

MINUTES

MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD March 27, 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 March 27, 2009, beginning at 8:37 a.m. at The Bonderson Building Hearing Room, 901 P Street, 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. Teri Rie, Member
Ms. Emma Suarez, Member

The following members of the Board staff were present:

Mr. Jay Punia, Executive Officer
Mr. Eric Butler, Senior Engineer
Ms. Virginia Cahill, Legal Counsel
Mr. Dan Fua, Supervising Engineer
Ms. Lorraine Pendlebury, Staff Analyst

Department of Water Resources (DWR) staff present:

Mr. Steve Bradley, Chief, Statewide Flood Planning Office
Mr. Jim Eckman, Chief, Flood Project Inspection Section
Mr. Jon Ericson, Senior Engineer
Mr. George Qualley, Chief, Division of Flood Management
Mr. Kasey Schimke, Assistant Director
Mr. Ward Tabor, Assistant Chief Counsel
Mr. Jon Yego, Chief, Floodway Protection Section

Also Present:

Dr. Christine Altendorf, United States Army Corps of Engineers
Mr. John Bassett, Sacramento Area Flood Control Agency
Ms. Paige Caldwell, United States Army Corps of Engineers
Mr. Matthew Campbell, Deputy Attorney General
Mr. Mark Connelly, San Joaquin County Public Works
Mr. Larry Dacus, Three Rivers Levee Improvement Authority
Mr. Joseph Ehasz, Delta Habitat Conservation & Conveyance Program
Mr. Tom Eres, Hofman Ranch
Mr. Mike Hoover, United States Fish and Wildlife Service
Ms. Meegan Nagy, United States Army Corps of Engineers
Mr. Ric Reinhardt, MBK Engineers
Ms. Kathy Schaefer, Federal Emergency Management Agency, Region 9
Mr. Scott Shapiro, Sacramento Area Flood Control Agency, and Three Rivers Levee Improvement Authority
Ms. Deborah Smith, Deputy Attorney General

1. ROLL CALL

Executive Officer Punia called the roll.

2. APPROVAL OF MINUTES - JANUARY 16, 2009 BOARD MEETING

*Upon **motion** by Member Brown, seconded by Vice President Hodgkins, the Board unanimously approved the January 16, 2009 Meeting Minutes.*

3. APPROVAL OF AGENDA

Executive Director Punia stated the staff recommendation that Items 8B, 8H, 9B and 12 be postponed.

*Upon **motion** by Secretary Doherty, seconded by Member Brown, the Board unanimously approved the staff recommendation and Items 8B, 8H, 9B and 12 were postponed.*

4. PUBLIC COMMENT

Mr. Mark Connelly, Engineering Services Manager, San Joaquin County Public Works, spoke in reference to the status of permit applications along two segments of levees that are currently under provisional accreditation (PAL status) by FEMA -- Bear Creek and the Calaveras River. The PALs for both levee segments will expire in less than one year.

San Joaquin County was expecting the permit applications to be heard today and was notified that, due to resource constraints, the hearing had been postponed. Mr. Connelly expressed the concerns of his community regarding the delay and its potential effect on the encroachment and maintenance deficiencies on these levee segments. He also expressed their desire that the applications be heard before the PALs expire and FEMA begins the de-accreditation process on those segments.

Executive Secretary Punia responded that staff is working with San Joaquin County and the U.S. Army Corps of Engineers (the Corps) and will be bringing these permits to the Board in future meetings.

Member Suarez suggested that it would be helpful to the Board if Mr. Connelly prepared correspondence that documented the chronology of the situation and San Joaquin County's expectations, in terms of a timetable, and address that to the Board. Mr. Connelly said this would be done.

5. CEREMONIAL MATTERS

President Carter recommended that Honorary Resolution 09-08 be presented to Deputy Attorney General Virginia Cahill, who served as Legal Counsel to the Board from December 2007 through March 2009 and is retiring from public service. The Resolution detailed her outstanding contributions to the Board and the Board's sincere appreciation for her services, and will be signed individually by each Board Member.

