

MINUTES

MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD May 16, 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 May 16, 2008, beginning at 8:30 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

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. Gary Hester, Chief Engineer
Mr. Geoff Shumway, Staff Analyst
Ms. Lorraine Pendlebury, Staff Analyst

Department of Water Resources staff present:

Mr. Keith Swanson, Chief, Flood Maintenance Office
Mr. Jon Yego, Chief, Floodway Protection Section
Mr. Linus Paulus, Chief, Encroachment Permit and Property Management Section
Ms. Nancy Finch, Staff Counsel
Mr. Yemi Okupe
Mr. Noel Lerner, Branch Chief, Maintenance Support
Mr. Eric McGrath
Mr. Kip Young
Mr. Deborah Condon

Also Present:

Mr. Louis Arges, Resident, West Sacramento
Mr. Paul Brunner, Three Rivers Levee Improvement Authority
Mr. Manuel Basterrechea
Mr. Jim Stadler, Kaweah Delta Water Conservation District
Mr. Zachary Smith, General Counsel, Kaweah Delta Water Conservation District
Mr. Peter Buck, Sacramento Area Flood Control agency
Ms. Laura Lynn Gordon, Caltrans
Ms. Susan Dell-Osso, River Islands
Mr. Monty Schmidt, Natural Resources Defense Council
Mr. John Cain, Natural Heritage Institute
Mr. Glenn Gebhardt, River Islands

1. ROLL CALL

Executive Officer Punia called the roll.

2. APPROVAL OF MINUTES - March 21, 2008

Upon motion by Member Brown, seconded by Vice-President Hodgkins, the Board unanimously approved the March 21, 2008 Minutes as presented.

3. APPROVAL OF AGENDA

Staff recommended that Consent Calendar Items 7B, 7D and 7F be postponed to a future meeting; and Item 7N be removed from the Consent Calendar and moved to Item 15 under "Hearings."

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

4. PUBLIC COMMENT

Mr. Louis Arges briefly discussed an issue that will be addressed in the Consent Calendar (see Item 7L below).

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

Mr. Keith Swanson, DWR, reported on the following:

- *The PL84-99 Eligibility Retention Framework, also referred to as the Roundtable, has held meetings on a variety of issues. There are diverging opinions and discussions are*

ongoing, and good progress is being made. A June 13th Roundtable meeting has been scheduled which will hopefully bring closure to the issues under discussion.

- *Early Implementation Program: four projects are moving forward. In addition:

Three Rivers Levee Improvement Authority (TRLIA) has received a \$10 million check; it is expected that the money will be flowing prior to the fiscal year.

The Projects Branch is implementing two competitive grants programs to evaluate and make urgent repairs to nonfederal levees.*
- *The Local Levee Evaluation Program is scheduled to receive \$20 million and the Local Levee Urgent Repair Projects is scheduled to receive up to \$40 million. Public workshops were held May 14 and proposals are due on June 30th. The Local Levee Evaluation Branch is moving forward with a geomorphic study on Cache Creek Watershed.*
- *The Colusa State Recreation Area Mitigation Site, which is providing DWR's mitigation for Tisdale Bypass, is moving forward on schedule.*
- *Maintenance Support Office: The Garmire Road Bridge is under construction.*
- *Regional Water Quality Control Board is moving forward with a basin plan amendment for mercury control in the Sacramento-San Joaquin River Delta Estuary.*
- *Levee Repairs Branch is moving forward with the Sac Bank program, and the Corps and DWR are on track to repair eight sites this summer.*
- *The 2006 PL 84-99 Rehabilitation Assistance Program is moving forward. The Corps and DWR are working to close out 70 small sites this summer.*
- *The Levee Evaluation Branch continues to be involved in supporting the Early Implementation Program and providing geotechnical support on the designs that are being funded for the Early Implementation Project.*

They are helping the Floodplain Mapping Branch negotiate their ANE consultant contracts and they're also negotiating their own non-urban levee evaluation contracts.

They held their eighth Independent Consulting Board Meeting. Finally, they are moving forward with piezometer installation on the Calaveras River and post-processing the bathymetric data located on the San Joaquin River.

- *Water conditions - March and April were extremely dry months; taking everything into consideration this year is shaping up as a critical water year in both the Sacramento and San Joaquin Valley.*

President Carter introduced Mr. Jon Yego, the new Chief of DWR's Floodway Protection Section.

