

MINUTES

MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD June 20, 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 June 20, 2008, beginning at 8:33 a.m., at The Resources Building Auditorium, 1416 Ninth Street, Sacramento, California.

The following members of the Board were present:

Mr. Benjamin Carter, President
Ms. Lady Bug Doherty, Secretary
Mr. John Brown, Member
Ms. Rose Marie Burroughs, Member
Ms. Teri Rie, 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
Mr. Geoff Shumway, Staff Analyst
Ms. Lorraine Pendlebury, Staff Analyst

Department of Water Resources staff present:

Ms. Annalena Bronson
Mr. Robert Charney
Mr. Steve Dawson, Acting Chief, Floodway Protection
Ms. Nancy Finch, Staff Counsel
Mr. Samson Haile-Selassie
Ms. Mara Noelle
Mr. Jeff Parsons
Mr. Ricardo Pineda
Mr. George Qualley, Chief, Division of Flood Management

Department of Water Resources staff present (continued):

Mr. Pal Sandhu, Chief, Levee Repairs Branch
Mr. Kasey Schimke
Mr. Ward Tabor, Staff Counsel
Ms. Terri Wegener
Mr. Kip Young

Also Present:

Mr. James Baker, United States Army Corps of Engineers
Mr. Paul Brunner, Three Rivers Levee Improvement Authority
Mr. Chris Neudeck, KSN Inc.
Mr. Dante John Nomellini, Reclamation District 17
Mr. Scott Shapiro

1. ROLL CALL

Executive Officer Punia called the roll.

2. APPROVAL OF MINUTES - April 18, 2008

Member Brown noted that on page 10, sixth or seventh line from the bottom, it says "Sulfur Creek," and should be "Silver Creek."

Upon motion by Member Brown, seconded by Secretary Doherty, the Board unanimously approved the April 18, 2008 Minutes as amended above.

3. APPROVAL OF AGENDA

Item 13 was removed from the Agenda and postponed to a future date.

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

4. PUBLIC COMMENT - none

5. REPORT OF THE ACTIVITIES OF DEPARTMENT OF WATER RESOURCES (DWR)

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

- *The state is at about 80 percent of average precipitation and is now using reservoir storage. The March through May total precipitation was only 3.4 inches, which is the*

driest since 1921. The Governor officially proclaimed a drought on June 5th; his Executive Order triggered a number of actions to improve the overall situation.

- *Flood Project Integrity and Inspection Branch - the 2007 annual report is available.*
- *Flood Project Modifications and Permits Branch - final approval was received on the funding agreement for the TRLIA project; i.e. the setback levee in Yuba County. Approval was also received for the three early implementation projects for SAFCA: Levee District 1; the Star Bend setback; and Reclamation District 2103 in Wheatland.*
- *The Local Levee Evaluation Program and the Local Levee Urgent Repair Program are now together, and referred to as the Local Levee Assistance Program. A total of \$60 million in grant money is available for the program this fiscal year. The application deadline is June 30, 2008.*
- *Project Development Branch - the joint federal project at Folsom will be going on for the next seven years, with scheduled completion around 2015. The Folsom Dam Raise will get active in 2011.*
- *American River Common Features - sites authorized under WRDA 99 will be getting underway. The project for designing, raising and widening levee sections on Jacobs Lane will be going forward.*
- *The South Sacramento Streams Project is moving forward.*
- *West Sacramento Project - the Corps is nearing completion on the geotech analysis for the repair of two levee slips.*
- *Yuba River Basin Project - DWR continues to work with the Corps to maximize the Section 104 credits that could be received.*
- *The Marysville Ring Project is moving forward and could conceivably begin construction in 2010.*
- *The Mid-Valley Area Levee Reconstruction Project is moving on a schedule that will get additional construction work in 2010.*
- *The Sutter County Feasibility Study will hopefully be completed within three years.*
- *The Lower San Joaquin River Feasibility Study has a new version of the Project Management Plan and will be having a meeting the first week of July. Hopefully, the agreements will be executed at the CVFPB July meeting.*
- *Lower Cache Creek, Woodland is being worked on with the locals and the Corps.*

