

MINUTES

MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD April 17, 2009

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 April 17, 2009, beginning at 8:38 a.m. at The Resources Building, 1416 Ninth Street Auditorium, Sacramento, California.

The following Members of the Board were present:

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

The following members of the Board staff were present:

Mr. Jay Punia, Executive Officer
Mr. Eric Butler, Senior Engineer
Mr. Matthew R. Campbell, Deputy Attorney General
Mr. Dan Fua, Supervising Engineer
Ms. Lorraine Pendlebury, Staff Analyst
Ms. Deborah M. Smith, Deputy Attorney General

New Board staff present:

Ms. Jennifer Bingaman, Administrative Officer II
Dr. Debabrata (Deb) Biswas, Engineer
Ms. Angeles Caliso, Engineer
Dr. Sungho (Sung) Lee, Engineer
Ms. Nancy Moricz, Engineer
Mr. Curt Taras, Senior Engineer
Mr. John Tice, Engineer
Mr. David Williams, Senior Engineer
Mr. Joo Choi Wong, Engineer

Department of Water Resources (DWR) staff present:

Mr. Steve Bradley, Chief, Statewide Flood Planning Office
Mr. Kamyar Guivetchi, Chief, Statewide Water Planning
Mr. James Herota
Mr. Gary Hester, Portfolio Manager, Central Valley Flood Protection Plan
Mr. Gary Lemon, Engineer, Floodway Protection Section
Mr. George Qualley, Chief, Division of Flood Management
Mr. Jon Yego, Chief, Floodway Protection Section
Mr. Kent Zenobia, Project Manager, Yuba River Basin

Also Present:

Mr. Lewis Bair, Sacramento River West Side Levee District
Ms. Cheryl Bly-Chester, National Science Foundation
Mr. Paul Brunner, Three Rivers Levee Improvement Authority
Mr. Jesse Castellon, Sr.
Mr. Stan Cleveland, Sutter County Board of Supervisors
Mr. Mark Ellis, U.S. Army Corps of Engineers
Mr. Tom Ellis, Sacramento Levee West Side District
Mr. Tom Eres, Hofman Ranch
Mr. Craig Isola, US Fish and Wildlife Service
Ms. Barbara LeVake, Levee District 1
Mr. Dave Means, Wildlife Conservation Board
Mr. Sean Minard, MHM Engineering
Mr. Al Montna, Montna Farms (A&G Montna Properties)
Ms. Megan Nagy, Army Corps of Engineers
Mr. Scott Shapiro, General Counsel, Three Rivers Levee Improvement Authority
Mr. Don Trieu, MBK Engineers
Mr. Jeff Twitchell, Wood Rogers, Levee District 1, Sutter County
Mr. Steve Winkler, San Joaquin County Public Works Department; San Joaquin County
Flood Control and Water Conservation District

1. ROLL CALL

Executive Officer Punia called the roll.

2. APPROVAL OF MINUTES - February 26, 2009 BOARD MEETING

*Upon **motion** by Member Brown, seconded by Secretary Doherty, the Board unanimously approved the February 26, 2009 Meeting Minutes.*

3. APPROVAL OF AGENDA

Executive Director Punia stated the staff recommendation that Items 7B, 7C and 7K be postponed. In addition, for Item 8B, Hearings and Decisions, Permit No. 18439, AG Montna Property, the language was revised from what was published. That language was provided to the Board and published on the Web (the revised language is also reflected in these Minutes).

*Upon **motion** by Member Brown, seconded by Secretary Doherty, the Board unanimously approved the staff recommendation that Items 7B, 7C and 7K be postponed and the language be changed in Item 8B.*

4. PUBLIC COMMENT

Mr. Lewis Bair, General Manager, Sacramento River West Side Levee District, expressed his board's appreciation for the work that has been completed on the Tisdale Bypass. He then shared photos of the resulting reduction in seepage due to the Bypass work.

Ms. Cheryl Bly-Chester, National Science Foundation, stated that she was appearing as a researcher on the RESIN grant, a resiliency and sustainability grant for complex infrastructures. As part of that grant she is interviewing stakeholders with a long history of experience with the Delta about the problems now occurring there. She is also specifically studying California state boards and commissions and would like Board participation in the test pilot program that will produce the instrument used for her study. President Carter stated that the Board will discuss this later in the day.

