

**MINUTES**  
**MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD**  
**July 22, 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 July 22, 2010, beginning at 1:20 p.m. at The Resources Building, 1416 Ninth Street, Auditorium, Sacramento, California. (It was reconvened on July 23, 2010 at 9:00 a.m. at the same location.)

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

Mr. Benjamin Carter, President  
Mr. Butch Hodgkins, Vice President  
Mr. John Brown  
Ms. Teri Rie  
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. Curt Taras, Supervising Engineer  
Mr. Eric Butler, Senior Engineer  
Dr. Deb Biswas, Staff Engineer  
Ms. Amber Woertink, Office Technician  
Ms. Marian Moe, Legal Counsel

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

Mr. Noel Lerner, Chief, Flood Projects Office

**Also Present:**

Mr. Paul Brunner, Three Rivers Levee Improvement Authority  
Mr. John Burton, Dry Creek Parkway Advisory Committee  
Mr. Joe Countryman, MBK Engineers  
Ms. Lizette Crosbie, Sacramento Area Flood Control Agency  
Mr. Larry Dacus, Three Rivers Levee Improvement Authority  
Mr. Roger Dickinson, Supervisor, Sacramento County Board of Supervisors

Mr. Tom Eres, Hofman Ranch  
Ms. Dee Fuller  
Mr. Jason Guignard, Fishbio  
Ms. Charlea R. Moore, Dry Creek Parkway Advisory Council  
Ms. Jenni Moser, Dry Creek Parkway Advisory Committee  
Ms. Tamara Rose  
Mr. Scott Shapiro, Downey Brand  
Ms. Betsy Weiland, Save the American River Association

## 1. ROLL CALL

Executive Officer Punia reported that Board Members Lady Bug Doherty and Teri Rie were absent. The rest of the Board members were present, and Board Member Rie joined the meeting shortly thereafter.

## 2. APPROVAL OF MINUTES – May 28, 2010 Board Meeting

*Upon motion by Board Member Brown, seconded by Vice President Hodgkins, the Board unanimously approved the May 28, 2010 Board Meeting Minutes.*

## 3. APPROVAL OF AGENDA

Executive Officer Punia gave the following staff recommendations.

- That Item 11F be changed to a hearing.
- That Items 11G, 11H, and 11Q be postponed.

*Upon motion by Board Member Brown, seconded by Vice President Hodgkins, the Board unanimously approved the recommendations (given above).*

## 4. PUBLIC COMMENT – NONE

## 5. HEARINGS AND DECISIONS

- A. **Three Rivers Levee Improvement Authority (TRLIA) – Application No. 18577, Upper Yuba Levee Improvement Project (UYLIP), From Simpson Lane to Yuba Goldfields, Yuba County.**

Consider approval of Permit No. 18577 to alter approximately 3.9 miles of federal flood control project levee on the left (south) bank of the Yuba River from Simpson Lane to the Yuba Goldfields, Yuba County, California, installing 1) soil-bentonite (SB) cutoff wall from STA 136+50 to STA 288+00, 2) seepage berm from STA 285+00 to STA 303+59, 3) stability berm from STA 285+00 to STA 300+50, 4) waterside levee slope erosion protection blanket from STA 272+00 to STA 303+59, 5) levee geometry correction from STA 103+00 to STA 303+59, and 6) 16-foot wide Aggregate Base (AB) access road on top of the levee crown.

Staff Engineer Deb Biswas gave the Board a summary of the project features. He reported on the hydraulic and geotechnical review.

Mr. Paul Brunner, TRLIA, described the history of the project and named the TRLIA team members. Mr. Scott Shapiro, Downey Brand, made a slight correction to the staff presentation and added some information. Along with Staff Deputy Attorney General Marian Moe, they took questions from the Board.

Mr. Tom Eres of Hofman Ranch gave testimony for the farming interest. He expressed concern with the hydrology and hydraulic analyses, as well as the groundwater issue.

