

MINUTES
MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD
August 24, 2012

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 meeting of the Central Valley Flood Protection Board was held on August 24 beginning at 9:00 a.m. in the Auditorium of the Resources Building, 1416 Ninth Street, Sacramento, California.

The following members of the Board were present:

Mr. William (Bill) Edgar, President
Ms. Emma Suarez, Vice-President
Ms. Jane Dolan, Secretary
Mr. Joe Countryman
Mr. Clyde Macdonald
Mr. Tim Ramirez
Mr. Mike Villines

The following members of the Board staff were present:

Mr. Jay Punia, Executive Officer
Mr. Len Marino, Chief Engineer
Mr. Eric Butler, Supervising Engineer
Ms. Mitra Emami, Senior Engineer
Mr. Michael Wright, Senior Engineer
Mr. Ashley Cousin, Staff Engineer
Mr. James Herota, Staff Environmental Scientist
Ms. Amber Woertink, Staff Assistant
Ms. Deborah Smith, Legal Counsel
Ms. Nicole Rinke, Legal Counsel

Department of Water Resources staff present:

Mr. Jeremy Goldberg, Staff Counsel
Mr. Paul Marshall, Assistant Chief, Division of Flood Management
Mr. Matthew Pi, Staff Engineer

Also present:

Mr. George Qualley, Retired Annuitant

Mr. John Currey, Dixon Regional Watershed Joint Powers Authority
Mr. Herman Fitzgerald, Wineman Family
Mr. Mike Hardesty, Reclamation District 2068
Colonel Bill Leady, United States Army Corps of Engineers
Mr. Ryan Larson, United States Army Corps of Engineers
Mr. Scott Shapiro, California Central Valley Flood Control Association
Mr. Ron Smith
Mr. Robert Wagner, Wagner & Bonsignore
Mr. Edward Wineman
Ms. Mary Young, West Yost Associates

1. ROLL CALL

President Edgar welcomed everyone to the meeting.

Executive Officer Punia reported that all Board Members were present except for Mr. Villines, who arrived shortly.

President Edgar mentioned that Ms. Tina Leahy had indicated that there had been a change in the position of Chair of the Water, Parks and Wildlife Committee in the State Assembly, from Mr. Jared Huffman to Mr. Ben Hueso.

2. APPROVAL OF MINUTES – June 1, June 8, June 15, June 22, and June 29, 2012 Meetings

Upon motion by Secretary Dolan, seconded by Board Member Countryman, the Board unanimously approved the June 1, June 8, June 15, June 22, and June 29, 2012 Minutes.

3. APPROVAL OF AGENDA

Executive Officer Punia stated that staff recommended removal of Condition No. 32 from Consent Item 7B. The condition pertained to the cross fences rather than the paddle fences, so staff realized that there was no need for it.

Staff recommended that Item 7M be pulled so that they could provide a status update and have further discussion.

Staff also recommended that Item 7N be postponed.

Upon motion by Vice-President Suarez, seconded by Board Member Countryman, the Board unanimously approved the agenda with the changes noted above.

4. PUBLIC COMMENTS

Colonel William Leady, Army Corps of Engineers, briefed the Board regarding the eligibility of PL 84-99 for several levee systems for the flood control project. He made the following points.

- The current challenge that they we're all facing and working through is just another of the countless challenges that the state of California, the Corps, local governments,

flood control agencies, and reclamation districts have worked through for more than a century. He expressed confidence that everyone would get through it.

- On August 22, the Corps notified the Board that they were making 17 systems in the Central Valley ineligible for the PL 84-99 restoration and inspection program.

This action was about the standards of the levees. Corps inspections are comprehensive, well done, and technically done – a month-long event conducted by four or five skilled professionals.

Encroachments and erosion are the most significant challenges for those 17 systems. Vegetation alone would not have made them unacceptable in the rating.

- The inspection program is a partnership with the state and local agencies. The Corps does not inspect every levee every year; it takes about five to six years to get through the entire process of inspecting all levees.
- The inspections had taken place from 2009 through 2012. A framework had been in place that gave a kind of waiver in enforcing PL 84-99 standards, in order to give the state and local agencies time to develop a long-term plan to come into compliance and to fix the levees.

With the adoption of the Central Valley Flood Protection Plan (CVFPP), the framework ended and also the waiver ended.

- The levee problems are spelled out in great detail in the Corps reports provided to the local maintaining agencies and to the Board.
- Seven systems that were inspected during this period are in compliance with standards and are still in the program.
- Corps standards are based on the hydrology and soil science. The standards are set to ensure that levees will withstand the high water events that they are designed for.

President Edgar presented some facts as he understood them:

1. PL 84-99 is a federal program that pays to rebuild a levee after it breaks in a flood.
2. The Corps still intends to assist in any flood fight during a storm and will continue to work on current and future construction projects such as Folsom, American River, and Natomas.
3. There will be no remapping by FEMA until probably 2014.

Colonel Leady concurred with each point; ongoing projects will continue.

President Edgar expressed surprise and disappointment at the timing of the letter. It did not enhance the flood risk reduction effort. The letter acknowledged the significant accomplishment of DWR and the Board in adopting the CVFPP, because it is a comprehensive plan for reducing flood risk in the Central Valley and sets forth some

guiding principles for effective flood management. The Board recognizes that implementation of the plan is key.

President Edgar continued that during the public meetings and workshops beginning last January, there was no oral testimony by the Corps at any point during the six months of hearings and workshops held before the plan's adoption in June. The Board had certainly taken Corps written comments into consideration. During the adoption process the Board had generally gained regional and local support. The Corps recognizes that the Board cannot move the plan forward without this support.

The Board is working on the kinds of things that the Corps is concerned about, namely erosion and encroachments. Encroachment litigation is in progress in Stockton and other places. The Board had started a program in 2007 before the Corps inspection to try to remediate some of those issues.

Another kind of innovative approach the Board has taken is to encourage the Sutter Butte Flood Control Agency (SBFCA) to take the issue of encroachments on a proactive basis. They are doing that as part of their EIP program.

President Edgar expressed concern that the Corps had indicated that DWR needs to apply for a System-Wide Improvement Framework (SWIF). The State has said that because of the expense, it is not really feasible at this point. In addition, the Resource Agencies would not permit the project. A SWIF would end up being a distraction from DWR's and the Board's goal: to implement the plan.

President Edgar stated that the Board has no problems with Corps standards on erosion, encroachments, or penetrations. The disagreement concerns the vegetation standard. The Corps has indicated that the issues are not vegetation issues, so the question concerns the timing of the letter. What did the Corps write it now?

