

MINUTES
TOUR OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD
JUNE 24, 2010

A publically noticed, Central Valley Flood Protection Board, tour was held on June 24, 2010 from noon to 5:30 pm. Board members and staff visited the Natomas Levee Improvement Project, Fremont Landing, and Fremont Weir.

Participants in the tour from the Central Valley Flood Protection Board and Department of Water Resources were:

Ben Carter, Board President
Lady Bug Doherty, Board Secretary
Butch Hodgkins, Board Vice-President
John Brown, Board Member
Teri Rie, Board Member
Emma Suarez, Board Member
Jay Punia, Executive Officer
Len Marino, Chief Engineer
Curt Taras, Supervising Engineer
Dan Fua, Supervising Engineer
James Herota, Staff Environmental Scientist
Ali Porbaha, Senior Engineer
Joo Chai Wong, Engineer
Nancy Moritz, Engineer
Angeles Caliso, Engineer
Amber Woertink, Support Staff
Debbie Smith, Board Counsel
Keith Swanson, DWR
Brian Heiland, DWR
Ward Tabor, DWR
Rodney Mayer, DWR

The purpose of the tour was to:

1. View the ongoing levee improvement and construction taking place in the Natomas Area. (Sacramento County)
2. Observe the proposed Wildlands, Inc., Fremont Landing Restoration Project site. (Yolo County)
3. View the Fremont Weir and discuss conceptual fish improvement concepts. (Yolo County)

First Tour Stop – East Natomas Levee

The first stop of the tour was to view the ongoing construction in the Natomas area along the east levee of the Sacramento River and the Natomas Cross Canal. SAFCA's Executive Director, Stein Buer, passed out handouts that included detailed maps of the properties, roadways, and floodways within the Natomas Levee Improvement Program. Bob Morrison of SAFCA explained the SAFCA Right of Way scope and goals. John Basset and Peter Buck representing SAFCA also spoke about the projects.

Second Tour Stop – Fremont Landing

The second stop of our Board tour was a briefing and tour of the proposed Wildlands, Inc. Fremont Landing Restoration Project. A handout on the overview and background of the Fremont Landing Conservation Bank project was distributed among the tour participants.

Third Tour Stop – Fremont Weir

The third and final stop of the tour was a site visit to the Fremont Weir and discussion of the conceptual fish improvement concepts. Paul Marshal and Marion Kirkland shared conceptual fish improvements concepts with the tour participants. Mike Hendrick of NOAA Fisheries indicated how the proposed plans would be beneficial to the fish population.

MINUTES
MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD
June 25, 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 June 25, 2010, beginning at 8:40 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. Curt Taras, Supervising Engineer
Mr. Eric Butler, Senior Engineer
Mr. Ali Porbaha, Senior Engineer
Ms. Lorraine Pendlebury, Staff Analyst
Mr. Gary Lemon, Staff Engineer
Ms. Amber Woertink, Office Technician
Ms. Deborah M. Smith, Legal Counsel

Department of Water Resources (DWR) staff present:

Mr. Gary Bardini, Chief, Division of Flood Management
Mr. Jeremy Arrich, Chief, Central Valley Flood Planning Office
Mr. Chris Brown, Senior Engineer
Ms. Nancy Finch, Senior Staff Counsel
Mr. Jeremy Goldberg, Staff Counsel
Mr. Noel Lerner, Chief, Flood Projects Office
Mr. Michael Sabbaghian, Chief, Project Development Branch

Mr. Jeff Van Gilder, Project Manager, Levee Stability Program
Mr. Michael Wright, Staff Engineer
Mr. Kent Zenobia, Chief, Project Delivery Branch

Also Present:

Mr. Michael Bessette, West Sacramento Area Flood Control Agency
Ms. Cheryl Bly-Chester
Colonel Chapman, United States Army Corps of Engineers
Mr. Mark Connelly, San Joaquin County Flood Control Association and Water
Conservation District
Mr. Joe Countryman, MBK Engineers
Mr. Mark Heintz, Wildlands, Inc.
Mr. Fred Jurick, California Department of Fish and Game
Mr. Dave Peterson, Peterson Brustad
Mr. Scott Shapiro, Downey Brand
Mr. Don Trieu, MBK Engineers
Mr. Jeff Twitchell, Levee District 1
Ms. Laura Whitney, United States Army Corps of Engineers

1. ROLL CALL

Executive Officer Punia reported that all of the Board members were present excepting Board Member Teri Rie.