*Upon **motion** by Vice President Hodgkins, seconded by Board Member Brown, the Board voted unanimously to approve Resolution 10-28 with respect to the Board's findings and decisions on Permit No. 18577.*

**B. Oakdale Irrigation District, Honolulu Bar Recreation Area – Application No. 18599, Stanislaus County.**

**Consider approval of the Permit No. 18599 to excavate approximately 10,800 cubic yards of sediment from the channel, relocate approximately 3,000 cubic yards of material within the channel, remove approximately four-tenths of an acre of vegetation, and place approximately 8100 cubic yards of gravels in the channel upstream of a mid-channel island within the Stanislaus River Designated Floodway.**

Mr. John Tice, Staff Engineer, introduced the item. He gave physical measurements and planting plans, then answered the Board's questions.

Mr. Jason Guignard of Fishbio spoke for the applicant, the Oakdale Irrigation District. He named some conditions that needed to be resolved. The Board agreed to table the hearing for a future meeting and allow the applicant and the staff to work out the details of the permit.

**C. Sacramento County Regional Parks, Application No. 18557, Sacramento County.**

**Consider approval of a permit, No. 18557, to construct approximately 2.9 miles of multi-use asphalt concrete and parallel dirt equestrian trail and other features including a bicycle/pedestrian bridge along the right, or north, bank of Dry Creek Designated Floodway in Rio Linda between 24<sup>th</sup> Street and Dry Creek Road.**

Mr. Eric Butler, Staff Senior Engineer, introduced the item. He described the physical characteristics, gave the hydraulic analysis, and described the vegetation and mitigation plans.



Mr. Roger Dickinson, Sacramento County Supervisor, provided some context for the project. Mr. Joe Countryman, MBK Engineers, explained the effect of the modified bridge on water flow.

Public testimony followed with people speaking for equestrian and bicycling interests; a property owner then expressed her concerns with possible flooding on her land.

President Carter announced a recess on the hearing. It will continue most likely next month at the regular meeting, when the Board will have all the information and all constituents will be able to give their comments.

The Board recessed at 4:41 p.m. to reconvene Friday, July 23, 2010 at 9:00 a.m.

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A regular meeting (Open Session) of the Central Valley Flood Protection Board was reconvened on July 23, 2010 at 9:00 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. Butch Hodgkins, Vice President  
Ms. Lady Bug Doherty, Secretary  
Mr. John Brown  
Ms. Teri Rie  
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. Eric Butler, Senior Engineer  
Mr. Dave Williams, Senior Engineer  
Mr. James Herota, Staff Environmental Scientist  
Ms. Nancy Morica, Staff Engineer  
Mr. Joo Chai Wong, Staff Engineer  
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  
Ms. Robin Brewer, Staff Counsel  
Ms. Nancy Finch, Senior Staff Counsel  
Mr. Eric Koch, Chief, FloodSAFE Office  
Mr. Dave Mraz, Chief, Delta Levees and Environmental Engineering Program  
Mr. Ward Tabor, Assistant Chief Counsel

**Also Present:**

Mr. Michael Babitzke, Law Office of Michael Babitzke

Mr. Chris Campbell, CBEC Incorporated

Mr. Jesse Castellon

Mr. Tom Gau, San Joaquin County Flood Control & Water Conservation District

Mr. Eric Ginney, PWA

Mr. Peter Giudice

Ms. Sharon Giudice

Mr. Mark Heintz, Wildlands Incorporated

Mr. Rick Johnson, Sacramento Area Flood Control Agency

Ms. Mary Moody

Ms. Meegan Nagy, United States Army Corps of Engineers

Mr. Roosevelt Ross

Mr. Ronnie Young

**6. ROLL CALL**

Executive Officer Punia reported that Board Members Teri Rie and Emma Suarez were absent. The rest of the Board members were present. Board Members Rie and Suarez arrived shortly thereafter.

