

**MINUTES**  
**MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD**  
**December 3, 2010**

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 December 3, 2010 at 8:30 a.m. at The Resources Building, 1416 Ninth Street, Auditorium, Sacramento, California.

**The following members of the Board were present:**

Mr. Benjamin Carter, President  
Ms. Teri Rie, Vice President  
Mr. Butch Hodgkins, Secretary  
Mr. John Brown  
Ms. Emma Suarez

**The following members of the Board staff were present:**

Mr. Jay Punia, Executive Officer  
Mr. Len Marino, Chief Engineer  
Mr. Dan Fua, Supervising Engineer  
Mr. Ali Porbaha, Supervising Engineer  
Mr. Curt Taras, Supervising Engineer  
Mr. Gary Lemon, Staff Engineer  
Mr. James Herota, Staff Environmental Scientist  
Ms. Amber Woertink, Office Technician  
Ms. Deborah Smith, Legal Counsel

**Department of Water Resources (DWR) staff present:**

Mr. Gary Bardini, Chief, Division of Flood Management  
Mr. Bill Croyle, Chief, Flood Operations Branch  
Mr. Arthur Hinojosa, Chief, Hydrology & Flood Operations  
Mr. Noel Lerner, Chief, Maintenance Support Branch  
Mr. Danny Meyersohn, Senior Engineer  
Mr. Mike Mirmazaheri, Chief, Bay-Delta Levees Branch  
Mr. Merritt Rice, Project Engineer, Division of Flood Management  
Mr. Maury Roos, Chief Hydrologist  
Ms. Jennifer Stephenson, Project Manager  
Mr. Ward Tabor, Assistant Chief Counsel

**Also Present:**

Mr. Paul Brunner, Three Rivers Levee Improvement Authority  
Mr. Larry Dacus, Three Rivers Levee Improvement Authority  
Mr. Paul Devereux, Reclamation District 1000  
Ms. Ali Forsythe, U.S. Bureau of Reclamation  
Mr. Reggie Hill, Lower San Joaquin Levee District  
Colonel William Leady, U.S. Army Corps of Engineers  
Ms. Meegan Nagy, United States Army Corps of Engineers  
Mr. Jason Phillips, U.S. Bureau of Reclamation  
Mr. Scott Shapiro, California Central Valley Flood Control  
Mr. Robert Sieglitz  
Mr. Jeff Twitchell, Levee District 1

**1. ROLL CALL**

President Carter welcomed everyone and requested Executive Officer Punia to call the roll. All Board members were present.

**2. APPROVAL OF MINUTES**

For the September 23, 2010 Minutes, President Carter noted a correction on page 2 to the title of Vice President Rie (formerly Board Member Rie), and a couple of typos elsewhere.

*Upon motion by Board Member Brown, seconded by Secretary Hodgkins, the Board unanimously approved the Minutes for September 23, 2010 with the amendments noted above.*

**3. APPROVAL OF AGENDA**

Executive Officer Punia gave the staff recommendations that Consent Calendar Items 8A and 8F be postponed, and that the Closed Session be removed as unnecessary.

*Upon motion by Board Member Brown, seconded by Secretary Hodgkins, the Board unanimously approved the staff recommendations given above.*

**4. INTRODUCTION AND COMMENTS BY COLONEL WILLIAM J. LEADY, COMMANDER AND DISTRICT ENGINEER, SACRAMENTO DISTRICT, CORPS OF ENGINEERS**

President Carter welcomed Colonel Leady and gave a brief summary of his professional background. Colonel Leady then addressed the Board. He outlined the history of flood control in the United States, and explained how the Army Corps of Engineers came to play its current role.

Colonel Leady talked about the work done by the 1,150 Corps professionals in the Sacramento District, which spans the Central Valley, Nevada, Utah, and Colorado.

He stated that great organizations are great because they're always working to get better, and that's what the Corps is doing. The mix of federal, State, and local governments that

the Corps works with can add challenges and even frustration to the process, but also strength.

Funding will always be a challenge. Colonel Leady's job is to fight for the District's priorities and let Congress, the Office of Management and Budget, and the other entities assign the funding.

California's districts are divided by watershed into Sacramento, San Francisco, and Los Angeles. Because of watershed, the Sacramento District crosses state lines which can make it rough on a political basis. Having several districts in one state can also be difficult. But it works well from a scientific and engineering standpoint for water management.