- **Legislative Update**

Executive Officer Punia provided a quick update on SB 1360. Board staff and DWR are working with Senator Mike Machado to add more items that will facilitate the functioning of the new Board. Three additions were suggested:

- 1. To fix the requirement for evidentiary hearings so that only the major projects which have substantial influence on the flood control system be brought to the Board. The rest of the permit application may be delegated to the staff to process.*
- 2. The ex parte communication language is too broad; it was suggested that the language be modified so that the ex parte communication is triggered at the time the application has been filed (and not prior to that time).*
- 3. In its current form of the bill ex officio members of the Board can appoint a designee to represent them, which may cause undue influence on a flood control project; this language should be modified.*

Senator Machado's office is receptive and willing to modify the bill. DWR has written a letter stating it will oppose the bill unless it's modified as recommended above; the letter has been accepted by the Resources Agency and the Governor's Office and been conveyed to Senator Machado's office.

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

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

- *Segment Two: The levee design and construction work, and Yuba analysis continues.*
- *Segment One construction work is expected to start next week.*
- *Segment Three has been under construction for several weeks.*
- *They are still working with Board staff on the requested changes for Segments One and Three (number "c").*

- *They did receive the \$10 million, as mentioned earlier, and this will cover the cost of construction through June. More construction funding is due in the next quarter, which will cover costs through September.*
- *They now have an approved real estate plan.*
- *They continue to meet with the U.S. Army Corps of Engineers (Corps) senior management and has had discussions about concluding the EIS process in a timely way. This will be further discussed in a future report.*

7. CONSENT CALENDAR

A. Permit No. 14387-B, Quinco, Inc.

Consider approval to construct a 26' by 55' steel roof, supported by six steel piers on the left (south) bank overflow area of the Yuba River.

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

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. 18196, Sacramento County Regional Parks

Consider approval to install a pre-manufactured 10' by 17' concrete restroom and septic system on the left (east) bank overflow area of Steamboat Slough.

D. Permit No. 18213, City of Lathrop (POSTPONED)

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.

E. Permit No. 18236, SSC Framing, LLC

Consider approval to install a 15-inch diameter steel irrigation pipe through the right (north) bank levee of the Kings River, North Fork.

F. Permit No. 18242, City of Atwater (POSTPONED)

Consider approval to replace existing bridge across Canal Creek on Avenue One; and construct a pre-cast, pre-stressed concrete slab bridge across Canal Creek on Green Sands Avenue.

G. Permit No. 18309, Robert Hilarides

Consider approval to abandon (fill and grout) existing irrigation pipe (Siphon A) and install a new 12-inch diameter irrigation pipe approximately 975 feet downstream through the right (north) bank levee of Seven Mile Slough.

H. Permit No. 18310, Kelle Bobbitt

Consider approval to construct a boat dock, a gangway, a walkway, and a concrete landing on the left (west) bank levee of the San Joaquin River.

I. Permit No. 18311, California Department of Transportation

Consider approval to place approximately 967 cubic yards of rock riprap along the right (west) bank levee of the Sacramento River.

J. Permit No. 18320, John Arnaudo

Consider approval to replace existing drainpipe with a 16-inch diameter pipe on the left (south) bank of Lone Tree Creek.

K. Permit No. 18349, East Bay Municipal Utility District

Consider approval to authorize installation (horizontal directional bore) of a 72-inch diameter water pipe under and across the Mokelumne River.

L. Permit No. 18355, Lou Arges

Consider approval to excavate a 2-foot diameter, 6' deep hole and install a 30' high wind turbine on the left (east) bank levee overflow area of the Sacramento Deep Water Channel.

M. Resolution No. 08-07, Interagency Agreement, State Lands Commission

Consider approval to renew an interagency agreement with the State Lands Commission for technical and consulting services on oil and gas matters and authorize the Executive Officer to execute the agreement.

N. Permit No. 18259, Caltrans, District 10

Consider approval to widen existing Interstate 205 bridges across Tom Paine Slough and Paradise Cut.

Item 7N was moved to Hearings, Item 15 (below).

Upon motion by Member Brown, seconded by Vice President Hodgkins, Items A, C, E, G, H, I, J, K, L, and M were unanimously approved.

8. PROPERTY MANAGEMENT

Reclamation Board Lease No. 2008-3-RB, Grazing use, Colusa County.

Consider approval of a five-year grazing lease to Mr. and Mrs. Manuel Basterrechea for 230+- acres located within the Colusa Bypass in Colusa County.

Mr. Linus Paulus, DWR, gave a presentation and recommendation for the approval of the five-year grazing lease, effective from 2004 through the end of the current grazing season (through October 31, 2008). He stated that Sutter Maintenance Yard also recommends approval of the lease.

Upon motion by Member Brown, seconded by Member Burroughs, the Board unanimously approved the lease.

REQUESTED ACTIONS

9. KAWEAH

To consider adoption of Resolution 08-06, Approving Conveyance of Excess Mitigation Land, Davis Ranch Mitigation Site, to Kaweah Delta Water Conservation District; acceptance of easements by reservation for the reservoir perimeter lands, and delegation of authority to the Executive Officer to exercise the necessary documents to implement the above two transactions.