Executive Officer Punia introduced the nine new Board staff members (see page one of the Minutes).

5. REPORT OF ACTIVITIES OF THE DEPARTMENT OF WATER RESOURCES

Mr. George Qualley, DWR, reported the following:

- Water conditions show 80 percent of average to date precipitation, and 80 percent of average for reservoir storage and for the snow pack. DWR also completed a drought report that was submitted to the Governor.*
- Flood Project Integrity and Inspection Branch 2008 inspection report indicates that there has been substantial improvement in maintenance in a number of areas. In addition, a new pipeline inventory inspection program has been started.*
- Flood Maintenance Office: about 40,000 cubic yards of sediment will be pulled from the Sacramento weir. DWR will work with the Sacramento Maintenance Yard staff to complete the work.*

- *Colusa State Recreation Area mitigation site funding has been moved around to allow the project to start up again. River Partners is doing the work.*
- *Sycamore Creek sediment removal project is moving ahead and should be finished this year.*
- *The mud slide effects have been remediated on the project at Inyo County involving Oak Creek.*
- *Several tabletop exercises have been conducted over the last several months, with several more to come.*
- *The Upper Jones Tract repair has been completed. The repair reduced seepage by about 60 percent.*
- *The Floodplain Management Branch and Alluvial Fan Task Force have completed a Planning Manual, Model Ordinance and Findings and Recommendations.*
- *Levee Repairs Branch is working on a number of Sacramento Bank sites. A total of 34 sites are under design for either 2009 or 2010 construction. The US Army Corps of Engineers is working with the state on an EIR/EIS for the additional 80,000 linear feet that was added to the second phase of the Sacramento Bank authority. Once the environmental documentation is complete the 2010 sites will be able to go ahead.*
- *The CALFED Corps Levee Stability Program is helping to cost-share with DWR on some underseepage repairs in West Sacramento, in RD 404 and RD 2064.*
- *The PL 84-99 repairs - the determination of compliance was made for 17 sites at RD 150; those are the last of the PL 84-99 sites from 2006.*
- *Flood project modifications and permits: as previously mentioned, there was a sale of \$6.5 billion in bonds last month and a prioritization process is underway for using that money. All the EIPs that were authorized in 2007-08 are ready to begin work -- SAFCA has let a contract for the Natomas Cross Canal slurry wall work; TRLIA's request for supplemental funding for the Segment 1 work is being considered for funding, although a final decision won't be made until the technical issues regarding the crack are resolved; and RDs 17 and 2062 applications are still pending.*
- *Flood Projects Office Statewide Grants Branch has completed the AB 1147 regulations for cost-sharing and DWR will be submitting that to OAL for their final review and approval.*

- *Floodway Corridor Program is in the process of revising their guidelines.*
- *Levee Evaluations Branch activities were slowed by the recent state budget issues and will take some time to ramp back up, but they are working hard to accomplish this.*

Central Valley Flood Management Planning Program Monthly Update

Central Valley Flood Planning Office Chief Steve Bradley began his remarks by introducing three new Planning Office staff.

Mr. Bradley continued with the update:

- *They have been given the go-ahead to begin the issuance of new task orders.*
- *Coordination meetings have been held with Delta Habitat Conservation and Conveyance Plan and Integrated Water Management.*
- *Planning goals include forming a strong partnership between DWR, the Board, the Corps and local interests; improving understanding of mutual flood risk within the Valley; widespread participation in the development of the Plan; and a realistic cost-sharing program.*
- *Mr. Bradley discussed some of the timelines for Plan milestones, including a progress report that is due in December 2010 that will be posted to the Board's website.*
- *A series of regional forums will be held to discuss the various local and integrated issues. The forums will kick off at the end of May or beginning of June.*
- *Work groups are being formed that will be chartered with tasks to be resolved. Topics are subject-based.*
- *Briefings with interest-based groups will be held; for instance, with the California Central Valley Flood Control Association.*
- *Various other projects and programs will be coordinated and implemented.*
- *Regional condition summary reports will be developed and preliminary management actions will be formulated; later, a summary of management solutions reports and finally a revised management solutions report; followed by an implementation and future actions report that would feed into the Central Valley Flood Protection Plan.*