He noted that the plan has a chance to be implemented because the local and regional agencies are getting geared up to help. That's where the impetus, resources, and energy need to go.

Vice-President Suarez invited the Corps perhaps to help the Board develop another type of framework structure, to carry them through a transition period as they work on plan implementation. The Corps was creative and flexible enough before.

Colonel Leady stated that the CVFPP is a great plan. He was desirous for it to be implemented over time. It is a comprehensive plan based on good science and good policy. It is not the intention of the Corps to disagree with that plan, but to figure out how to support it.

He continued that regarding the timing of the Corps' announcement, the simple fact was that the framework expired with the adoption of the plan.

The Corps' original hope was that the plan would replace the framework with a kind of statewide SWIF. That became untenable because of its complexity. It is the Corps' desire that these levees that are eligible are covered under PL 84-99 for two reasons:

1. Federal funds are available if high water events damage those levees; repair can be very expensive.
2. Most important, when the levees are meeting some minimal standards, the protection they offer is more assured.

There are two ways to get back into the system:

1. Make the necessary repairs, which is an ongoing process and some systems may be returned to the program as repairs are underway now.
2. Implement a SWIF at a more local level than a statewide program – possible for some systems but maybe not for others.

A SWIF is essentially a detailed plan to improve the system. It lays out over time how to come into compliance with what the Corps calls its worst-first approach. That is a kind of technical decision made by the locals, informed by Corps standards and partnership.

The SWIF is a two-step process of submitting a Letter of Intent, then developing the detailed SWIF for which two years are allowed.

In response to a question from Board Member Countryman, Ryan Larson of the Corps Flood Protection and Navigation Section stated that the systems that are subject to the SWIF would be active upon approval of the Letter of Intent from Corps headquarters.

Board Member Countryman asked if it had been encroachments that caused the systems to be removed. Colonel Leady confirmed this: the primary deficiencies in all cases were encroachments, erosion, or a combination of both.

Encroachments involve two kinds of challenges: some are unauthorized, and some are permitted but not maintained in accordance with the permit.

Board Member Countryman expressed concern about public safety for levees with encroachments after an emergency. Colonel Leady stated that in times of emergency, the Corps will provide flood-fighting support. It is the funding after the event that will be withheld.

He explained that the PL 84-99 program is written to provide federal funds for repair if levees are maintained to a standard. It's a kind of forcing function to maintain to standards. It is Colonel Leady's hope that the letter will encourage those local agencies to reach some of the standards. Many of the deficiencies are relatively low-cost to fix, while other local agencies just need to have programs that are annual.

Board Member Countryman noted that the state does its own inspections and does not ignore these safety issues. Colonel Leady agreed that at every levee district he has dealt with, the Board and DWR are professionals equally as concerned about public safety as the Corps. However, that doesn't mean the three are getting it all done.

Board Member Countryman pointed out that the state has to bear the massive burden of operating and maintaining the system that the Corps turned over to them. It is difficult to understand why the state should be punished somehow because its maintenance isn't as good.

He continued that the vegetation issue plays in: the state would be unable to get a permit from the federal Fish and Wildlife Service or National Oceanic and Atmospheric Administration (NOAA) Fisheries to remove all the trees. Thus it is not possible to sit down with the Corps and agree on a timetable for removing all the trees. However, if the state could give the Corps a segmented plan to remove encroachments, make structural fixes to the levees, and still keep the vegetation – which is a lower priority anyway – everyone is going to be a lot safer.

Although Colonel Leady could not say much about vegetation because of the litigation underway, he agreed that this was feasible. Board Member Countryman had just essentially described the SWIF process: agencies sit down with the Corps and make a plan to move forward.

Regarding vegetation, Colonel Leady did say that the Corps is trying to be a science-based organization. Science forms its decisions. There is disagreement on whether vegetation adds or detracts stability in a levee. Vegetation does make flood fighting and inspections much more difficult. The root systems of a dead tree can affect the integrity of a levee.

However, he felt that it would be possible to work out a SWIF with some type of vegetation in it.

In response to a question from Board Member Ramirez, Colonel Leady explained that the Corps felt that the CVFPP is a solid plan. What it cannot do is address the categories of channel capacity, seepage, erosion, encroachments, and vegetation at the level of detail needed to replace the framework. A SWIF is a detailed document that can do that.

Board Member Ramirez commented that although the Board expected the letter, they expected it to be focused on vegetation. However, it sounds like there are problems in many areas. He was not clear on the path forward to take: where to start, who to talk with, what to focus on.

Colonel Leady replied that the vegetation issue is in a pause mode as they wait for other people to find an answer through litigation. The Corps policy is unchanged – they think vegetation is not ideal on levees.

The Corps understands that this has to be worked through the Resource Agencies. Also, the laws of the land and the Endangered Species Act cannot be violated. This makes the problem hard to solve.

Colonel Leady's suggestion for the path forward is for the local agencies who are responsible for these systems to decide individually whether they want to submit a Letter of Intent to develop a SWIF over the next two years. He also suggested that since some of the non-vegetation issues are surprising to the Board, he could invite the Board on a field trip to point out some real deficiencies that are challenges.

Board Member Ramirez asked if more letters are forthcoming. These are only 17 levees, and as the Corps collects more data, more letters could arrive. Colonel Leady answered

that as inspections continue, some levees will be found unacceptable, some marginally acceptable, and some acceptable.

Colonel Leady returned to a point raised by Board Member Countryman regarding when the levees were turned over to the state in the '50s. He concurred that some levees were not built well. However, to go back a further step, the levees were built locally starting in the 19th century by farmers and navigation interests. The Corps had not built an inferior product and then turned it over to the state.

Board Member Countryman commented that many of the levees actually were indeed constructed by the Corps. Levee construction had been an extremely successful and economically effective project that allowed the Central Valley to develop. Now, we are applying today's engineering standards to construction from 70 and 80 years ago – that creates a problem.

Colonel Leady added that when the Corps does its inspections, they are in accordance with the operations manual that was provided when the levees were turned over. That is the standard the Corps enforces.

Board Member Macdonald raised the issue of time and money. There is a consensus that the system needs to be improved that comes from the Corps and the State Legislature. But at the end of the day, there is only a limited amount of time and money. The State Legislature has taken one approach when they passed legislation two years ago that stated that all major urban areas must have 200-year protection, and smaller areas must have 100-year protection. We will try to help everyone in the system by increasing system capacity.

He pointed out that the Corps is now proposing to withdraw money if levee agencies do not deal with issues of erosion, encroachments, vegetation, etc. However, there is only so much state money, federal money, local money, and human resources available. Board Member Macdonald hoped that the state and the Corps could get together to figure out the priorities. Through this passed legislation, the state has taken on a very significant and very costly program. It needs to be working in conjunction with the Corps.

