

MINUTES
MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD
January 26-27, 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 (Open Session) of the Central Valley Flood Protection Board was held on January 26-27 beginning at 9:00 a.m. at the Yuba County Government Center Board Chambers, 915 8th Street, Marysville, California.

January 26

The following members of the Board were present:

Mr. Benjamin Carter, President
Ms. Teri Rie, Vice-President
Mr. Butch Hodgkins, Secretary
Mr. John Brown
Ms. Jane Dolan
Ms. Emma Suarez
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
Mr. Curt Taras, Supervising Engineer
Ms. Mitra Emami, Senior Engineer
Ms. Angeles Caliso, Staff Engineer
Ms. Amber Woertink, Office Technician
Ms. Deborah Smith, Legal Counsel

Department of Water Resources (DWR) staff present:

Mr. Keith Swanson, Division of Flood Management

Also present:

Mr. Paul Brunner, Three Rivers Levee Improvement Authority
Mr. Scott Currier
Mr. Larry Dacus, Three Rivers Levee Improvement Authority

Mr. Steve Fordice, Reclamation District 784
Ms. Debra Hecker
Mr. Monty Hecker
Mr. Kevin Heeney, CTA Engineers & Surveying
Ms. Frances Hofman
Ms. Susan LaGrand
Mr. Derek Larsen, MBK Engineers
Mr. Scott McElhern, Downey Brand
Ms. Carol Miller
Mr. Phillip Miller
Ms. Meegan Nagy, United States Army Corps of Engineers

1. ROLL CALL

President Carter welcomed everyone to the meeting. He thanked the Yuba County Government for their hospitality.

President Carter introduced new Board Member Jane Dolan, who came with a long history of public service. She expressed her hopes as a new Board member to do a conscientious job, and to make forward-thinking decisions for safety and community vitality in the Central Valley.

President Carter requested Executive Officer Punia to call the roll. All Board Members were present.

2. APPROVAL OF MINUTES – October 28, 2011 and December 2, 2011

Upon motion by Board Member Brown, seconded by Board Member Villines, the Board approved the Minutes for October 28, 2011 and December 2, 2011 with one abstention.

3. APPROVAL OF AGENDA

There were no suggested changes to the agenda from staff.

Upon motion by Board Member Brown, seconded by Vice-President Rie, the Board unanimously approved the agenda as published.

4. PUBLIC COMMENT

There was no public comment.

5. REPORT OF ACTIVITIES OF THE DEPARTMENT OF WATER RESOURCES

Mr. Keith Swanson, newly appointed Chief of the Division of Flood Management at DWR, gave a report on Department activities as summarized below.

- Noel Lerner has moved from the Flood Projects Office into the Flood Maintenance Office.
- Michael Sabbaghian is the Interim Chief of the Flood Projects Office.

- Bill Hom has retired as Chief of the Floodplain Management Technical Support Section after 38 years with the Department.
- The Governor's proposed '12-'13 budget includes a proposal to cut the General Fund by \$5.4 billion. DWR was identified as a contributor to the cut, and had to come up with a proposal of how to reduce its budget 20% or \$6.6 million. This cut comes on the heels of the last two years' 32% reductions in DWR's General Fund program.
If the Governor's proposed tax increase were to pass, these cuts would not be enacted.
- There has been much new activity associated with mercury Total Maximum Daily Loads (TMDLs). In April 2010, the Central Valley Regional Water Quality Control Board adopted a new basin plan to address mercury impairments in the Delta. Last October, the basin plan amendments were approved by the U.S. Environmental Protection Agency (EPA).
 - The first phase is characterized as a study period where methyl mercury control measures will be developed and evaluated, and is scheduled for completion by about 2020.
 - The second phase will commence based on the first phase findings and the reevaluation of fish tissue objectives. Much of the implementation will occur during this phase.
 - The Central Valley Regional Water Quality Control Board quickly sent out letters to parties whom they deem responsible for dealing with the mercury TMDL problem. The water contractors immediately filed suit.
- The Environmental Services Organization and the Department have taken steps to hire four new employees.
- DWR has initiated a number of studies related to the Cache Creek Settling Basin.
- DWR is doing a study with the U.S. Geological Survey (USGS) on mercury source and mass loading within the watershed.
- The snowpack is now 30% of normal. Buffering this low number is the fact that the reservoirs are very full.
- The Levee Inspection Report shows some negative trends: acceptable ratings dropped from 49 Levee Maintaining Agencies (LMAs) to 45 LMAs, and minimally acceptable ratings went from 19 to 24.
- The Flood Operations Center completed a tabletop exercise with the Resource Agencies in December, with a goal of improving communication with them.
- DWR is also trying to improve its ability to qualify for Federal Emergency Management Agency (FEMA) Recovery Act reimbursement of flood events.
- DWR awarded a construction contract for rehabilitation of the Knights Landing Control Structure to Disney Construction. The bid was \$1.88 million, 30% below the initial cost estimate.

- Goose Club Farms was conducting sediment removal and land restoration in the Sutter Bypass at the confluence with the Feather River. They ran afoul of the State Mining and Geology Board (SMGB), because of allegations of noncompliance with the Surface Mining and Reclamation Act's (SMARA's) law requirements. Assembly Member Jim Nielsen asked the Department and the Board to get involved. A letter was recently issued that allowed a one-time exemption from the SMARA that will allow the property owner to reclaim the property.
- DWR's flood corridor program has recommended funding of 12 new projects, from Yreka down to Yucaipa.
- Excluding the 12 new projects, the non-structural flood risk reduction program has conserved 11,000 acres of farmland and 4,000 acres of habitat.

Board Member Brown cautioned staff and the Board regarding ownership of the mercury that's in the basin – legal analysis is necessary regarding distribution of the responsibility between the Board and the State of California.

Board Member Suarez asked about the LMA problem; was it a budget issue, vegetation policy, or a new regulatory mandates issue? Mr. Swanson responded that the problem was a combination of all three. Maintenance of the system over the years has been less robust that it should have been. DWR now intends to present the expectations and provide training. An incentive for those that do maintenance to the proper level might be a better cost share to deal with some of the bigger problems that are more systemic in nature.

