward quickly to get their development applications in and approved before those new regulations went into effect. He stated that such a situation could result in additional liability potentially being accrued to the State, as well as it being an inappropriate approach to flood management, and suggested that staff might survey the land-use agencies around Sacramento and find out what their current floodplain management is and whether or not the people are using the best available information to operate their local floodplain management program under the National Flood Insurance Policy. Secretary Doherty stated that she was quite disturbed by the editorial. President Carter commented that, although this was a very, very important point, it was probably more appropriate to revisit the discussion at a later time today (as part of Agenda Item 13).*

*Legal Counsel Cahill supported the staffs' recommendation of approval of the Permit.*

*Vice President Hodgkins asked that, when the approved draft permit comes before the Board for actual permitting, the cooperation agreement mentioned in the draft be included as a condition of both the permit and the actual LPCA, as the LPCA provides a better mechanism for the Board to assure compliance than the permit does. Supervising Engineer Fua stated that this would be done.*

*After further discussion, upon motion by Member Brown, seconded by Member Rie, the Board voted to approve Permit No. 18336, to adopt the CEQA findings and file a Notice of Determination, and to delegate the authority to the Executive Officer to complete and sign the cooperation agreement between the Board and West Sacramento Area Flood Control Agency for*

*indemnification and obligation assignment purposes. The vote was 5-1; Vice President Hodgkins voted in the negative.*

## **6. REPORT OF THE ACTIVITIES OF DEPARTMENT OF WATER RESOURCES (DWR)**

*Mr. George Qualley, Chief of Flood Management, DWR, reported on the following:*

- *Water conditions are still not a good story, with only about 54 percent of average for the past two years.*
- *Levee Repairs Branch - almost all of the work is completed on getting the project cooperation agreements in place for both the Sacramento Bank Protection Project sites and the PL 84-99 sites and he anticipates they will be signed before the end of the month.*
- *Floodplain Management Branch - per SB 5, Best Available Maps were sent out to 32 counties and 91 cities on July 1<sup>st</sup>. Several of the local entities requested that DWR allow some time for them to look at the maps and respond with comments and technical questions as needed. Thus far, 25 comment letters have been received and DWR is preparing response letters and e-mails to all of them. They are planning on opening up the website and doing a press release during the first week of September. DWR Flood Management Branch Chief Pineda provided a summary of the responses.*
- *Chief Qualley also noted that SB 5 requires that Floodplain Management Branch work on the building standards. A Technical Advisory Committee for building standards has been formed and will have its first meeting later this month and more detailed information on those meetings will be forthcoming.*
- *The fires, as well as the budget impasse, have affected maintenance activities and DWR has been making the necessary adjustments.*
- *Flood Project Integrity and Inspection Branch is starting their round of annual fall inspections for the flood control structures and the channels. They are also starting some waterside erosion surveys on the San Joaquin system.*
- *Statewide Grants Branch closed its public comment period on July 20<sup>th</sup> and had a public hearing on July 29<sup>th</sup>. A number of comments were received; probably enough that a second public review period will be held after the comments are incorporated.*
- *Flood Protection Corridor Program closed escrow on the Knaggs Ranch property in the Elkhorn area.*

- *Flood Project Modifications and Permits Branch - the four early implementation projects are moving along; three are in construction mode, and the other (the setback levee in Sutter County) won't be doing any construction until next year.*
- *The Three Rivers project - DWR has provided advanced funding for about \$57 million to date under the terms of the agreement for Three Rivers to proceed with right of way acquisitions and some of their initial construction. Segment 1 is about one-third complete; Segment 2 about 7 percent complete; and Segment 3 is almost complete.*
- *Local Levee Urgent Repair Program, Local Levee Evaluation Program - a couple of applications that were received for urgent repairs didn't qualify and have been dropped from consideration. Currently they are considering about \$10 million of the \$40 million available. They will likely be going out with another solicitation later on.*
- *Delta Levees Maintenance Subventions Program has received 64 applications for fiscal year '08-'09. The total application amount is more than \$88 million. Staff will be presenting their recommendations at the September meeting as to which applications they recommend moving forward on.*
- *Flood Operations Branch - The Joint Federal Operations Center is filling their remaining staff vacancies and developing three Emergency Preparedness and Flood Response pilot projects. They are also conducting training activities and modernizing the web portal. The Flood Operations Center Information System is continuing with their software and hardware upgrades.*
- *Emergency Response and Security Section has been involved with the Cal OES during the '08 fires and continues with their various training activities when time allows.*
- *Flood Systems Analysis Section is heavily involved in developing the Department's Delta Emergency Operations Plan.*
- *Levee Evaluations Branch -- most of the activity thus far has been with regard to urban levee evaluations and they are now getting their non-urban levee evaluation projects under way and have executed their first task orders to URS and Kleinfelder.*