- *West Stanislaus, Orestimba Creek -an F4 milestone conference is scheduled for early 2009.*
- *The Hamilton City Project is moving forward.*
- *Levee Repairs Branch activities are still in progress.*
- *The Levee Evaluations Branch is moving forward on schedule.*

Legislative Update

Mr. Kasey Schimke, DWR, updated the Board on the following:

- *The Conference Committee, working on the Fiscal Year '08-'09 budget, approved the April finance letter submitted by the Board that requested funding and positions to assist the Board with the new responsibilities given to them as part of the new legislation (AB 5, SB 5, etc.).*
- *Senate Bill 1360, which seeks to make technical changes to the bills previously mentioned, was amended in committee and the changes approved.*

Floodplain Maps Developed by DWR to Meet Requirements of SB 5

Mr. Ricardo Pineda, Floodplain Management Branch, DWR, gave an overhead presentation on the development of the floodplain maps.

6. THREE RIVERS LEVEE IMPROVEMENT AUTHORITY (TRLIA) MONTHLY REPORT

Mr. Paul Brunner, TRLIA Executive Director, highlighted some of the significant items in the report:

- *Major portions of Segments 1, 2, and 3 are now under construction. Construction on the southerly portion from Bear River up to Star Bend is scheduled for completion in the August-September timeframe. The work from Shanghai Point up to the Yuba confluence on the Feather River is scheduled for completion later this year.*
- *They have received about \$40 million of the first quarter funds.*
- *They continue to work with the Corps on the setback levee portion and are hopeful the permitting process can be done by the end of August or early September, so the tie-in work can be completed this year.*

- *Regarding utility crossings - the temporary markers have been placed and will be made permanent at a later date after appropriate compensation has been worked out with the utility companies.*

7. CONSENT CALENDAR

A. Permit No. 17490-A Chris Cully

Consider approval to install a floating aluminum boat dock supported by steel pilings attached to a gangway and concrete deadman on the left (east) bank levee of the Sacramento River in Sacramento County.

B. Permit No. 18081-Rev. Reclamation District No. 2103, Wheatland

Consider approval to construct approximately 1,500 additional linear feet of soil-cement-bentonite slurry wall in the right (north) bank levee of the Bear River.

C. Permit No. 18192, Michael Mix

Consider approval to construct a boat dock supported by steel pilings, attached to a gangway and galvanized steel shore hinge on the left (east) bank levee of the Sacramento River in Sacramento County.

D. Permit No. 18211, City of Stockton

Consider approval to place 2-inches of aggregate on existing dirt road on the waterside slope, place fill and construct a pedestrian trail on the landside slope, and plant native trees and shrubs on the landside slope of the right (north) bank levee of Mosher Creek in San Joaquin County.

E. Permit No. 18213, City of Lathrop

Consider approval to install six 36-inch diameter steel storm water pipes through the levee, construct a reinforced concrete outfall structure, and place rock riprap along approximately 200 linear feet of the right (east) bank levee of the San Joaquin River in San Joaquin County.

F. Permit No. 18242, City of Atwater

Consider approval to replace the existing Avenue One Bridge across Canal Creek in San Joaquin County.

G. Permit No. 18268, Bogle Vineyards, Inc.

Consider approval to replace an existing irrigation pipe through the left (east) bank levee of Elk Slough in Yolo County.

H. Permit No. 18280, Reclamation District No. 784

Consider approval to install two discharge pipes through the left (east) bank levee and tie into the existing outfall structure; and to place riprap on the bank of the Feather River in Yuba County.

I. Permit No. 18286, Brian Richards

Consider approval to construct an addition to an existing residence on the right (west) bank overflow area of the Sacramento River in Glenn County.

J. Permit No. 18305, Steve Goodwin

Consider approval of Township 9 Project, to place fill and plant native trees along the landside slope of the left (south) bank levee of the American River in Sacramento County.

K. Permit No. 18323, Meridian Farms Water Company

Consider approval to abolish an existing pumping plant and abandon existing pipeline at RM 125.8; to construct a new pumping plant at RM 127.0; and to place riprap on the slope of the left (east) bank levee of the Sacramento River in Sutter County.