Colonel Leady closed by stating that the Corps and CVFPB are a partnership, and the Corps is working hard to be a great partner.

**5. PUBLIC COMMENT – NONE**

**6. REPORT OF THE ACTIVITIES OF THE DEPARTMENT OF WATER RESOURCES (DWR)**

Mr. Gary Bardini, DWR Division Chief, gave an update of department activities.

- Flood Readiness meetings:
  - On October 28, DWR held a quarterly meeting with the Corps, CVFPB, Federal Emergency Management Agency (FEMA), and Delta staff on flood risk reduction and Delta activities.
  - On November 10, DWR met with FEMA and the Corps to discuss mapping and flood risk education and outreach.
  - DWR held a number of briefings with Delta regional coordinators.
  - DWR met with the Central Valley Flood Control Association to continue to shape programs and help the maintainers.
  - In October, a briefing was done related to advocacy in Washington D.C.
- In terms of communication and coordination on progressing the Central Valley Flood Protection Plan, DWR is assessing the closure of the Phase 2 process. Phase 3 is the more place-based, specific phase and DWR is sharpening its direction. Also, DWR has been aligning with the Corps under their Central Valley Integrated Flood Management Study.

Board Member Brown commented that CVFPB is integrating with the Corps study as a conveyance system, while DWR is addressing the study on a watershed basis.

Secretary Hodgkins commented that he was pleased to see forward movement with the modeling library. Chief Bardini noted that DWR was working toward three goals in the modeling effort:

1. That DWR doesn't duplicate efforts with the Corps.
2. That DWR and the Corps are working from a common set of agreed-upon tools.

3. That DWR owes it to the State and the Corps basically to hold the institutional aspect of the tools, information sets, and data sets, so that they can be used to progress projects and even be available to local agencies.

DWR Hydrology & Flood Operations Chief Art Hinojosa began a presentation by recapping that group's duties and goals.

Mr. Bill Croyle, Chief of the Flood Operations Branch, continued with a presentation that went over some activities:

- They had bimonthly meetings with the Corps to coordinate with each other.
- They are doing division-wide fostering and training, mobilizing almost 380 people to become more familiar with the emergency operations – to be trained and rostered into specific positions.
- They are using the Golden Guardian 2011 training exercise, which is a statewide exercise focused this year in the Central Valley.
- A notable accomplishment this year was securing a Flood Response Fund.
- They held multi-agency coordination meetings in a number of communities.
- They worked through roles and responsibilities with CalEMA as they update some of their systems.
- They continued to update their technology within the Flood Center.
- They are integrating environmental support right into their emergency response teams.
- They are continuing to maintain their three Information and Communication Technology (ICT) systems, and to work on their communication and radio systems.
- They continue to do their annual flood fight training classes.
- They worked with the California Conservation Corps (CCC) to train them as trainers of flood fighters.

Board Member Suarez asked Mr. Punia about the coordination of information flow between DWR's emergency team and CVFPB. He responded that CVFPB's responsibility is more aligned with the DWR Flood Center and the Corps. Staff will be part of their emergency teams.

Mr. Daniel Meyersohn, acting for Don Rasmussen, Chief of the Flood Project Integrity Inspection Branch, spoke on their activities in October and November:

- They are finishing field activities for the Fall 2010 levee inspection and are preparing the 2010 inspection report.
- Due to resource constraints imposed by furloughs, they prioritized permit inspection activities to focus on encroachments that affect levee integrity over the levee prism.

- Numerous time variance requests have been issued and approved by the Board during the flood season, and the branch continues to inspect those encroachments.
- 68 Levee-Maintaining Agencies (LMAs) have reported information to the DWR.
- Erosion surveys along the San Joaquin River and tributaries have been completed.

Chief Hinojosa reported on the hydrologic outlook for 2010. He demonstrated graphics on the California Data Exchange Center (CDEC) website that the branch uses:

- The California-Nevada River Forecast Center gives a snapshot of the current forecast conditions at official forecast locations across the state.
- One of the ways the branch tracks the wetness of the year is the northern Sierra 8-station index, also on the CDEC website.
- Another graphic shows reservoir conditions.
- A graphic shows the particular region that the branch looks at when they designate El Niño or La Niña conditions. We appear to be on our way to an official designation of La Niña.