Mr. Jim Stadler, consultant for Kaweah, presented background information to the Board.

(During discussion of this Action, Member Rie joined the Board.)

There was some confusion over accounting and financing details of Item One of the Resolution, and after a lengthy discussion President Carter suggested that the Board might not be ready to proceed with that Item, but perhaps could take action on Items 2 and 3.

Member Brown echoed President Carter's suggestion, and made a motion to approve the Resolution with the modification that Item 1A and 1B be removed; Member Burroughs seconded the motion, and requested that Deputy Attorney General Cahill amend the Resolution to reflect the modification. Thus:

Upon motion by Member Brown, seconded by Member Burroughs, the Board unanimously approved Resolution 06-08, amended to reflect the motion to remove Item 1 but still including Item 2, which agrees that the Executive Officer may execute acceptance of easements that are

created by reservations through the warranty deed; and Item 3, which delegates to the Executive Officer the authority to execute any necessary documents to implement the above transaction.

10. CHEROKEE CANAL, HABITAT RESTORATION PROJECT

To consider approval of Resolution 08-08, for the Cherokee Canal Habitat Restoration Project, authorizing the Executive Officer to send a letter to the U.S. Army Corps of Engineers expressing the Board's continued interest and financial capability to be non-federal sponsor of the project, under Section 1135.

Mr. Yemi Okupe, DWR, gave a presentation that concluded with a recommendation for approval of the Resolution.

Mr. Noel Lerner, DWR Branch Chief for Maintenance Support, also recommended approval.

Upon motion by Member Brown, seconded by Member Rie, the Board unanimously approved the Resolution.

11. WOODSON BRIDGE, ECOSYSTEM RESTORATION PROJECT

To consider approval of Resolution 08-09, for the Woodson Bridge Ecosystem Restoration Project, authorizing the Executive Officer to send a letter to the U.S. Army Corps of Engineers expressing the Board's continuing interest and financial capability to be the non-federal sponsor of this project under Section 1135.

Mr. Eric McGrath, DWR, gave a presentation that concluded with a recommendation for approval of the Resolution.

Upon motion by Vice President Hodgkins, seconded by Member Brown, the Board unanimously approved the Resolution.

12. SACRAMENTO RIVER BANK PROTECTION PROJECT

To consider adoption of Resolution 08-10, approving Mitigated Negated Negative Declaration, Findings, and Mitigation Measures for the Sacramento River Bank Protection Project, Lower American River Mile one half Mitigation Site, and Construction of the Sacramento River Bank Protection Project, Lower American River Mile one half Mitigation Site.

Mr. Kip Young, DWR, gave a presentation on the Project.

Upon motion of Member Rie, seconded by Vice President Hodgkins, the Board tabled Item 12 to the end of the meeting to allow time for copies of the preliminary study to be found and

disseminated for Board review. (Subsequently, the initial study was provided to all Board Members present.)

Upon motion by Member Brown, seconded by Member Rie, the Board unanimously approved the Resolution.

13. PL 84-99 LEVEE REHABILITATION PROJECT - RD 765 AND RD 150

To consider adoption of Resolution 08-11, approving Mitigated Negative Dec Findings and Mitigation Measures for PL 84-99 levee rehabilitation projects in Reclamation District 765; and adopt the Mitigated Negative Declaration Findings and Mitigation Measures for PL 84-99 in levee rehabilitation projects in Reclamation District 150.

Ms. Deborah Condon, DWR, gave a presentation on the Project.

Legal Counsel Cahill proposed some technical language modifications for approval of the initial study Mitigated Negative Declaration for both Reclamation Districts. Upon motion by Member Rie, seconded by Member Burroughs, the Board unanimously approved the Resolution, with the language modifications suggested.

14. DELEGATION OF AUTHORITY TO THE EXECUTIVE OFFICER

To consider Delegation to the Executive Officer the authority to sign Negative Declarations for Board projects, PL 84-99 projects, and other projects that do not need to come before the Board for a permit.

Legal Counsel Cahill briefed the Board. The Board took no action on the Item, choosing to revisit it thoroughly in the new regulations.

15. HEARING AND DECISIONS (This Item was moved from the Consent Calendar, Item 7N.)

Permit No. 18259, Caltrans, District 10. To consider approval to widen existing Interstate 205 bridges across Tom Paine Slough and Paradise Cut.

Mr. Eric Butler, Board staff, recommended that the Board make a finding that they were in agreement with Caltrans' Mitigated Negative Declaration and that the Board use that finding as part of their reasoning to approve the project.

