

MINUTES

MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD July 30, 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 July 30, 2009, beginning at 8:34 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
Ms. Teri Rie
Ms. Emma Suarez

The following members of the Board staff were present:

Mr. Jay Punia, Executive Officer
Dr. Deb Biswas, Staff Engineer
Mr. Eric Butler, Senior Engineer
Mr. Matthew R. Campbell, Deputy Attorney General
Mr. Dan Fua, Supervising Engineer
Dr. Sungho Lee, Water Resources Engineer
Ms. Nancy Moricz, Staff Engineer
Ms. Lorraine Pendlebury, Staff Analyst
Ms. Deborah M. Smith, Deputy Attorney General
Mr. David Williams, Senior Engineer

Department of Water Resources (DWR) staff present:

Ms. Angelica Aguilar, Senior Land Agent
Mr. Robert Charney, Project Delivery Branch
Ms. Deborah Condon, Environmental Program Manager
Mr. Kevin Faulkenberry, South Central Regional Office
Ms. Nancy Finch, Staff Counsel
Mr. Gary Hester, Portfolio Manager, Central Valley Flood Management Plan Program

DWR staff present (continued):

Mr. Gary Lemon, Engineer, Floodway Protection Section
Ms. Allie Lopez, Right-of-Way Agent
Mr. Paul Sandhu, Chief, Levee Repairs Branch
Mr. Ran Singh,
Mr. Keith Swanson, Chief, Flood Maintenance Branch
Mr. Ward Tabor, Assistant Chief Counsel
Mr. Jeff Van Gilder, Flood Management Division
Mr. Jon Yego, Chief, Floodway Protection Section

Also Present:

Mr. Lewis Bair, Reclamation District 108
Mr. Ed Bianchi, North Natomas Farmer
Mr. Paul Brunner, Three Rivers Levee Improvement Authority
Mr. Tom Eres, Hofman Ranch
Mr. Jay Heiman, Civil Engineering Solutions, Inc.
Mr. Reggie Hill, Lower San Joaquin Levee District
Mr. Carl Jensen, Wildlands, Inc.
Ms. Tasha Lanni, Wildlands, Inc.
Ms. Meegan Nagy, U.S. Army Corps of Engineers
Mr. Chris Neudeck, Reclamation District 2126
Mr. Jason Phillips, United States Bureau of Reclamation
Mr. Ric Reinhardt, MBK Engineers
Mr. Najee Zariff, San Joaquin County

1. ROLL CALL

Prior to the Roll Call, President Carter noted the scheduling change that was necessitated by the furlough situation in California state government -- the Board will now meet on the fourth Friday of the month (rather than the traditional third Friday).

Executive Officer Punia called the roll.

2. APPROVAL OF MINUTES - May 15, 2009 Board Meeting

*Upon **motion** by Vice President Hodgkins, seconded by Secretary Doherty, the Board unanimously approved the May 15, 2009 Meeting Minutes.*

3. APPROVAL OF AGENDA

Executive Director Punia stated the staff recommendation that Items 7A, 7C, 7E, 7I, 7L, 7N and 7O be postponed; also, Member Rie suggested that Item 10 be postponed.

Upon motion by Secretary Doherty, seconded by Member Rie, the Board unanimously approved the agenda changes referenced above.

4. PUBLIC COMMENT

Mr. Ed Bianchi, a farmer in North Natomas, expressed his concerns about the seemingly excessive amount of land acquisition and the low appraisal prices being received for that land, which is along Reach 7 of the Garden Highway (the acquisition relates to the pending SAFCA permit in the area).

President Carter and Secretary Doherty disclosed potential ex parte conversations they had with Mr. Bianchi on this subject prior to him coming before the Board. President Carter directed Board staff to follow up with Mr. Bianchi and SAFCA to better understand the issues involved.