## **7. THREE RIVERS LEVEE IMPROVEMENT AUTHORITY (TRLIA) MONTHLY REPORT**

*Mr. Paul Brunner, TRLIA Executive Director, reported on the following:*

- *He noted that the program is now fully funded.*
- *The Segment 1 work is moving forward and is probably about 40 percent complete.*

- *Segment 3 is nearly complete.*
- *Segment 2 is showing significant progress, with Part A of the bifurcated encroachment permit having awarded major portions of the work. They presume that an additional \$17 million worth of work will be awarded next Tuesday at the TRLIA board meeting. At that point almost all of Part A will be under contract and moving forward for construction.*
- *The draft EIS went out for public review on July 11<sup>th</sup> and closes on August 25<sup>th</sup>. They will hopefully have the draft EIS and the 404 and 408 permits finalized by early November or sooner.*
- *There have been recent updates to the TRLIA.org website. It now provides week-by-week progress of their levee work, segment by segment. It also gives pictures of the work week-by-week to show their progress to the community.*

## **8. CONSENT CALENDAR**

### **A. Permit No. 18125, Andrew Meghdadi**

**Consider approval to construct outfall structure with an HDP pipe for the subdivision south of Bruch Road, remove grass and small trees; and place riprap around the structure on the right (north) bank of Little Chico Creek in Butte County.**

### **B. Permit No. 18228, Mohammed Hussain (*postponed to a future agenda*)**

**Consider approval to install a sewer pipeline through both the east and west levees of Middle Creek with the pipeline encased in a sleeve attached to the Highway 20 Bridge across Middle Creek in Lake County.**

### **C. Permit No. 18233, Allan Galbreath**

**Consider approval to construct a residence; and an elevated concrete driveway supported by four concrete piers; and plant three Crape Myrtle trees, one Eastern Redbud tree, Blue Eyed Grass, Golden Variegated Sweet Flag, and Cape Rush on the left (east) bank overflow area of the Sacramento River in Sacramento County.**

*(Item C was pulled from the Consent Calendar and a Public Hearing was called on the Item later in this Meeting.)*

*Senior Engineer Butler provided a brief introduction as to the nature of the project. Mr. Steve Dawson, DWR, discussed technical issues specific to the location of the residence, which is along the Garden Highway.*



*Upon motion by Member Rie, seconded by Secretary Doherty, the Board approved the Permit by a vote of 5-1; Member Suarez voted in the negative.*

**D. Permit No. 18302, Darwin Datwyler**

**Consider approval to install a power pole 13 feet waterward of the waterward levee toe of the left (east) bank levee of the Sacramento River in Glenn County.**

**E. Permit No. 18322, Kebo Oil and Gas, Inc.**

**Consider approval to drill a natural gas well, construct production pad and install 2.65 miles of pipeline within the Yolo Bypass in Yolo County.**

**F. Permit No. 18333, ProLogis**

**Consider approval to construct an outfall structure with three storm drain pipes; and place rock riprap on the right (north) bank levee of Duck Creek in San Joaquin County.**

**G. Permit No. 18337, Ronald Eck**

**Consider approval to construct a two-story residence within Area E of the Butte Basin in Glenn County.**

**H. Permit No. 18346, County of Sacramento**

**Consider approval to widen existing bridge (Hazel Avenue) and construct three new concrete piers within the channel of the American River in Sacramento County.**

**I. Permit No. 18353, California Department of Transportation**

**Consider approval to widen existing bridge and construct a new concrete decked bridge, supported by seventy-five concrete piles within the channel of Cross Creek in Kings County.**

**J. Permit No. 18358, Feather River Parks and Recreation**

**Consider approval to excavate material and grade area (soccer field) within the designated floodway of the left (east) bank of the Feather River in Butte County.**

**K. Permit No. 18365, Scot Wineland**

**Consider approval to construct a metal storage building on existing concrete slab within the Butte Basin in Butte County.**

