

MINUTES

**MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD
March 21, 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 March 21, 2008, beginning at 8:35 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. Butch Hodgkins, Vice President
Ms. Lady Bug Doherty, Secretary
Mr. John Brown, Member
Ms. Rose Marie Burroughs, Member
Ms. Teri Rie, Member
Ms. Emma Suarez, Member

The following members of the Board staff were present:

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

Also Present:

Mr. Jeremy Arrich, Department of Water Resources (DWR)
Mr. John Bassett, Sacramento Area Flood Control Agency (SAFCA)
Ms. Peggy Bohl, Clarksburg resident
Mr. Paul Brunner, Three Rivers Levee Improvement Association (TRLIA)
Mr. Joe Countryman, MBK Engineers

Also Present (continued):

Mr. Steve Dawson, DWR
Mr. Paul Devereux, Reclamation District (RD) 1000
Mr. Tom Eres, Hofman Ranch
Mr. Thomas Foley, Concerned Citizens for Responsible Growth
Mr. Eric McGrath, DWR
Mr. George Qualley, DWR
Mr. Ric Reinhardt, TRLIA
Mr. Ken Ruzich, RD 900, West Sacramento Area Flood Control Association
Mr. Kasey Schimke, DWR
Mr. Jeff Schneider
Mr. Scott Shapiro, TRLIA
Mr. Keith Swanson, DWR
Ms. Lynne Yachzan, Unger Riverfront
Ms. Shanna Zuspan, City of West Sacramento

1. ROLL CALL

Executive Officer Punia called the roll. President Carter welcomed new staff members Chief Engineer Gary Hester and Staff Assistant Geoff Shumway.

President Carter explained that it was necessary to absent himself briefly and meet with the Army Corps coming from Washington D.C., regarding vegetation on the levees. Vice President Hodgkins is to be in charge. President Carter then departed.

2. APPROVAL OF MINUTES - December 21, 2007, and January 18, 2008

Upon motion by Secretary Doherty, seconded by Member Brown, the Board unanimously approved the December 21, 2007 and January 18, 2008 Minutes.

3. APPROVAL OF AGENDA

Staff recommended that Items 7A, 7B, 7D, 7E and 7F be pulled from the Consent Calendar and re-set to a later date; and Item 7G be pulled from the Consent Calendar for discussion under Requested Actions.

Upon motion by Secretary Doherty, seconded by Member Brown, the Board unanimously approved the Agenda with the changes recommended in the previous paragraph.

4. PUBLIC COMMENT

Ms. Peggy Bohl, Clarksburg, discussed area residents' concerns regarding a deep excavation located next to the project levee on the Sacramento River, at River Mile 42.8, on property owned

by the Old Sugar Mill. She referenced a letter sent to the owners of the Old Sugar Mill on January 24, 2008 and commended the Board for their attention to the situation.

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

Mr. Kasey Schimke, DWR, commented on upcoming state legislation, SB 1360, that might affect the Board.

Ms. Suarez entered the meeting. Ms. Burroughs now departed for the meeting with the Army Corps regarding the vegetation on the levees.

Mr. George Qualley, DWR, reported on the following:

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- *Although the year's precipitation started slowly, it is now at 100 % of average.*
- *The Sacramento Maintenance Yard will get the work underway on the abandoned pipe in Maintenance Area 9; the work will be completed in the coming year.*
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- *American River Commons Features - work continues on various elements.*
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- *Eureka Flood Center manager Dave Kennard is retiring next month after 25 years of service.*

Mr. Jeremy Arrich, DWR, gave a short presentation related to the fall 2007 levee inspection results and the annual maintenance ratings. Vice President Hodgkins expressed his appreciation for the report and encouraged Mr. Arrich to share the results with the Legislature in hopes they may better understand how serious DWR and the Board are, with regards to improving focus on all aspects of risk management, with respect to flooding.

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

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

- *All documentation resolutions are in place. They expect that final documents will be signed next week for their local share funding.*
- *They anticipate giving notice to proceed on Segment 3 of the Feather River Project in the April time frame. Regarding the Segment 3 trench collapse, TRLIA will be working with Board staff to make appropriate modifications to the permit.*
- *The Corps did decide that an Environmental Impact Statement will be needed on Segment 2 (the ramifications of this Corps decision are discussed in Item 10B of this Meeting, see below).*
- *Eminent domain actions have been taken on 15 different residents.*