*Upon **motion** by Secretary Doherty, seconded by Member Brown, the Board heartily and unanimously approved the Honorary Resolution.*

6. REPORT OF ACTIVITIES OF THE DEPARTMENT OF WATER RESOURCES

Mr. George Qualley, DWR, reported the following:

- As of March 1st, water conditions are improved but are still only 70 percent of average for statewide hydrologic conditions.*
- Flood Operations Branch: the levee assessment tool is still in development; a draft workplan is almost ready.*
- Sacramento River Bank Protection Project: DWR has taken the lead on six of the sites and the Corps on 13. Right-of-way issues have been taken care of for about 9,000 lineal feet that will be done this year and about 6,600 next year. Also, the Corps is moving forward with public scoping meetings on the additional 80,000 lineal feet that was authorized under the 2007 award to complete a programmatic environmental document.*

- *San Joaquin River Levee Repairs: the critical erosion repairs are moving along. Five of the original sites identified in 2006 and 2007 will be repaired this year and two under-seepage sites are underway.*
- *DWR is cost-sharing with the Corps on some funding that is now available under WRDA 2007, from the CALFED Bay-Delta Levee Stability Study.*
- *DWR continues to work on PL 84-99 Assistance and is hopeful they will be able to go forward with the RD 150 sites.*
- *Floodplain Management Branch staff continues the work on refining the Levee Flood Protection Zone maps that were initially completed in 2008. They plan to have a complete set of maps available next month. The Central Valley Flood Evaluation and Delineations portion is still being refined.*
- *DWR received the go-ahead on 276 projects that were being held up because of unavailability of bond funds. They continue to receive instruction from Department of Finance but it's definitely heading in a positive direction. They anticipate the delays caused by unavailability of funds will affect some of the schedules but they are working hard to ensure the effect is as small as possible.*
- *Alluvial Fan Task Force has its model ordinance almost finalized.*
- *Building Codes Project is moving forward. They will provide a briefing next month to Board staff. The objective is to submit the package to the Building Standards Commission in June of 2009.*
- *Flood Project Development Branch: the Joint Federal Project at Folsom continues moving forward. The overall project is scheduled for completion around 2015.*
- *American River Common Features: design for one of the sites is planned for June of this year and the other sites are underway. They plan on getting through all of the remaining 1996 WRDA-authorized sites this year.*
- *South Sacramento County Streams is moving towards closure and looks like it will be wrapped up this year.*
- *West Sacramento Project: there are two levee slip sites. One will be completed and ready for construction this year. The other has some modeling issues and has been postponed until next season but is on track to get completed.*

- *A General Reevaluation Report (GRR), to provide 200-year level of protection for West Sacramento, is underway. A Project Management Plan (PMP) has been developed and is now being reviewed by the Corps.*
- *Yuba River Basin: the GRR has been moving forward and is expected to be completed next year.*
- *The Marysville Ring Levee Project, a portion of the Yuba Basin Project: Section 103 credit deferral negotiations have been worked out, which will allow the Marysville project to go forward.*
- *Sutter County Feasibility Study continues to move forward towards the amendment to the Feasibility Cost Sharing Agreement.*
- *There is ongoing discussion with the locals about updating the Lower Cache Creek Feasibility Study and moving forward with the project.*
- *Lower San Joaquin River Feasibility Study is moving forward and DWR is anxious to get the various agreements completed and executed for the three-party agreement.*
- *Orestimba Feasibility Study is expecting to have the NED plan finalized in October '09.*
- *Statewide Grants Branch is completing the AB 1147 work and expects to be shipping it to the Office of Administrative Law very soon for their final actions.*
- *Floodway Corridor Program is revising guidelines and expects to complete the revisions in three to four months.*

(Board Member Rie arrived at 9:40 a.m.)

2008 Local Agency Annual Summary Report

Mr. Jon Ericson, Flood Project Integrity Inspection Branch, gave the presentation, which summarized local agency information submittals to DWR on Water Code reporting requirement changes and/or additions, as detailed in AB 156.

Legislative Update

Mr. Kasey Schimke, DWR Assistant Director, provided the update. He detailed the various pieces of legislation being proposed in the Legislature that would affect DWR, and targeted those that might specifically impact the Board.