Vice President Hodgkins stated that he and John Brown are a part of the Plan working group and will attend meetings to that effect. He stated that he saw the Board's role at the end of the development of the Plan as to approve and modify it based on the information received. He asked Executive Officer Punia for clarification that Board Members could attend Plan meetings for this purpose. Deputy Attorney General Campbell clarified the requirements for compliance under the Bagley-Keene Act.

President Carter told Mr. Bradley that the Board is in the process of sorting out the appropriate participation level of its Members for the various meetings and forums that are upcoming.

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

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

- Sufficient funding has been identified and the Feather River project will be moving forward.*
- A benefit assessment district is being formed and the ballot is out for people to vote. Balloting ends on May 12. Election results will be announced on June 2.*
- An early implementation project is planned on the Yuba River.*
- TRLIA has been working cooperatively with DWR, the Corps and Board staff on the Segment 1 crack. He anticipates a solution and repair this summer.*
- Teichert Construction has been given the okay to begin work on the Segment 2 levee.*
- The 404/408 permits have been received from the U.S. Army Corps of Engineers and tie-in work will now go forward.*
- A solution has been reached, at least in concept, on the Star Bend Indian burial ground cultural site. They hope to be under construction there sometime in July.*

Mr. Tom Eres, Hofman Ranch, asked that the Board consider the TRLIA project "from the 50,000 foot elevation level" when considering the projects' impact on the system of flood control within Yuba County. He referenced the Yuba Goldfields flood event of 1950, and the source of water that subsequently washed down through southern Yuba County, and noted that none of the work being done by TRLIA goes to that area. In addition, he remarked that the Board has jurisdiction to make decisions to approve whatever maintenance agreement is created between TRLIA and the maintaining entity -- presumably RD 784. He also stated that they continue to watch the efforts to resolve the issue with the Star Bend burial site.

7. CONSENT CALENDAR

A. Permit No. 18032-A, Steven Giesbrecht

Consider approval of Permit No. 18032-A to construct a farm shop within Area E of the Butte Basin. (Glenn County)

B. Permit No. 18204, Three Rivers Levee Improvement Authority - *Postponed*

Consider approval of Permit No. 18204 to authorize existing detention basin, drainage channels, and seepage berm on the landside slope of the left (south) bank levee of the Yuba River. (Yuba County)

C. Permit No. 18263, Pacific Gas and Electric - *Postponed*

Consider approval of Permit No. 18263 to replace existing wood utility poles with tubular steel poles along the channel and levees of the Feather River and Jack Slough and along the right (north) bank levee of the Yuba River. (Yuba County)

D. Permit No. 18319, Omnipoint Communications, Inc.

Consider approval of Permit No. 18319 to install a 120-foot-high monopole on a concrete base within the overflow area of the left (south) bank of the Yuba River. (Yuba County)

E. Permit No. 18331, Ronald Thompson

Consider approval of Permit No. 18331 to authorize existing boat dock supported by steel pilings attached to a gangway on the left (east) bank levee of the Sacramento River. (Sacramento County)

F. Permit No. 18354, Peach Tree Golf & Country Club

Consider approval of Permit No. 18354 to replace existing building and construct a maintenance building within the designated floodway (Area B) on the left (south) bank of the Yuba River. (Yuba County)

G. Permit No. 18370, Ray Anderson

Consider approval of Permit No. 18370 to install a 4-inch-diameter steel irrigation pipe through the left (east) bank levee of the Sacramento River in Sutter County. (Sutter County)

H. Permit No. 18380, Teichert Land Company

Consider approval of Permit No. 18380 to drill for natural gas and construct a 26 by 12-foot production platform within the Sutter Bypass.