L. Permit No. 18345, Thomas Wheeler

Consider approval to replace two irrigation pipes through the left (east) bank levee of Sutter Slough in Sacramento County.

M. Permit No. 18371, Tom Ramos

Consider approval to construct a pump platform and install an irrigation pipe on the waterside slope of the right (west) bank of the Sacramento River in Yolo County.

N. Approval of Nonexclusive Easement to the Fairfield-Suisun Sewer District

Consider approval to grant a Nonexclusive Easement to construct, reconstruct, enlarge, remove, relay, operate, and maintain a 42-inch sewer outfall pipeline, within Ledgewood Creek, City of Fairfield, Solano County.

Upon motion by Member Brown, seconded by Member Burroughs, the Board unanimously approved Consent Calendar Items 7A through 7N, contingent upon staff receiving all necessary documents.

8. HEARINGS AND DECISIONS - none

9. FOLSOM DAN SAFETY AND FLOOD DAMAGE REDUCTION - STILLING BASIN COFFERDAM

Consider approval of resolution 08-12 to:

- A. Adopt Mitigated Negative Declaration**
- B. Approve Project**

Mr. Robert Charney, Project Development Branch, DWR, gave a brief status update on some of the milestones of the project.

Ms. Annalena Bronson, Flood Protection Branch, DWR, asked for approval of Resolution 08-12.

Upon motion by Secretary Doherty, seconded by Member Brown, the Board unanimously approved Resolution 08-12.

10. PL 84-99 LEVEE REHABILITATION PROJECT - RD 2098 AND RD 536, SOLANO COUNTY

Consider approval of resolution 08-13 to:

- A. Adopt Mitigated Negative Declaration, Findings and Mitigation Measures for the PL 84-99 Levee Rehabilitation Project in Reclamation District 536; and**
- B. Adopt Mitigated Negative Declaration, Findings, and Mitigation Measures for the PL 84-99 Levee Rehabilitation Project in Reclamation District 2098; and**
- C. Approve the Project Cooperation Agreement between the U.S. Army Corps of Engineers and the Central Valley Flood Protection Board (Group B).**

President Carter noted for the record that Member Teri Rie had joined the Meeting.

Ms. Mara Noelle, Levee Repair Branch, DWR, gave a presentation on the Resolution and asked for Board approval. Mr. Pal Sandhu, Chief, Levee Repairs Branch, DWR, presented a revised resolution to the Board.

Several members of the Board expressed concern about the proposed vegetation and willow tree plantings on the levee slope with regard to the hydraulic effects and the apparent inconsistency of this aspect of the project with the USACE levee vegetation standards. The item was tabled to acquire additional information from USACE about levee standards and species of willow trees proposed for the project during the lunch recess. Following lunch, President Carter shared the content of his discussion with representatives from the Corps.

Upon motion by Member Brown, seconded by Secretary Doherty, the Board approved Resolution 08-13, with the caveat that the Board will ask the Executive Director to follow up with specifics about what the Board is allowing or supporting in terms of the types of plants to be used; and that there will be no confusion in the future regarding the specific plants proposed; i.e., that a much larger willow than the one proposed in the Resolution will not be used. In addition, the Board will delegate to the Executive Officer the authority to execute the Project Cooperation Agreement with the Corps, but only upon receipt of the necessary signed local assurance agreements from the maintaining agencies. The vote was 4-0-1, with Member Burroughs abstaining.

11. SACRAMENTO RIVER BANK PROTECTION PROJECT, 2008 EROSION REPAIRS

Consider approval of Resolution 08-14 to:

- A. Adopt Mitigated Negative Declaration, Findings, and Mitigation Measures for the Sacramento River Bank Protection Project, Erosion Repairs at Cache Slough RM 21.8R (Solano County), Steamboat Slough RM 16.6R (Solano County), Sacramento River RM 49.7L and RM 52.3L (Sacramento County), Sacramento River RM 53.5R (Yolo County), and Sacramento River RM 177.8R (Glenn County), and Lower American River RM 0.3L and RM 2.8L (Sacramento County); and**
- B. Approve construction of the projects listed above.**

Mr. Kip Young, Levee Repairs Branch, DWR, gave a presentation on the eight proposed sites in the project and asked for the Board's approval.