Mr. Merritt Rice, Project Engineer with the Central Valley Flood Planning Office in the Division of Flood Management, briefed the Board on recent program Environmental Impact Report (EIR) screening meetings for the 2012 Central Valley Flood Protection Plan, and the status of 2012 plan and the State Plan of Flood Control.

A Notice of Preparation of the program Environmental Impact Report (EIR) was released for a 30-day public review period on October 27. Three public scoping meetings were held the week of November 15. Since then, DWR has received 14 comment letters with 11 of them from local, State, and federal agencies.

Board Member Suarez commented that at the scoping meetings, the concern was raised that the plan may not be ready on time as dictated by Senate Bill 5. She asked if the division was looking for an extension, noting that the deadline was really the Board's deadline – they need to approve the plan.

Mr. Rice responded that DWR was doing the best it could to meet the schedule, but there was a lot going on. Mr. Bardini stated that DWR's full intent was to meet the schedule. He hoped to have the progress report ready next month.

Mr. Rice continued, reporting that the Division of Flood Management completed the final round of five regional condition work group meetings for Phase 2 of the 2012 plan in early November. This phase focuses on identifying individual management actions that address the planning goals identified during Phase 1. The project development team would now start to use the management actions to develop regional and system-wide solutions in Phase 3 and 4.

They also completed their second interim progress summary report in November. This report and the management action report were posted on the DWR website.

A forum will be held in West Sacramento on December 9 to conclude Phase 2 of the public engagement process and to provide a successful launch for Phases 3 and 4.

Section 9610 of the California Water Code calls for DWR to prepare a status report on the progress of the Central Valley Flood Protection Plan, and to post it on the Board's website by December 31, 2010. The progress report is in the final phases.

The State Plan of Flood Control descriptive document is an inventory of facilities of the State Plan of Flood Control. It was completed in November.

The Flood Control System Status Report, also identified in legislation, describes the performance of the State Plan of Flood Control. A final draft will be completed later this month.

Mr. Mike Mirmazaheri, Bay-Delta Levees Branch Chief, introduced Mr. John Wilusz, a new Senior Engineer who had been with the program for about 3 years. He will be working on the subventions program.

## **7. REPORT OF ACTIVITIES OF THE EXECUTIVE OFFICER**

Executive Officer Punia reported on the following items:

- Mr. Mike Petersen, longtime DWR and Board staff member, is planning to retire by the end of December.
- Mr. Joo Chai Wong, civil engineer, has accepted a position with the Department of Water Resources, Division of Flood Management in the River Foresting section.
- Staff is in the process of updating the Title Regulations. For Phase 1B they will be asked for Board approval to take the regulations to the Office of Administrative Law.
- The draft of Tier 2, which involves updating technical regulations, is almost ready for the Board's task force to review.
- Of the permit compliance issues for local Reclamation District 17, 13 of the 26 items have been resolved. Staff continues to work with the applicant.
- A permit application from the City of Colusa to put some stairways on the levees will be ready probably in January.
- Merced County has asked staff to testify on the County's behalf in the federal court regarding a lawsuit brought by Crane-McNab, LLC.
- Bear Creek staff will meet and confer with Mr. Ross and his attorney in hopes of resolving the encroachment issues discussed during the July Board hearing.
- Staff met with the CalTrans District 10 Deputy Director to discuss resolution to the erosion noted beneath the I-5 bridge over the Calaveras River.
- Mr. Jay Schneider had stopped by to express his concerns about a potential Enforcement Action for a violation in the designated floodway. Chief Engineer Len Marino and Supervising Engineer Dan Fua visited the site, and hope to resolve the issue without proceeding with enforcement proceedings.

Vice President Rie asked about the Crane-McNab lawsuit; Chief Engineer Len Marino explained that in 2006, heavy releases from Cassel Dam resulted in a great deal of debris

being sprayed over the floodplain. The plaintiff is alleging that he suffered damages due to the debris that accumulated. CVFPB is not named in the lawsuit but is being asked to testify.