Upon motion by Vice President Hodgkins, seconded by Member Rie, the Board unanimously approved the Permit, noting that they had reviewed the Negative Declaration prepared by Caltrans and concurred with the findings of no significant impact present therein. The Permit is to be executed by the Executive Officer when he is satisfied that any technical details arising

from the Corps' review have been addressed, and he has received the appropriate endorsements from the three local Reclamation Districts that are also in the project area.

INFORMATIONAL BRIEFINGS

16. RIVER ISLANDS CASE (NATURAL RESOURCES DEFENSE COUNCIL V. RECLAMATION BOARD) SETTLEMENT AND NEXT PHASE OF THE PROPOSED PROJECT

Ms. Finch, Board Legal Counsel, introduced the Briefing as a presentation by the other members of the settlement agreement from the NRDC lawsuit.

Ms. Susan Doll-Osso, River Islands Project Director; Mr. Monty Schmidt, NRDC; Mr. Glenn Gebhardt, River Islands; and Mr. John Cain, Natural Heritage Institute each provided brief presentations on aspects of the next phases of the proposed project.

BOARD REPORTS

17. Board Comments and Task Leader Reports

Member Brown was invited to the River Partners Project in Red Bluff on May 2nd and observed their conservation efforts and environmental restoration work. On May 5th he and Scott Shapiro had lunch with George ^{BASEY} Casey and no business that would come before the Board was discussed. He has been asked to talk to the Auburn Dam Council on water issues on August 4th and will put together a presentation for them.

Member Burroughs commented on the Roundtable meeting reported on earlier. She had an opportunity to talk with FEMA there and is anxious to get their report findings for their mapping of the San Joaquin. There is interest in continuing the Roundtable as a forum to work collaboratively on flood protection issues.

Vice President Hodgkins attended a workshop in Chico on a safe harbor agreement being developed by the Sacramento River Conservation Area Forum. In addition, he was asked to meet with Mr. Dave Sepos, one of the facilitators for the California Center For Dispute Resolution (may now be called something else). The Center has been given a contract to convene in the Lower Sacramento Bypass as part of a collaborative effort to develop a long-term management plan. As part of that effort they were looking for a Board representative to participate and Mr. Dan Fua will be that representative. Also, a session was held between DWR and the Board to talk about the strategic plan for FloodSAFE.

18. Report of the Activities of the Executive Officer

Executive Officer Punia reported on the following:

- *As reported at the last Board meeting, the Board approved and delegated to staff to continue to work on the West El Camino Bridge Project permit. The Corps raised several technical questions during their review process. Chief Engineer Hester, Steve Dawson and the City of Sacramento addressed the Corps concerns and they finally achieved concurrence from the Corps. The Corps concurrence letter will be issued either today (May 16th) or Monday, and the Board will then be able to issue the permit.*
- *Staff is working on a flowchart showing the entire permit process. The first draft was shown to President Carter and Vice President Hodgkins and is being revised based on their feedback. The ultimate goal is to place it on the Board website.*
- *Mr. Punia, Member Brown, Legal Counsel Cahill and Vice President Hodgkins met with DWR staff and provided further comments on the DWR extrinsic plan for implementing the FloodSAFE program; and DWR will incorporate those comments.*
- *The long-term Memorandum Of Understanding (MOA) is in draft form and will be further refined and shared with DWR at the next Executive Committee meeting.*
- *Employment interviews are completed for the selection of chief of the DWR Flood Project Office and a candidate will be offered the job next week.*
- *Dan Fua and Debbie Smith are compiling information in response to a lawsuit filed by Reclamation District 2086, Cortopassi landowners.*
- *A spreadsheet detailing the Board's new responsibilities based upon the new floodplain legislation has been completed and included in the information packet.*
- *408 Task Force members have sent a letter to the Corps asking them to share the technical guidance used when working on the 408 process so that the Board has a chance to review their draft and provide comments.*
- *The first meeting of the San Joaquin Subcommittee is scheduled for May 30. Committee members are Vice President Hodgkins, and Members Burroughs and Rie.*
- *DWR has prepared a package detailing the status of Board Member salaries that has been approved by The Resources Agency and sent to the Governor's Office.*
- *As required by AB 5, DWR has developed the floodplain map showing 100-year and 200-year floodplain protected by the levees. DWR will formally present the maps to the Board at the June meeting.*

19. FUTURE AGENDA

Items potentially on the June Meeting Agenda (in addition to the current draft Agenda):


Action will potentially be taken on the long-term MOA with DWR regarding the transition from the Reclamation Board to the CVFPB.

There will be another Sacramento Bank Mitigated Negative Declaration.

20. ADJOURN

President Carter adjourned the meeting at 4:11 p.m.

Dated: July 18, 2008



Maureen Doherty
Secretary

The foregoing minutes were approved:



Benjamin F. Carter
President