I. Permit No. 18396, Sunesys, LLC

Consider approval of Permit No. 18396 to install a fiber optic cable and attach to existing bridge across the channel of the Calaveras River. (San Joaquin County)

J. Permit No. 18407, Janet Mirza

Consider approval of Permit No. 18407 to install a septic tank and sewer leach line on the left (south) bank of the Tuolumne River Designated Floodway. (Stanislaus County)

K. Permit No. 18408 Emilio Toche - Postponed

Consider approval of Permit No. 18408 to construct a storage building within the designated floodway (Area C) of the right (north) bank of the Yuba River. (Yuba County)

L. Permit No. 18440, City of Roseville

Consider approval of Permit No. 18440 to remove portions of an existing approximately 2,000 linear foot storage pond levee and relocate north of the main channel; remove portions from both the east and west storage pond levees and plant riparian vegetation within the right (north) bank Dry Creek Designated Floodway. (Placer County)

(As mentioned previously, Items 7B, 7C, and 7K were postponed to a future meeting.)

*Upon **motion** by Member Brown, seconded by Vice President Hodgkins, the Board unanimously passed Consent Calendar Items 7A, 7D, 7E, 7F, 7G, 7H, 7I, 7J, and 7L.*

8. HEARINGS AND DECISIONS

A. Permit No. 18191, Levee District 1 – Sutter

Consider approval of Permit No. 18191 to construct 3,400 foot setback levee, degrade existing project levee, and modify existing irrigation pipelines at Star Bend on the right (west) bank levee of the Feather River. (Sutter County)

Mr. Dan Fua, the Board's Acting Chief Engineer, gave the staff presentation. He stated that the draft application is conditioned upon Section 408 approval from the Corps, which has not been received as yet. Mr. Fua summarized that the problem with this levee section is underseepage and the river constriction contributing to excessive river channel bank erosion.

Mr. Fua concluded with the staff recommendation to approve the permit application and adopt the CEQA findings, and also to direct staff to file a Notice of Determination with the State Clearinghouse. He then answered Board Member questions.

Mr. Jeff Twitchell, Wood Rogers, District Engineer for Levee District 1, Sutter County, gave a short presentation and addressed Board Member questions.

Ms. Barbara LeVake, Levee District 1 board member, encouraged the Board to approve the permit.

*Upon **motion** by Secretary Doherty, seconded by Vice President Hodgkins, the Board unanimously voted to adopt Resolution 2009-09 and issue Permit No. 18191, and to delegate authority to the Executive Officer to sign the permit when all conditions have been met.*

B. Permit No. 18439, A & G Montna Properties, L.P.

Consider approval of Permit No. 18439 to remove rice checks and water control structures and construct a new water control structure; one new rice check parallel to the flow; installation of erosion protection rock; re-contouring of the land and create wetlands and planting mounds within a 495-acre area within the Sutter Bypass. (Sutter County)

Mr. Jon Yego, DWR, Chief, Floodway Protection Section, provided the presentation.

Mr. James Herota, DWR, presented the CEQA findings. He noted that the various CEQA documents can be viewed and/or downloaded from the Board website. He concluded by stating the staff recommendation that this item is in compliance with Section 8610.5 and that the Board adopt the CEQA findings and approve the permit.

Mr. Al Montna, Montna Farms, described some elements of the process that culminated in today's permit application. He concluded by encouraging the Board to support the project.

Ms. Virginia Getz, manager of conservation programs for Ducks Unlimited, discussed the importance of the project from a biological resource perspective and explained why this project has such strong support from its conservation partners.

Mr. Craig Isola, US Fish and Wildlife Service, and Mr. Stan Cleveland, Sutter County Board of Supervisors, also expressed their support for the project.

Mr. Lewis Bair and Mr. Tom Ellis, Sacramento River West Side Levee District, stated their concerns, which largely focused around the change in use from a farming practice to that of wildlife, and the additional requirement that that is likely to put on DWR to monitor and enforce their easement. They also noted that this permit represents a trend, with more properties likely to propose the same type of thing in the future.

President Carter stated that this is really a model project for things that ought to be happening in the bypass, because it is an appropriate partnership of private and public agencies.