**L. Permit No. 18366, Gene Clark**

**Consider approval to replace an equipment and storage building within the Butte Basin in Glenn County.**

**M. Permit No. 18368, Department of Water Resources**

**Consider approval to excavate material and place a reinforced concrete pad and install a conveyor on the bank; and conveyor support barge and rock barge within the channel on the left (south) bank of the San Joaquin River in San Joaquin County.**

**N. Permit No. 18372, City of Chico**

**Consider approval to construct a reinforced concrete pedestrian/bicycle Bridge across the channel; construct an outfall structure on the left (south) bank and place rock riprap on both banks of Big Chico Creek in Butte County.**

**O. Permit No. 18374, Robert Ginno**

**Consider approval to plant native trees, shrubs and grasses within the designated floodway on the right (west) bank of the Sacramento River in Tehama County.**

*(Item O was pulled from the Consent Calendar and a Public Hearing was called on the Item later in this Meeting.)*

*Senior Engineer Butler gave a presentation on specifics of the Permit. He noted that the Board has not yet received the Corps' 208-10 endorsement letter.*

*Upon motion by Secretary Doherty, seconded by Vice President Hodgkins, the Board voted 4-1, with Member Brown voting in the negative, to table Item 8O until the Corps endorsement letter arrives. (Member Rie was absent during this vote.)*

**P. Permit No. 18376, California Department of Fish and Game**

**Consider approval to plant native trees, shrubs and vines within the designated floodway of the left (east) bank of the Sacramento River in Glenn County.**

*(Item P was pulled from the Consent Calendar and a Public Hearing was called on the Item later in this Meeting.)*

*Senior Engineer Butler gave a presentation on specifics of the Permit and noted that this Permit also had not received the 208-10 endorsement letter from the Corps.*

*Mr. Tad Alexander, River Partners, provided a slideshow presentation to give a better visual understanding of the scope of the project.*

*Upon motion by Member Brown, seconded by Member Rie, the Board unanimously adopted the CEQA findings and approved the Item 8P Permit subject to receiving Corps correspondence that it is not detrimental to the federal project.*

*As mentioned previously, Item 8B was postponed to a future agenda.*

*Items 8C, 8O and 8P were discussed as Hearings (see above).*

*Upon motion by Vice President Hodgkins, seconded by Member Brown, the Board unanimously approved Consent Calendar Items 8A, 8D, 8E, 8F, 8G, 8H, 8I, 8J, 8K, 8L, 8M, and 8N.*

## **9. NATOMAS LEVEE IMPROVEMENT PROJECT, SACRAMENTO AREA FLOOD CONTROL AGENCY (SAFCA)**

**Consider approval of a letter to the U.S. Army Corps of Engineers requesting that the Corps initiate, in coordination with SAFCA, an environmental impact statement/ environmental impact report (EIS/EIR) under the National Environmental Policy Act and the California Environmental Quality Act on the Natomas Levee Improvement Program Phase 3 Landside Improvements Project.**

*Chief Engineer Hester gave a short presentation and concluded by stating staff's recommendation that the Board authorize the Executive Officer to sign the letter and make the request to the Corps to conduct the EIS/EIR.*

*Upon motion by Member Brown, seconded by Vice President Hodgkins, the Board unanimously voted for approval.*

## **10. BEAR CREEK AND THE LOWER CALAVERAS RIVER, SAN JOAQUIN COUNTY**

**Discuss developments regarding encroachments on Bear Creek and Lower Calaveras River in San Joaquin County. Consider appointing encroachment enforcement hearing officer(s) to hear evidence and prepare proposed decision(s) to remedy encroachments on the Bear Creek and Lower Calaveras River project levees.**

*Chief Engineer Hester provided some history regarding the encroachments.*

*Mr. Steve Winkler, Deputy Director of Public Works for San Joaquin County, gave additional comments and endorsed the request and the concept of appointing a hearing officer. He also stated the willingness of San Joaquin County to help at the local level.*

*Member Rie expressed concerns about staff's ability to handle enforcement remedies, as they are currently understaffed and have a huge backlog of permits.*

*President Carter noted that there is currently a lot of deferred enforcement in the system and the Stockton situation is only a portion of the problem. However, the Board needs to learn how to deal with all of it and to "get their arms around it." Thus, the Board will have to figure out how to pull together resources and allocate staff accordingly.*