Board Member Suarez expressed concern that a member of the Legislature had contacted the Board, but the Board had not heard about it. She asked for a more extensive briefing on the situation and any other situations such as this. Executive Officer Punia agreed.

6. REPORT OF ACTIVITIES OF THE EXECUTIVE OFFICER

Executive Officer Punia gave a quick synopsis of the staff activities, highlighted below.

- The staff welcomed new Board Member Dolan.
- John Tice, after a brief assignment at DWR, is back at CVFPB.
- The Natomas Levee Improvement Project is coming to a close. Staff is working with the Sacramento Area Flood Control Agency (SAFCA) to resolve pending issues on the east levee. Staff has also met with the SAFCA staff on the Cross Canal Phase 1 and 1B project.
- The Reclamation District (RD) 17 representative submitted to the Board 60% design plans for their proposed Early Implementation Program (EIP) project. A completed permit application is expected soon.
- The Three Rivers Levee Improvement Agency (TRLIA) has provided staff with the operation and maintenance (O&M) manuals for the Feather River Levee Repair Project Segments 1, 2, and 3. Staff is reviewing them and will coordinate with the U.S. Army Corps of Engineers (the Corps) to obtain their concurrence.

- Staff has met with the Sutter Butte Flood Control Agency and their consultants to discuss real estate and encroachment issues.
- West SAFCA is gearing up for their South Port Levee Project, expecting approval from their Board of the preferred alternative on February 9.
- As required by legislation, DWR submitted the Central Valley Flood Protection Plan (CVFPP) as required on December 29. Staff is working with their consultant and reviewing the technical documents, to provide an analysis by April. Staff has also engaged with DWR in reviewing the urban levee design criteria, and has provided comments.
- Regarding the Title 23 updates:
 - The Tier 1B package was submitted to the Office of Administrative Law for their final review and approval; they have requested minor editorial changes.
 - Work continues with Tier 2B on drafting the Initial Statement of Reasons and development of improved graphics. Staff is continuing discussion with DWR and other stakeholders.
- Central Valley Flood System Conservation Strategy funding guidelines were issued by DWR. Staff reviewed those guidelines and provided comments, stating that projects within the Board jurisdiction will require an encroachment permit, including the vegetation management plan.
- Staff is attending meetings of the Bay Delta Conservation Plan Fish Restoration Program. Staff will be commenting on the draft Environmental Impact Report (EIR) when released.
- For the Delta Plan EIR, staff plans to submit the written comments by February 2.
- Staff previously provided comments to the Corps on their policy document regarding the classification of action subject to Section 33, U.S.C. Section 408. Staff is awaiting feedback.
- Regarding the CalTrans bridge modification projects, staff is reviewing six bridges that impact the federal flood control projects. There are 32 priority bridge modifications in the Central Valley for which CalTrans is planning to submit applications.
- Staff will be meeting with the Central Valley Joint Venture on February 7 to explain the permit process.
- Staff met with the San Joaquin River Restoration Program staff and the Henry Miller Reclamation District regarding the replacement of Sack Dam and fish construction at the Arroyo Canal.

Mr. Len Marino gave a rough schedule: their engineering and permitting process will probably take most of 2012, and construction will probably commence after the end of the flood season in the summer of 2013.

Executive Officer Punia noted that the project will warrant discussion by the full Board for approval.

- Staff continues to work with the Division of Flood Management on the Small Erosion Repair Program (SERP), to resolve remaining issues on the hydraulics and geotechnical side. Staff and Secretary Hodgkins made a site visit to see some of the small erosion sites in the field.

Secretary Hodgkins noted that the SERP program is presenting some unusual challenges for staff; he encouraged the Board to find a way to examine that program and provide some help to staff with the California Environmental Quality Act (CEQA) issue.

Board Member Brown agreed with him that if staff could get by without the Board having to issue a permit, should a legal battle ensue later on it may put the Board in a better position.

For the next meeting, Vice-President Rie requested a brief explanation of the urban levee design criteria, and a brief summary of the type of comments staff made on the document.

- As part of the Bay Delta Conservation Plan, American Rivers is proposing a pilot project to notch the Fremont Weir, enabling the stakeholder to observe and study new habitat opportunities in the bypass.
- Regarding Goose Club Farms, Assembly Member Nielsen engaged the Board and DWR to work with the property owners so that they can continue to remove sediment from the Sutter Bypass. Staff sent a letter to the SMGB recommending continued removal of the sediment. With that, the property owners no longer need a SMARA permit from the SMGB.

Mr. Marino stated that the SMGB has now given them an exemption under the SMARA code.

Board Member Villines suggested reporting that action back to Assembly Member Nielsen specifically, as well as to the Governor's office, as a legislative victory and successful relationship building.

- Regarding the mercury issue on Cache Creek, staff had received a letter from the Central Valley Regional Water Quality Control Board and had subsequently met with them. Board staff will combine resources with DWR to provide a response to them.

Board Member Brown again suggested conferring with the Board's legal counsel – CVFPB's first response may be that it doesn't own that. President Carter agreed.

Mr. Marino supplied additional background on the situation and sources of the mercury.

Executive Officer Punia suggested holding an informational briefing on the subject; President Carter requested to include the Central Valley Regional Water Quality Control Board as well.

- Staff has launched the new CVFPB website; its ease of use is attributed to Lorraine Pendlebury.

President Carter announced that due to the efforts of staff and Board, a polished new brochure will be available at the centennial celebration. It is entitled *A Century of Progress – the Central Valley Flood Protection Board, Celebrating a Hundred Years of Flood Management*.