7. CONSENT CALENDAR

A. Permit No 18213. City of Lathrop – PULLED

- B. Permit No. 18286, Brian Richards, Ord Bend - PULLED
- C. Permit No. 18301, Asta Construction Company, Rio Vista
- D. Permit No. 18321, Department of Water Resources - PULLED
- E. Permit No. 18303, Noboru Nakayama, Clarksburg - PULLED
- F. Permit No. 18329, Ernest Burroughs, Clarksburg - PULLED
- G. Madera Grand Jury Final Report, Maintenance of the Flood Control Waterways, as Agreed to in 1977, Madera County - PULLED FOR DISCUSSION UNDER REQUESTED ACTIONS
- H. Sand Removal Lease 2005-1-RD, Rio Vista, Solano County

As previously mentioned, Items 7A, 7B, 7D, 7E and 7F were pulled from the Calendar, and Item 7G was pulled for discussion under Requested Actions (see below). This was done by unanimous vote.

Upon motion by President Carter, seconded by Member Brown, Items 7C and 7H were unanimously approved.

REQUESTED ACTIONS

- 7G. Madera Grand Jury Final Report, Maintenance of the Flood Control Waterways, as Agreed to in 1977, Madera County

Upon motion by Vice President Hodgkins, seconded by Member Brown, the Board unanimously approved the draft letter and directed staff to work with the president to get it signed and sent.

- 8. Assurance Agreement, Knights Landing Ridge Drainage District, Yolo County

Mr. Eric McGrath, DWR, asked for the Board's approval of the Assurance Agreement.

Upon motion by Member Brown, seconded by Secretary Doherty, the motion carried unanimously.

- 9. West Sacramento Area Flood Control Agency, Yolo County

Upon motion by Member Burroughs, seconded by Secretary Doherty, the Board unanimously approved sending a letter to the U.S. Army Corps of Engineers asking for 408 approval to alter

the federal flood control project levee at the I Street Bridge, and also to delegate to the executive officer the signing of the letter to the Corps.

Ms. Rie entered the meeting.

10. HEARINGS AND DECISIONS

A. Application No. 18159-3, Sacramento Area Flood Control Agency (SAFCA), Natomas Levee Improvement Program, Sacramento River East Levee Phase I Improvement Project, Reaches 1 through 4B, Sacramento and Sutter Counties

Senior Engineer Eric Butler, CVFPB, gave a presentation on application specifics, answered Board Member questions, and concluded with the staff recommendation that the application be approved.

Mr. Paul Devereux, RD 1000, stated that his district has endorsed the permit; he urged the Board to approve it as quickly as possible.

Mr. Jeff Schneider, representing the Garden Highway Community Association, stated that the Association does not agree with the CEQA findings and are in opposition to them.

Mr. Jeff Foley, Concerned Citizens for Responsible Growth, reiterated Mr. Schneider's comments, and also added that it was irresponsible for the Board to approve SAFCA permits without bringing into consideration all other state of California players.

Member Burroughs stated that she would be pleased to push the permit forward without the part about raising the levee.

Member Brown asked if there was evidence that by raising the east side of the levee it would have an incremental detrimental effect on the west side. He further stated that he had asked for this evidence from the affected parties and none was produced, and that, as yet, he had heard or seen none.

Vice President Hodgkins suggested that the Board move forward with the project, and add an additional condition to the permit that fundamentally says that SAFCA is required to participate in any further modifications to the system that may be required within SAFCA's jurisdiction by the Central Valley Flood Protection Plan; that SAFCA would, in effect, be bound to live with that plan, whatever it turns out to be. Mr. Bassett, SAFCA, subsequently stated that SAFCA was in agreement with this additional condition and that the actual language of the condition should be worked out between counsels.

President Carter noted that, with regard to improvements to the system, Board Members needed to keep an eye toward the entire system continuously improving over time, and

the only way to accomplish that was by doing it incrementally. Further, as Mr. Brown had pointed out, it's not feasible, realistic, or practical to try and raise levees all at once and achieve parity simultaneously on flood protection. The only practical way to do it is incrementally.

Upon motion by Vice President Hodgkins, seconded by Member Brown, the Board voted to approve the resolution, with the addition that a condition be added to the permit that, in effect, requires SAFCA to participate in any further modifications to the project that may be required by the adoption of the Central Valley Flood Protection Plan, in a manner that's consistent with the way other jurisdictions are required by that plan to participate. The motion carried 6-1, with Member Burroughs dissenting.

B. Application No. 18227 BD, Three Rivers Levee Improvement Authority (TRLIA) - Phase 4 Feather River Levee Repair Project, Segment 2 Feather River Setback Levee, Yuba County

Supervising Engineer Fua, CVFPB, gave a short presentation on Application specifics, which includes a request to modify the original permit to allow phased construction. This modification is needed because the Corps has decided that an Environmental Impact Statement (EIS) will be required for Segment 2 before 408 approval can occur -- a decision that will result in delays in some areas of construction. The exact length of the delays is unknown at this time.