- Regarding the San Joaquin River Restoration Program, the State Water Resources Control Board issued a permit for temporary interim flows. As part of the permit, there was a condition that the U.S. Bureau of Reclamation would confer with the flood control agencies. Mr. Jason Phillips would arrive later this afternoon to brief the Board.
- The joint power authorities for providing the operation and maintenance (O&M) of the Gomes Lake area had some difficulties. Some of the partners were thinking that other partners were not paying their fair share. Mr. Punia credited Mr. Marino with convincing the local partners of the JPA that it was in their interest that O&M should be done by the JPA. They were now renegotiating the cost-sharing formula that each partner should pay in fairness. Mr. Marino provided the Board with the details of the situation.
- Mr. Punia noted that the Board staff's approach was to keep maintenance at a local level rather than make new State maintenance areas, because those were very expensive compared to having maintenance done by the locals.

## 8. CONSENT CALENDAR

### A. Permit No. 18166, Sacramento Regional Transit District - Postponed

Consider approval of Permit No. 18166 to place engineered fill and overlay with two sets of light rail tracks on landside slope of the right (west) bank levee of Morrison Creek and to construct two bridge crossings over Morrison Creek. (Sacramento County)

### B. Permit No. 18238, Olam Tomato Processors Inc.

Consider approval of Permit No. 18238 to remove existing pipe and replace (trench) with a High Density Polyethylene (HDPE) water pipe through the left (east) bank levee of the South Fork of Kings River. (Kings County)

### C. Permit No. 18567, City of Gridley

Consider approval of Permit No. 18567 to remove and replace a boat ramp, install a boarding dock; construct additional parking, install restrooms and a fish cleaning station; extend power, water and sewer, and replace removed vegetation on the left (east) bank of the Feather River Designated Floodway. (Butte County)

### D. Permit No. 18595, Matt Gnagy

Consider approval of Permit No. 18595 to authorize an existing boat dock, supported by pilings, and a gangway on the left (east) bank of the Sacramento River. (Sutter County)

### E. Permit No. 18618, City of Yuba City – Willow Island

Consider approval of Permit No. 18618 to resurface an existing levee patrol road with aggregate base; construct an aggregate base bike trail; construct a walking

trail; construct two parking lots; install benches, picnic tables, garbage cans, interpretive signs, and bike racks; install removable bollards at five different locations, construct a pavilion, construct a concrete board walk and a concrete beach landing; and plant native vegetation on the right (west) bank overflow area of the Feather River. (Sutter County)

**F. Permit No. 18623, Molly Emsile - Postponed**

Consider approval of Permit No.18623 to construct wood and concrete block stairs on the landside slope of the left (south) bank levee of the American River. (Sacramento County)

**G. Permit No. 18628, City of Bakersfield**

Consider approval of Permit No.18628 to construct a pedestrian trail; an equestrian trail; and plant native trees and bushes within the Kern River Designated Floodway. (Kern County)

**H. Permit No. 18636, Tulare County Resource Management Agency**

Consider approval of Permit No.18636 to remove existing Avenue 416 Bridge and replace with a new concrete bridge supported by four bents across the Kings River Designated Floodway and place riprap and 600 cubic yards of earthen fill within the channel of the Kings River. (Tulare County)

*Upon motion by Board Member Brown, seconded by Board Member Suarez, the Board voted to approve the items on the Consent Calendar with four votes aye and one absent.*

**9. HEARINGS AND DECISIONS**

**A. Proposed Decision and Order, Enforcement Action 2010-49, Mr. and Mrs. Sieglitz, 2817 Garden Highway, Sacramento, California**

Consider approval of Proposed Decision and Order regarding Enforcement Action 2010-49 for removal of encroachments located near the left (east) bank levee of the Sacramento River. (Sacramento County)

Mr. Gary Lemon, Staff Engineer, and Ms. Deborah Smith, Staff Legal Counsel, gave a presentation on the proposed decision. They described the proposed summary of the order:

- The Board finds that the encroachment violations violate the California Code of Regulations, Title 23, Waters, Division 1 and Water Code Sections 8708 and 8709, as well as threatening the successful functioning of the levee location.
- The items listed for removal are two Conex storage containers, utility lines, concrete pad, and fill material adjacent to the waterside slope. The boat, boat carrier, trailers, and vehicles on the water side of the levee may remain.

Enforcement Staff members Ali Porbaha, Supervising Engineer, and Angeles Caliso, Staff Engineer, commented on the proposed Board action. They recommended that the respondents, who admitted cutting the embankment, be responsible for restoring the waterside levee toe.