**7. CLOSED SESSION**

President Carter stated that, as noticed the previous day, the Board had not met in closed session as there was no need.

**8. PUBLIC COMMENT – NONE**

**9. REPORT OF THE ACTIVITIES OF THE DEPARTMENT OF WATER RESOURCES**

Mr. Gary Bardini, Division Chief, California Department of Water Resources (DWR), prefaced by saying that a significant amount of progress was being made on all fronts in coordination with the Board, Corps, and the local agencies. He reported on the following items.

- Water conditions: May precipitation was 115% and reservoirs statewide are near average levels.
- Real-time flood conditions: Spring inspections and Local Maintaining Agencies (LMA) reports were completed. The Corps and LMA are coordinating on periodic inspections to try to improve inspection and maintenance programs in the Central Valley.
- Emergency response: Work on the Golden Guardian exercise is continuing.



- Flood season preparation: the Flood Operations Center is making necessary coordination and arrangements.
- Operation and Maintenance (O&M): The bid invitation is out for the levee setback project for West Sacramento. Also, site assessments are being made for seepage repair in RD 2064.
- Flood risk management: Based on legislation, DWR will be sending out notices of risk, to be completed by September.
- Floodplain mapping: the topography phase is nearly at completion. Significant hydraulic modeling efforts are progressing.
- Projects:
  - The Board, the Corps, and DWR are making significant strides on the Marysville Ring Levee project.
  - Work is progressing on the Folsom Mods. Staff is working to get Sacramento Area Flood Control Agency (SAFCA)'s post-authorization change report in place to utilize credits and to continue the work.
- Engineering and evaluations: Urban evaluations are 70-80% done. Non-urban evaluations are 20-30% done.
- Planning: Work continues on the State Plan of Flood Control, the flood system status report, and other documents.
- Legislation and budget:
  - Written testimony was submitted to the Senate Committee on Environmental and Public Works regarding levee safety.
  - The Legislature is looking at how DWR has used bond funds through an audit by the Bureau of State Audits.
  - SB 991 is progressing, and a number of other bills may have some interest in flood legislation.
- Administrative: the capital outlay budget change is completed, and work continues on support BCPs.

At the request of President Carter, Mr. Bardini described three “buckets” of system deficiencies for the purpose of developing strategic programs to address them.

1. The first bucket is implementation/policy issues related to projects themselves.
2. The second bucket is to document the deficiencies into categories:
  - Routine O&M deficiencies
  - Deficiencies due to an aging system wearing out (structures, pipes, etc.)
  - Latent deficiencies that DWR inherited when the system was built
3. The third bucket is implementation of actual work coordinated with policies to try to remediate deficiencies.

Mr. Dave Mraz, Delta Levees and Environmental Engineering Program Chief, informed the Board that for the fiscal year '10-'11, the intent is to provide \$15 million for subventions. For special projects, \$100 million worth of work has been approved. More agreements have been written but not signed yet, because funding is held up in the approval of the bond fund process.

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

Executive Officer Punia reported on the following items.

- Sam Brandon, recently retired from the DWR, has joined the staff as a retired annuitant. Steve Dawson is recovering at home and working a couple of hours per day.
- The task order for the Sutter Bypass 2-D hydraulic model is finalized and is being shared with the partners.
- Staff is working with the Division of Flood Management, through an internal agreement, for engineering and environmental staff support for permit application review and production.
- 408-type projects, funded through the EIP program, will be reviewed more heavily by the Flood Project Office to free up Board staff.
- Staff is updating Title 23 regulations based upon AB 1165.
- Staff is working with DWR to develop the regulations on the technical side of Title 23.
- Signatories of the joint power authorities of the Gomes Lake O&M have reached an understanding on cost sharing.
- Staff met with the Division of Engineering to begin the engineering and construction contract process for addressing Road 9 work.
- A substantial workload is coming from CalTrans due to stimulus funding and proposition funding.
- A meeting was held at the Corps regarding the sediment deposition at the South Steiner Pumping Plant for RD 108. The analysis continues.
- The tiger team met regarding the Calaveras River encroachment, with each member taking away an action item.
- The Lower San Joaquin Levee District has requested to meet with the Board regarding the Restoration Program.
- Several habitat restoration and conservation projects are in the pipeline: Fremont Landing, Honolulu Bar, and Bobcat Flat.
- Colonel Chapman is retiring in July. Board Member Teri Rie had developed a resolution to honor his retirement and service to the State and the Board.