5. REPORT OF ACTIVITIES OF THE DEPARTMENT OF WATER RESOURCES

Mr. Gary Hester, DWR, reported the following:

- *Water conditions remain virtually unchanged from last month. The storage is at 85 percent of average.*
- *Mr. Hester focused on the format change for this monthly report. The format will now be discussed in terms of seven functional areas: emergency response; operations and maintenance; floodplain risk management; flood projects and grants; evaluation engineering; flood management planning; and legislation budget and communication.*
- *The Flood Operations Branch conducted a Tsunami Warning Functional Exercise, a key to training staff and making sure that all the communications between the relevant agencies are in place.*
- *One of the two planned summer sediment removal projects -- for Sycamore Creek in Chico, and in front of the Sacramento Weir -- may not happen this year because of budget restrictions.*
- *The Building Code update proposal was sent to the California Building Standards Commission by the July 1st deadline.*
- *Flood Protection Projects and Grants program staff processed and approved almost \$35 million in payments; and, even though there was a two-month delay because of the budget situation, the local agencies were able to begin mobilization and construction.*

- *Secretary Doherty commented on the need for a fiscal policy with a regular and steady flow. Mr. Hester acknowledged this need and stated that DWR has been in consultation with Department of Finance to see if some of the restrictions they've had can be eliminated to allow the public safety programs within the Division of Flood Management to do what they need to do to stay on schedule and perform maintenance; these discussions are making progress.*
- *The levee evaluation activities were essentially halted due to the state's cash flow crisis; the basic difficulty is keeping contractors at work through the delay in payment. Some contractors had to move on to jobs where they would get paid immediately. A fair amount of momentum has been lost in these programs because of the budget crisis.*
- *These delays also have implications for delivering the Central Valley Flood Protection Plan on time; it may limit the quality of the information that is in the 2012 version of the Plan.*
- *The Sacramento River Bank Protection Project has 13 sites set for construction this year and is planning an additional 23 sites for the next two years.*
- *The AB 1147 regulations are in the comment period; comments must be received by DWR no later than August 5th.*

Central Valley Flood Management Planning Program Monthly Update

Mr. Hester provided the update.

- *He began by noting that the developmental approach of the Plan is to use an incremental and iterative process. DWR wants to build broad agreements step by step so that, when the final draft is ready, all the interested parties will have had multiple opportunities to influence the content of the Plan.*
- *Systematic and predetermined planning steps will be applied to guide their efforts.*
- *Content will be created through the use of chartered work groups open to outside participation.*
- *One of the milestones, the Regional Conditions Summary Report, is scheduled to be completed in November of 2009; and the final report on January 1, 2012. The Board will then hold its public hearings and consider the report for adoption by July 1, 2012.*

- *The Regional Conditions work groups will be chartered to develop plan content; each charter states what each work group is expected to deliver. Group target size is 25.*
- *The progress of each group will be posted on the Central Valley Flood Management Planning website so that the work of the various groups can be viewed concurrently.*
- *The focus of the regional work groups is to identify the current conditions and likely future challenges related to integrated flood management, to identify problems and opportunities in each region, and to define and prioritize goals and objectives for integrated flood management in each region.*
- *The work groups will begin the first week of August. The challenge will be to get all of the groups in sync delivering the same material at the same time so that DWR can integrate the information into one report and meet the November 2009 deadline.*

Members deliberated on the appropriate amount of Board staff involvement needed in the work groups to ensure appropriate coverage.

President Carter remarked that the topical work groups -- in particular environmental stewardship, operations and maintenance, and levee performance -- have very close linkage in terms of what they are doing and the California Levee Roundtable activities, and DWR and the Board want to take advantage of that when they can. Mr. Hester responded that they are working closely with the interagency collaborative folks in trying to achieve a balance; they understand the overlap and the need to integrate a strategy for maintaining the system while protecting the environmental values within the plan.