7. **CONSENT CALENDAR**

A. **Permit No. 18226, St. Thomas Construction**

Consider approval of Permit No. 18226 to construct a boat dock supported by steel piles attached to a gangway supported by one pile on the left (east) bank levee of the Sacramento River. (Sacramento County)

B. **Permit No. 18234, Richard Comstock**

Consider approval of Permit No. 18234, to construct a boat dock supported by four steel pilings, attached to a metal gangway supported by two steel pilings, attached to a concrete landing; and install four steel conduits sleeved within steel pipe through the right (west) bank of Georgiana Slough. (Sacramento County)

C. **Permit No. 18461, Randy Valenzano**

Consider approval of Permit No. 18461 to authorize abandonment of existing pipeline; and install (trench) 10-inch-diameter gauge steel irrigation pipeline and a 2-inch diameter Sch 40 PVC electrical conduit through the right (west) bank levee of the Sacramento River. (Yolo County)

D. **Permit No. 18577-1, Pacific Gas & Electric Company (PG&E)**

Consider approval of Permit No. 18577-1 to raise existing PG&E power pole lines on the waterside and landside of the levee road along the Yuba River by replacing existing power poles with taller poles. (Yuba County)

E. **Permit No. 18688, Stockton Yacht Club**

Consider approval of Permit No. 18688 to remove 26 covered wooden boat slips and replace them with 24 covered steel boat slips within the Calaveras River. (San Joaquin County)

F. **Permit No. 18689, Paul Thayer**

Consider approval of Permit No. 18689 to remove damaged existing private residential recreational dock & gangway on the Sacramento River and replace them with a new dock that will be U-shaped, held in place by 3 pilings, and accessed from the top of the bank with a new gangway. (Sacramento County)

G. **Permit No. 18692, Reclamation District 1601 (RD 1601)**

Consider approval of Permit No. 18692 to authorize Site 1 of the Sevenmile Slough Levee Setback Improvements by RD 1601, consisting of adding fill to

the existing levee crown and landside slope on West Twitchell Island Road.
(Sacramento County)

H. Permit No. 18693, Mark and Kathleen Copeland

Consider approval of Permit No. 18693 to install new 30-foot x 50-foot floating boat dock with a 3-foot x 60-foot gangway onto 3 existing pilings within the river and an existing 4-foot x 6-foot x 4-foot concrete footing (deadman) with two 4-inch pipes at the same height of the pilings, 3 feet above the 100-year-floodplain within the Sacramento River. (Sacramento County)

I. Permit No. 18694, William Schomberg

Consider approval of Permit No. 18694 to authorize an existing 24-foot x 42-foot floating boat dock connected to three existing 12-inch steel pilings, 3 feet above the 100-year-floodplain within the Sacramento River. (Sacramento County)

J. Permit No. 18695, Pacific Gas & Electric Company (PG&E)

Consider approval of Permit No. 18695 to authorize the permanent relocation of approximately 2,500 linear feet of existing power line on the waterside running parallel to the levee, 10 feet from the waterside toe during construction of TRLIA's Upper Yuba Levee Improvement Project. (Yuba County)

K. Permit No. 18696, Ronald Muller

Consider approval of Permit No. 18696 to authorize an existing 6-foot x 34-foot boat dock supported by two steel pilings, a gangway, and access stairs on the left (east) bank of the Sacramento River. (Sacramento County)

L. Permit No. 18698, John Thompson

Consider approval of Permit No. 18698 to install two photovoltaic solar array systems in Area B of the Butte Basin. (Butte County)

Board Member Villines recused himself from Items D and J.

Upon motion by Board Member Brown, seconded by Vice-President Rie, the Board voted unanimously to approve the items on the Consent Calendar.

8. HEARINGS AND DECISIONS

A. Proposed resolution for 48 Notices of Violation issued for the removal of unauthorized encroachments and fences on State property adjacent to the Feather River East levee in West Linda, CA (Yuba County) continued from December 2, 2011.

Consider approval of Resolution No. 12-03 to:

1. Authorize removal of private fences and miscellaneous obstructions on State land.

- 2. Grant licenses to adjacent private parcel owners for the use and maintenance of a portion of State land adjoining the Feather River East levee.**
- 3. Rescind the Notices of Violation subject to voluntary compliance with this resolution.**

Ms. Caliso gave a brief recap of the meeting on December 2: the Board had voted to find that encroachments existed on State land. They had directed staff to work with TRLIA and the landowners, to develop an alternative plan that would develop the 20' corridor, and to present a real estate solution for any remaining State land that was not necessary for the corridor.

The need for the project came about as TRLIA was completing \$400 million in levee improvement projects, intended to increase flood protection for the cities of Linda, Arboga, Olivehurst, and Plumas Lake.

Part of these levee improvements require that a 20' corridor be constructed. This is in accordance with DWR's Urban Levee Design Criteria, which would provide adequate room for maintenance, operations, and inspections in the event of flood fighting.

It is also in accordance with Senate Bill 5. TRLIA intends to pursue a 200-year level of flood protection, so the 20' corridor is necessary. The project would allow the clearing of private encroachments and prevent unauthorized access and off-roading onto the levee.

Applicable laws and regulations important to this action include Water Code Sections 8534, 8708, 8709, and 8710. Title 23, Code of Regulations applicable are Section A, Section 4(a)(4), Section 19, and Section 20(a).

Ms. Caliso summarized the interactions with the homeowners beginning in July up to the present. She gave a timeline on the property that is owned by the State and is adjacent to the 48 parcels.

Staff met with DWR, TRLIA, legal counsel, and real estate representatives, and determined that the best alternative would be to place the new fence at the edge of the 20' corridor at all 48 properties. The existing fences would be removed. The real estate solution to address any remaining land would be for the Board to grant revocable licenses to each of the 48 landowners with specific conditions:

- Future development on that State parcel was restricted.
- If a public purpose arose in the future, the license would be revoked.
- The licenses would be recorded against the title of each property.

Ms. Caliso showed a color-coded map of a typical property adjacent to State-owned land at completion of the project. She showed an overview of the complete State property with the same color coding.

She stated that both TRLIA and RD 784 support the presented alternative.

Board staff determined that with the Board acting as a CEQA lead agency, the project is categorically exempt in accordance with CEQA guidelines.

Board Member Suarez commented that it was important to show that there was a different opinion – DWR’s legal counsel – regarding the validity of the Board’s ability to do licensing in this case.