*Member Suarez commented that the Board has some flexibility in their regulations and laws and needs to take advantage of that flexibility to deal with these problems. The Board needs to start enforcing these things, but do it in a way that is not too burdensome on the staff or on the folks that are going to come to the Board for review of these problems.*

*Secretary Doherty suggested that Member Brown be appointed as hearing officer, as he has had some experience in this area. Member Brown responded that he would be honored to do so. Legal Counsel Cahill stated her understanding that the President can make the appointment and President Carter, noting no objections, appointed Member Brown as the hearing officer.*

## **11. MEMORANDUM OF AGREEMENT BETWEEN THE CENTRAL VALLEY FLOOD PROTECTION BOARD AND THE CALIFORNIA DEPARTMENT OF WATER RESOURCES**

**Delegate the authority to the Board President to execute a Memorandum of Agreement (MOA) between the Central Valley Flood Protection Board and the California Department of Water Resources to work cooperative and collaboratively to develop and implement an integrated state flood management program for the Central Valley, while preserving their independent authorities and jurisdiction as set forth in the law.**

*Legal Counsel Cahill noted that the remaining changes are primarily wording changes. For example, "State Plan of Flood Control" was replaced with "State Flood System." Typically, they took out the word "control" and put in the word "management."*

*Member Rie expressed concern regarding potential conflicts with what's in the Water Code on matters pertaining to real estate.*

*(President Carter, seeing no objections, tabled the Item until later to allow time to confirm some information relating to the MOA).*

*During the later re-consideration of the Item, President Carter summarized that the Board had expressed concern over some of the real estate functions being delegated in the proposed MOA under Item No. 11 on page 8; i.e. the question raised was whether or not the Board could delegate the authority to sign deeds to DWR and/or if it was appropriate for the Board to do so. However, the Board was not able to ascertain an answer to these questions.*

*Legal Counsel Cahill stated it would probably be advisable to put the Item over another month to allow the Board to take an in-depth view of the question of delegating authority. Member Rie echoed the suggestion.*

*Vice President Hodgkins agreed with Member Rie and further suggested that it makes sense to take this kind of a document (the MOA) and put it out in general to allow the public and Board staff to comment on it in further detail as to whether the timeframes suggested in the document are reasonable, and then to decide if that will be the Board's schedule. This would ensure that staff would have an understanding of what Board expectations are. The applicants, DWR and others, would also understand that it is the Board's expectation and they should try and comply with it.*

*President Carter also noted that putting the Item over for another month does not preclude anyone from reviewing and suggesting changes to any or all portions of the document.*

*President Carter summarized the discussion by stating that the Board and Board staff will review the MOA for consistency with the Code in terms of the Board's requirements, authorities and responsibilities versus DWR's; that the Board will check into the real estate questions; that they will look at the CEQA review to be sure there is sufficient staff to conduct environmental review at an early stage, NOP or earlier; and to clarify that the Board shall approve the Delta Levee Subventions Program budget and the Exhibit 2 details.*

## **12. BOARD SPONSORED PROJECTS AND STUDY AGREEMENTS**

### **AMERICAN RIVER WATERSHED COMMON FEATURES PROJECT, CALIFORNIA-LOWER AMERICAN RIVER FEATURES AS MODIFIED BY WRDA 1999 - JACOB LANE LEVEE IMPROVEMENTS, REACHES A AND B**

**Consider approval of Resolution 08-17 to:**

- 1. Adopt the Mitigated Negative Declaration**
- 2. Approve the Mitigation Monitoring Plan**
- 3. Approve the project**

*Mr. Kris Brown, DWR, gave a presentation on the Jacob Lane Levee Improvements project.*

*Ms. Annalena Bronson, DWR, asked the Board to consider approval of the Resolution to adopt the Mitigated Negative Declaration, to approve the mitigation monitoring plan, and to approve the project.*

*Upon motion by Member Suarez, seconded by Member Rie, the Board unanimously moved to approve the Resolution.*

### **INFORMATIONAL BRIEFINGS**

#### **13. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD MAP MODERNIZATION PROGRAM AND ITS IMPLICATIONS FOR AREAS WHERE LEVEES ARE DECLARED DEFICIENT BY THE U.S. ARMY CORPS OF ENGINEERS**