*Upon **motion** by Member Brown, seconded by Member Suarez, the Board unanimously adopted the CEQA findings and approved the permit.*

C. Permit No. 18347, Jesse Castellon

Consider approval of Permit No. 18347 to authorize existing boat dock supported by steel pilings and attached to a gangway, a willow tree on the waterside berm, a perpendicular wood fence on the landside slope, concrete steps on the landside slope, a concrete retaining wall at the landside toe, and a landside concrete patio. To authorize construction of concrete steps on the waterside slope, a concrete patio with light pole and an outlet on the waterside berm, a parallel wrought iron fence near the landside crown, a waterfall on the landside slope, a sprinkler system on the landside and waterside, and landscaping vegetation on the landside and waterside slopes on the left (south) bank levee of Bear Creek. (San Joaquin County)

Mr. Gary Lemon, DWR Floodway Protection Section, gave the presentation. He concluded by asking that the Board determine the project to be exempt from CEQA and to approve the permit with the caveat that the permit does not include or authorize any of the denials that were listed by the Corps in their letter regarding this permit.

Ms. Megan Nagy, the Corps, clarified items to which the Corps recommended objections.

Deputy Attorney General Smith noted that, the way the permit now reads, it does include approval of the items to which the Corps recommended denial.

Mr. Jesse Castellon, the Applicant, addressed the items that were not recommended.

Mr. Steve Winkler, San Joaquin County Public Works, San Joaquin County Flood Control and Water Conservation District, stated that they feel they can achieve proper maintenance standards under the Corps' O&M manual with or without removal of the items recommended for denial. He further stated that it is certainly within the Corps' jurisdiction and right to decide as it has.

President Carter noted that the Board is concerned with public safety; that is number one. They need to be comfortable that none of the encroachments creates a structural risk.

Vice President Hodgkins added that it's difficult to approve the items the Corps has said are unacceptable and absolutely be confident that the Board could make the stand that there is not increased flood risk and therefore slightly compromised public safety.

*Upon **motion** by Vice President Hodgkins, seconded by Secretary Doherty, the Board unanimously directed staff to draft a permit that essentially followed the recommendation of the Corps, and to bring that back to the Board at its next meeting.*

REQUESTED ACTIONS

9. SUTTER BYPASS

Consider directing Board's staff to coordinate with DWR, U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service to assess the effect of the Sutter National Wildlife Refuge on the carrying capacity of the Sutter Bypass.

Executive Director Punia provided background on the subject, which includes the recent decision that the 1957 profile is the dictating document. Thus, the 1957 profile and design flows will be used to assess the impacts of the vegetation on the carrying capacity of the Bypass. Also, funding options are continuing to be explored regarding efforts to obtain a two-dimensional model (2-D) of the area.

Mr. Punia gave the staff recommendation that the Board approve Resolution No. 2009-11, directing Board staff to coordinate with DWR, the US Army Corps of Engineers, and the US Fish and Wildlife Service to assess the effect of the Sutter National Wildlife Refuge on the carrying capacity of the Sutter Bypass.

Mr. Ellis, a landowner in the Colusa basin, expressed his encouragement that the resolution be passed. He also stated that it seems apparent that the 2-D model is needed to show the impacts of the existing vegetative growth. Mr. Jim Erdman, Colusa County, echoed Mr. Ellis' comments.

(Board Member Suarez departed.)

*Upon **motion** by Secretary Doherty, seconded by Vice President Hodgkins, the Board unanimously approved Resolution 2009-11.*

10. BOARD SPONSORED PROJECTS AND STUDY AGREEMENTS:

YUBA RIVER BASIN PROJECT – SCHEDULE AND COST CHANGE REQUEST (SACCR)

- 1. Project Briefing**
- 2. Consider approval of Resolution 2009-10 to:**
 - A. Approve a Schedule and Cost Change Request issued by the U.S. Army Corps of Engineers to increase Design cost by \$10,600,000; and**
 - B. Amend the Local Design Agreement with Yuba County Water Agency to increase the nonfederal share of the design cost to \$2,170,000.**
 - C. Amend the Design Agreement with the U.S. Army Corps of Engineers to increase the total design cost to \$16,000,000.**

Mr. Kent Zenobia, DWR, Yuba River Basin Project Manager, provided the briefing. The scope of the project is to evaluate the federal interest to reduce risk, and to look at alternatives that include the TRLIA program and any others that would provide greater or lesser levels of protection as part of the alternatives considered in the GRR.