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

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

- *TRLIA has received close to \$22 million from Prop 1E funds from the prior bond sales that took place.*
- *The project is moving forward very rapidly on the construction for the levee setback on the Feather River.*
- *An application to the state for Prop 1E funding for the work between the Yuba River Levee between Highway 70 and the Goldfields was signed by Lester Snow and submitted. They will hopefully be under construction on portions of the work in the August-September 2009 timeframe.*

- *Regarding the Segment 1 crack -- there is concurrence to go forward with the repair work, which is targeted for the end of August.*
- *Regarding Segment 2 -- on July 9 they received a conditionally approved reclamation plan and financial assurances from the State Mining and Geology Board.*
- *The Encroachment Permit for the cultural site redesign was approved in writing by the descendant, Enterprise Rancheria. They now are working on final approvals from the State and the Corps.*
- *The northerly tie-in work on the setback levee -- the foundation is in and the embankment is almost done.*
- *On the southerly tie-in -- they are putting in the slurry wall and working on the construction with the tie-in into the existing levee.*

7. CONSENT CALENDAR

A. Permit No. 18226, St. Thomas Construction (Postponed)

Consider approval of Permit No. 18226 to construct a boat dock supported by steel piles attached to an aluminum gangway supported by a pile on the left (east) bank levee of the Sacramento River. (Sacramento County)

B. Permit No. 18383, California Gas Gathering, Inc.

Consider approval of Permit No. 18383 to install (horizontal directional drilling) a welded steel, natural gas pipeline under and across the Eastside Bypass. (Merced County)

C. Permit No. 18414, City of Chico (Postponed)

Consider approval of Permit No. 18414 to construct a 12-foot-wide, 130-foot-long pre-manufactured steel truss pedestrian bridge supported between two abutments across the channel of Little Chico Creek. (Butte County)

D. Permit No. 18416, Sunesys, LLC

Consider approval of Permit No. 18416 to install fiber optic cable (attach to existing poles) across the channel of Walker Slough. (San Joaquin County)

E. Permit No. 18417, Sunesys, LLC (Postponed)

Consider approval of Permit No. 18417 to install fiber optic cable (attach to existing poles) across the channel of Walker Slough. (San Joaquin County)

F. Permit No. 18419, Pacific Gas and Electric Company

Consider approval of Permit No. 18419 to install an electric power line across the channel of North Littlejohns Creek and attach to utility poles a minimum of 25-feet from the top of each bank. (San Joaquin County)

G. Permit No. 18424, City of Sacramento, Department of Transportation

Consider approval of Permit No. 18424 to construct a concrete box girder bridge across the channel, supported by bents within the channel, and an abutment, supported by piles within the landside slope of the right (west) bank levee of Morrison Creek; place fill for access ramp on landside slope of west levee, and place rock riprap within the channel. (Sacramento County)

H. Permit No. 18425, E Street MX, Inc.

Consider approval of Permit No. 18425 to install an overhead power line across the left (south) bank levee, including the installation of a utility pole on the waterside of the levee, and attach to proposed agricultural water pump and a 4- by- 4- by 1-foot control panel; drill and install a 16-inch-diameter well; install seven 15-inch-diameter, 50-foot-high power poles on the left (south) bank designated floodway of the Yuba River. (Yuba County)

I. Permit No. 18428, Jeffrey Hartman (Postponed)

Consider approval of Permit No. 18428 to construct a 2,000-square-foot metal storage building within the designated floodway (Area C) on the right (north) bank overflow area of the Yuba River. (Yuba County)

J. Permit No. 18432, Burlington Northern Santa Fe Railway Company

Consider approval of Permit No. 18432 to remove an existing railroad Bridge (Bridge 1020.24) and replace with a 16-foot-wide, 392-foot-long Pre-stressed Concrete Box Girder Bridge, supported by thirteen bents with three 2.67-foot-diameter reinforced concrete piers each, across the channel of the Fresno River. (Madera County)

K. Permit No. 18434, City of Stockton

Consider approval of Permit No. 18434 to install two asphalt concrete bike paths along the existing crown on the north (right) bank levee of Duck Creek; and remove existing levee access gates and replace with pipe gates. (San Joaquin County)

L. Permit No. 18442, City of Chico - Capital Project Services (Postponed)

Consider approval of Permit No. 18442 to install a paved Class 1 bicycle path along the left (south) bank of the Sycamore Creek Diversion Channel. (Butte County)

M. Permit No. 18443, Raymond Greer Construction Company

Consider approval of Permit No. 18443 to install (horizontal directional drilling) a power conduit and a telephone line through the right (north) bank levee of Little Johns Creek. (San Joaquin County)