*Ms. Kathy Schaefer, an engineer with FEMA Region 9, gave a presentation in three parts: she provided an overview of the Map Modernization Program, an update on their schedule and where they are in the production phase of it, and talked about certification and levees. She then responded to Member questions about the complexities involved in the Provisionally Accredited Levees (PAL) process.*

*Member Suarez proposed that the FEMA website and Ms. Schaefer's presentation be linked to the Board website; Executive Director Punia responded that this would be done.*

#### **14. U.S. ARMY CORPS OF ENGINEERS (the CORPS) VEGETATION STANDARDS FOR TREATMENT OF VEGETATION WITHIN FLOOD-DAMAGE-REDUCTION SYSTEMS**

*Mr. Jim Sandner, Chief of Operations and Maintenance Branch, Sacramento District, the Corps, gave a presentation that continued the discussion begun two meetings ago regarding questions that the Board had with vegetation and certain construction contracts that are ongoing on the Sacramento and San Joaquin River flood control systems.*

*He noted that the Vegetation Roundtable framework had been put together to help the State of California resolve some of the vegetation encroachment issues in the 1,600-1,700 miles of levee in California. The Corps has worked out a plan with the state where, over the next two years, DWR and the Board will ensure that the local maintaining partners meet DWR standards for vegetation on levees.*

*Member Brown asked what the Board does when they find themselves in a position of the growth growing beyond what is prescribed? How does the Board satisfy Corps requirements if they find themselves caught between protecting the endangered or listed species and also providing proper flood control protection for the people?*

*President Carter commented that it comes down to a choice of whether or not the Board maintains PL 84-99 assistance and accredited levees, or is it being consistent with the state and federal endangered species laws. Thus, the Board needs to look at the "Catch-22" that the local maintaining agencies are in, once projects are completed, in terms of re-vegetating or mitigating for environmental damage.*

*Chief Sandner stated that he understands the Board's concerns, and that the Corps has very similar concerns.*

## BOARD REPORTS

### 15. BOARD COMMENTS AND TASK LEADER REPORTS

*Member Brown reported the following:*

*He met with Lester Snow, who had some questions on the issues of the State Water Board and conservation projects. They also discussed the Plumas Pines pre-1914 water rights.*

*He received an e-mail from Gary Sawyer, who was the attorney for the Madera County Flood Control Water Agency, requesting some intervention or assistance in trying to clear up some operation schedules; he passed that request on to Executive Officer Punia, who is looking into it and will advise the Board of what Board responsibilities or support may be appropriate.*

*He provided the presentation to the Auburn Dam Council on Auburn Dam and water resource issues on August 4<sup>th</sup>.*

*He will be out of town on a personal issue on September 19<sup>th</sup> and thus will not be able to attend that Board Meeting.*

*A tentative meeting on some water issues has been scheduled with Congressman Cardoza's office.*

*Secretary Doherty reported the following:*

*She attended a meeting in Colusa on 8/7/08 with 13 Fish and Wildlife representatives regarding the four refuges under their care. They were requesting comments on the Comprehensive Conservation Plan. Five public members were also there. Kevin Foerster, head of the group, said that work was being done on the Sutter Bypass because of pressure from the Board, the Westside Levee District and RD 108.*

*The following day she -- along with Kim Davis, aide to Senator Annistad; Tom Ellis, Chair of Westside Levee District; and Lewis Bair, Manager of RD 108 -- met at the Sutter Yard of DWR and received an all-encompassing tour led by Karen Hull and Joel Farias, who were both very forthcoming.*

*Board Member Rie noted that the Corps has issued a new draft 408 policy, which is currently under review; she, Senior Engineer Butler, Executive Officer Punia and Vice President Hodgkins are reviewing it. It is a significant policy change that asks for a lot of information from the applicants before making any modifications or improvements to the levees. She noted that the 408 Task Force is also working on an MOU with the Corps and DWR to streamline the 408 process and simplify it where it's possible to do so.*

*Vice President Hodgkins added comments on the new draft 408 policy, stating that it was in effect the Corps' promulgation of additional guidance, where the projects that are being done here by either DWR or a local sponsor are in effect going to have to comply completely with Corps guidelines, in terms of the analysis that's conducted, pretty much the same as with the Corps' Feasibility Study.*