President Carter announced that the Board had held a meeting the previous day with a short closed session as agendized. The Board went back into closed session to continue discussion regarding the litigation involving Levee District (LD) 1 of Sutter County versus the Central Valley Flood Protection Board (CVFPB), California Department of Fish and Game, et al. President Carter adjourned the public meeting at 8:42 a.m.

The Board heard advice from counsel, considered its options, and took action to agree to settle according to the agreement that was on the table.

President Carter reconvened the public meeting at 9:40 a.m. Executive Officer Punia reported that all of the Board members were present.

(6.) REPORT OF THE ACTIVITIES OF THE EXECUTIVE OFFICER

President Carter announced a slight change in the order of the agenda. As part of the Executive Officer's report, Mr. Punia stated that the North San Joaquin River Feasibility Study Cost Share Agreement amendment had been approved by all three levels of government: the U.S. Army Corps of Engineers, the State, and the local partners.

A signing ceremony commenced. Mr. Punia invited Colonel Chapman of the Corps, Mr. Jim Giottonini of the San Joaquin Area Flood Control Agency, Mr. Gary Bardini of the

Department of Water Resources (DWR), and program managers to come forward. They joined President Carter at the podium. Ms. Michelle Williams of the Corps and Mr. Chris Williams of DWR also came forward.

Executive Officer Punia invited the signers to say a few words. President Carter remarked that the State was now able to participate as a formal partner in this agreement between San Joaquin locals and the federal government. He expressed appreciation to the locals for stepping up and covering the State in the interim.

Colonel Chapman spoke of the collaborative effort it had taken to get the project to that point. The project was not done yet, but this was a significant milestone. It was an honor for him to sign on behalf of the federal government.

Mr. Giottonini stated that the San Joaquin Area Flood Control Agency was looking for this to be the solution to the 200-year flood protection that the community needed. He expressed his thanks to the partners.

The three proceeded to sign the documents, followed by applause.

2. APPROVAL OF MINUTES – April 23, 2010 Board Meeting

Secretary Doherty noted that Board Member Rie's name needed to be added to the roster of Board members present.

Upon motion by Secretary Doherty, seconded by Board Member Brown, the Board unanimously approved the April 23, 2010 Board Meeting Minutes as amended.

3. APPROVAL OF AGENDA

President Carter proposed the notation that a portion of Item 6 had followed the Roll Call.

Executive Officer Punia gave the following staff recommendations.

- That Items 7E and 7J be postponed.
- That Item 7M be moved from consent to hearing.
- That Item 9 be changed from action item to information item.
- That Item 11 be postponed.

Mr. Curt Taras, Chief of the Encroachment and Enforcement Branch, requested that Item 7B be moved to a future continuance as an action item.

Board Member Rie requested that Item 7L be moved from consent to hearing.

Board Member Juarez requested that Item 7I be moved from consent to hearing.

Upon motion by Board Member Brown, seconded by Secretary Doherty, the Board unanimously approved the recommendations (given above).

4. PUBLIC COMMENT

- Mr. Scott Shapiro, appearing on behalf of Reclamation District (RD) 108, updated the Board on the problems that RD 108 was having on its South Steiner Irrigation Pump Station. (At the previous meeting Mr. Lewis Bair had spoken on the same subject.)

Mr. Shapiro gave the background: an erosion fix by the Corps seemed to be resulting in increased sedimentation at the pumping plant. The Corps had indicated that it was the responsibility of RD 108 to move its pumping plant rather than for the Corps to remediate the problem.

RD 108 had determined that a few courses of action were possible:

1. Revise the erosion fix by changing the downstream characteristics at the bottom end. The cost would be several hundred thousand dollars.
2. Move the pumping plant. This would also cost several hundred thousand dollars.
3. Do nothing. Pressure on the pump may cause it to go out. Damage to crops from the resulting loss of irrigation would be several hundred thousand dollars, and there's no alternative water supply.