Ms. Smith added her recommendation that any license issued should require the landowners to relinquish any legal right they may have to the property. She also recommended that the license contain indemnification and hold harmless language.

In response to a question from Board Member Suarez, Ms. Smith stated that providing a license in these circumstances did not constitute a gift of public lands or public resources.

Vice-President Rie asked about the term “Subject to permitting.” Ms. Caliso replied that “Subject to permitting” only applied to the two parcels that contained permanent structures. The other 48 parcels would not require encroachment permits, only license agreements.

In response to a question from Vice-President Rie, Ms. Caliso stated that as the licenses are getting recorded, TRLIA can begin clearing and relocating the fence so that the project is not delayed any further.

Board Member Villines asked who would pay for the old fence removal and the new fence construction; Ms. Caliso responded that TRLIA would cover the cost.

Paul Brunner, Executive Director for TRLIA, stated that they support the plan as an equitable one. He stressed that the TRLIA Board is very committed to making it happen. If the CVFPB concurs at this meeting, TRLIA would begin the design and process the license agreements, with work beginning in the spring or summer.

Secretary Hodgkins asked about conditions placed on the applicants’ use of the property with respect to alteration, planting, etc. Scott McElhern of Downey Brand answered that vegetation and gardens would be permitted but permanent structures or excavations would not.

Secretary Hodgkins stated that the licenses should be clear on whether or not there are drainage issues.

Vice-President Rie established with Mr. Brunner that the purpose of the landside toe access corridor is to have a roadway upon which vehicles could pass during flood fighting and maintenance. She asked if construction of the access road will make the drainage problem onto the adjacent properties worse. Mr. Brunner didn’t think so. TRLIA meant to work cooperatively with the residents possibly to improve the drainage.

Monty Hecker, landowner, stated that all of the landowners in the area have held their property for over 50 years. No one had known until last June that they were encroaching. He described the pumping that must be done when the area floods and doubted that trucks would be able to drive on the levee adjacent to his property in winter. He felt that the drainage needed to be addressed at this point in the project, and expressed willingness to work with TRLIA.

Mr. Hecker voiced confusion over the project map, which showed the levee toe line for six of the properties veering out of the straight line onto the right side of the road.

Frances Hofman, area landowner, referred to the 1930 quad sheets that show that much of the levee construction went through open land. One of the problems with the area is that the levee had cut off the natural drainage. The higher the levee is built, the more it is compacted, and the more water flows to the landowner properties. She also felt that drainage should be addressed, not only for the landowners but also for the road intended for flood fighting.

At the last meeting Ms. Hofman had asked if anyone had surveyed where the railroad tracks were. The levee toe was not a measurement, but the center railroad track was, and that is what was used to establish the center line for the railroad.

Scott Currier, landowner, felt that the project should go forward and that constructing the road wouldn't make the drainage problem any worse. The road should be maintainable and not have an abrupt drop-off with a 2-to-1 or 3-to-1 slope.

Vice-President Rie asked how patrolling and flood fighting could be done with ponding water in the area. Mr. Brunner made the distinction that this was a levee project and not a drainage project, but part of the design was to work with the landowners regarding the issues. Possibly a culvert could be put through on Island Avenue. For some of the lower parcels, the only solution may be for the landowners to raise the back of their yards so they drain to the street.

Board Member Brown asked if grading a road at the toe of the slope and bringing in enough fill to cover the low areas would be feasible for preventing the ponding problem. Mr. Brunner replied that it would be.

Vice-President Rie asked about an oak tree on Mr. Hecker's property that may need to be removed for relocation of the fence. Larry Dacus, Three Rivers Design Manager, stated that no mitigation is required for oak tree removal in Yuba County.

Steve Fordice, General Manager of RD 784, stated that directly to the south of the Island Road ramp, RD 784 has a detention basin and pump station. It has the capability to deal with any water that's delivered from that particular area.

President Carter asked about the survey. Kevin Heeney, CTA Engineering and Surveying, said that to confirm the locations of the easterly and westerly railroads, the best evidence was the prior work done by other surveyors in the subdivision map for the lots, designating their depth to be 280' deep.

Mr. Heeney further stated that to try to make the correlation that the center of an old railroad that's no longer there should be the basis for defining this right of way is not always correct. That evidence is gone, so the surveyors went to the next best evidence they could find, that being the maps and the work of other surveyors.

Ms. Smith sought some clarifications in the resolution:

- 3(a) was not clear on who is going to do the private fence and miscellaneous obstructions removal.
- Miscellaneous obstructions should be defined.
- In 3(b), licenses should be to the satisfaction of the Board.

Vice-President Rie sought to delegate to the Executive Officer the authority to approve the grant licenses subject to the Board President's review and concurrence.

Debra Hecker, landowner, commented on two issues: first, if the levee road is built up to make it accessible, who is responsible for the change in drainage on the homeowner's side? And, why wasn't TRLIA now stating responsibility for the fence removal and cleanup? President Carter assured her that TRLIA and the State intended to cover the cost.

Upon motion by Board Member Brown, seconded by Board Member Suarez, the Board unanimously approved Resolution 12-03 with the deletion of the "whereas" referring to the DWR legal review on page 2, and the addition of a delegation to the Executive Officer to sign the licenses, subject to concurrence by the President, and authorize removal of the private fences and miscellaneous obstructions on State land in 3(a) subject to the Permit No. 18690.

(11.) CLOSED SESSION

The Board recessed into Closed Session at 12:04 p.m., reconvening at 1:08 p.m. President Carter informed the public that the Board had listened to staff counsel and directed staff accordingly on those issues.

8B. Proposed resolution for Michael King (Enforcement No. 2011-268) continued from December 2, 2011.

Enforcement hearing as requested by Board concerning a notice of violation ordering the removal of a private fence and portion of permanent structure located on State land adjacent to the Feather River East levee in West Linda, CA (Yuba County).