Board Members expressed concerns regarding some of the site designs, specifically placement of willows and some of the fencing in the areas.

Upon motion by Member Rie, seconded by Secretary Doherty, the Board approved Resolution 08-14 by a vote of 4-0-1, with Member Burroughs abstaining.

12. INTERAGENCY AGREEMENT FOR INDEPENDENT LEGAL SERVICES TO THE BOARD

Delegate the authority to the Executive Officer to execute an Interagency Agreement between the Central Valley Flood Protection Board and the Department of Justice for the Department of Justice to provide independent legal services to the Board.

Ms. Lorraine Pendlebury, Board Staff Analyst, asked the Board to authorize the Interagency Agreement which, among other things, states that legal counsel will be provided by Virginia Cahill of the Attorney General's Office. Executive Officer Punia asked that the Board grant permission for a multi-year contract. Legal Counsel, Nancy Finch, of the Department of Water Resources will also continue to provide legal services.

Upon motion by Member Brown, seconded by Secretary Doherty, the Board unanimously approved the multi-year Agreement.

13. BOARD SPONSORED PROJECT AND STUDY AGREEMENTS
Lower San Joaquin River Feasibility Investigation - postponed

INFORMATIONAL BRIEFINGS

14. AB 1147 - STATE FINANCIAL ASSISTANCE FOR FLOOD MANAGEMENT PROJECTS AND SMALL FLOOD MANAGEMENT PROJECTS

Mr. Jeff Parsons, DWR Subventions, provided an informational briefing on AB 1147 regulations, which promote the development of multipurpose flood management projects authorized after January 1, 2002. The proposed AB 1147 regulations provide the process and method to evaluate these flood management projects. Ms. Terri Wegener, Division of Flood Management, DWR, provided additional information.

President Carter commented that it would be helpful if the Board could get some clarification as to what their role is in the new regulations processes. How will the process work, who is submitting the projects, who evaluates them based on what criteria, and who approves the "where" and "when?"

15. BRIEFING REGARDING RD 17'S PROPOSED FLOOD CONTROL PROJECT ALONG THE SAN JOAQUIN RIVER TO ADDRESS SEEPAGE PROBLEM, SAN JOAQUIN COUNTY

Mr. Dante Nomellini, attorney for Reclamation District 17, gave a presentation that briefed the Board on the project. He also requested the Board's assistance in completing the appropriate permit.

Executive Officer Punia commented that the purpose of this briefing was to enable the Board to appraise where the County is going with their permit application as there will be a push to aggressively issue the permit and staff is gearing up for that.

BOARD REPORTS

16. BOARD COMMENTS AND TASK LEADER REPORTS

Member Brown is doing some consulting work for an attorney in Los Angeles, Susan Trager, and doesn't see any of it coming before the Board, either the client or the issue itself.

Secretary Doherty expressed her strong feelings about the portion of SB 1360 that expresses the idea of doing away with the Board and leaving the seats vacant, which she stated was totally unacceptable. Mr. Scott Shapiro, Flood Control Association counsel, stated that they are also in total opposition to the bill unless that portion is amended. Board Members discussed the pros and cons of submitting a letter expressing their concerns. Legal Counsel Cahill commented that Board Members could not currently make a decision as a Board to send a letter expressing their concerns (as the current agenda does not reflect the concern as an Action Item), but they could agendaize it for a future Meeting. Also, if Board members wanted to, they could write individual letters that could be clipped together and sent on to the Legislature.

Secretary Doherty met with the Family Water Alliance regarding some pipes and their placement and the lack of standardization for certification.

In addition, Secretary Doherty spoke with an elderly lady in the Sutter Bypass who felt pressured about signing an agreement regarding disposal of items left in the staging area where she lives. The Secretary also mentioned the hydraulic analysis of the Sutter Bypass and the excessive length of time (over three years) it has taken to complete that analysis. President Carter echoed her concerns.

Finally, Secretary Doherty reported on the Colusa Subreach Planning Report, which had its final celebratory meeting.