*He also referenced the Yolo Bypass Forum, which was discussed at the previous Board Meeting. It is now looking at mitigation proposals to help with water transfer and water capacity in the bottom end of the bypass. Thus, for ex parte reasons, he has terminated his involvement with the Forum.*

*Board Member Suarez provided a quick update on revising Board regulations. Next month a summary will be presented to the Board of the public comments received.*

*President Carter informed the Board that he was contacted by an applicant, Mr. Al Montna, regarding Permit No. 18364, which is before the Board. Mr. Montna was frustrated with the lack of progress on reviewing the permit and bringing it before the Board. President Carter told him that he couldn't discuss the permit with him because of the ex parte requirements. He also told Mr. Montna that he would follow up with Board staff, which he did. Subsequently, President Carter called Mr. Montna back and left a message on his phone informing him that he had followed up on the permit and stated that, if he had any questions regarding the permit he should contact Mr. Punia, and the staff would make every effort to address his concerns.*

*President Carter shared that he had made a presentation on the flood control system and "the river as a resource" to a group of approximately 16 Washington D.C. staff folks as a part of the California Agricultural Leadership/Washington D.C. Exchange Program (where they bring staffers out to California and host them on a tour of selected regions of California - with a focus on agricultural issues).*

*President Carter concluded stating that he and Vice President Hodgkins, as part of the Executive Committee, met with DWR and discussed the California Levee Roundtable and what DWR's and the Board's perspectives were in terms of the future of that Roundtable. The Roundtable will be meeting again on August 22<sup>nd</sup>.*

## **16. REPORT OF THE ACTIVITIES OF THE EXECUTIVE OFFICER**

*Executive Officer Punia reported on the following:*

- He commended Eric Koch, Annalena Bronson, Nancy Finch and Ginny Cahill for quickly putting the Jacobs Lane project together and getting approval from the Board today.*
- There is a possibility that the Governor may veto SB 1360 due to the termination clause for the existing Board members.*



- *Chief Engineer Hester coordinated a meeting with the RD 17 staff, Dante Nomellini (their attorney), and Chris Neudeck. There's a great push from RD 17 to have a construction this year. The conclusion of the meeting was that they will resubmit a smaller project application this year which they are trying to implement with their own funding. But there are still a lot of issues -- federal approval, the 408, the 104 and CEQA compliance -- so it may or may not happen.*
- *The Governor's Office has approved the proposal regarding Board Member salaries and it has gone to the Department of Personnel Administration, who will send the notification to DWR and the State Controller's Office. Staff will follow up and keep the Board informed.*
- *He commended the efforts of Lorraine Pendlebury and Geoff Shumway, who finalized the map of the Sacramento/San Joaquin Drainage District. It will be on the web very soon.*
- *Three contracts -- with Dr. Rechmeyer; to hire Mr. Patrick Bell; and the interagency agreement to continue service for Board legal counsel -- are still being worked on.*

## **17. FUTURE AGENDA**

*President Carter read the proposed future agenda.*

*He stated that there will be a tour of the TRLIA setback levee construction site on September 18<sup>th</sup>.*

*An informational briefing on the Sutter Bypass situation may be added.*

*There will be a briefing on the Levee Roundtable vegetation framework document.*

## **18. CLOSED SESSION**

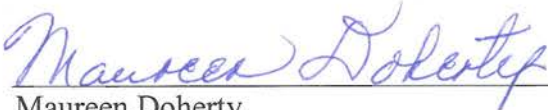
**To discuss litigation (Cortopassi Partners and Reclamation District 2086 v. California Department of Water Resources, Central Valley Flood Protection Board, and California State Lands Commission; San Joaquin Superior Court Case No. CV034843) pursuant to Govt. Code § 11126 (e)(1).**

*The Board entered into closed session and discussed litigation, as agendized, and there were no decisions made.*

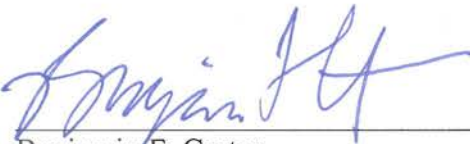
## **19. ADJOURN**

*President Carter adjourned the meeting at 6:09 p.m.*

Dated: 17 OCTOBER 2008

  
\_\_\_\_\_  
Maureen Doherty  
Secretary

The foregoing minutes were approved:

  
\_\_\_\_\_  
Benjamin F. Carter  
President