*Upon **motion** by Vice President Hodgkins, seconded by Secretary Doherty, the Board unanimously approved resolution 2009-10.*

INFORMATIONAL BRIEFINGS

11. CALIFORNIA WATER PLAN AND INTEGRATED WATER MANAGEMENT UPDATE

Mr. Kamyar Guivetchi, Chief, DWR Statewide Water Planning, provided the briefing. The theme of the update of the Water Plan is integrated water management and sustainability, and is built on the concept that the Plan cannot focus only on water supply. It needs to look at how we use and re-use water efficiently, protect its quality and expand the environmental stewardship uses of water.

Board Member Brown remarked that the goal of the Plan should be to try to create a balanced water supply versus demand.

BOARD REPORTS

12. BOARD COMMENTS AND TASK LEADER REPORTS

Vice President Hodgkins noted the update from Mr. Bradley earlier in the day regarding the Central Valley Flood Plan and his attendance at some of their meetings. Also, the Joint Planning Authority (JPA) has had about three formal meetings. They have reached consensus on what to do about JPAs and the plan is to bring that information back to the Board, either in May or June. Board Member Suarez, another JPA meeting attendee, will present the information.

Secretary Doherty was a speaker at the Colusa Basin Drainage District. She also attended the Sacramento Valley Water Awareness Workshop in Chico.

President Carter stated that the Corps has sent a request to him to participate in an initiative entitled Building Strong Collaborative Relationships for a Sustainable Water Resources Future. A western regional conference has been scheduled.

President Carter urged fellow Board members to attend the DWR public scoping and feedback sessions, but purely as an observer.

13. REPORT OF THE ACTIVITIES OF THE EXECUTIVE OFFICER

Executive Officer Punia reported on the following:

- Following the recent new employee hires, an updated organizational chart is being developed for Board staff.*
- The San Joaquin Feasibility Study is underway, along with the West Sacramento General Reevaluation Report. Vice President Hodgkins and Mr. Punia attended the signing ceremony. Unfortunately, the Board is not able to sign up for the studies at this time due to lack of funding at the state level. Mr. Punia is working with DWR so that the Board can soon be a participant.*
- The Corps is making a determination that the majority of the bridge encroachment applications may be 408. Staff is getting further clarification on this subject.*
- Also, the Corps has raised concerns about the pressurized pipes going under the levees. Staff is continuing discussions with them to get a better understanding of their concerns.*
- DWR technical staff is not comfortable at this stage with TRLIA's proposal for addressing the Segment 1 crack; specifically, with the reasoning for why the crack occurred and for the proposed solution. Discussions are ongoing.*
- The Bear Creek levee and the Mormon Slough system levee on the Calaveras River have been declared inactive under PL 84-99.*

- *Section 104 approval for Segment 2 of the TRLIA project has been received.*
- *Staff has received Corps approval for the Yuba River Basin request to defer the non-federal cost share for the Marysville Ring Levee.*
- *Staff has received a request from the Sacramento Area Conservation Forum for \$3,000 to keep them going. Depending on the input of the Executive Committee, this may be placed on the next Board meeting agenda.*

14. FUTURE AGENDA

President Carter reviewed the draft Agenda.

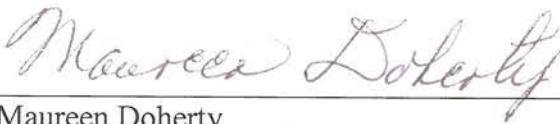
Permit No. 18347 - Castellon, which was continued today, will be added.

15. ADJOURN

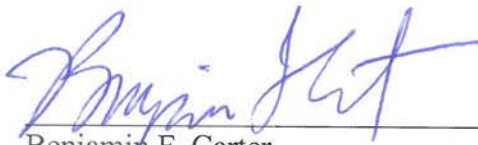
President Carter adjourned the meeting at 5:09 p.m.

Dated: JUNE 19, 2009

The foregoing Minutes were approved:



Maureen Doherty
Secretary



Benjamin F. Carter
President