The respondent, Mr. Robert Sieglitz, commented on the proposed order and decision. He asserted that the slope of the levee that he modified was never 3 to 1, but was pretty much vertical. Also, in the spirit of resolution, he had disconnected the electrical power and was preparing to move it; he had emptied the Conex boxes and scheduled their removal; and he had removed the concrete walk pads. Mr. Sieglitz requested that the Board allow him to complete the development of the driveway at the south end of the property.

DWR Assistant Chief Counsel Tabor spoke on behalf of the Enforcement staff. He recommended that the respondent be ordered to restore the levee slope to the ratio evidenced by drawings from the Corps and the Psomas company.

*Upon motion by Secretary Hodgkins, seconded by Board Member Brown, the Board voted to approve the proposed order with the addition of the verbiage cleanup items from the Enforcement staff's requested items (#1, 3, 7, and the second line of Item #9), and to add the language from that same list Item #3, to Section 5, paragraph 5 of the Enforcement Order; and to add to #4 on page 9, "The evidence was inconclusive as to the slope of the levee at the time the Conex boxes were placed"; and to add #7 recommending that the respondent apply for a new driveway that is properly engineered. The motion carried unanimously.*

## 10. REQUESTED ACTIONS

### A. Consider submission to the Office of Administrative Law for public noticing of the Title 23 Tier 1B Revisions of the Board's Regulations, which address new California Laws authorizing delegated authority to the Executive Officer for permit approvals and enforcement actions.

Staff Supervising Engineer Curt Taras gave background on the package, and stated that the revisions to the regulations had been edited by staff legal counsel. He detailed the authority delegation for permit approvals and enforcement actions.

Questions arose from the Board regarding use of a Cease and Desist Order when there is a threat to public safety. Board Member Suarez clarified the issue. The Board continued to discuss regulations, procedures, the position of Hearing Officer, and the reconsideration issue, with Board Member Suarez, Ms. Smith, and Mr. Taras supplying information.

Mr. Scott Shapiro, California Central Valley Flood Control Association, provided comments for the benefit of the Board. He suggested numerous changes to the verbiage.

The Board agreed to request Staff for a redraft, and agendize it for the January meeting.

### B. Consider Approval of Letter to the Delta Stewardship Council in Response to its Letter Requesting Board Input to the Delta Plan Priorities for State Investments.

Staff Chief Engineer Len Marino gave a presentation. He stated that Staff had developed a draft letter responding to the Delta Stewardship Council's request, and it was reviewed at the October 28 meeting. The Board directed the Staff to post the draft on the website and solicit input from Delta stakeholders and the public. The response was robust. A second draft letter dated December 3 was then posted, and would now be reviewed.

Board Member Suarez noted that originally she and Vice President Rie felt that the letter should be very explicit with the Stewardship Council regarding the role of this Board, its technical capabilities, and any information gaps. Based on comments received from the public and other Board members, the letter had morphed into a combination of the initial information plus policy-type commitments, statements, and broader suggestions.

Vice President Rie stated that some of the specifics of the Delta Plan weren't the original purview of the letter. The letter was to identify the Board's priorities as to funding in the Delta.

President Carter was in favor of taking the opportunity to ensure that the Council understands the Board's priorities, as well as why the bypasses are there: it's a flood control facility.

Secretary Hodgkins further noted that the new Council should be aware that the Board is very concerned about the flood system and the need to partner with the Council in those portions of their plan that might affect the capacity of the Yolo Bypass particularly.

The Board discussed the topics. Vice President Rie then went through her edits to the letter, and Board Member Brown suggested further edits. President Carter requested a printout of a clean version of the current edits, to be revisited after the next agenda item.

**C. Levee District One of Sutter County (LD-1), Star Bend, EIP Project – Consider review of the draft Long-Term Vegetation Management Plan for inclusion in the previously approved OMRR&R Agreement executed between the Central Valley Flood Protection Board and LD-1.**

DWR Project Manager Jennifer Stephenson gave a presentation, which was a follow-up from the September 3 meeting. She stated that presently the OMRR&R Agreement needed to be signed to ensure protection in the upcoming flood season.

LD 1 had approved and executed the updated OMRR&R with the language that was added per the September 23 meeting. They prepared and submitted the draft vegetation, maintenance, and monitoring plan. That plan could be reviewed collaboratively by Staff and LD 1, to be finalized and approved by the Board at the January 28 meeting.