*Upon **motion** by Vice President Hodgkins, seconded by Secretary Doherty, the Board unanimously approved Resolution 10-33.*



*President Carter proceeded to read the resolution.*

Board Member Rie noted that the Corps had offered to the Board and to the State of California to expedite permits by means of funding contributions to the Corps through the 214 Section of the Federal Code. The Board would like to explore this funding possibility, because while EIP projects are moving forward, the smaller projects seem to be stalled at the Corps.

Mr. Len Marino, Staff Chief Engineer, gave a synopsis of the status of the permit applications.

## **11. CONSENT CALENDAR**

### **A. Permit No. 18119, City of West Sacramento**

**Consider approval of Permit No. 18119 to construct a levee maintenance and flood-fighting access road which would also serve as a trail way for non-motorized travel and recreational access for cyclist and pedestrians along the waterfront. (Yolo County)**

### **B. Permit No. 18175-A, City of Sacramento**

**Consider approval of Permit No. 18175-A to plant 20 replacement trees (Ash, Cottonwood, Elder, and Willow) and shrubs along the east bank of the Natomas East Main Drainage Canal (Steelhead Creek). (Sacramento County)**

### **C. Permit No. 18313-1, West Sacramento Flood Control Agency**

**Consider approval of a letter to the U.S. Army Corps of Engineers requesting Section 408 approval to alter approximately 3,100 feet of federal flood control project levee on the right (west) bank of the Sacramento River at "The Rivers" in West Sacramento, CA.**

### **D. Permit No. 18313-2, West Sacramento Flood Control Agency**

**Consider sending a letter to the Army Corps of Engineers requesting 33 U.S.C. Section 408 approval to alter approximately 0.57 linear-miles of Federal Flood Control Project levee along the right (south) bank of the Sacramento River in Yolo County. (Yolo County)**

### **E. Permit No. 18385, City of Turlock**

**Consider approval of Permit No. 18385 to construct an outfall structure, approximately 75 feet long, and place riprap on the right (east) bank; install**

(trench) a 48-inch-diameter reinforced concrete pipe (RCP) under the right (east) bank levee of the San Joaquin River. (Stanislaus County)

**F. Permit No. 18546, A&G Montna Properties – Moved to Hearing**

Consider approval of Permit No. 18546 to construct a private boating facility with paved launch ramp, a floating uncovered boat dock and slips, a floating covered boat dock with mudroom, storage and restroom, a water well and septic system, electrical and propane services, paved parking area, and seasonal equipment storage area. All facilities are for the private use of owners and their guests only. (Sutter County)

**G. Permit No. 18552, Stockton East Water District - Postponed**

Consider approval of Permit No. 18552 to construct a roughened channel between seven boulder weir drop structures just downstream of the existing Budiselich Flashboard Dam foundation. The proposed project will provide fish passage by controlling the channel profile. (San Joaquin County)

**H. Permit No. 18555, Steve Mello - Postponed**

Consider approval of Permit No. 18555 (Attachment A) to authorize an existing 191-linear-foot earthen pad used to support the foundation for and provide access to an existing residential dwelling on the landside slope of the left (east) bank levee of the Georgiana Slough. (Sacramento County)

**I. Permit No. 18591, Standard Pacific Homes**

Consider approval of Permit No. 18591 to excavate channel sediment, place fill material, excavate upland bank, plant riparian vegetation, place rock revetment, and construct a new diversion structure with weir in the channel of Ledgewood Creek in the City of Fairfield. (Solano County)