Mr. Steven Bradley, DWR Statewide Flood Planning Office Chief, provided an update on management planning efforts and timelines for the Central Valley Flood Protection Plan. He is hopeful that the public outreach part of the Plan, which is scheduled to kick off in mid-June, will be ready for presentation to the Board next month.

Vice President Hodgkins noted that he, along with John Brown, meets with Mr. Bradley monthly, and they are all in agreement that monthly updates on the Plan should be provided to the Board -- as a line item under the DWR report -- with the understanding that both the public and the Board then have an opportunity to raise any issues or concerns about elements of the Plan in front of the Board.

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

Mr. Larry Dacus, TRLIA Design Manager, reported on the following:

- They continue to monitor the Segment 1 crack and met with Corps, Board and DWR staff to discuss the most recent analysis and present a potential repair.*
- Section 408 approval has been received from the Corps. As part of that, TRLIA was required to do a safety assurance review, which has been completed and submitted.*
- They plan to award the tie-in construction in April and proceed with construction on the northern tie-in in May.*
- The southern tie-in construction will be delayed while they determine the best way to modify the design to minimize the impact on the cultural site that was recently discovered in the southern tie-in area.*

Mr. Shapiro, TRLIA general counsel, reported on the recent meeting with the staff of the State Mining and Geology Board regarding the notice of violation received by TRLIA from that board. He said that Mining Board staff had concluded that the three setback borrow sites noticed were properly exempted under the on-site exemption; and that the other two sites should receive a one-time exemption. Thus, Mining Board staff recommended that all five borrow sites were properly exempt. The matter goes before the full Mining Board for official approval at their April 9th Meeting.

Mr. Tom Eres, Hofman Ranch, discussed a 218 election currently underway within Three Rivers, and then answered Board Member questions. He stated that the election is being designed to form an assessment district for the purpose of providing financing for levee improvements that have been made by TRLIA and some are not in the 784 District. He requested that the entire election process be reviewed by the Board to determine what the Board's interests are and what approvals it may need to make with respect to that process.

8. CONSENT CALENDAR

A. Permit No. 18373, Dennis Vollman

Consider approval of Permit No. 18373 to install (trench) electrical and air-spargers utility pipes on the landside of the right (west) bank levee of the Sacramento River.

**B. Permit No. 18375, City of Stockton Municipal Utilities District -
POSTPONED**

Consider approval of Permit No. 18375 to construct an intake structure with pipes and place rock riprap on the right (north) bank of the San Joaquin River.

C. Permit No. 18389, Sunesys, LLC

Consider approval of Permit No. 18389 to install a fiber optic cable across channel and attach to existing utility poles on each side of Duck Creek.

D. Permit No. 18393, Sunesys, LLC

Consider approval of Permit No. 18393 to install a support cable, with fiber optic cable attached, across channel and attach to existing utility poles on each side of the Calaveras River.

E. Permit No. 18433, Bremner

Consider approval of Permit No. 18433 to install four steel poles (wind turbines) each supported by a concrete base; and construct a wood equipment shed within Butte Basin.

F. Permit No. 18437, Tudor Mutual Water Company

Consider approval of Permit No. 18437 to abandon and remove existing irrigation pipeline and install a welded steel pipe from the existing pump station along the overflow area of the right (west) bank levee of the Feather River to the waterside toe of the new setback levee; install welded steel pipes up and over new setback levee; remove distribution box at landside toe of existing Feather River Levee and place fill material on landside slope at upstream end of setback levee.

G. Permit No. 18438, Volcano Vista Farms

Consider approval of Permit No. 18438 to abandon and remove existing irrigation pipeline and install a welded steel pipe from the existing pump station along the overflow area of the right (west) bank levee of the Feather River to the waterside toe of the new setback levee; install a welded steel pipe up and over new setback levee; remove distribution box at landside toe of existing Feather River Levee and place fill material on landside slope at upstream end of setback levee.

H. Permit No. 18440, City of Roseville - POSTPONED

Consider approval of Permit No. 18440 to remove approximately 2,000 linear feet of the existing 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 Designated Floodway of Dry Creek.