**N. Permit No. 18458, City of Stockton Municipal Utilities Department
(Postponed)**

Consider approval of Permit No. 18458 to bore (horizontal directional drill) under and across Mormon Slough and install an HDPE water pipeline. (San Joaquin County)

O. Permit No. 18460, Riverbank Holding Co., LLC (Postponed)

Consider approval of Permit No. 18460 to install an above ground fuel storage tank with a steel pipe running to the existing fuel pump on the existing boat dock on the left (east) bank levee of the Sacramento River. (Sacramento County)

P. Permit No. 18462, Sacramento Suburban Water District

Consider approval of Permit No. 18462 to excavate material, and install a multi-zoned monitoring well with boreholes, with schedule 40 PVC well casings within the landside levee toe of the right (north) bank levee of the American River. (Sacramento County)

Q. Permit No. 18472, California Department of Water Resources

Consider approval of Permit No. 18472 to install water-level recorders within the channel of the San Joaquin River. (Fresno County)

R. Permit No. 18473, California Department of Water Resources

Consider approval of Permit No. 18473 to install scour chains at two sites within the channel of the Joaquin River. (Fresno County)

S. Permit No. 18511, Parke Berolzheimer

Consider approval of Permit No. 18511 to construct a floating boat dock, supported by wood pilings, attached to an aluminum gangway attached to a landing, supported by wood pilings, attached to metal steps on the right bank of the San Joaquin River. (San Joaquin County)

**T. Property Management - Cache Creek Setback Levee, Levee Mile 1.1, Parcel
No. 13721A**

Consider approving the grant of four non-exclusive easements for private roadway purposes to four individual landowners: Harry H. and Marion J. Dewey, Andres and

Maria Cervantes, Mary Ann and Robert Falconer, and James M. Cogbill (Landowners) who became legally landlocked due to the board's acquisition of 1.51 acres in fee simple of Parcel No. 13721 required as part of the Cache Creek Erosion Damage Repair Project in 2006.

U. **Property Management - Cache Creek Setback Levee, Levee Mile 1.1, Parcel No. 13722 A**

Consider approving the grant of four non-exclusive easements for private roadway purposes to the Landowners who became legally landlocked due to the Board's acquisition of 0.87 acre in fee simple of Parcel No. 13722 required as part of the Cache Creek Erosion Damage Repair Project in 2006.

(As mentioned previously, Items 7A, 7C, 7E, 7I, 7L, 7N and 7O were postponed to a future meeting.)

*Upon **motion** by Member Rie, seconded by Secretary Doherty, the Board unanimously passed Consent Calendar Items 7B, 7D, 7F, 7G, 7H, 7J, 7K, 7M, 7P, 7Q, 7R, 7S, 7T, and 7U.*

8. **HEARING AND DECISIONS**

A. **Permit No. 18257, Reclamation District No. 2126**

Consider approval of Permit No. 18257 to relocate approximately 4,000 linear feet of existing project levee approximately 40 feet to the west between Bear Creek and Mosher Slough; place engineered fill and existing levee materials to construct the relocated levee and all necessary levee access ramps and embankment materials to accommodate a future perpendicular crossing and extension of Otto Drive. (San Joaquin County)

Mr. Eric Butler, Board Senior Engineer, gave the presentation, which included a summary of the project and the prior Board and Corps actions. He concluded with the staff recommendation to make the CEQA findings as proposed in the staff report, to conditionally approve Permit 18257 in substantially the form provided subject to receipt and review of final Corps PAC approval, and incorporation of any conditions in that approval therein; to authorize President Carter to execute an OMRR&R agreement with the District; and to authorize the Executive Officer to take the necessary actions to prepare and execute the permit, all related documents, a joint use agreement for real estate property rights, and to file a CEQA Notice of Determination; and to formally adopt Board Resolution 09-24.

Ms. Nancy Finch, Board Counsel, clarified that, regarding Special Condition 15, the rights the Board will obtain must comply with the standard flood control easements that the Board obtains; i.e., it cannot be less than that.