Colonel Leady responded that the CVFPP is really about a system of projects – not just about levees. The Corps is looking at maintenance of levees we already have: mowing, rodent control, erosion control, and so on – almost like guarding for unauthorized encroachments. This ongoing maintenance prevents threats to the structure of each levee.

It is Colonel Leady's wish that the local agencies want to remain in PL 84-99, not primarily because of the funding after a high water event, but because it means these levees are meeting a standard that we can feel safe to be behind knowing that the risk is significantly reduced. Prioritizing the funding is going to be a local decision, but O&M – in the Corps' opinion based on inspections – needs to improve. Further, in many cases the cost is not a high one.

Board Member Suarez encouraged the Board to sit down with the Corps team to create a transitional vehicle. It would allow the regional planning process that will implement the CVFPP to occur, and it would allow the Corps to complete its own study on the system.

This should happen before FEMA takes action. The vegetation issue can be set aside for the time being; that is not really the issue here anyway – it is the other standards that all agree need to be implemented and enforced.

President Edgar summarized the message: DWR and the Board are very focused on the implementation of the CVFPP. They feel it is the vehicle for improving flood safety in the valley. The key is to gain local support; right now the regional planning efforts are in the process of organization. Local SWIFs would be a distraction from the main goal of implementing the plan.

He noted that it is difficult to obtain permits to get things done, whether it's a 408 process, a 104 process, or another process. The Board needs to be focused on its priorities instead of trying to satisfy other agencies – FEMA, the Corps, U.S. Fish and Wildlife, Fish and Game, or DWR.

Colonel Leady closed by saying he was very pleased to see that the Board and the state are committed to implementing the CVFPP, because it's a solid plan that will have great benefits. The Sacramento District of the Army Corps of Engineers hopes to be a strong partner in implementing the plan.

The letter addressed ongoing maintenance while the plan is being implemented. Inspection results show that, in some cases, levee systems are not meeting the standards the Corps thinks are necessary.

George Qualley, a retired annuitant and former Division Chief of the DWR Division of Flood Management, stated that the decision by the Corps to make 17 levee systems ineligible for federal rehabilitation support was disappointing, but not a surprise. Prior to and concurrent with the Corps' periodic inspections, DWR has evaluated the condition of levees to a level never before achieved by any public entity, spending hundreds of millions of dollars on geotechnical evaluations and hydraulic analyses.

From these large-scale evaluations and from decades of documentation, DWR produced the Flood Control System Status Report, an attachment to the CVFPP. It showed that without a doubt, there are many deficiencies and corrections that need to be made.

Mr. Qualley continued that annual General Fund appropriations are always a challenge for the state, as for local entities, due to Proposition 218 restrictions and other things. This affects annual maintenance directly. The state will continue to work with local agencies and the Corps to address the highest risk to public safety first.

DWR understands the procedural rationale in strict accordance with their regulations for the action that the Corps is taking, to begin placing levee systems on inactive status with regard to PL 84-99 rehabilitation. DWR questions whether such an action is in the best interests of public safety.

This is one more in a series of reductions in federal support. While state and local participation is steadily ramping up, this trend is of great concern to DWR and to others. DWR is puzzled as to why the Corps finds the CVFPP inadequate in defining an appropriate path as follow-up to the framework agreement.

While the Corps appears to characterize all deficiencies as O&M issues, which are a non-federal responsibility, the CVFPP asserts that remediating system deficiencies that preceded project turnover are a shared responsibility to be addressed in a prioritized manner among available local, state, and federal resources.

The strategy articulated in the CVFPP and conservation framework clearly describes a path to compatibility between Corps and state vegetation policy. Mr. Qualley felt that while a SWIF does buy time to pursue remediation of levee deficiencies, it requires that the applicant commit to eventually complying with all Corps policies, particularly the vegetation policy, which is a commitment that the state cannot make.

Compliance with the vegetation Engineering Technical Letter (ETL), as currently written, is not possible because of Endangered Species Act (ESA) issues, not to mention the cost. Further, the SWIF procedures are written specifically for individual levee systems, of which the Corps has identified 118 in the Central Valley, and thus is not applicable to the broad geographical area covered by the CVFPP.

Mr. Qualley emphasized that the large commitment of resources that the state has been investing since passage of the flood bonds in 2006, contrasted with the steadily declining contributions to flood risk reduction from the federal government during the same period, is a concern.

Scott Shapiro, General Counsel for the California Central Valley Flood Control Association, shared three thoughts:

1. Local agencies share the Board's, DWR's, and the Corps' view that we need to fix the worst first. Evidence of that would be nearly a billion dollars of almost completed improvements in the Plumas Lake basin, the Natomas basin, the West Sacramento basin, and the Sutter Butte basin. That is money raised by the locals, matched significantly by the state.
2. Despite big capital improvement projects, districts are committed to O&M. The trend is that every year more money is spent on O&M; it is getting better and better. However, inspection reports are getting more and more detailed and finding faults which must have been there for decades.
3. Local agencies fully support the Board in enforcing encroachments. Their challenge is that they do not have the legal authority to do it. They must come back to the Board, or the Board needs to look to the Legislature.

5. REPORT OF ACTIVITIES OF THE DEPARTMENT OF WATER RESOURCES

Paul Marshall, Assistant Division Chief for the DWR Division of Flood Management, reported on the following activities.

- Regional planning is proceeding. Mr. Marshall and Jeremy Arrich, Chief of the DWR Central Valley Flood Planning Office, have been out to talk with each of the nine flood management regions.

- Guidelines are in place for funding the regions.

President Edgar noted that the Board members have been invited by virtually all the regions to participate in their meetings.

He also noted that he, Board Member Macdonald, and Keith Swanson, Chief of the DWR Division of Flood Management, had held the first coordination meeting. It consisted of stakeholders who are to identify problems and keep everyone updated on systemwide planning.

Board Member Ramirez suggested that when there are public meetings scheduled, some kind of announcement on the CVFPB website would be useful; President Edgar responded that a Google calendar showing all meetings and activities of the Board would soon be set up on the website.

Mr. Marshall resumed the report.

- SB 1278 from Senator Wolk is progressing. DWR is committed to working with the Senator as well as other legislators to achieve some of the goals of that legislation.
- The vegetation symposium will take place next week with Board Member Countryman as one of panelists and former President Ben Carter as one of the moderators.
- The Floodplain Management Association (FMA) conference will take place on September 4-7 in Sacramento.