(As mentioned previously, Items 8B and 8H were postponed.)

*Upon **motion** by Member Brown, seconded by Secretary Doherty, the Board unanimously approved Permit numbers 8A, 8C, 8D, 8E, 8F, and 8G.*

9. HEARING AND DECISIONS

A. Permit No. 18159-2 and Permit No. 18159-3, Sacramento Area Flood Control Agency (SAFCA)

Consider Resolution No. 09-07, to approve Permit No. 18159-2 and Permit No. 18159-3, approve the Supplement to the Environmental Impact Report, make CEQA findings, and approve any related agreements necessary to authorize SAFCA's Natomas Levee Improvement Program Phase II construction for the Natomas Cross Canal and Sacramento River East Levee reaches 1 through 4A.

Senior Engineer Eric Butler gave the presentation and concluded by stating the staff recommendation to approve the Permits and direct the Executive Director to take the necessary actions to prepare and execute the Permits and any related documents, and to prepare and file a Notice of Determination under the California Environmental Quality Act (CEQA).

Mr. Ric Reinhardt, SAFCA Natomas Levee Improvement Program Manager, noted that these are changes to existing permits that the Board had previously approved. He and

Mr. Scott Shapiro, SAFCA special counsel, answered Board Member questions on various elements of the proposed changes.

Ms. Meegan Nagy, the Corps, Sacramento District, confirmed that the Corps had completed its review and agreed that there are no significant adverse hydraulic impacts and that the project changes would not be injurious to the public interest.

Mr. Paul Devereaux, General Manager of Reclamation District 1000 (the local maintaining agency), stated that the District supports the staff recommendation and urged approval of the Permits.

The Board and the other interested parties present deliberated over appropriate phrasing of some of the language in the resolution, as well as the potential policy ramifications involved, and eventually agreed to and voted on a modified version of the original Resolution.

*Upon **motion** by Member Brown, seconded by Secretary Doherty, the Board unanimously approved a modified version of Resolution 09-07.*

B. Permit No. 18347, Jesse Castellon - POSTPONED

Consider approval of Permit No. 18347 and any related agreements 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.

REQUESTED ACTIONS

10. CALIFORNIA LEVEES ROUNDTABLE AND CENTRAL VALLEY FLOOD SYSTEM IMPROVEMENT FRAMEWORK

Consider approval of the Central Valley Flood System Improvement Framework developed by the California Levees Roundtable. The Framework will be submitted to the U.S. Army Corps of Engineers to demonstrate that system-wide improvements are underway and to request temporary extension of PL 84-99 Rehabilitation Eligibility.

Executive Officer Jay Punia gave the initial part of the presentation. He began by noting that the California Levees Roundtable is made up of nine federal, state and local agencies who worked together to develop the Framework, which is basically a bridge document between the present and July 2012, when the final Central Valley Flood Protection Plan goes into effect. He further noted that the Roundtable group had reached agreement with the Corps that there will be an annual review of the implementation of the Framework.

Ms. Paige Caldwell, the Corps, then discussed the origins of the Roundtable, and its goals and focus.

Mr. Jim Eckman, DWR Flood Project Inspection Section Chief, discussed the interim inspection criteria.

Mr. Michael Hoover, Deputy Assistant Field Adviser, U.S. Fish & Wildlife Service, spoke about the long-term issues that will need to be addressed as these processes unfold.

Mr. Hoover and Executive Officer Punia then answered Board Member questions.

Executive Officer Punia stated the staff recommendation that the Board approve the Framework and direct its Executive Officer, in collaboration with DWR, to submit the framework document, on behalf of the State, to the Corps, demonstrating the many ongoing and planned system-wide improvements, and seek temporary extension of PL 84-99 eligibility based upon the Corps Director of Civil Works January 9, 2009 memorandum.

*Upon **motion** by Member Rie, seconded by Vice President Hodgkins, the Board unanimously approved the staff recommendation.*

Dr. Christine Altendorf, the Deputy District Engineer for Programs and Project Management, the Corps; and a member of the Roundtable, acknowledged a three-star note from Corps General Van Antwerp that recognizes Dr. William Reckmeyer, who facilitated the Roundtable meetings, for the extensive contributions he made in helping to bring the Framework document to reality.