Mr. Ric Reinhardt, MBK Engineers, and Project Manager for Reclamation District 2126, suggested some changes to Special Condition 15.

The Board deliberated over Special Condition 15 and other elements of the Permit.

Upon motion by Member Rie, seconded by Vice President Hodgkins, the Board unanimously voted to approve Resolution 09-24 for Encroachment Permit 18257, with the following changes to Condition 15: rather than 60 feet on either side of the toe, 20 feet on the easterly toe for a levee easement and 50 feet on the westerly toe for a levee easement; and the westerly 50-foot easement will be a Zone A of 20 feet -- basically consistent with the Corps' ETL on vegetation management -- and then a 30-foot easement beyond that of use consistent with parkway, no structures; and to make the CEQA findings.

B. Permit No. 18406, Wildlands, Inc.

Consider approval of Permit No. 18406 to excavate material in a cut and fill operation and create open water, perennial marsh and upland habitat; and install water control structures (flashboard risers) within the designated floodway of the right (south) bank of the Colusa Basin Drain and Canal. (Yolo County)

Mr. Gary Lemon, DWR Floodway Protection Section, gave the presentation. He answered Board Member questions and concluded with the staff recommendation to adopt Resolution 09-23, to find the project to be exempt from CEQA, and to approve the permit.

Ms. Natasha Lanni, Wildlands, Inc., gave a brief presentation and answered Board Member questions on the restoration portion of the project, which is for Giant Garter Snakes and will be consistent with a mosaic of perennial marsh upland and open water habitats.

Mr. Carl Jensen, Wildlands, Inc., noted that they have a constraint with their Section 7 consultation that says that all earth moving activities have to be done by October 1st.

Mr. Lewis Bair, Reclamation District 108 General Manager, stated the question for the Board as: "How do you actually have the authority to make sure that the maintenance gets done over the long term?"

Mr. Jay Heiman, Civil Engineering Solutions, Inc., answered questions about the assumptions used in the hydraulic analysis.

Ms. Suarez noted that the hard questions being asked by Board Members reflect the top of the Board's agenda -- how does the Board have long-term assurances that the work is going to get done to keep its projects functioning the best way they can function?

President Carter continued the Item to a future Board meeting and encouraged Board and DWR staff to make sure that the legal staff has the conservation easement and the long-term management plan; and to review them and become comfortable with them, and figure out whether or not an agreement can be reached that provides the Board the assurance that the floodway will remain a functioning floodway.

C. Permit No. 18430, Three Rivers Levee Improvement Authority

Consider approval of Permit No. 18430 to degrade portions of the existing levee to level of existing ground; remove existing Pump Station No. 3; enlarge and deepen existing swale to allow flood flows to leave setback area and return to the channel on the left (east) bank of the Feather River. (Yuba County)

Ms. Nancy Moricz, DWR Flood Systems Improvement Section, gave the presentation and the staff recommendation that the Board approve the Permit, which also includes restoration of the Messick Lake mitigation area. Further, that the Board adopt Resolution No. 2009-13, which constitutes the Board's written findings and decision in the matter. The Resolution contains the Board's CEQA findings, findings of fact, approval of Permit 18430, and an order to direct the Executive Officer to take necessary action to prepare and execute the permit and related documents and to prepare and file a Notice of Determination with the State Clearinghouse.

Mr. Thomas Eres, representing Hofman Ranch, stated that they have monitored this project and their overriding issue has to do with the question of: "Is it reasonable and prudent to do a simultaneous degradation of the existing levee while still under construction on a significant new levee?" They think the answer is a self-evident "no." Also, there are still underlying issues with respect to the Segment 2 crack and other elements that are integrated and interdependent with the area as a whole, and these issues need further discussion before decisions are made to move forward.

The Board deliberated about the appropriate language before President Carter entertained a motion.

Upon motion by Member Suarez, seconded by Vice President Hodgkins, the Board unanimously approved the Permit and the Resolution, with the modifications to Special Conditions 52, 54 and 55 as proposed by staff.

