

MINUTES
MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD
December 21, 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 regular meeting of the Central Valley Flood Protection Board was held on December 21, 2012, beginning at 9:05 a.m. in the Auditorium at The Resources Building, 1416 Ninth Street, Sacramento, California.

The following Members of the Board were present:

Mr. William H. (Bill) Edgar, 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
Mr. Martin Janolo, Staff Engineer
Ms. Amber Woertink, Staff Assistant
Ms. Deborah M. Smith, Legal Counsel

Department of Water Resources (DWR) staff present:

Mr. Eric Hoch, Chief, FloodSAFE Program Management Office
Ms. Christina Kuo, Senior Engineer
Mr. Boone Lek, Senior Engineer
Mr. Paul Marshall, Assistant Chief, Division of Flood Management
Mr. Michael Sabbaghian, Chief, Project Development Branch
Mr. Kent Zenobia, Chief, Project Delivery Branch

Also Present:

Ms. Janet Atkinson, Meridian Farms
Mr. Andy Duffey, Meridian Farms
Ms. Kim Floyd, Kim Floyd Communications
Mr. Charles Gardiner, Delta Vision Foundation
Mr. Jim Hafferty
Mr. Reggie Hill, Lower San Joaquin Levee District
Mr. Bob Kelley, Stevinson Water District
Colonel William Leady, United States Army Corps of Engineers
Mr. Brandon Muncy, United States Army Corps of Engineers
Mr. Chris White, Central California Irrigation District

1. ROLL CALL

Executive Officer Punia called the roll and a quorum was achieved (Board Member Villines joined the Board shortly after the meeting started).

2. APPROVAL OF MINUTES – October 26, 2012 Board Meeting

Upon motion by Board Member Macdonald, seconded by Board Member Countryman, the Board unanimously approved the October 26, 2012 Board Meeting Minutes.

3. APPROVAL OF AGENDA

Executive Officer Punia stated the staff recommendation that the Closed Session be moved and occur during lunch.

Upon motion by Board Member Countryman, seconded by Secretary Dolan, the Board unanimously approved the staff recommendation.

4. PUBLIC COMMENT - NONE

5. U.S. ARMY CORPS OF ENGINEERS (CORPS) BRIEFING

Colonel William Leady, United States Army Corps of Engineers (Corps) briefed the Board on the Corps' current work with the CVFPB and DWR. Some highlights:

- The Corps' original mission in California was navigation-based when the Sacramento River and the Delta and San Joaquin River were the interstates of California. As that situation changed, and technology and the world changed, the Corps' primary mission changed to flood risk management.

- Colonel Leahy provided an overview of some of the various Corps studies, ongoing construction, operations, and maintenance that affect CVFPB, including:
 - Sutter Basin Pilot Study
 - Lower Cache Creek
 - West Sacramento General Reevaluation Report (GRR)
 - Central Valley Integrated Flood Management Study (CVIFMS)
 - Lower San Joaquin River Feasibility Study
 - Yuba River Limited Reevaluation Report (LRR), now changed to an Integral Determination Report
 - Sacramento River Bank Project
 - American River Watershed Common Features GRR
 - Natomas PACR
 - Napa Project LRR
 - American River Slurry Wall Project
 - Morrison Creek Flood Wall, South Sacramento
 - Marysville Ring Levee Project
 - West Sacramento Setback Levee
 - Hamilton City Project
 - San Joaquin Delta Islands and Levee Feasibility Study
 - American River Watershed-Folsom Dam Joint Modification

- The Corps also maintains 10 major dams in California, all of which provide critical flood risk management for their region, as well as water supply and recreation.

- The Levee Inspection Program contains two types of inspections:
 1. an inspection every ten years of each levee (10 percent of levees each year);
 2. periodic inspections that are much more detailed and thorough, every five years.

- The new spillway on Folsom Dam is expected to be operational no later than October 2017.

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

FloodSAFE Program Management Office Chief Eric Koch conducted the report.

Mr. Boone Lek, Senior Engineer, Hydrology and Flood Operations Office, gave a hydrologic summary of the recent series of storms, discussed the reservoirs and forecasts, and detailed DWR response to the storm event.

Mr. Kent Zenobia, Project Delivery Branch Chief, provided an overview of progress made in the Early Implementation and Urban Flood Risk Reduction Programs.