Executive Officer Punia stated that it is still a good project and the Board should do everything in its power to move the project forward.

Mr. Scott Shapiro, TRLIA general counsel, provided details of the phased construction plan. He concluded by stating that TRLIA was not asking the Board to violate a process (i.e. the process the Corps requires as part of their decision that TRLIA needs to provide an EIS to the Corps); rather, they were asking the Board to recognize that the law allows construction of a portion of the levee and the completion of the rest once 408 approval is achieved. He repeated TRLIA's commitment that they will do everything in their power to complete the project in 2008.

Mr. Qualley, DWR, stated that DWR does not hesitate in supporting the approval of the project moving forward, under the modified encroachment permit.

Vice President Hodgkins discussed his concerns about the uncertainties that exist regarding how well DWR, CVFPB and the Corps are working together. President Carter echoed this concern regarding uncertainties.

Mr. Qualley later stated that he has never gotten the impression that the Corps was fundamentally against the project or seen any reason to believe that ultimately the project will not be accepted as part of the federal system. In response to a question from

President Carter, Qualley also stated that DWR is prepared to contribute their share of everything in part A of the project in advance of 408 approval.

Mr. Thomas Eres, Hofman Ranch, cautioned that the reality of what was before the Board today is an opportunity to construct the project without first obtaining federal approval; he recommended that the Board postpone, if not deny, the motion for the modification to the existing permit until such time as the 408 approval has been received from the Corps.

Executive Officer Punia echoed Mr. Qualley's impressions, and further stated that he cannot foresee the Corps not adopting the project back into the federal flood control system.

Upon motion by Vice President Hodgkins, seconded by Member Brown, the Board approved the modified permit by a vote of 5-2, with Member Burroughs and Executive Secretary Doherty dissenting.

INFORMATIONAL BRIEFINGS

11. West Sacramento Triangle Area (Tower Bridge to Pioneer Bridge) Preliminary Development Plan

Ms. Shanna Zuspan, City of West Sacramento, gave a short presentation highlighting the City's plans for the Triangle Area.

Mr. Butler, CVFPB, and Mr. Shapiro provided additional information. Mr. Shapiro concluded that time was needed to develop the easement language and to get landowner agreement; that realistically it would be May 2008 at the earliest before a requested action would be put before the Board.

BOARD REPORTS

12. BOARD COMMENTS AND TASK LEADER REPORTS - POSTPONED TO NEXT MEETING

13. REPORT OF THE ACTIVITIES OF THE EXECUTIVE OFFICER

Executive Officer Punia reported on the following:

- There are currently four vacancies out of the eight positions in the DWR Floodway Protection Section. so expect some delays in regular permitting timeframes. He is consulting with DWR to fill those positions as soon as possible. President Carter stated he will talk with Director Snow about expediting the hiring process for these vacancies.*

- *He is convinced, through recent experience that bringing every permit before the Board for approval is a process that cannot work. In 2007 less than 5 percent were brought to the Board for approval; the rest were handled at staff level. He will work on fixing this situation as soon as possible.*
- *The Board is not getting their letters and comments from the Corps in a timely fashion, and he will meet with Corps management soon to hopefully resolve this issue.*

14. FUTURE AGENDA - POSTPONED TO NEXT MEETING

15. CLOSED SESSION - POSTPONED TO NEXT MEETING

To consider the annual performance of the Executive Officer pursuant to Government Code Section 11126(a)(1)

16. ADJOURN

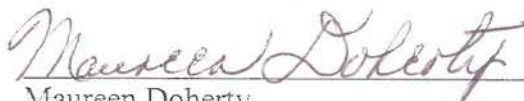
President Carter adjourned the meeting at 5:58 p.m.

The foregoing minutes were approved:

Dated: 16 MAY 2008



Benjamin F. Carter
President



Maureen Doherty
Secretary

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15. CLOSED SESSION - POSTPONED TO NEXT MEETING

To consider the annual performance of the Executive Officer pursuant to Government Code Section 11126(a)(1)

16. ADJOURN

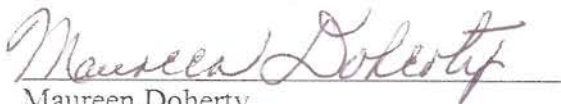
President Carter adjourned the meeting at 5:58 p.m.

The foregoing minutes were approved:

Dated: 16 MAY 2008



Benjamin F. Carter
President



Maureen Doherty
Secretary