**J. Permit No. 18593, City of Stockton**

Consider approval of Permit No. 18593 to construct a single-span, cast-in-place, post-tensioned box girder bridge that clear spans French Camp Slough; the bridge will be supported by short seat-type abutments on driven, precast, pre-stressed concrete piles. (San Joaquin County)

**K. Permit No. 18594, California Department of Transportation District 10**

Consider approval of Permit No. 18594 to widen northbound and southbound bridges by approximately 3.7 meters on each side, add twelve 16-inch-diameter piers to each bridge (24 total), and plant native vegetation across the channel of French Camp Slough. New slope protection will be placed under new widening



bridge on both banks and adjacent to the existing slope protection. (San Joaquin County)

L. Permit No. 18614, California Department of Transportation District 3

Consider approval of Permit No. 18614 to complete the project described in Section 5.0, above, to widen the median of approximately 800-feet of the existing bridge across the Natomas East Main Drainage Canal. (Sacramento County)

M. Permit No. 18616, Glenn-Colusa Irrigation District

Consider approval of Permit No. 18616 to replace existing flashboard weir structure with an Obermeyer inflatable spillway gate weir using the existing concrete floor and endwalls, construct a new concrete floor section directly downstream to support new inflatable weir across the channel of the Colusa Basin Drain; install (trench) electrical conduits through the left (east) bank levee; place fill and construct a 10 ft by 10 ft control structure on the landside slope of the left bank levee. (Colusa County)

N. Permit No. 18617, City of Sacramento

Consider approval of Permit No. 18617 to replace the existing Norwood Avenue Bridge crossing of Arcade Creek. The purpose of the project is to provide a higher and wider bridge that addresses the flood design needs and required bike lanes. The proposed bridge will be raised to reduce flood-related closures, lessen stream flow obstructions, and improve emergency vehicle access during the high water events. (Sacramento County)

O. WSAFCA – West Sacramento Levee Improvement Program, Phase 1A Project

Consider approval of a request by the West Sacramento Area Flood Control Agency for Board staff to draft a letter to the U.S. Army Corps of Engineers requesting a preconstruction crediting agreement pursuant to Section 104 of the Water Resources Development Act (WRDA ) of 1986 for Early Implementation Program (EIP) improvement work along the Sacramento River West Levee (The Rivers Project) and along the Sacramento Bypass South Levee (CHP Academy Project).

P. West Stanislaus Feasibility Report

Consider rescinding the Board's May 28, 2010 approval of Resolution No. 10-12 and replacing it with revised Resolution No. 10-12 to:

1. Approve Revised Amendment 1 to the West Stanislaus Local Feasibility Cost Share Agreement between the Central Valley Flood Protection Board (Board) and the County of Stanislaus.



**2. Delegate authority to the Board President to execute the Amendment substantially in the form attached to Resolution No. 10-12.**

**Q. Yuba River Basin California Project - Postponed**

**Consider rescinding the Board's May 28th 2010 approval of Resolution No. 10-12 and replacing it with revised Resolution No. 10-12 (Attachment A) to:**

- 1. Approve Amendment 1 (revised) to the West Stanislaus Local Feasibility Cost Sharing Agreement (LFCSA) between the Central Valley Flood Protection Board (CVFPB) and Stanislaus County (County), and**
- 2. Delegate authority to the Board President to execute Amendment 1 substantially in the form attached hereto.**

At the meeting the previous day, the Board had decided to modify the indemnification provisions to reflect the new condition that incorporates indemnification from potential California Environmental Quality Act (CEQA) issues. Accordingly they pulled many items off of Consent to hold hearings.