Mr. Shapiro stated that Mr. Fritz Durst, President of RD 108, would call Colonel Chapman to ask for a meeting to seek some cooperative arrangement. Secretary Doherty, Vice-President Hodgkins, and Board Member Rie expressed interest in attending. Ms. Deborah Smith, Staff Legal Counsel, stated that she would look into legal and procedural issues.

- Ms. Cheryl Bly-Chester gave an update on her pilot study. She brought new surveys for the Board to return. She noted that if they had returned a survey and didn't return a comment sheet, she'd appreciate the comment sheets back to help her in improving the surveys.

5. REPORT OF ACTIVITIES OF THE DEPARTMENT OF WATER RESOURCES

Mr. Gary Bardini, DWR Division of Flood Management Chief, reported the following.

- May rainfall was about 200% of average. Consequently, most reservoir storage levels was now average.
- Because of late storms and cool temperatures, the snowpack was generally about 200% of average. Some Sierra rivers had very high flows because of the situation.

- Inspections were about 80% complete.
- On flood emergency response, the Golden Guardian, to be held in May 2011, would be a Central Valley Flood full exercise. DWR was working with the California Emergency Management Agency (CalEMA) and many local agencies. It would give an idea of readiness in responding to flood events.
- On operations and maintenance, the Sycamore Creek sediment removal project would be out to bid probably in the next two weeks.
- On flood facilities, bids were expected to go out in the next month or two for Willow Slough and Sutter Bypass.
- On levee maintenance, DWR was progressing on all facets within its maintenance areas. DWR had been doing a lot of improvements on the levees.
- On levee repair inspections, DWR still had a big backlog of sites that need to be approved on erosion or erosion repair. Vegetation policies had slowed both.
- On floodplain management, DWR had released a handbook on California flood legislation into land-use planning for local agencies.
- On floodplain delineation work under the Central Valley Floodplain Evaluation and Delineation Program, DWR had been successful in getting through Light Detection and Ranging (LiDAR) and was making that information broadly available.
- On flood projects:
 - A highlight was the tour with Sacramento Regional Flood Control Agency (SAFCA).
 - The Folsom Dam project was progressing with help from the Corps.
 - For the Marysville Ring Levee, DWR was trying to get \$26 million as part of the American Recovery and Reinvestment Act (ARRA).
 - DWR was targeting the Partner Project Agreement for July.
- On grant programs, there were a number of efforts related to Early Implementation Program (EIP), their flood corridor programs. DWR was putting out new guidelines for local levee assistance and the Yuba-Feather flood projects.
- On delta levees, if DWR used Prop 1E funds, there was a requirement to get consent also by the Delta Stewardship Council.
- On levee evaluations, DWR was doing the flood control system status report. DWR's goal was to highlight the levee evaluations and the results from that major effort.

- On flood management planning, the interim progress report was submitted to the Legislature on May 25.
- On legislation and budget, in order to improve communication DWR started a newsletter in May.
- On funding and advocacy, DWR submitted funding requests to Senators Feinstein and Boxer.
- On legislation, DWR's budget requests passed the Legislature, both Assembly and Senate. Also, DWR got an emergency fund out of its existing budget, allowing the flexibility to be more preemptive on a statewide basis, particularly the Central Valley, over flood emergencies.

Mr. Jeremy Arrich, Central Valley Flood Planning Office Chief, added some comments.

At the valley-wide forum in West Sacramento on June 3, a broad array of stakeholders attended. They recognized the importance of the plan and want to become more engaged in Phase 2. This phase was kicked off earlier the past week. Two regional management action workgroup meetings were held in Upper San Joaquin River region and Lower Sacramento, with three more scheduled.

Mr. Arrich appreciated the participation of the Board and encouraged them to continue participating in upcoming workshops.

6. (con't.) REPORT OF ACTIVITIES OF THE EXECUTIVE OFFICER

Executive Officer Punia reported on the following items.

- Mr. Gary Lemon was assigned as Acting Chief for the Floodway Protection Section.
- Retired annuitant Mr. Sam Brandon was hired to help clear the backlog.
- The contract task order for Sutter Bypass 2D hydraulic model was being processed.
- Staff was working with DWR to sign a contract for additional engineering and technical support to clear the backlog.
- There was some disagreement among member agencies about the assessments they are supposed to pay into the Gomes Lake Joint Power Authority (JPA). They were negotiating, and staff was hopeful that they would reach a consensus.
- Staff was gathering data to make a recommendation for the situation at Road 29.