Ms. Christine Kuo, Senior Engineer, Division of Flood Management, briefed the Board about the Flood Risk Notification Program.

The DWR staff members answered various Board Member questions.

7. REPORT OF ACTIVITIES OF THE EXECUTIVE OFFICER

Executive Officer Punia reported on the following items:

- DWR held a workshop on the Urban Level of Flood Protection Criteria on December 14th. Many stakeholders participated and concerns were raised by them about the proposed Urban Level of Flood Protection Criteria. Board staff has requested that DWR give a briefing to the Board on this subject and that briefing will occur during the January 11 meeting.
- The Corps organized a 3-day meeting to re-scope the Central Valley Integrated Flood Management Study (CVIFMS). They are trying to determine if the CVIFMS can fit into the new 3 X 3 policy.
- Marysville Ring Levee Phase 1 is completed and they are launching the next phase of the project.
- Board President Edgar, Vice President Suarez and Executive Officer Punia attended a meeting conducted by the Corps in San Francisco regarding the Corps' Civil Work Transformation and Planning Modernization.
- Board Members Countryman and Macdonald and Chief Engineer Marino met with the California Central Valley Flood Control Association and gave a presentation on the Board's perspective on how to bring the levees back into the PL 84-99 process, utilizing the Letter of Intent (LOI) and System-Wide Improvement Framework (SWIF) processes.
- The Board will aggressively beef up its enforcement policy and procedures to better tackle the difficult issues before them.
- An individual has cut into the levee section and built a wine cellar into the Putah Creek levee. Board staff and counsel are working to resolve the issue.
- Yolo County has requested that a portion of the levee, called Huff's Corner, be converted into a State Maintenance Area.

- Board staff are receiving many inquiries from South Sacramento Pocket Area residents, asking whether their swimming pools will be considered an unauthorized encroachment or not. An action plan is being developed to respond to these inquiries. One key area is to conduct some surveys in the field and DWR has some funding for that purpose.

Mr. Martin Janolo, Board Enforcement Section Staff Engineer, provided an update on enforcement activities and answered Board Member questions.

Briefing by Kim Floyd about the status of regional flood management planning activities

Ms. Kim Floyd, Kim Floyd Communications, Regional Flood Management Planning Committee Coordinator, gave her status report. Some highlights:

- The Steering Committee for the Regional Coordination Committee met on December 4th and will continue to meet on the first Tuesday of every month.
- Starting in January 2013 the Regional Coordination Committee will meet at City of West Sacramento on the 4th Wednesday of every month, beginning at 9:30 a.m.; and once per quarter in another region outside Sacramento. The meetings will be publicly noticed.
- Three of six regions have submitted their directed funding applications. It appears that the Feather River region will be the first to receive its Letter of Commitment for funding and work will start soon after the first of the year. Representatives of that region presented their scope of work at the December 19th Coordination Committee meeting, which led to some great discussion about approaches to public outreach, as well as planning strategies for small and rural committees.
- Some regions advocated for funding for geotechnical and data analysis. DWR has now indicated that it will consider funding data analysis that's necessary to develop reconnaissance-level engineering and cost estimates.
- Concerns were expressed that work on non-State Plan of Flood Control facilities will not be eligible for cost reimbursement under the regional planning process. DWR reports that, as long as the work is kept at a high level and the levees are connected to the project levees, regional planning funding may be applied, and the regions may be eligible for reimbursement for that work.
- A group of NGOs, led by John Cain, voiced its desire for more direction on conservation goals and objectives early in the planning process.

- DWR reports that draft goals and objectives are under review and are targeted for release in March 2013. The regions are acutely aware of the need to involve the NGOs, in the meantime, in a meaningful dialogue about multi-beneficial projects that accomplish flood protection, eco-restoration and habitat conservation.
- Board President Edgar accompanied Ms. Floyd in meeting with a representative of the California Farm Bureau Federation to exchange ideas and information related to public outreach and involvement specific to agricultural interests; and they were provided with a very comprehensive database that the Federation used for outreach during the CVFPB process.
- President Edgar commented that the process is going very well; Board Member Countryman echoed his comments.