*Upon **motion** by Board Member Brown, seconded by Vice President Hodgkins, the Board voted to move Consent Calendar Items 11A, 11B, 11E, 11I, 11J, 11K, 11L, 11M, and 11N from the Consent to hearing for the purposes of modifying the permit conditions. The motion carried unanimously.*

*Upon **motion** by Board Member Brown, seconded by Secretary Doherty, the Board voted to approve Consent Calendar Items 11C, 11D, 11O, and 11P. The motion carried unanimously.*

**12. HEARINGS AND DECISIONS**

Ms. Deborah Smith, Staff Legal Counsel, stated that the Board could consolidate all the pulled Consent Calendar items into one hearing, as long as they allowed the applicants and the public an opportunity to speak.

Mr. Dan Fua, Staff Supervising Engineer, clarified the two conditions that the Board proposed to be added into the permits.

There was no public comment from applicants or others.

*Upon **motion** by Board Member Brown, seconded by Secretary Doherty, the Board voted to approve Items 11A, 11B, 11E, 11I, 11J, 11K, 11L, 11M, and 11N, with the modifications to the conditions of each permit to include the two indemnification clauses. The motion carried unanimously.*

**A. Proposed Decision and Order, Enforcement Action 2009-31, Roosevelt Ross, 4327 Curlew Street, Stockton, California 95219, San Joaquin County**

**Consider approval of Proposed Decision and Order regarding Enforcement Action 2009-31 for removal of Mr. Roosevelt Ross' encroachments on and near the (south) bank levee of Bear Creek.**

After the May hearing on this enforcement proceeding, the Board had directed Board Member Brown, Mr. Fua, and Ms. Smith to compile the findings of fact and draft a proposed resolution for consideration.

Mr. Fua identified four possible alternatives. The proposed decision was "to order removal of all and unpermitted encroachments and not order removal of the encroachment that was previously permitted.

Mr. Curt Taras, Staff Supervising Engineer and Chief of the Encroachment Branch, commented on the proposed decision and order. He and Mr. Ali Porbaha, Staff Supervising Engineer, supported the proposed decision and order with the exception that they also recommended removal of the retaining wall.

Mr. Michael Babtizke, Law Offices of Michael Babitzke, spoke on behalf of the respondent. He gave his doubts that his client's encroachments were actually dangerous.

**Public Testimony**

Mr. Tom Gau, Chief Deputy Director of the San Joaquin County's Public Works Department, represented the maintaining agency for the Bear Creek levee. He asked the Board to take into consideration actions that would be consistent with reestablishing PL 84-99 eligibility and certification of the Bear Creek levee for Federal Emergency Management Agency (FEMA) accreditation. Several homeowners then spoke about their concern over this issue.

Extensive public discussion ensued, followed by deliberations by the Board.

Mr. Ward Tabor, DWR Chief Counsel and a member of the Enforcement staff, commented that unless the Corps agreed with the Board's actopm to permit the encroachments, the underlying problem of Corps certification would not be fixed: that the levee remained uncertified for both federal programs.

Board Member Brown noted that this was a very important decision to the Board. It was one of the first they were making regarding encroachments like this. It was extremely important to the public, and the Board was working hard to make its effort right and fair.

*Vice President Hodgkins, seconded by Board Member Brown, made the motion to order removal of all encroachments by November 15, unless engineered plans for the items (excepting Items 3 and 8) are submitted by September 1, and in the staff's judgment comply with Board and Corps regulations; in which case the November 15 removal deadline would be deferred until the Board has a chance to consider the encroachments.*



*Upon **motion** by Secretary Doherty, seconded by Board Member Rie, the Board voted not to continue discussion of the abovementioned motion. The motion carried with a vote of four ayes, one no and one abstention.*

*The Board then voted on the abovementioned motion by Vice President Hodgkins. The motion failed with a vote of three ayes and three noes.*

Board Member Suarez stated that her no vote was solely based on concerns about the Board's due process. The encroachments Mr. Ross had on his property were very problematic. Had the process been more fair, she probably would have joined the yes vote as both a Board member and an attorney. But Ms. Suarez felt that the process had been problematic from the substantive due process perspective. The Board was serving as prosecutor and as jury, and that seemed to her to be fundamentally wrong.