Report on the May 30, 2008 San Joaquin Area Sub-Committee

Executive Officer Punia briefed the Board on the Sub-Committee Meeting. The main topic was the feasibility study update and the encroachment issues related to Bear Creek and Calaveras River. Also, SJAFCA gave a brief overview of the history of flood control development in the Stockton area.

President Carter commented on the significant nature of the issues involved, noting that the Board will have to wrestle with them from a policy perspective. He stated that he didn't think that everyone had really internalized how huge the issues are, except for the people directly involved, and that more energy was needed within the Administration and the state to get moving and address them. It is a huge problem with the system.

Report on the June 13, 2008 California Levees Roundtable Meeting

President Carter noted the good participation by all agencies involved. There was a good discussion regarding the draft framework for addressing the vegetation concerns and vegetation management on the levees and implementation and future compliance with the Corps standards on vegetation. It appears the framework is nearly completed and will probably be finalized at the next meeting, which is scheduled for August to mid-August.

17. REPORT OF THE ACTIVITIES OF THE EXECUTIVE OFFICER

Executive Officer Punia reported on the following:

- *On April 25th the Resources Agency and DWR approved and recommended to the Governor's Office that Board Member salaries should start retroactively from January 1, 2008.*
- *President Carter and Mr. Punia met briefly with Senator Machado to thank him for his proposed legislation on the cleanup/technical changes to SB 1360.*
- *The Corps conducted a Section 104 credit workshop. The main purpose was to clarify the Corps's policy that all the locals can get credit from the Corps for their advance work.*
- *Several 408 Task Force meetings were held. Three separate documents are being worked on: alterations in the framework document informing the Corps about what projects the Board will be bringing to the Corps for their approval under Section 408; a Memorandum of Understanding regarding the framework documents; and a spreadsheet that provides a synopsis of all projects. They will further discuss the various documents at the next meeting, scheduled for June 26th.*
- *Member Burroughs and Mr. Punia attended a briefing and field tour of the Orestimba Creek Feasibility Study. Based upon Member Brown's request, they discussed with the other briefing attendees the inclusion of a water supply component to the project. The locals' perspective is that it's too late to modify the project at this time. Member Brown restated his position on the issue; a meeting will be set up to put him in direct communication with the locals, Corps and DWR project managers to further discuss the water supply component issue.*

- *Personnel: the Floodway Protection Section has a new engineer, Mr. Gary Lemon. Eric Koch has been promoted to principal engineer. He is also the Chief of the Flood Project Office, taking George Qualley's previous position.*
- *Mr. Eric Butler, Staff Senior Engineer, gave the Board a status update on pending permit applications. There are 134 applications open (counting the 13 on today's Consent Calendar) and they propose an additional nine applications to be heard at the July Meeting.*
- *Mr. Dan Fua, Staff Supervising Engineer, gave a short briefing on the Stakeholders Meeting held on June 12th. He stated that many useful comments were received and staff plans to update the Board at the July Meeting.*
- *A long-term MOU has been drafted which is acceptable to the Board's Executive Committee. DWR has promised to review it and provide comments before the next Executive Committee meeting.*

18. FUTURE AGENDA

President Carter read the draft agenda for the July meeting. Member Burroughs asked if FEMA would be giving a presentation and he responded that it was not on the current draft.

Legal Counsel Cahill commented that the AB 1147 people were asked to come back.

She also mentioned an appeal of a staff denial of permit. Chief Engineer Hester added that this was regarding two fences across the levee in Maintenance Area 9 in the Pocket area.

Floodway Protection Acting Chief Dawson requested the addition of two items to the Consent Calendar -- Applications 18352 and 18356.

Mr. Shapiro requested that the City of West Sacramento's pending application for the I Street site be included in the agenda.

Member Rie asked for an update on the 104 and 408 letters sent out by the Board in 2007-08.

19. ADJOURN

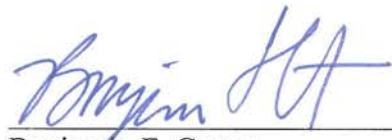
President Carter adjourned the meeting at 5:00 p.m.

Dated: 9-19-08



Maureen Doherty
Secretary

The foregoing minutes were approved:



Benjamin F. Carter
President