8. CONSENT CALENDAR

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

B. Permit No. 18159-4-1, Sacramento Area Flood Control Agency (SAFCA)

*Upon **motion** by Board Member Macdonald, seconded by Board Member Villines, the Board unanimously approved Consent Calendar Items 8A and 8B.*

9. HEARINGS

A. Protest Hearing for Permit No. 18762, Meridian Farms Water Company

Executive Officer Punia stated that this Hearing is to consider approval of Permit number 18762 and Resolution 2012-49 to demolish and remove the existing Meridian Dan Drexler Diversion Pumping Facility that will include two retractable fish screens and a 72-inch diameter gravity feed intake pipe under the levee.

Mr. Ashley Cousins, Board Staff Engineer, gave the presentation and concluded with the staff recommendation that the Board adopt the Resolution and the CEQA findings, adopt the Finding of Fact, and approve the permit; and direct the Executive Officer to take the necessary actions to prepare and execute the permit and related documents and file a Notice of Determination with the State Clearinghouse.

Mr. Jim Hafferty, Meridian resident, who had filed a protest letter against the issuance of the permit, presented his concerns to the Board. He stated that he questioned the judgment of putting such a large opening at the very head of Meridian, a very small town. Townspeople will have to live under the fear that there could be an uncontrolled release, whether from levee failure due to deconstruction or reconstruction, or from a failed valve.

He noted that the plan is to combine one existing plant south of town with the new plant and increase the water flows to 135 cubic feet per second, which is a big opening. He commented that he hates the thought of having to live the rest of his life worrying about an uncontrolled release right at his backyard. The town wouldn't stand much of a chance if there was such an event. Moving the project further north would provide the opportunity for the water to spread and allow the citizens of Meridian the opportunity to evacuate.

He stated that he would like to know what kind of fail-safe protections there are for the valves that control the water. What is to prevent vandalism? There is nothing in the engineering report that demonstrates the protection of those valves.

Ms. Janet Atkinson, Meridian Farms Engineer, stated that the referenced security needs have been recognized and appropriate security features included in the project.

Board Member Countryman commented that the engineering and construction procedures outlined are standard and he did not perceive any additional risk to the public. In fact, construction of this project probably significantly reduces the risk, given the age of the existing facility.

Upon motion by Board Member Countryman, seconded by Board Member Ramirez, the Board unanimously approved the Resolution and Permit.

10. INFORMATIONAL BRIEFINGS

A. Land Subsidence in Western Madera County

Mr. Reggie Hill, Lower San Joaquin Levee District General Manager, and Mr. Chris White, California Central Irrigation District General Manager, both gave the presentation. They explained what subsidence was, how it was affecting particular areas in their districts, their initial proposals to mitigate the problem, and that a project should be initiated as quickly as possible to avoid future flooding (if nothing else changes) and to stop the current subsidence.

Board Members asked several clarifying questions.

President Edgar noted two "takeaways" from this briefing that need be done concurrently: first, a legal analysis is required to determine the Board's ability to spend money on this and to convince Department of Finance that the need is driven by the state's liability in this area; and second, development of specific short- and long-term proposals that can be acted on.

Mr. Bob Kelley, Stevinson Water District General Manager and a landowner in the affected area, provided additional information and encouraged the process to move forward and find solutions.

Executive Officer Punia elaborated a three-step approach for Board staff: one, they will talk with DWR project people that will work on the Budget Change Proposal or other means for generating the funding required to raise the levees; two, they will work with DWR and integrate this problem into the basin-wide study; and three, will work with Mr. Hill and Mr. White on their proposal.

B. The Delta Vision Foundation's Report Card

Mr. Charles Gardiner, Delta Vision Foundation Executive Director, gave the presentation. He provided background on the Foundation's Strategic Plan, and an explanation of the assessment of information and efficiency ratings of the various parties involved in the Delta. He also discussed the Foundation's two co-equal goals: to restore the Delta ecosystem and to improve water supply reliability.

He concluded by expressing reasons for optimism. He stated that the level of effort in the Delta is quite impressive across the board, across all agencies, across stakeholders, and in the amount of time and energy spent to protect it. He gave recommendations for future action and answered Board Member questions.

C. Title 23 of the California Code of Regulations Update

Mr. Eric Butler, Board Supervising Engineer, gave the presentation. He discussed the history of Title 23, how it has evolved, and where it is today. He also discussed the currently significant Board policy issues around Title 23 and enforcement regulations. He concluded by asking the Board for their guidance in determining how best to proceed with policy implementation.