President Carter and DWR Assistant Chief Counsel Tabor stated that no action was needed from the Board, other than for the President to act on his delegated authority and sign the agreement.

**11. BOARD SPONSORED PROJECTS AND STUDY AGREEMENTS – None**

**12. INFORMATIONAL BRIEFINGS**

- A.** San Joaquin River Restoration Program status update and U.S. Bureau of Reclamation's plan of action for responding back to the State Water Resources Control Board in response to condition number 15 of the Water Rights Order 2010-0029 DWR.

Mr. Jason Phillips of the U.S. Bureau of Reclamation introduced the topic. California law requires flows below dams to be able to sustain fish. A federal court ruled that the law applied to Friant Dam; in 2005 the Bureau of Reclamation had to put flows into the

San Joaquin River sufficient to sustain a salmon fishery. In October 2009 the Bureau of Reclamation began a series of experimental flows, to start to learn what happens with this river system when flows are introduced.

The Bureau of Reclamation had received its permit and begun operations in September 2010. One of the conditions required them to consult with CVFPB, DWR, and other flood agencies to ensure that the proposed project, which is one year of experimental flows, did not jeopardize or threaten the flood safety features of the Lower San Joaquin River Flood Project.

Ms. Alicia Forsythe, Project Manager within the restoration program, gave a technical presentation that focused on the interim flows released to date, including flow hydrographs related to the areas of concern for the flood system.

With information from meetings with the Flood Protection Board, DWR, the Corps, the Lower San Joaquin Levee District, and CVFPB, Ms. Forsythe articulated three key areas of concern:

1. **Increased operation and maintenance costs.** The Bureau of Reclamation provided a financial assistance agreement for the local levee district for last year, and is currently having discussions with them on that agreement.
2. **The need to continue regular operation and maintenance (O&M) activities.** The Bureau of Reclamation will modify flows to avoid impacts to the flood safety features and to allow for O&M activities to occur. They were requesting to develop a written description of the activities and the time when the river needs to be dry, to use in coordinating O&M activities.
3. **The use of the bypass easements for interim flows.** There is nowhere else for the interim flows to go. There are potential conflicts with threatened and endangered species resulting from long-term use of the bypass system. The Bureau is coordinating with DWR to look at the long-term habitat needs in that lower section of the river. They call it the Reach 4B and Eastside Bypass project. Ms. Forsythe proceeded to describe the project in detail.

Board Member Brown commented on the issues, remarking particularly on the easements from landowners that are for flood control. Ms. Forsythe responded that the Bureau of Reclamation has had quite a few outreach meetings with the local landowners. Board Member Brown encouraged her to continue building relationships with the landowners. The Board continued the discussion on the easements.

Mr. Reggie Hill of the Lower San Joaquin Levee District gave a presentation explaining the concern that the project is being compromised. Restoration flows are impacting the channel's capacity, because it encourages vegetation growth, which is accumulating sediment. The low flows greatly impact sediment deposition and are causing constraints.

- B. Briefing update on encroachment permit application submitted by the Three Rivers Levee Improvement Authority (TRLIA) for elderberry mitigation at the Anderson Mitigation Site, as required by the Upper Yuba Levee Improvement Project.**

Executive Director Paul Brunner of TRLIA introduced the topic: an EIP project was planned for construction in April-May 2011, and was encumbered by elderberries that they need to transplant. The briefing specifically regarded usage of the Anderson site. Mr. Brunner expressed his hope for feedback from the Board on use of the site, because it was a cost issue and a timing issue.

Mr. Larry Dacus, TRLIA, gave the information briefing. Not all of this site, established by the Corps and DWR in 1995-96, had been required for the mitigation for the Marysville-Yuba City Project. This gave the opportunity for other projects within the Sacramento River Flood Control System, such as the Upper Yuba Levee Improvement Project, to utilize the site for additional mitigation purposes.

The status of the project was that design is complete. The Corps was currently considering TRLIA's Section 408 authorization.

The Upper Yuba Levee will directly impact 34 elderberry shrubs. The mitigation being proposed through TRLIA's biological opinion was that these 34 shrubs could be transplanted to the Anderson mitigation site. The transplantation could be done most cost-effectively during the dormant period.