6. REPORT OF ACTIVITIES OF THE EXECUTIVE OFFICER

Executive Officer Punia reported on staff activities.

- He introduced Nicole Rinke as the new Legal Counsel and welcomed her to the team.
- Staff is engaged in the CVFPP kick-off meetings.
- Staff also attended the DWR regional funding guideline meetings and provided comments.

Vice-President Suarez commented that she had shared those comments with a number of stakeholders, who gave very positive feedback to see the Board so firm in its resolve to be involved in the regional planning process.

- Board staff held a meeting with DWR to discuss creating a committee to develop the rural levee repair and improvement criteria as requested in the resolution.
- **Sacramento Area Flood Control Agency (SAFCA), Natomas Cross Canal.** The SAFCA consultant did some sampling and provided staff with the data results. Staff is satisfied with that data and the project is coming to a close.

On Phase 2 of the Natomas Cross Canal, SAFCA submitted the draft project completion report. Board staff and DWR staff have provided comments.

- **SAFCA, Sacramento River east levee.** Various phases are coming to completion.

- **Sutter Butte Flood Control Agency.** Board staff attended a field visit of the proposed project and heard a briefing. The project is a model for how to address encroachments, which they will do for the 44 miles of the reach.
- **Three Rivers Levee Improvement Authority (TRLIA).** Phase 4 of the Upper Yuba Levee Improvement Project south levee is almost complete.
- **Levee District 1 of Sutter County, Lower Feather River setback levee at Star Bend.** Staff went to the site for the final walk-through in order to conduct the permit closeout.
- **West Sacramento Area Flood Control Agency, Rivers Mitigation Project.** The permit for planting mitigation is being processed with a scheduled completion date of October 31.
- **City of West Sacramento, Southport.** Staff attended design modification meetings. The Corps' request is to focus on O&M issues. Staff will continue to work with the local agency to address those concerns, which will take time.
- **Caltransbridge projects.** Staff approved several with more coming in the pipeline.
- Staff received a request from RD 1600 about erosion sites at their locations, and met with DWR to find a way to address them. DWR is launching a flood repair project according to their initial assessment that those erosion sites can fit under that program.

Board Member Countryman pointed out that in that reach there are wind walls, which are not part of the federal flood control project – they are navigational project features and probably are not the cause of the erosion. Staff is preparing a letter to the Corps to look into this.

- For the PL 84-99 2005-06 mitigation site pole plantings, DWR has acquired the partial land rights to implement them. However, based upon the Board's direction, staff is holding that certification, and continues to work with the Corps and the local agency to reach a consensus on the mitigation pole planting and the O&M requirements.

Len Marino, Chief Engineer, added that staff has met with the Corps a few times on this matter. Currently the Corps has gone back and taken the locals' proposal to modify the planting plan that the Corps asked staff to look at. They are reanalyzing it using LiDAR data.

Executive Officer Punia emphasized that this is a very sticky issue, because the Corps is under much pressure from the Resources Agency until consensus is reached with the locals on the maintenance requirements; the project is not moving forward. The Corps is also indicating that they have the funding in place. If a move isn't made quickly, that funding may be used for some other project.

Michael Wright, Senior Engineer, provided an update on enforcement activities for the month of August.

- The TRLIA fence relocation hearings are tentatively scheduled for November 15 in Marysville. The property owners will receive the proper notice.
- In September 2011, a Notice of Violation (NOV) was issued to Sierra Cascade Aggregates in Chester for a mining pit. Staff has recently been informed by DWR inspectors that the company has voluntarily complied and is backfilling the pit.
- In January 2012, an NOV was issued to the Sacramento Yacht Club for stockpiling dredge material within the channel. Staff recently visited the site and observed that the Yacht Club has started removing the dredge spoils from the floodway.
- Board staff sent a letter to AT&T in early July concerning a buried phone line in the Cherokee Canal Levee. AT&T has shown willingness to work with the Board to address the issue.
- An NOV was sent in July for newly constructed unpermitted stairs along the American River. Staff has received notice that the landowner intends to comply.
- An NOV was sent in July for unpermitted excavation and fill at the toe of the levee along the Feather River. Staff has received notice that the landowner intends to comply, remove the fill, and repair the levee.
- An NOV was issued in August for excavation within 10' of the landside levee toe of the Mormon Slough. Staff is waiting for a response.
- In June, staff sent an NOV to RD 2070 in Lake County pertaining to a pump station that pumps water through the levee. Last week, RD 2070 informed staff that they have deferred the issue to Lake County.
- A stipulated Cease and Desist Order for Enforcement Action 2012-145 was mailed to Mr. Ron Smith for signature, and is listed as Consent Calendar Item 7M.
- Regarding periodic inspections: there were no new outbriefs held in August, and the Corps has informed staff that there are 15 periodic inspections planned for 2013.

Board Member Countryman commented that the 17 levee segments that the Corps is removing from PL 84-99 had encroachments named as major issues. He asked if staff concurred with this finding. Mr. Wright's section agreed with the finding.

Mr. Marino added that many of the 17 systems were in the Stockton area. Staff has been working closely with John Maguire there. They have developed a plan to start addressing the very difficult encroachments; the Board will be seeing them in the months ahead.

Mr. Marino described the triage process that the Board, working with the local agencies, goes through to winnow down encroachment situations.

At the request of Board Member Ramirez, Mr. Marino stated that staff will track the progress they make in winnowing down the encroachments in the 17 systems, with the goal of bringing the systems back into the program. Staff will be reporting their progress to the Board in the upcoming months.

Executive Officer Punia emphasized that working with the locals to address these encroachments as soon as possible is the top priority. Where property rights issues come in, however, the encroachments can be sticky.

President Edgar noted that he had received a letter regarding technical amendments to the Urban Levee Design Criteria (ULDC) for Walk Sacramento. Executive Officer Punia responded that the reference is when Title 22 is updated, that the Board takes into consideration to have the provisions for bike trails and walkways. Staff will provide an update at the September Board meeting on staff response to the letters coming in requesting a walkway along the Sacramento River from downtown to Freeport.

Board Member Villines asked whether information on the PL 84-99 encroachment progress could be added to the staff report; Mr. Marino assented.