President Edgar stated that it seemed to him that there are many policy items that need to be in place first before the Board moves ahead with full implementation; i.e., to move ahead now would be "putting the cart before the horse."

Mr. Scott Shapiro, California Central Valley Flood Control Association General Counsel, added additional history and perspective.

Board members deliberated on how best to implement policy and enforce existing/future regulations.

11. BOARD COMMENTS AND TASK LEADER REPORTS

Board Member Macdonald commented that he was asked to prepare a White Paper on the issues around the proposed legislation granting the Board more authority to abate illegal

encroachments. The White Paper has been completed and subsequently shared with President Edgar and Legal Counsel Deborah Smith. They have been discussing possible next steps. Board Members discussed the legislative process involved with getting new enforcement policies implemented.

President Edgar commented that, although the Board is obviously going to look at its budget and make sure they are using all their money as best they can, if the Board is to embark on a strong enforcement effort it will require a chunk of money. The idea would be to invest the money initially to save money eventually, as the state remains the liable party if the levees are not safe and an event occurs.

He remarked that the Coordination Committee is moving well and will go public next year. There will be an orientation meeting for the Board in January to elaborate on Coordination Committee matters.

DWR has agreed to provide the money and allow the Board to hire a consultant to help with Board training. Thus, a strategic planning process will be initiated in February.

He and Mr. Macdonald met with Nathan Dietrich of Congressman Matsui's office, and Stacey Smith from US Senator Boxer's office, on the new WRDA legislation.

He, Vice President Suarez and Executive Officer Punia spent some time with the California Farm Bureau Federation and got a sense of where they're coming from and their planning process.

Board Member Villines commented that he had listened to the recent Coordination Committee meeting via phone.

The Delta Conservancy meetings (of which he is a member) did not meet this month but will in January. He suggested that it might be a good idea for the Board to sit down with them and talk about mutual issues. President Edgar concurred.

Board Member Countryman commented that the Board had received a letter from the United States Bureau of Reclamation asking for Board participation in their restoration interim flows project committee. Executive Officer Punia noted that Chief Engineer Marino will be the Board representative on that committee.

Mr. Countryman continues to attend the meetings with the Corps about restoration project goals and how to mesh those with the flood control requirements in the San Joaquin system.

Regarding the Corps' proposed "choke point" along the Sacramento River in downtown Sacramento, he was asked by the Corps to be a consultant on their review board but declined, and instead did the work as a Board Member. He explained some of

the background and proposed project details, and why the review board eventually recommended that the Corps not move forward on it.

Secretary Dolan commented that she has been working on the Executive Committee, and to the extent allowed by the Bagley-Keene Act, the Coordination Committee and is finding it very interesting.

She continues to monitor and participate in the mid-Sacramento/upper-Sacramento Region. They are working on finalizing consultant selection and actually submitting their proposal.

She attended a meeting that the region members had with Congressman Garamendi about the Sutter Butte Flood Control Association project.

President Edgar has asked her to look at the July committee liaison assignment.

Board Member Ramirez commented that he and President Edgar met with Chuck Bonham, Fish and Game Director, and talked “big picture” and “long term.” He thought the meeting was very useful.

He has been trying to “get his arms around” the San Joaquin stuff, which has recently gotten more complicated.

12. FUTURE AGENDA

Executive Officer Punia read portions of the draft Agenda for the January 10, January 11 and January 25 Board Meetings and responded to Board Member questions. It was subsequently decided to add an additional item on the 10th or 11th—the Board’s response to the Delta Stewardship Council comments. Item 6, the Delta Stewardship Council Memorandum of Understanding discussion, will be removed from the Agenda.

13. CLOSED SESSION

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.

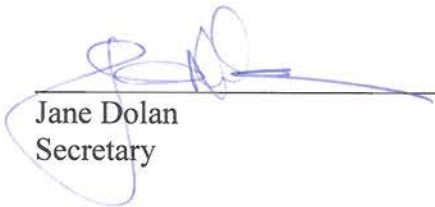
12. ADJOURN – REGULAR BOARD MEETING

The Board unanimously adjourned the Open Session at 4:20 p.m.

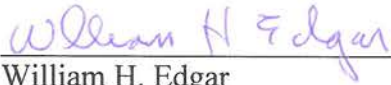
Dated: _____

February 22, 2013

The foregoing Minutes were approved:



Jane Dolan
Secretary



William H. Edgar
President