D. Permit Nos. 18474, 18475, and 18476, California Department of Water Resources

Consider approval of Permit Nos. 18474 and 18475 to place rock slope protection with a riparian planting bench at two different locations along the San Joaquin River. (San Joaquin County)

Mr. Paul Sandhu, DWR Levee Repairs Branch Chief, gave the presentation. He noted that the erosion repairs are to restore structure stability, preserve flood control system integrity, and maintain the public safety. He concluded by requesting that the Board approve the Permits, delegate authority to the Executive officer to sign Local Operations Maintenance and Assurance Agreements, and delegate authority to the Executive Officer to sign and file a CEQA Notice of Determination for the initial study, a Negative Declaration findings, and a mitigation monitoring plan.

Executive Officer Punia added that Board staff has contacted the local agencies and all have given their verbal endorsement and will be sending the written letters supporting the project.

Upon motion by Member Suarez, seconded by Vice President Hodgkins, the Board unanimously adopted Resolution 09-22 -- attached to the package as part of Permit Nos. 18747, 18745, and 18746; including the finding of facts, CEQA findings, and etc.; and including the changes to the two conditions in Permits 75 and 76 that need correction. An additional condition will also be added to include a mitigated monitoring plan.

REQUESTED ACTIONS

9. SAN JOAQUIN COUNTY EASEMENT REQUEST

Consider directing staff to complete work and prepare documents for the Board regarding a Permanent Easement request from San Joaquin County granting additional right-of-way on Cardinal Avenue (in Stockton) that would be required for a County road-widening project.

Ms. Alejandra Lopez, DWR Real Estate Branch Right-of-Way Agent, presented the various options for the Board to consider. She clarified that this request is to authorize the project and to engage in the negotiations and the granting of the easement. They will return in the future for the signing of the actual easement deeds.

Upon motion by Vice President Hodgkins, seconded by Member Rie, the Board directed staff to prepare the documents to grant a permanent easement to San Joaquin County, with the county to pay all State costs. The vote was 4-1 (Doherty).

10. JOINT POWERS AGENCY SUB-COMMITTEE POLICY RESOLUTION - *Postponed*

Consider approval of a resolution regarding maintenance assurances and indemnification to be furnished by a Joint Powers Agency and its member agencies

acting as the local sponsor for improvements to the Federal/State flood control system.

11. THREE RIVERS LEVEE IMPROVEMENT AUTHORITY, YUBA RIVER SOUTH LEVEE PROJECT, SIMPSON LANE TO THE GOLDFIELDS, YUBA COUNTY

Consider approval of a letter to the U.S. Army Corps of Engineers requesting that the Corps initiate, in cooperation with Three Rivers Levee Improvement Authority, a joint review of possible improvements to the south levee of the Yuba River from Simpson Lane to the Yuba Goldfields, under the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA).

Mr. Deb Biswas, Board Staff Engineer, gave the presentation.

Executive Officer Punia clarified that this letter is different from a Section 408 letter. It does not ask the Corps for 408 approval; rather, it designed to engage the Corps early on in the planning process for these types of projects. Mr. Fua further clarified that the essential purpose is to ask the Corps to start the NEPA process.

Mr. Eres, Hofman Ranch, remarked that this was a positive sign in moving the process forward as it provided an opportunity to set the table correctly at the beginning of the process; however, it needs some more thought in terms of scope.

Upon motion by Vice President Hodgkins, seconded by Member Suarez, the Board authorized the General Manager to send a letter to the Corps requesting that they initiate a joint NEPA/CEQA process on the Yuba River Levee Improvement Project at the earliest possible date. The vote was 4-0-1 (Rie abstained).

12. TIER I REGULATIONS

Consider amendments to Title 23 of the California Code of Regulations based on the comments received by the Office of Administrative Law on the proposed changes to the Title 23 related to AB 5.

Ms. Debbie Smith, Attorney General's Office, provided the update and noted two comments that may require some more work on the Board's part:

- 1. A signature is needed from the Resource Agency secretary.*
- 2. The Board may need to open up a 15-day public comment period for the addition of the four streams referenced in Table 8.1.*

However, no further action is needed today; and will only be needed if the public comment period needs to be reopened.