Consider approval of Resolution No. 12-06 to:

- 1. Authorize removal of a private fence on State land.**
- 2. Grant license to Michael King for the use and maintenance of a portion of State land adjoining the Feather River East levee.**
- 3. Authorize a structure on parcel 020-201-021, owned by Michael King, to remain on State land subject to permitting.**
- 4. Rescind the Notice of Violation subject to voluntary compliance with this resolution.**

Ms. Caliso again presented a brief overview on the proceedings of the December 2 meeting. All of those facts were the same as in Hearing Item 8A.

Ms. Caliso stated that the proposed alternative for the property of Michael King would be to place the new fence at the edge of the 20' corridor.

Board Member Suarez again ascertained with Ms. Smith that granting a license did not constitute a gift of public funds or public property, as long as the landowners relinquish any legal right they may have to challenge the property line.

Vice-President Rie asked about the phrase “subject to permitting.” Ms. Caliso explained that it refers to the structure. The encroachment permit application would be processed for the structure that is on State land, and would be in addition to the revocable license. The permit would come before the Board for approval at a future meeting.

Ms. Caliso told Vice-President Rie that staff would assist Mr. King with the preparation of the permit and any necessary attachments or analysis, including description of the property, survey data, legals and plats, etc.

Mr. Brunner stated that TRLIA supported this plan. The only difference in it was the Encroachment Permit for the structure. On this particular case, Three Rivers was willing to prepare the documents for the real estate license and surveying, and bear the cost. President Carter established with Mr. Brunner that TRLIA would work with Board staff and the applicant to complete the Encroachment Permit, again at no cost to Mr. King.

Ms. Hofman provided details on the original construction of the levee, using the quad sheets and the notes prepared long ago by another engineer. She pointed out that with the construction of the levee came additional drainage onto the landowner’s side; and now another road was about to be constructed alongside of it.

Ms. Hofman felt that if the quad sheets show a swale drainage towards the river, Three Rivers should be required to provide a drainage system to get the water that they are blocking to the river. The cost of draining this small amount of land would not be astronomical.

Since Mr. King was not present, Ms. Smith asked staff to affirm that he was given proper notice of the hearing. Ms. Caliso stated that on January 19, an overnight package was sent to Mr. King with a copy of the staff report and notification of the meeting.

Secretary Hodgkins reviewed his proposal for TRLIA to eliminate trapped water to the maximum extent feasible without having to do any work on private property. Dealing with the drainage was appropriately a part of TRLIA’s permit to construct the fence.

Board Member Suarez recognized that the property owners who attended the January meeting did not exactly support this option; some of them felt as if they didn’t have a lot of options. However, the option currently before the Board might be best for keeping everyone out of a courtroom.

*Upon **motion** by Secretary Hodgkins, seconded by Board Member Suarez, the Board unanimously approved Resolution 12-06 with the deletion of the “whereas” referring to the DWR legal review on page 2, to authorize the removal of the private fence, subject to Permit No. 18690; to grant a revocable license to Mr. King for the use of the State property; to authorize a structure owned by Mr. King to remain on State property, subject to permitting; to rescind the Notice of Violation; to direct staff to file a Notice of Exemption; and to authorize the Executive Officer to execute the licenses subject to the concurrence from the Board President; and to direct staff to assist in the preparation of the permit application.*

**C. Enforcement Hearing for Carol Miller (Enforcement No. 2011-272)
continued from December 2, 2011.**

Enforcement hearing as requested by respondent concerning a notice of violation ordering the removal of a private fence located on State land adjacent to the Feather River East levee in West Linda, CA (Yuba County).

Consider approval of Resolution No. 12-05 to:

- 1. Authorize removal of a private fence on State land.**
- 2. Grant license to Carol Miller for the use and maintenance of a portion of State land adjoining the Feather River East levee.**
- 3. Rescind the Notice of Violation subject to voluntary compliance with this resolution.**

Ms. Caliso confirmed that the facts for this hearing were identical to the facts presented in the last two hearings. The background of this hearing included the date of August 25, 2011, when the respondent requested a hearing in response to the Notice of Violation that was mailed on August 5.

Both TRLIA and RD 784 supported the alternative action.

Ms. Carol Miller, the landowner, presented a document from 1907 containing the survey coming to the east bank of the Feather River. It was an indenture between Decker-Jewett and Bank Company to the Northern Electric, which goes from the southeast corner of Lot 6 to the Bear River. It showed the exact boundary lines, and these were not the same as the lines the State and TRLIA had located.

The document stated that if a Notice of Intent is not filed on an abandoned easement in the county in which the easement is located, the easement is deemed terminated. The property reverts to the landowner.

Board Member Suarez established that Ms. Miller had not been briefed on Options 1 and 2. She had not attended the January 10 meeting.

Board Member Suarez asked about the staff report that specifically outlines the proposal; Ms. Caliso stated that it was mailed January 19 via overnight to Ms. Miller. The seven-day requirement between January 20, when Ms. Miller received the document, and the hearing date (January 26) had then not been met.

President Carter requested an explanation of how the 1907 indenture had been incorporated into TRLIA's survey, and how TRLIA had established the property lines. Mr. Heeney stated that he had used the measurements of prior surveyors and engineers, looking for the best evidence available, as the center line of the railroad is no longer there.

Ms. Smith pointed out Title 23, Section 21, Items (d) and (e), regarding hearings, that written notice of the hearing must be mailed to respondents at least 10 days prior to the date of the hearing.

Mr. Hecker made a request for a reconsideration of Item 8A.

Upon motion by Vice-President Rie, seconded by Board Member Villines, the Board unanimously voted to vacate Enforcement Hearing 8A – the 48 Notices of

Violation, and 8B – the Enforcement Order for Michael King; and to postpone and continue the Enforcement Hearings for Carol Miller and Susan LaGrand.

D. Enforcement Hearing for Susan LaGrand (Enforcement No. 2011-287) continued from December 2, 2011. – Postponed

Enforcement hearing as requested by respondent concerning a notice of violation ordering the removal of a private fence and portion of permanent structure located on State land adjacent to the Feather River East levee in West Linda, CA (Yuba County).