- CalTrans was bringing a lot of bridge applications. Staff was guiding the engineers to keep their bridge design in such a fashion that staff could approve the applications under Section 208 and not Section 408.
- Colonel Chapman was set to relinquish his command to Colonel William Leadly on July 27.
- The Lower San Joaquin Levee District had not been able to sign the agreement with the U.S. Bureau of Reclamation. The sticking point was that the Lower San Joaquin Levee District wanted the Bureau to indemnify them from any future lawsuits related to the additional flows.

Mr. Len Marino, Staff Chief Engineer, updated the Board on the pending permits situation and the remaining backlog.

7. CONSENT CALENDAR

A. Permit No. 18540, Tim O'Brien

Consider approval of Permit No. 18540 to remove an existing dock. After bank protection rock is placed as authorized under the Sacramento River Bank Protection Project install a floating boat dock, pilings, gangway, and landing on the left (east) bank levee of the Sacramento River near the Pocket Neighborhood. (Sacramento County)

C. Permit No. 18566, FJE & V Farms

Consider approval of Permit No. 18566 to install a 30 HP irrigation pump within the channel and a 16-inch-diameter irrigation pipe through the left (west) bank levee of the Kings River North Fork southeast of Riverdale. (Kings County)

D. Permit No. 18581, Butte County Association of Governments

Consider approval of Permit No. 18581 to widen two State Route 99 bridges over Big Chico Creek in the City of Chico and install rock slope protection on both banks. (Butte County)

F. Permit No. 18592, Sacramento County Regional Parks

Consider approval of Permit No. 18592 to demolish an existing restroom and install a new pre-cast restroom with the same footprint along the left bank of the designated floodway of the American River downstream of Sunrise Avenue in Rancho Cordova. (Sacramento County)

G. Permit No. 18597, San Joaquin Area Flood Control Agency

Consider approval of Permit No. 18597 to install a 350 linear foot drain, four to five feet deep along the landside toe of the right (north) bank levee of the Lower Calaveras River along the Bianchi Road Undercrossing of El Dorado Street in Stockton. (San Joaquin County)

H. Permit No. 18604, Anderson – Cottonwood Irrigation District

Consider approval of Permit No. 18604 to remove an existing siphon pipe and install (trench) a 48-inch-diameter RCP water pipe under and across the Cottonwood Creek approximately five miles upstream from the confluence with the Sacramento River. (Shasta County)

K. Upper Yuba River South Levee Project

Consider approval of Resolution No. 10-26 to:

- 1. Approve a letter to the U.S. Army Corps of Engineers requesting credit pursuant to Section 2003 of WRDA 2007 for levee improvements to be performed by the local sponsor on the Upper Yuba River South levee.**
- 2. Approve a Memorandum of Understanding (MOU) between the Central Valley Flood Protection Board and the U.S. Army Corps of Engineers regarding Section 2003 credit.**
- 3. Approve a Memorandum of Understanding (MOU) between the Central Valley Flood Protection Board and the local sponsor regarding Section 2003 credit.**

Upon motion by Board Member Brown, seconded by Secretary Doherty, the Board voted to approve Consent Calendar Items 7A, 7C, 7D, 7F, 7G, 7H, and 7K, as recommended by staff in the reports. The motion carried unanimously.

8. HEARINGS AND DECISIONS

Consent Calendar Item 7I. Levee District 1 (LD-1), Star Bend, EIP Project - OMRR&R Agreement Execution Between the Central Valley Flood Protection Board and LD-1

Consider approval of Resolution No. 10-20 to: Approve and execute the OMRR&R Agreement for the LD-1 Star Bend EIP Project between the Central Valley Flood Protection Board and LD-1. (A Non-JPA OMRR&R Agreement)

Mr. Kent Zenobia, Project Delivery Branch Chief, DWR, led a presentation. He gave background and explained the project's status.

A lengthy discussion began regarding 20 acres of riparian habitat, consisting of four acres of elderberries and 16 acres of habitat rehabilitation. Mr. Dan Fua, Staff Supervising Engineer, noted that LD 1 had transplanted the elderberries in the new floodway without their permission.