Upon motion by Member Rie, seconded by Secretary Doherty, the Board unanimously authorized staff to open up the public comment period if necessary.

13. BOARD SPONSORED PROJECTS AND STUDY AGREEMENTS:

A. LEVEE STABILITY PROGRAM FEASIBILITY COST SHARING AGREEMENTS

Consider Resolution No. 09-20 to approve Levee Stability Program Feasibility Cost Sharing Agreements between the U.S. Army Corps of Engineers and the Central Valley Flood Protection Board.

Mr. Jeff Van Gilder, DWR Division of Flood Management, provided background on the Resolution and noted that the authorization to enter into the agreements is through the Water Resources Development Act (WRDA) of 2007.

Upon motion by Vice President Hodgkins, seconded by Secretary Doherty, the Board authorized staff to prepare the feasibility cost-sharing agreements for the five sites listed in the Levee Stability Program, and to authorize the President to review, sign and execute them when they are completed. The vote was 4-0-1 (Suarez abstained).

B. FOLSOM DAM JOINT FEDERAL PROJECT (JFP) AGREEMENT AMENDMENTS

The Board will be asked to consider and sign an amendment to the existing Folsom Dam Modifications Project Cooperative Agreement (PCA) with the Corps and SAFCA, and an amendment to an existing Local Project Cooperative Agreement (LPCA) with SAFCA, to include work associated with the Joint Federal Project (JFP), which includes a new auxiliary spillway for Folsom Dam.

Mr. Robert Charney, DWR Project Delivery Branch, provided updated information on recent changes to the amendments and asked for Board approval of the agreement and the authority for President Carter to sign it.

Upon motion by Vice President Hodgkins, seconded by President Carter, the Board unanimously approved the Amendment number one to the PCA and authorized the President to execute it.

INFORMATIONAL BRIEFINGS

14. SUTTER BYPASS 2D MODELING PLAN

Mr. David Williams, Board Flood Systems Improvement Section, provided an overview of the Plan.

Dr. Sungho Lee, Board Water Resources Engineer, continued the overview, concentrating on the more technical issues associated with the 2D modeling.

Mr. Punia stated the staff recommendation that the Board stick with the RMA 2 model. Also, staff may start exploring and checking with others that may be willing to partner with the Board, and get their commitment on some of the funding, and then put some money in from the Board and get the project underway. The ballpark cost estimate is \$100,000-\$200,000.

President Carter suggested that staff continue to pursue the application of the 2D model for the Sutter Bypass and explore what kind of financial support it can get from its partners, and keep the Board informed as to their progress.

15. SAN JOAQUIN RIVER RESTORATION PROGRAM BRIEFING

Mr. Jason Phillips, United States Bureau of Reclamation, gave the program briefing. He cited the legal history and resultant conflicts that led to a settlement agreement on San Joaquin River restoration in 2006. In 2009 Congress passed and the President signed legislation authorizing and directing the Secretary of Interior to implement the settlement.

Mr. Kevin Faulkenberry, DWR South Central Regional Office, discussed the seepage management plan that is required as part of the agreement.

Mr. Reggie Hill, Lower San Joaquin Levee District, provided additional clarification on the program.

BOARD REPORTS

16. BOARD COMMENTS AND TASK LEADER REPORTS

President Carter briefly discussed the situation with Bear Creek, and suggested that it's more prudent for the entire Board to hold special hearings on the subject in the Stockton area. This will be calendared for the near future.

17. REPORT OF THE ACTIVITIES OF THE EXECUTIVE OFFICER - Postponed

18. FUTURE AGENDA - Postponed

19. CLOSED SESSION

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

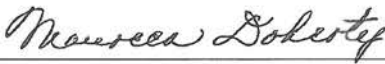
President Carter stated that the Board did meet in Closed Session as agendized, and had a discussion regarding the performance review of the Executive Officer; that discussion will be continued at a later time.

20. ADJOURN

President Carter adjourned the meeting at 6:34 p.m.

Dated: September 25, 2009

The foregoing Minutes were approved:



Maureen Doherty
Secretary



Benjamin F. Carter
President