**11. BOARD SPONSORED PROJECTS AND STUDY AGREEMENTS -
(None)**

INFORMATIONAL BRIEFINGS

**12. CENTRAL VALLEY INTEGRATED FLOOD MANAGEMENT
STUDY (Sacramento and San Joaquin River Basins
Comprehensive Study) - POSTPONED**

Informational briefing on the status of the Central Valley Integrated Flood Management Study, its relationship with the Central Valley Flood Protection Plan, and upcoming amendments to the existing Feasibility Cost Sharing Agreement to the Comprehensive Study.

13. BRIEFING REGARDING THE DELTA HABITAT CONSERVATION AND CONVEYANCE PROGRAM

Mr. Joe Ehasz, DWR Delta Habitat Conservation and Conveyance Program Manager, briefed the Board and answered Board Member questions.

BOARD REPORTS

14. BOARD COMMENTS AND TASK LEADER REPORTS

Board Member Brown informed the Board that he had invited Stein Buer to talk to the Sacramento Rotary Club about the area's flood control and management issues. Member Brown and Secretary Doherty are planning an air tour of northern California and the Bay-Delta in the near future.

Board Member Suarez mentioned that the briefing on Tier 1 regulations is tentatively scheduled for next month's Board Agenda.

She also stated that the second meeting of the subcommittee working on the JPA liability issue was held. A third and final meeting is scheduled for April 9th; they hope to put together a policy statement at that meeting that will be brought before the Board for consideration.

President Carter remarked that he continues working on the Roundtable.

President Carter, Vice President Hodgkins and Executive Director Punia had lunch with Colonel Dombi, the Commander of the Corps' South Pacific Division. They talked about the 408 process, the permitting backlog and other issues.

President Carter will be having dinner with ASA Woodley tonight (March 27).

15. REPORT OF THE ACTIVITIES OF THE EXECUTIVE OFFICER

Executive Officer Punia reported on the following:

- Staff has been focusing on hiring new employees during the last couple of months, and nine of the ten open positions have now been filled. In addition, a new administrative officer has been hired.*
- One or two of the new staff members will be assigned to work closely with Steve Bradley in the development of the Central Valley Flood Protection Plan.*

- *Paperwork has been submitted to upgrade the Chief Engineer's position to Principle Engineer. Paperwork has also been submitted for upgrading Lorraine Pendlebury's position from Staff Service Analyst to Associate Government Program Analyst.*
- *Acting Chief Engineer Fua updated the TRLIA board on the status of the Hofman easement acquisition. Ms. Hofman, who owns the property, has agreed to sell the property to the state, for one dollar, rather than allow it to be acquired by TRLIA.*
- *Regarding Tier 2 regulations work, a task order has been put in place and the Board will pay DWR up to \$50,000 to provide technical expertise and participate in meetings. Also, the workshop tentatively scheduled for the spring has been delayed.*
- *DWR staff has been invited to work with Board staff on the California Water Plan and integrated water management.*

16. FUTURE AGENDA

President Carter reviewed the draft Agenda.

There will possibly be an informational briefing on the Orestimba feasibility study.

Secretary Doherty requested an action item on how to proceed with the Sutter Bypass construction work.

The Board settled on April 17 as the date for the next Board Meeting.

17. CLOSED SESSION

[The closed session will be held to discuss pending litigation pursuant to Government Code section 11126(e)(1). The matter is People of the State of California, acting by and through the Department of Transportation, v. Alonzo, et al., San Joaquin County Superior Court, Case No. 39-2008-00189146-CU-EI-STK.]

Following the Closed Session, President Carter announced that the Board had conferred with counsel regarding the agendized litigation and asked counsel to proceed according to the discussion.

18. ADJOURN

President Carter adjourned the meeting at 4:21 p.m.

Dated: 5-20-09

The foregoing Minutes were approved:


Maureen Doherty
Secretary


Benjamin F. Carter
President