Consider approval of Resolution No. 12-04 to:

- 1. Authorize removal of a private fence on State land.**
- 2. Grant license to Susan LaGrand for the use and maintenance of a portion of State land adjoining the Feather River East levee.**
- 3. Authorize a structure on parcel 020-201-001, owned by Susan LaGrand, to remain on State land subject to permitting.**
- 4. Rescind the notice of violation subject to voluntary compliance with this resolution.**

E. Permit No. 18690 Three Rivers Levee Improvement Agency

Consider approval of Resolution No. 11-31 granting authorization of protested Permit No. 18690 to install chain link fencing, K-rails, and a maintenance road on State of California property, adjacent to the Feather River east levee and Yuba River south levee in West Linda, CA. (Yuba County)

President Carter suggested postponing this item as well, to the date at which the Board addresses the hearings named in the above Motion. The applicant, TRLIA, had no objections.

(Vice-President Rie left the meeting at that point.)

9. BOARD COMMENTS AND TASK LEADER REPORTS

- Board Member Villines reported that he and Board Member Suarez had been working on draft portions of Central Valley Flood Protection Plan (CVFPP). In addition, he had been working on the now-completed Stewardship Council draft with Vice-President Rie and Mr. Marino.
- Board Member Suarez also stated that they had spent much time on the public process roll-out for the Flood Plan.

Regarding the Tier 2 project, they have been waiting for the final approval of the Administrative Officer on Tier 1B so that they can proceed with finishing the language in Tier 2.

Board Member Suarez suggested that the Board reconsider her assignment regarding Board representation at the Sacramento Area Conservation Forum, as Board Member Dolan is in charge of that organization.

- Secretary Hodgkins had attended the interagency collaborative meetings, which have started again. He had also been working on the CVFPP. He had attended a San Joaquin briefing amongst DWR and Board staff.

Secretary Hodgkins announced that the Governor's Office had notified him that he would not be appointed to the new Board. He encouraged the Board to remember the importance of having a Board representative at the interagency collaborative meeting.

President Carter asked Meegan Nagy if the Corps was still participating in the interagency collaborative forum, because the Corps had withdrawn from the Roundtable process. Ms. Nagy replied that the Corps had been attending but in a listen-only mode.

President Carter established with Ms. Nagy and Ms. Smith that the Corps was on hold until the February court date of *Friends of the River versus the U.S. Army Corps of Engineers* to consider the Corps' motion to dismiss.

- Board Member Brown stated that he had attended the Interagency Flood and Management Collaborative Group along with Secretary Hodgkins, as well as the San Joaquin River seepage and conveyance technical meeting.

Board Member Brown announced that he too had been notified that he would not be reappointed to the Board.

- Board Member Dolan had appreciated the assistance and comments of Board and staff as she becomes oriented as a new Board Member.
- President Carter said that he had been heavily engaged in centennial celebration plans, brochure development, and finalization.

He noted that the Roundtable had essentially been dormant since the Friends of the River filed to intervene. There were still a number of pending issues needing resolution, and they were working through them without the benefit of a collaborative effort from all parties, from a Roundtable perspective, and a policy perspective.

10. FUTURE AGENDA

The Board discussed Future Agenda items with staff.

12. ADJOURN

President Carter adjourned the meeting at 3:20 p.m.

January 27

The following members of the Board were present:

Mr. Benjamin Carter, President
Ms. Teri Rie, Vice-President
Mr. Butch Hodgkins, Secretary
Mr. John Brown
Ms. Jane Dolan
Ms. Emma Suarez
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
Mr. Curt Taras, Supervising Engineer
Ms. Mitra Emami, Senior Engineer
Ms. Nancy Moricz, Staff Engineer
Ms. Amber Woertink, Office Technician
Ms. Deborah Smith, Legal Counsel

Department of Water Resources (DWR) staff present:

Mr. Gary Bardini, Deputy Director
Mr. Jeremy Arrich, Chief, Central Valley Flood Planning Office
Mr. Joe Bartlett, Senior Engineer
Mr. Marc Hoshovsky, Environmental Program Manager
Mr. Rod Mayer, FloodSAFE Assistant Deputy Director
Mr. Keith Swanson, Division of Flood Management

Also present:

Mr. Rex Bell, Pacific, Gas & Electric
Mr. Byron Buck, State and Federal Contractors Water Agency
Mr. John Cain, American Rivers
Mr. Justin Fredrickson, California Farm Bureau
Dr. Rene Henery, Trout Unlimited
Mr. Chris Lee, Yolo County Administrator's Office
Mr. John McCamman, California Waterfowl Association
Mr. Monty Schmitt, Natural Resources Defense Council
Dr. Nat Seavy, PRBO Conservation Science
Ms. Susan Tatayon, The Nature Conservancy
Ms. Melinda Terry, California Central Valley Flood Control Association
Mr. Steven Zumalt, landowner

1. ROLL CALL

President Carter opened the meeting by introducing the CVFPB Board. All were present.

2. PUBLIC COMMENTS

- Steven Zumalt, landowner, agreed on the need for a project for improving flood control in the area, but stated that the current implementation plan would virtually eliminate his operation and his house. Actions of the Board, the Corps, and FEMA to reduce all floodplains to a 50-year level have had a very detrimental effect to agriculture in general. The CVFPP does not adequately address the impacts to agricultural areas.
- Susan Tatayon, The Nature Conservancy, stated that the process for developing the CVFPP had a very well-organized public outreach component. It had been heartening to see conservation organizations, reclamation districts, the Corps, and DWR all discussing issues in a manner that led to some very useful deliverables. She expressed the hope that the Board would consult the deliverables as they reviewed the plan.
- Rene Henery, California Science Director for Trout Unlimited, said that their perspective is that the most effective way to provide flood safety, minimize long-term costs, and support rivers and fisheries is by allowing rivers room to expand during high flow events. They recommended expansion of new and existing bypasses and the acquisition of flood easements.
- John Cain, Conservation Director for Central Valley and Bay-Delta flood management for American Rivers, stated that protecting communities from flooding must be the highest priority in flood management. The best strategies for protecting communities from flooding is to give rivers more room – one of the best examples of which is the Yolo Bypass. They were very optimistic about the plan, seeing it as a great step in the right direction.
- Dr. Nat Seavy, Central Valley Research Director PRBO Conservation Science, spoke well of the plan, seeing it as an exciting benchmark for California. PRBO Conservation Science looked forward to working with DWR and the CVFPB to help ensure that the best available science guides and enhances the plan's implementation for the benefit of people and their environment.
- Monty Schmitt, Natural Resources Defense Council, noted that the interconnection between land use and our environment and water supply are critical connectors to a flood plan. The number of conservation groups present at the meeting reflected the incredible importance between making sure that we have a flood management system that not only protects people, but also protects our river ecosystems and provides for the recovery of our listed species.
- Byron Buck, Executive Director for the State and Federal Contractors Water Agency, stated that they plan to work with people in the NGO community and other stakeholders to coordinate their input, as they see many integration possibilities