7. **CONSENT CALENDAR**

A. **Permit No. 18702, Pacific Gas & Electric Co. (PG&E)**

Consider approval of Permit No. 18702 to install an underground electric service drop line running from an existing power pole to a new agricultural pump on the east side of the Kings River Designated Floodway. (Kings County)

B. **Permit No. 18740, Three Rivers Levee Improvement Authority (TRLIA)** *(With removal of Condition No. 32 as per staff)*

Consider approval of Permit No. 18740 to remove a rock retaining wall, trees and fence; to flatten the landside slope; to relocate a power line at the toe of the levee; and to establish a 20-foot operations and maintenance corridor and construct a chain link security fence at the edge of the corridor. (Yuba County)

C. **Permit No. 18747, Javed T. and Amna J. Siddiqui**

Consider approval of Permit No. 18747 and Resolution 2012-41 to construct a private irrigation system including a river pump, pipe through the levee and appurtenant structures on the Sacramento River along the Garden Highway. (Sacramento County)

D. **Permit No. 18755, Central Valley Independent Network, LLC**

Consider approval of Permit No. 18755 to bore (directional drill) a 12-inch diameter high-density polyethylene (HDPE) casing pipe beneath the Sacramento River that will contain two 1.25-inch diameter HDPE fiber optic cable conduits. (Colusa and Sutter Counties)

E. **Permit No. 18756, Central Valley Independent Network, LLC**

Consider approval of Permit No. 18756 to attach a 4-inch diameter steel casing pipe to the south side of the State Highway 20 (Colusa Highway) Bridge over the Sutter Bypass that will contain fiber optic cable. (Sutter County)

- F. Permit No. 18757, Pacific Gas & Electric Company (PG&E)
Consider approval of Permit No. 18757 to install two wood poles securing a 12kV electrical distribution line crossing Willow Slough. (Yolo County)
- G. Permit No. 18759, Pacific Gas & Electric Company (PG&E)
Consider approval of Permit No. 18759 to authorize an existing 12kV power pole crossing the east levee on the Sacramento River. (Sutter County)
- H. Permit No. 18761, California Department of Transportation (Caltrans) District 6
Consider approval of Permit No. 18761 to remove the existing State Route 180 (East Kings Canyon Road) bridge (No. 42-0074) over the Kings River Overflow (aka Byrd Slough), and replace it with a wider, concrete slab bridge (No. 42-0437). (Fresno County)
- I. Permit No. 18769, Michael and Jill Steinbacher
Consider approval of Permit No. 18769 to install a boat dock, steel piling to anchor the dock, metal gangway, a bridge to the dock, and concrete landing; and trenching of the levee crown to install a steel utility chase. (Sacramento County)
- J. Permit No. 18770, California Department of Water Resources (DWR)
Consider approval of Permit No. 18770 to remove and replace an existing streamgauge station in the Stanislaus River near Ripon. (Stanislaus County)
- K. Permit No. 18771, California Department of Water Resources (DWR)
Consider approval of Permit No. 18771 to authorize an existing gaging station and install a water quality probe in the Eastside Bypass. (Merced County)
- L. Permit No. 18772, Chevron North America
Consider approval of Permit No. 18772 to construct a new pipe bridge containing six 10-inch pipelines spanning the Kern River to accommodate production handling and steam distribution pipelines.
- M. Stipulated Cease and Desist Order, Enforcement Action 2012-145, Mr. Ron Smith *(Pulled for status update as per staff)*
Consider approval of a Stipulated Cease and Desist Order between the Board and Mr. Ron Smith for the removal of code violations on Mr. Smith's property in the Yolo Bypass approximately 10.3 miles southeast of the City of Davis. (Yolo County)
- N. Terminus Dam, Kaweah River Project – Quitclaim of Davis Ranch Excess Lands *(Postponed)*

Consider approval of Resolution 2012-40 to approve the Quitclaim Deed to release and quitclaim to the Kaweah Delta Water Conservation District all right, title and interest in the excess 506 acres of Davis Ranch property determined unnecessary for mitigation lands for the project.

Upon motion by Secretary Dolan, seconded by Board Member Countryman, the Board unanimously approved the Consent Calendar items as amended.

8. UPDATE

(7M.) Stipulated Cease and Desist Order, Enforcement Action 2012-145, Mr. Ron Smith (Moved from Consent Calendar)

Consider approval of a Stipulated Cease and Desist Order between the Board and Mr. Ron Smith for the removal of code violations on Mr. Smith's property in the Yolo Bypass approximately 10.3 miles southeast of the City of Davis. (Yolo County)

Mr. Wright reported that on July 1, 2012, staff and Mr. Smith had come to agreement on all of the items in the agreement. Since then, the agreement has changed to allow the berm to remain in the bypass for up to two years, after which time Mr. Smith can use the berm to develop his mitigation bank.

Mr. Smith has complied or has permits for all the other items.

Staff suggested that the Board approve the agreement. Mr. Smith has signed the Cease and Desist Order. Deborah Smith, Staff Legal Counsel, stated that because there has been a change to the agreement, the Board would have to vote on it.

In answer to a question from Secretary Dolan, Ms. Smith stated that for public notice on this item, under the Bagley-Keene Act the notice on the agenda is sufficient that any of the issues raised in the stipulated Cease and Desist Order could be addressed.

Board Member Villines asked for clarification on the agreement since it had been last-minute. Mr. Wright responded that the two-year extension was the only difference.

Upon motion by Vice-President Suarez, seconded by Board Member Macdonald, the Board approved the stipulated Cease and Desist Order by a vote of six ayes and one nay.

Mr. Ron Smith aired several grievances regarding an inaccurate charge of road closure, being cut short in the last hearing, and denial of access to public information.

A. American River Common Features Project

Consider Approval of Resolution No. 2012-37 to:

- 1. Adopt the Mitigated Negative Declaration, Findings, and Mitigation Monitoring Plan for the R10 Levee Improvement Project and delegate authority to the Executive Officer to execute the Notice of Determination;**
- 2. Approve the R10 Levee Improvement Project.**

Consider Approval of Resolution No. 2012-38 to:

- 1. Adopt the Mitigated Negative Declaration, Findings, and Mitigation Monitoring Plan for the Jacob Lane C Levee Improvement Project and delegate authority to the Executive Officer to execute the Notice of Determination;**
- 2. Approve the Jacob Lane C Levee Improvement Project.**

Consider Approval of Resolution No. 2012-39 to:

- 1. Adopt the Mitigated Negative Declaration, Findings, and Mitigation Monitoring Plan for the Natomas East Main Drainage Canal (NEMDC) Levee Improvement Project and delegate authority to the Executive Officer to execute the Notice of Determination;**
- 2. Approve the NEMDC Levee Improvement Project.**

Matthew Pi, DWR Staff Engineer and Project Manager, reported on the three Resolutions for the three environmental documents, all of which are Environmental Assessment/Initial Studies (EAISs).

He stated that all three sites are R10, site NEMDC (which is the Natomas East Main Drainage Canal), and Jacob Lane C. Project partners are the Corps, CVFPB, and SAFCA.