Mr. Dacus and Mr. Brunner answered questions from the Board. The Board concurred with the proposed mitigation, and Vice President Rie suggested that staff put it on the Consent Calendar. DWR Maintenance Support Branch Chief Noel Lerner concurred with this use of the site.

**10B. (Continued) Consider Approval of Letter to the Delta Stewardship Council in Response to its Letter Requesting Board Input to the Delta Plan Priorities for State Investments.**

Board Members received a marked-up version of the letter reviewed earlier in the meeting. President Carter suggested for them to give any comments to Board Member Suarez and Vice President Rie for finalizing; the two would then send it out.

*Upon motion by Board Member Brown, seconded by Secretary Hodgkins, the Board voted to delegate the authority to Ms. Suarez and Ms. Rie collectively to determine when the letter is ready for publication and send it out at that time. The motion carried unanimously.*

**12C. 2010 Catastrophic Flooding in Pakistan.**

Mr. Maury Roos, DWR, had attended an October meeting in Java of the International Commission on Irrigation and Drainage. He serves as the Official U.S. U.S. delegate. He described the devastating flooding in Pakistan and showed a video.

**13. BOARD COMMENTS AND TASK LEADER REPORTS**

Vice President Rie reported that Corps staff were giving a presentation on their vegetation policy for National Association of Flood & Stormwater Management Agencies (NAFSMA) members on December 8. Also, on December 14-15 the Board was sponsoring a working meeting with the Sacramento Regional Flood Control Agency (SAFCA) and DWR to discuss vegetation, root architecture, impacts from tree roots, etc.

She also reported that Congressman Garamendi had prepared a letter to the Assistant Secretary of the Army, Jo-Ellen Darcy, and was getting co-signatures with other members of Congress. The letter would be going out shortly.

Board Member Brown reported that he and Secretary Hodgkins met with Mr. Al Montna of LD 1. They also attended the Central Valley Flood Protection Planning Partners meeting. In addition, they visited Ms. Lady Bug Doherty and gave her the recognition plaque.

Board Member Brown gave a talk to the Yolo Landowners Association on water issues.

Board Member Suarez attended the Assembly hearing on the Delta Conservation Plan, and forwarded news coverage from that hearing. She reported that some of the water contractor organizations were probably going to pay for the bulk of the work relating to funding the habitat conservation plan. Now any type of projects flowing from that seem to be breaking away from the process. What this means for the Delta Stewardship Council process is uncertain.

Board Member Suarez attended the CEQA/NEPA scoping meeting. The possibility has arisen that the Central Valley Flood Protection Plan deadline might not be met.

She thanked Mr. Punia and his team for their hard work on the Tier 1B regulations. She had come across the August 2010 proposed Tier 2 milestone that Mr. Fua had prepared; it was pleasant to see that they were on target when it comes to preparing the next round for the Board to consider.

President Carter reported that the next week held several meetings. Secretary Hodgkins would attend the San Joaquin River Restoration update progress report. There were administrative meetings with the all-staff meeting, the monthly coordination meeting with Vice President Rie and Mr. Punia. Vice President Rie had mentioned the NAFSMA conference call on the Corps vegetation policy, in which President Carter planned to participate.

The next week also held a California Roundtable Steering Committee conference call, followed by the roundtable. Finally, the valley-wide forum was also scheduled.

#### **14. FUTURE AGENDA**

President Carter briefed the Board on the agenda for the January meeting.

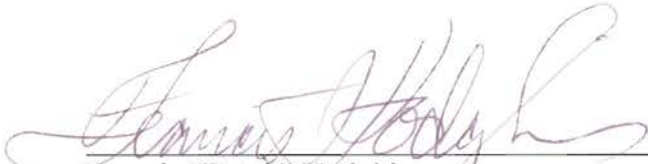
#### **15. CLOSED SESSION – *Removed***

#### **16. ADJOURN**

President Carter adjourned the meeting at 5:11 p.m.

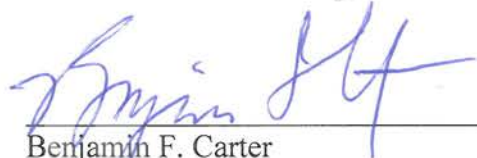
Dated: \_\_\_\_\_ *2-25-11*

The foregoing Minutes were approved:



---

Francis "Butch" Hodgkins  
Secretary



---

Benjamin F. Carter  
President