Mr. Jeff Twitchell spoke on behalf on LD 1. He stated that when the Board issued the permit for the Star Bend project, it did include restoration work and planting.

President Carter requested for someone to produce the permit to clarify the difference in perspective. The hearing would continue when the permit could be examined.

Consent Calendar Item L. Permit No. 18531, Feather River Wildlife Area, Abbott Lake Unit, California Department of Fish and Game, Sutter County

Consider rescinding the Board's February 26, 2010 approval of Permit No. 18531 to plant approximately 20,000 plants in the Abbott lake Unit of the Feather River Wildlife Area along the Feather River floodway, and revoking Permit No. 18531, based upon the applicant's voluntary relinquishment of the permit.

Mr. Marino gave a history of the project, describing the course of events leading to the Department of Fish and Game's decision to ask the Board to approve its rescission of the permit.

Upon motion by Board Member Brown, seconded by Secretary Doherty, the Board voted to accept the Department of Fish and Game's voluntary relinquishment of Permit number 18531, rescind its approval, and revoke Permit number 18531. The motion carried with four ayes, one abstention, and one no.

Consent Calendar Item M. Sutter Basin Feasibility Study Cost Sharing Agreement Amendment

Consider approval of changes in wording to previously approved Amendment No. 1 of the Sutter Basin Feasibility Cost Sharing Agreement due to the U.S. Army Corps of Engineers' new feasibility cost sharing agreement template requirements.

Mr. Noel Lerner, DWR Flood Projects Office Chief, explained why they pulled the item from the Consent Calendar. DWR had received last minute changes from the Corps on the model language, and the Board's attorney had questions about some of the changes.

Mr. Michael Wright, DWR Staff Engineer, gave a presentation. He explained why the project was back, then described the actions of the Corps, the Board, and the Sutter Butte Flood Control Agency.

Mr. Wright and Ms. Laura Whitney of the Corps then took questions from the Board.

Upon motion by Vice President Hodgkins, seconded by Secretary Doherty, the Board voted to approve Resolution 10-23 as submitted. The motion carried unanimously.

A. PERMIT NO. 18334, WILDLANDS, INC.

Consider approval of Permit No. 18334 to degrade approximately 1,700 linear feet of the east-west levee at the northern end of Liberty Island, degrade approximately 2,390 linear feet of two smaller interior levees, create tidal channels, place material immediately downstream, and plant perennial marsh vegetation in a 186-acre fish mitigation bank project in the Yolo Bypass. (Yolo County)

Mr. Lemon, Staff Engineer, Floodway Protection Section, gave a presentation, summarizing that the project was a balance cut and fill with no structures involved.

Mr. Mark Heintz of Wildlands, Inc. gave highlights from his presentation at last month's meeting. Mr. Don Trieu, MBK Engineers, gave a summary of the hydraulics and the modeling that they undertook.

Mr. Lemon and Mr. Trieu then answered Board Member questions.

*Upon **motion** by Board Member Brown, seconded by Secretary Doherty, the Board voted to adopt the CEQA findings as articulated in the staff report; to adopt Resolution 10-24, which is Attachment A in the staff report, deleting from page 3 Item 10, everything after staff report in the paragraph; and granting the Permit #18334, which is Attachment B, but deleting the final condition of that staff report, which is Condition 35, which references the Corps letter. The motion carried unanimously.*

9. REQUESTED ACTIONS

A. Title 23 Tier 1B Revisions to Revise Board Regulations to Conform with AB 1165.

Legislation Including Delegated Authority to the Executive Officer, Enforcement Actions, Ex Parte Communications; and to Make Minor Clean Up and General Policy Changes.

Mr. Curt Taras, Staff Supervising Engineer, introduced the item. He and Mr. Eric Butler, Staff Senior Engineer, specified the proposed changes in the language of the regulations.

Board Member Suarez recommended for the Board to take some time to look over the material, providing feedback to staff. In two months a draft would be ready to be offered to the public, which would then trigger additional review time.