The overall project benefits are 115,000 cfs plus 3' of freeboard; and the project accommodates the Folsom Dam Modifications Project.

Mr. Pi gave the locations and described the physical changes.

Board Member Countryman asked for clarification on the design flow. Mr. Pi explained that the cfs had been updated over the years to approximately 160 plus 3' of freeboard. The older WRDA environmental document had stated 115.

Jeremy Goldberg, DWR Staff Counsel, advised that the three resolutions could be enacted via one motion.

Upon motion by Secretary Dolan, seconded by Board Member Macdonald, the Board unanimously approved the three resolutions as recommended by staff.

9. CLOSED SESSION

To discuss litigation (Hardesty et. al. v. Sacramento Metropolitan Air Quality Management District et. al; United States District Court, Eastern District of California - Sacramento Division Case No. 2:10-cv-02414-GEB-JFM) pursuant to Govt. Code section 11126(e)(1).

Pursuant to the authority of Government Code section 11126, subdivisions (e)(1), (e)(2)(B)(i), and (e)(2)(C)(i), the Board will meet in Closed Session to consider potential litigation involving the Board.

The Board recessed into Closed Session at 11:51 a.m., reconvening at 1:09 p.m.

10. HEARINGS AND DECISIONS

A. Permit No. 18488, Dixon Regional Watershed – Joint Power Authority

Consider approval of Permit No. 18488 and Resolution No. 2012-42 to excavate approximately 189,000 cubic yards of material to widen and deepen the Dixon Main Drain and V-Drain (tributary to Haas Slough); place rock and riprap on the Reclamation District 2098 levee at south end of the canal; construct a weir across the canal; and modify the existing trash rack. (Solano County)

Ashley Cousin, Staff Engineer, reported on the item. He explained that the project involved a railroad car being utilized as a bridge. A weir was to be constructed across the channel, replacing existing culverts in the main drain with a conspan structure, and an existing trash screen was to be modified.

Mr. Cousin displayed maps and photos, and gave a timeline of the project.

He explained that the Dixon Regional Watershed Joint Powers Authority (JPA) had decided to enlarge the Dixon Main Drain and V-Drain to increase capacity by 375 cfs. This will protect the area from localized flooding and regional drainage.

Two hydraulic studies were completed. An XP-SWMM model (part of the final study) was created to verify the flows in the channel. It resulted in a lower water surface elevation at all locations in the channel – an improvement over the existing situation. A geotechnical analysis was also performed.

Staff had received a protest from landowner Edward Wineman and an adjacent landowner. Mr. Wineman and his engineer have presented several issues with the hydraulic model, and concerns that the bridge would wash out under high flows.

The protestant performed a structural evaluation on the bridge to determine whether or not it would remain stable during flood conditions. It was concluded that it would remain stable; however, the bank needed to be armored with riprap to protect from scour.

The protestant's engineer had highlighted several valid concerns. Since then, the hydraulics have been updated and the project includes armoring the channel to protect the bridge. In addition, the JPA has been working with Mr. Wineman to address several of his other concerns since 2007.

The Corps issued a 208.10 review letter approving the project subject to conditions which were typical of this type of project. Reclamation District 2068 endorsed the project. CEQA conclusions were listed in the staff report. The 8610.5 considerations include the admissions of records and the use of the best available science. There will be no adverse effects to the State Plan of Flood Control, and the project is consistent with the CVFPP.

The Permit contained a new Condition 38, added to address the relationship between the JPA and its member agencies with respect to O&M responsibilities in the event that the JPA dissolves.

Board Member Suarez asked why the applicants had requested a hearing on June 11. Mr. Cousin replied that they wanted to move forward, so staff directed them to work with the protestant.

In response to a question from Board Member Countryman, Mr. Cousin stated that the RD 2098 levee is a federal project levee directly adjacent.

Board Member Macdonald asked about the hydrology downstream. Mr. Marino explained that this is a channel widening and improvement project, which will improve the conveyance of the channel. It is not adding any new water to the Yolo Bypass that wouldn't already have been there.

Board Member Macdonald cautioned that this was a good example of a regional project that the locals want to build and dump water somewhere. DWR's responsibility with respect to the system plan is to account for cumulative effects.

Board Member Macdonald asked about mitigation for vegetation. James Herota, Staff Environmental Scientist, stated that as part of the Draft Environmental Impact Report and Final Environmental Impact Report, the applicant did hire a consulting firm to survey the area for special plant species. None were found in the area.

Mr. Herota continued that the applicant will mitigate for bank erosion only. Staff will hold them to the mitigation monitoring plan as part of the mitigation measures, as stated in the permit conditions.

John Currey, Secretary of the Dixon Regional Watershed Joint Powers Authority and District Manager of the Dixon Resource Conservation District, briefly described the history of the project and addressed Mr. Wineman's concerns.

The critical component that Mr. Currey highlighted, given the discussion on accommodating cumulative impacts, is that both the Pond C and the Pond A Lateral 1 projects have been designed to reduce or eliminate city storm water runoff. They allow for a lengthening of the curb of drainage. Instead of the water being released immediately upon rainfall, it is held in the city's detention ponds; as capacity is available in the downstream channels, the water is subsequently released from the urban stormwater ponds.

Mr. Currey stated that the Dixon Main Drain V-Drain enlargement is a critical component of the remaining improvements identified in the management plan. It provides immediate benefit to 2,000 acres of agricultural lands by reducing the depth and duration of flooding.

He described the communications with landowners over the past 10 years, including a modification made to the project route at the request of Mr. Wineman.

The Dixon Regional Watershed JPA has obtained an individual 404 permit from the Corps. They are required to mitigate for impacts to vegetation. Presently, the entire project, both the high flow bench and the stockpile area, will be vegetated with native species. The removal of 20 trees from the site will be mitigated upstream.

Scott Shapiro, General Counsel for Reclamation District 2068, stated that 2068 is a member agency of the JPA and is very supportive of the project. They feel that it is a critically important drainage project in the region.

Mr. Shapiro addressed Condition 21 in the permit. Despite the fact that the JPA could have asserted having no duties to deal with the bridge, they have made sure that the project is properly designed. They have included the expense of riprap upstream and downstream, and have added an extra \$40,000 for the protestant.

Mike Hardesty, General Manager of Reclamation District 2068, commented on Board Member Macdonald's concern about incremental amounts of water being added to the system from regional projects. RD 2068 has been concerned about this issue for many years, as they also suffer from the consequences of additional water always ending up in the Yolo Bypass. With this project, the 375 second feet largely puts back into the channel water that is already in the area. The water is there already; they are trying to get it off as much of the ag land as possible, starting at the bottom and working to the upper end of the channel.