Mr. Tabor suggested that the Board might think of some procedural changes that could resuscitate the time and energy that the Board had already put into the hearing.

*Upon **motion** by Board Member Rie, seconded by Board Member Suarez, the Board voted to vacate the entire hearing and start all over from the beginning with a new hearing and new notices to submit new evidence. The motion carried with a vote of five ayes and one no.*

Board President Carter departed, and Vice President Hodgkins chaired the remainder of the meeting.

**B. B. Wildlands, Inc., Fremont Landing Conservation Bank– Application No. 18603, Yolo County**

**Consider the approval of Permit No. 18603 to construct a fisheries enhancement project in the Sacramento River floodway on 100 acres of floodplain and slough channel habitat with the excavation of four low flow outlet channels to prevent fish stranding, just downstream of the Sacramento/Feather River confluence.**

Mr. Dave Williams, Staff Senior Engineer, introduced the item as a fairly simple project from an engineering construction standpoint, consisting of four drainage swales that drain one mile of the toe levee to stop fish from being trapped and killed.

Mr. James Herota, Staff Environmental Scientist, spoke about some of the CEQA findings. Ms. Nancy Moricz, Staff Engineer, explained language in the permit.

The applicant, Mr. Heintz of Wildlands, explained more about the project. Mr. Eric Ginney, the hydrologist, walked the Board through some of the concerns they had, particularly regarding the lack of calibration in the model.

*Upon **motion** by Board Member Rie, seconded by Board Member Suarez, the Board voted to approve Permit No. 18603 and delete Conditions 38 and 39; to add Condition 47 that states, "This permit runs with the land and all conditions*



*will be binding on the successors and assigns to this property;" and to approve Resolution 10-29. The motion carried unanimously.*

### 13. REQUESTED ACTIONS

#### A. Central Valley Flood Protection Plan Lead Agency Agreement

Ms. Nancy Finch, DWR Senior Staff Counsel, led a presentation on the document. The Central Valley Flood Protection Act of 2008 required various actions by the State, including one that the Board and DWR would comply with. That was that the Central Valley Flood Protection Plan be developed and adopted. Ms. Finch went through the responsibilities of DWR and the responsibilities of the Board.

*Upon motion by Board Member Suarez, seconded by Board Member Rie, the Board voted to authorize its President to enter into an agreement with the Department of Water Resources designating the lead agency for purposes of developing environmental documents supporting the Central Valley Flood Protection Plan, with the addition of a section that deals with possible scheduling. The motion passed unanimously.*

### 14. HEARING (MOVED CONSENT CALENDAR ITEM 11F)

#### Permit No. 18546, A&G Montna Properties, L.P.

**To construct a private boating facility (Attachment C-4) with paved launch ramp, a floating uncovered boat dock and slips, a floating covered boat dock with mudroom, storage and restroom, a water well and septic system, electrical and propane services, paved parking area, and seasonal equipment storage area. All facilities are for the private use of owners and their guests only.**

Mr. Eric Butler, Staff Senior Engineer, introduced the item. He described the history of the project and answered the Board's questions.

*Upon motion by Board Member Rie, seconded by Board Member Brown, the Board voted to approve the permit and Resolution 10-34. The motion passed unanimously.*

(Ms. Smith noted that the Board's intent regarding the Wildlands resolution was to approve that permit conditional on receipt of a favorable Corps letter. She cautioned that this language may have not made it into the actual resolution that the Board approved.)

### 17. ADJOURN

Vice President Hodgkins adjourned the meeting at 6:35 p.m.

Dated: SEPTEMBER 23, 2010

The foregoing Minutes were approved:

  
\_\_\_\_\_  
Board Secretary

  
\_\_\_\_\_  
Benjamin F. Carter  
President