between flood management, water supply, and ecosystem restoration, and in particular great potential ties to the Bay-Delta Conservation Plan, which has very similar objectives.

- John McCamman, California Waterfowl Association, stated that public safety is the primary goal and obligation of this plan, while still looking for opportunities for managed wetlands and other resources for waterfowl. They sought to join the Board in developing the CVFPP.
- Rex Bell, Manager of Environmental Policy at PG&E, stated that PG&E has significant gas and electric infrastructure located on or near levees. They hoped that as the plan is implemented, it takes reliability and safety for those utilities into account. They are particularly interested in the adoption of the Tier 2, Title 23 regulations.
- Justin Fredrickson, Environmental Policy Analyst with the California Farm Bureau, stated that the footprint of the setback levees and bypasses expansion is around 40,000 acres, most of that land currently being in agriculture. The plan describes the concept of taking about 10,000 of those acres and restoring them permanently to habitat. The Farm Bureau was concerned about farmland loss.

Mr. Fredrickson stated that most of the people who would be impacted by the plan have no knowledge of it. He hoped for an effort to initiate conversations with those people.

3. REPORT OF CENTRAL VALLEY FLOOD PROTECTION PLAN TRANSMITTAL AND PROTOCOLS FOR TODAY'S PRESENTATION

President Carter stated that the meeting marked the first time in a hundred years that the Board had been presented with a draft plan which comprehensively captured California's Central Valley flood protection challenges and opportunities.

He stated that in 2007, the State Legislature passed a law that overhauls the way California deals with flood threats. As part of that law, DWR was tasked to develop and deliver a draft plan to the Board prior to January 1, 2012. President Carter congratulated Director Cowin, Deputy Director Bardini, and their team for meeting that milestone.

President Carter stated that the Board was inaugurating the public process that will help determine whether DWR's draft plan should be adopted as presented, or modified in order to resolve issues raised by the public. The meeting was being webcast in order to reach a wide audience.

4. PRESENTATION OF THE CENTRAL VALLEY FLOOD PROTECTION PLAN FROM THE DEPARTMENT OF WATER RESOURCES TO THE CENTRAL VALLEY FLOOD PROTECTION BOARD

Introduction

Gary Bardini, DWR Deputy Director, opened the presentation. He began by acknowledging the patience and efforts of all the partners that participated in DWR's engagement process during development of the plan.

He went on to say that the plan is really an approach of looking at the system in its entirety – supporting the agricultural economy, improving the environment, and protecting the critical urban areas. The plan, in DWR's view, represents a responsible and reasonable approach, considering the challenges of a growing population, the needs of resource management, and environmental stewardship.

The challenges moving ahead require federal, State, and local agencies to work together tirelessly in the implementation of the plan. They must continue to make improvements on a vast system. It will be an extremely difficult process in the interactions of the implementing agencies; in the mix there are regulatory and water operating agencies at different levels.

Mr. Bardini reiterated in closing that the plan provided what the Legislature intended: a path forward foremost to protect the public, but also to provide environmental stewardship and sustainable economics in the Central Valley.

Overview

Jeremy Arrich, Chief of the Central Valley Flood Planning Office at DWR, spoke about the need, scope, development, and recommended solution of the plan. Below is a summary of the presentation.

- A video gave a high level overview of the need for the plan.
- Consistent with the legislative direction provided in the 2008 Central Valley Flood Protection Act, the plan really focuses on reducing flood risk to lands protected by facilities at the State Plan of Flood Control. These are the facilities that the State and the Board provided assurances to the federal government that they would operate and maintain in perpetuity.
- The plan acknowledges the importance of other flood management facilities and their operations in the tributary areas in the upstream reservoirs, including the Delta.
- The plan recognizes the connection of flood management actions with other related resource actions, such as water management, ecosystem restoration, and land use.
- The plan is a long-term planning document. Per the legislative direction, it is descriptive in nature – a framework that prioritizes investments. The plan will be updated every five years.
- Traditionally, flood improvement projects have been implemented incrementally and within relatively small reaches of the system. But the flood management system does function as a whole system. We need to recognize this; solutions need to take into account the effects of the system as a whole.
- From an investment and financing perspective, the plan describes where improvements need to be made and how we plan to pay for them. It describes accomplishments to date and near-term actions for moving forward.
- The plan recognizes and reflects the State's fundamental interests: improving public safety, improving environmental stewardship, and achieving economic stability in the Central Valley.