The other issue is that their watershed is relatively short in length from this project up to the city of Dixon – possibly 12 or 13 miles – so the local drainage during major storm events typically reaches the region of this project much sooner than the Yolo Bypass fills. The project gets the water out in a timely fashion before the region is fully impacted by the effects of a major flood event. The project puts water in while there is substantial capacity in the bypass in the lower riverine system.

President Edgar asked about the FEMA zone. Mr. Hardesty replied that the area is considered a special flood hazard zone. The requirements of SB 5 do not apply since it is an agricultural flooding area on the waterside of the levee; flooding is anticipated by the flood control project.

Herman Fitzgerald, an attorney for the Wineman family, stated that a number of problems had been brought to Mr. Currey's attention over the past few years. Some were corrected, some were modified, and some were not addressed.

Mr. Wineman stated that the offered sum of \$40,000 was not adequate to pay for the necessary modifications and changes needed for the design.

Robert Wagner of Wagner & Bonsignore, Consulting Civil Engineers, stated that he had prepared written comments and shared them with the Board.

- He noted that the CVFPB staff had referenced an evaluation done by Brad Friederichs of VE Solutions. However, Mr. Friederichs had not actually calculated or analyzed anything. He didn't give a structural loading or tell the soil condition of the abutments.
- Mr. Wagner commented that the staff report also referenced a geotechnical evaluation, but he could not find that evaluation anywhere in the material.

- Mr. Wagner's firm had done its own analysis and computed velocities and/or water surface elevation, as well as a flow velocity. He came up with an increased velocity that would be a concern for the bridge abutments.
- Mr. Wagner described a problem with the Exhibit C riprap drawings – the contractor would want to remove the bridge in order to replace the riprap.
- He stated that Exhibit D seemed to have some anomalies in the drawings and in the hydrologic analysis with the channel configuration.

Board Member Countryman asked if Mr. Wagner had made a finding that the riprap protection for the bridge was inadequate, in terms of the velocities that the design was set for. He responded that he had not evaluated the adequacies of the riprap itself.

Edward Wineman, the property owner on both sides of the bridge, stated that his concern was the stability of the bridge under the increased flow of high tides plus runoff down the channel. The bridge is very important to his operations; he must have access in the winter because without the bridge the property on the east is severed. The only solution he could see was that the bridge should be raised to an engineered level.

Mr. Wineman gave a brief history of the construction of the ditch and the bridges.

He felt that the family deserved better compensation, considering the wealth that the water has created in land value, income, county taxes and so on.

Mr. Fitzgerald emphasized that Mr. Currey and the JPA had not addressed the landowner's concerns. A catastrophic event could occur to the land outside the banks of the ditch.

For the rebuttal, Mary Young, West Yost Associates, stated that the bypass water that rises in a flood event, threatening the bridge, is not part of the project. This is a localized project to keep the water that flows inside the channel.

President Edgar asked if the project exacerbated the overall problem with the bypass anyway. Ms. Young responded by showing an actual channel cross-section. She explained what they are doing in the V-Drain: putting a low-flow channel in it with a larger maintenance bench that would be flooded during high flow events, making maintenance in the area much easier.

Ms. Young continued that to address existing and future conditions, they looked at the capacity of the channel. The project widens the channel to provide additional capacity.

After a prolonged discussion about velocities, the results of their XP-SWMM modeling on the bridge calculated to about 4.4' per second, and in future conditions, 6.8' per second.

She continued that VE Solutions did discuss water being around the outside, not washing out the abutments, but eroding the abutments due to high water in the area during flooding from the Yolo Bypass. The fact that velocities would be low comes from visual evidence that people in the area have seen when the bypass floods. It becomes more lake-like than stream-like.

In answer to Board Member Countryman's question about the velocities used for the riprap design to protect the bridge, Ms. Young responded that it had been 6.8' per second – the future conditions. The design placed the riprap upstream and downstream of the bridge through the transition.

Board Member Countryman asked about her view and Mr. Wagner's view of the stability of the bridge with the project and without. Ms. Young replied that the riprap mitigates for the increased velocity and proposed erosion and that the project does not impact the bridge.

Mr. Wagner replied that the stability of the bridge would be worse; it concerns the condition of the riprap. He saw a higher velocity by 40% than what came out of the model. The problem was actually the ability to place the riprap as shown in the drawings, then tying it into the abutments and bridge supports.

Mr. Wagner stated that the amount of erosion couldn't be known. It has been significant, but the past location of the channel bottom, and the channel surface relative to the supports, was unknown.

He felt that the riprap could not be tied into the supports on the bridge. Even if it could, it is still unknown whether the bridge will be structurally sound in the new configuration of the channel. This is because of the difference of opinion regarding the velocities, and what the bridge abutments are going to look like where they are exposed.

Vice-President Suarez asked Mr. Fitzgerald what his client would like the Board to do, short of not granting the permit. He replied that because of the major bridge stability problems that the design would create, the Board should reject the application and order the JPA to begin meaningful negotiations with this client.

Mr. Marino stated that staff had done some research during the discussions, and was offering a special Condition 191: if erosion were to occur adjacent to the permitted encroachment, the JPA would repair and pay for it – a lifetime guarantee.

Mr. Marino reiterated the staff position. He felt that the riprap installation was feasible using proper engineering and construction techniques. The project is an improvement for the entire system and the entire area.

Mr. Cousin concurred with Mr. Marino. Erosion has been minimal in the area of the abutments according to the information submitted by Mr. Wineman in 1998. Regarding the stability of the abutments, based on Mr. Wineman's drawings the abutments go 20' into the earth; the removal in the riprap is 2' - 3'.

President Edgar asked for the opinions of Board Members Countryman, Ramirez, and Macdonald in light of their engineering backgrounds. They supported the staff analysis, with Board Member Macdonald suggesting that the engineers from the two sides could look at some equations to discuss the stability issue.

Mr. Shapiro and Mr. Marino clarified the newly added erosion control amendment.

Upon motion by Board Member Countryman, seconded by Board Member Macdonald, the Board unanimously voted to adopt the staff report, resolution, and permit as amended.

11. BOARD COMMENTS AND TASK LEADER REPORTS

- President Edgar reported that he and Secretary Dolan had been working with officials from Yolo County regarding the threatened litigation of the CVFPP. Meetings will continue.

He had met with John Laird, State Secretary for Natural Resources, and others in the resources area.

He and two other Board Members had spent time regarding the confirmation process with the Governor's Office and the Rules Committee.

He attended a thank-you lunch hosted by Vice-President Suarez for staff who had worked on the CVFPP process.