B. San Joaquin Flood Protection Project, San Joaquin County.

Consider sending Corps Section 408 permit request to the Sacramento District, U.S. Army Corps of Engineers for proposed critical erosion repair at San Joaquin River (SJR), River Mile (RM) 71.5, Right Bank (R), Reclamation District 2064, San Joaquin County. The proposed repair would consist of approximately 2,000 feet in length rock slope protection (RSP), including transitions.

Consider sending Corps Section 408 permit request to the Sacramento District, U.S.

Army Corps of Engineers for proposed critical seepage repair at San Joaquin River (SJR), River Mile (RM) 42.3, Right Bank (R), Reclamation District 404, San Joaquin County. The proposed repair would consist of an approximate 1,200 feet in length slurry wall.

Mr. Jeff Van Gilder, Project Manager for the DWR Levee Stability Program, stated that the purpose of the program was to pick up any significant repairs that were left over from critical erosion sites that were originally listed or annotated as part of the Governor's declaration from S-18-06. He then gave the basic outlines of the repairs and the funding mechanism.

Upon motion by Vice President Hodgkins, seconded by Board Member Brown, the Board voted to authorize the Executive Officer to sign the Corps 408 permit modification request to the Sacramento District U.S. Army Corps of Engineers for the proposed critical seepage repairs at San Joaquin River Mile 42.3, right bank in Reclamation District 404, and another like letter for the proposed critical erosion repairs at San Joaquin River Mile 71.5, right bank in Reclamation District 2064. The motion carried unanimously.

11. POLICY DISCUSSION – postponed

12. INFORMATIONAL BRIEFING

West Sacramento Area Flood Control Agency, Overview and Status Update of the West Sacramento Levee Improvement Program.

- Mr. Michael Bessette, West Sacramento Area Flood Control Agency, provided the briefing. He stated that the program objectives were to reduce the risk of flooding through a combination of structural and nonstructural measures. He discussed the goals shared with the State and the Corps.

7I. (con't.) LD 1 Star Bend OMRR&R Agreement

The Board had wanted to know the substance of the permit and approval, with regard to the environmental restoration taking place inside the new setback levee. Mr. Fua informed the Board that the project description was not specific about the restoration area.

Board Member Suarez remarked that the elderberries were unpermitted because there was not direction one way or another from the Board. President Carter felt that the issue was to identify what the Board approved with the permit, and whether or not the request before the Board went beyond the approval granted with the permit. He directed legal counsel to discern this.

Upon motion by Secretary Doherty, seconded by Board Member Brown, the Board voted to postpone the request. The motion carried with four ayes and one abstention.

13. BOARD REPORTS

Board Member Suarez attended the San Joaquin Delta Conservancy organization meeting. She serves in an advisory capacity with Executive Officer Punia.

Vice President Hodgkins attended a meeting of the multiple agency task force for informing everyone about restoration and mitigation that's taking place, so that the agencies are coordinated.

Board Member Rie worked on the policy discussion for Resolution No. 10-27 with Mr. Punia. They seek to establish guidelines for when the Board must have letters from the Corps.

She also reported on ex parte communications she had, and wrote a memo to Mr. Punia to have those communications entered into the official records of the respective permits.

Board Member Brown attended the valley-wide forum on Bear Creek water.

President Carter and Vice President Hodgkins attended a meeting on the San Joaquin River Restoration. He also worked with Vice President Hodgkins and Mr. Punia on a response to the Reclamation District 108 request made during public comment last month.

15. FUTURE AGENDA

Board Member Rie asked that if the 408 request for West Sacramento was left on consent, that the hydraulic analysis submitted by the applicant be included in the Board package.

Board Member Juarez raised a general question about why 408 letters sometimes go on consent and sometimes go to a hearing.

Board Member Rie suggested having Enforcement Actions on a separate day so that people don't have to wait to give the presentations for their hearings. President Carter said that they would work on splitting the agenda up between Thursday and Friday for next month's meeting.

16. CLOSED SESSION

The Board moved into closed session at 4:38 p.m. and reconvened into open session at 6:37 p.m. President Carter reported that the Board had heard advice from counsel and had taken it under consideration.

17. ADJOURN

President Carter adjourned the meeting at 6:38 p.m.

Dated: August 26, 2010

The foregoing Minutes were approved:

Secretary

 
Benjamin F. Carter
President