He attended an ongoing meeting with DWR that ensures coordination between the two agencies.

Several of the Board Members had spent time with DWR's outreach leaders to kick off the regional planning.

President Edgar and Board Member Macdonald had met with Mr. Swanson, Mr. Arrich, and Mr. Marshall plus a group of stakeholders to kick off the Coordinating Committee experiment. The goal is to see whether it makes sense to try to integrate systemwide planning with regional planning.

He mentioned that all of the regional planning areas have formally invited members of the Board to attend their meetings. Based on committee assignments, the Board will try to get members assigned to each of those planning groups to ensure a Board presence.

- Board Member Villines reported that he had attended the Delta Conservancy Board meeting. Discussion had revolved around trying to coordinate better with the Stewardship Council. Participants from the public had expressed confusion between the Board, the Conservancy, the Delta Stewardship Council, and so on. They are going to try to create some kind of flowchart that will show the differences.

Board Member Villines had also worked on constituent issues, one of which he had forwarded to staff.

He mentioned that PG&E pipeline issues in the north will be forwarded as well.

President Edgar noted that as the Board begins to talk about the regional planning areas with local partners and DWR, the Board should think long term as to how the regional planning areas and the water planning areas are going to fit together in order to reach an integrated water management plan that includes flood control.

- Board Member Countryman reported that he had met with people from the Corps who wanted to benefit from the experience he had in reservoir operations. During the discussion, the San Joaquin Restoration Project came up, and the Kings River people were expressing concerns that the restoration program will impact the flood operation of the project. They are having a meeting in September to which they invited Board Member Countryman.

President Edgar mentioned that the Upper San Joaquin Planning Group and the levee districts are going to comprise a separate group from the restoration group. He didn't feel that the separation was in the best interest. Board Member Countryman noted that the Corps-organized meeting was a step in the right direction, because it was going to include Kings River people, restoration people, Bureau people, etc.

Board Members Countryman and Macdonald had attended the Stockton regional meeting, which had gone very well. DWR presented themselves as facilitators rather than directors of the local component. Public reaction was very positive.

DWR requested Board Member Countryman to lead a DWR group to look at Oroville Dam, Feather River, and Cherokee Canal to relate his experiences there. They also visited the LD1 levee setback project at Star Bend.

- Vice-President Suarez reported that she was preparing to participate on a panel in early September at the Floodplain Management Association Conference regarding fiscal issues.

She and Mr. Butler were brainstorming regarding Tier 2 and what portion of the next revisions of the regulation they might be able to move through quickly. They should soon have some ideas for the Board to consider.

- Board Member Ramirez reported that he and President Edgar had talked to DWR regarding the San Joaquin River, checking in with Paula Landis and District Chief Kevin Falkenberry about their perspective.

Board Member Ramirez is tracking the work of the Stewardship Council and the Bay Delta Conservation Plan (BDCP) in terms of the Yolo Bypass. He noted that many people have plans for the Bypass, and the state people should be able to work cooperatively.

Board Member Ramirez had met with National Marine Fisheries Service regarding post-plan movement forward. He is going to set up similar meetings with the California Department of Fish and Game, and the U.S. Fish and Wildlife Service.

Like Vice-President Suarez, he is on a panel for the Floodplain Management Association Conference.

He had spoken with Mr. Shapiro about trying to get Earth Economics to provide a briefing for the Board and DWR on their work on national capital, as well as trying to capture environmental benefits of flood control projects.

He had been contacted by the Estuary Newsletter regarding an article being written about the Great Central Valley Indicator Report. They do an annual report on communities in the Central Valley using indicators such as air quality, urban issues, environmental issues, and water quality. The Yolo Bypass was included as a positive indicator. Board Member Ramirez had provided the newsletter with a quote about the CVFPP and the local involvement of the people in Yolo County.

- Board Member Macdonald reported on his involvement in the Board/DWR coordinating committee. The basic idea is to create a dialogue system, which had been missing during the last six months of the CVFPP development.

He had spoken to the DWR graphics people about a contrasting a photo of a levee with lush trees versus a levee with the trees photoshopped out. Such a photo could be used for an op-ed piece, and placed on the CVFPP website to be available for interested groups to use.

- Secretary Dolan reported that she has been working on the five sets of June meeting minutes.

She has been working with President Edgar in trying to improve communication and relationships with Yolo County.

She had gone on the Oroville/Cherokee Canal tour with DWR.

Because of the upcoming hearing, Secretary Dolan is staying apprised of the TRLIA project issues by surveying local news media.

Board Member Countryman mentioned an upcoming tour of the Yuba Goldfields project. The Yuba Goldfields – a huge expanse of gravel – are located at the upstream end of the project levees. The possibility exists that the project levees could become outflanked if water were to get through all of the cobble and gravel, so TRLIA is looking at it.

Ms. Smith informed the Board that three Board members could go on such a tour, as long as the trip does not relate specifically to one of the subcommittees. However, the Board can never have more than three members participate unless the meeting is publicly noticed.

Executive Officer Punia stated that MBK Engineers has done a study on the Yuba Goldfields issue. They are pursuing the study with TRLIA.

Secretary Dolan had attended the mid-Sacramento regional planning meeting in Colusa. The local maintaining agency representatives had kicked off the meeting and led the discussion. The Board had received kudos for its Resolution of Approval of the CVFPP.

12. FUTURE AGENDA

Executive Officer Punia reviewed the two September meetings, one of which was a tour and briefing by the Sutter Butte Flood Control Agency. Vice-President Suarez reminded the Board that when they are invited on these tours, if someone hosts, pays for the bus,

and buys lunch, it's considered a gift. Executive Officer Punia said that for this tour, Board Members and staff will be asked to chip in for the cost of the lunch. Ms. Smith stated that she would look up the issue of the transportation cost.

Secretary Dolan asked if the rollout out of the delegation of routine minor permits to staff would happen at the September 28 meeting. Executive Officer Punia replied that it would. Mr. Butler noted that there would be a few considerations as to when permits could be delegated to staff, for example, CEQA concerns that Mr. Herota might bring up.

Mr. Butler continued that staff was moving toward a process where they could determine on any day of the month if a permit is delegatable. It would be posted in real-time and the website would be updated.

13. ADJOURN – REGULAR BOARD MEETING

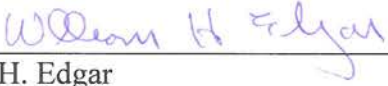
President Edgar adjourned the regular meeting at 3:55 p.m.

Dated: November 16, 2012

The foregoing Minutes were approved:



Jane Dolan
Secretary



William H. Edgar
President