- Investing public funds is another interest of the State. As the State has only limited funding, we need to look for other ways to attain funding, but in a responsible way.
- A high level summary would be that the legislation directed DWR to describe the State plan of flood control facilities, describe the conditions of those facilities, and prepare a solution to improve those facilities from a systemwide perspective.
- DWR achieved this through a number of different documents and efforts:
 - The State Plan of Flood Control descriptive document.
 - A flood control system status report that describes the conditions of the system.
 - Related documents that are connected to the plan, such as the criteria for demonstrating urban level of flood protection and the urban levee design criteria.
 - Technical attachments that support all of the reconnaissance level analysis and evaluations that went into development of the plan.
 - The conservation framework.
 - A program-level Environmental Impact Report (EIR).
- The traditional planning process involved the following:
 - Identification of problems, needs, and objectives.
 - Individual management actions: different ways to improve the flood system from a physical perspective or from an institutional perspective and policies.
 - Different solution sets, approaches, or alternatives.
 - Recommended actions.
 - Technical analyses.
 - Engagement with stakeholders and partners.
 - Various deliverables: interim documents that helped DWR build to the completion of the plan and satisfaction of the legislative requirements.
- DWR used three preliminary approaches in the development of the plan:
 - Achieve State Plan of Flood Control Design Capacity. This approach focused on improving existing facilities in place to convey the defined flows as originally intended.
 - Protect High-Risk Communities. This approach focused on the urban population centers and small communities to protect public safety.
 - Enhanced System Capacity Approach. This comprehensive approach focused on opportunities to achieve multiple benefits through enhancing storage and conveyance, and providing significant opportunities for ecosystem restoration and fixing levees in place.

- As DWR developed the three approaches, they looked at programs needed to implement the plan: policies of issue, such as the vegetation policy; rural and ag management strategies; operation and maintenance roles and responsibilities; and urban level of protection criteria. Many factors that were under development ultimately worked their way into the State Systemwide Investment Approach.
- Some key implications of the plan that DWR ultimately developed include:
 - Levels of flood protection should be commensurate with the level of risk in the floodplains.
 - Proactive floodplain management and responsible growth can actually help manage the residual risks that will remain after improvements are made, and prevent risks from increasing over time.
 - The investments should provide additional flood system flexibility to accommodate larger flood flows and also to improve natural river functions, ultimately achieving greater system resiliency with respect to levee failures and other catastrophic events.
 - Flood protection should support the continued viability of the small communities in rural agricultural economies while minimizing the potential to induce growth in these rural areas in the deep floodplains.
 - The State also supports integrated projects to achieve multiple benefits: habitat enhancements integrated with flood system improvements.
 - Supporting policies, programs, and strategies will be needed to implement the comprehensive improvements to flood management in the Central Valley.
- The solution that DWR devised was the State Systemwide Investment Approach (SSIA). A complete package to improve the system in a balanced and responsible way, it reflects the State's strategy for investing and modernizing the flood system in the Central Valley. It remains flexible by not precluding other options.
- The physical elements in the plan consist of an integrating set of on-the-ground projects, including regional improvements in urban areas and small community areas, and rural agricultural areas. Other physical elements are system improvements: weir and bypass expansions, flood structures, flood storage, and operational changes. Ecosystem restoration opportunities are integrated within the plan.
- Maps with color coding for urban areas, small communities, rural levees, and system improvements were shown.
- Benefits of the SSIA are as follows:
 - Improved public health and safety. For example, the population receiving at least a hundred-year level of flood protection would increase from about 20% to 90% throughout the Central Valley, with about a 50% reduction in life risk.
 - Benefits to local and regional economies, as a result of construction activities.

- Ecosystem restoration benefits of up to 10,000 acres of new habitat with an expanded flood management system within the bypasses; and up to 25,000 acres of land leased for agriculture.
- Enhanced agricultural sustainability. The SSIA would reduce direct crop damages by improving the ability to convey the flows downstream, and increase the ability to obtain insurance and loans, as well as providing additional flood protection to the rural and small community residents.
- Mr. Arrich showed a “bubble chart” illustration of the costs and performance of the three approaches that DWR considered relative to the SSIA.

Board Comments and Questions

Board Member Villines provided some levity regarding the State Assembly versus the State Senate.

Board Member Suarez asked if Mr. Arrich could begin to address some of the concerns raised by members of the public. He replied that DWR recognized that if they expand bypasses, they will take up land-use in some ways, and will need to work with the local landowners. As they implement the plan, they will need to engage the local agencies at a higher level.

Secretary Hodgkins commented that the plan is really a paradigm shift, in that the State’s focus in the past has been primarily on improving the system wherever possible to get to design capacity or to a higher level of flood protection in urban areas. Now, DWR is trading the idea of doing incremental projects for the idea of improving the system in the areas where there are high risks.

The State’s legislative direction of not increasing its liability had not come up. Secretary Hodgkins felt that we need to be clear about the fact that we are not proposing to be in a position of saying every element of this system is going to be able to safely pass its design capacity.

Mr. Arrich agreed, stating that our needs and standards have changed. With respect to the rural agricultural areas, improving emergency response programs is critically important. It is a paradigm shift.

Board Member Brown expressed concern about the integration of benefits, including flood control and environmental habitat, as well as agriculture and water conservation. The latter two may not be getting the attention that this State needs.

He pointed out that flood control and conveyance start in watersheds. He had not seen anything in the plan that addressed watershed issues, soil stabilization practices, water conservation practices, drainage management, and so on. He urged consideration of strategies and tactics that result in self-sustaining improvements.

Board Member Brown also commented regarding the policy shift mentioned by Secretary Hodgkins: it should be done very openly and conscientiously. The implications may reduce liability from the standpoint of flood risk, but may also increase liability from the standpoint of commitments and expectations that have been created in the past, that we may be walking away from as a result of that policy.

Vice-President Rie asked for clarification on how the Delta fits into the SSIA, other than the Yolo Bypass expansion. Mr. Arrich responded that there is a limited portion of the Delta that actually has State Plan of Flood Control facilities. Most of the Delta levees are managed by the local or private landowners within that area. Although the SSIA does not focus on solutions broadly in the Delta, they have always recognized the need to mitigate any impacts on the Delta that result from the plan.

Board Member Dolan stated that she would be putting effort into more clearly understanding the assumptions, underlying analysis, and data that had led to the conclusions presented in this report.

Implementation

Keith Swanson, Chief of the DWR Division of Flood Management, discussed implementation and funding as summarized below.

- The SSIA cost estimate is \$14 to 17 billion. The initial estimates are that 8% can be raised at a local level; from there on the cost would be shared between the State and the federal government.
- Improvements are a shared responsibility and funding needs to come from the local, State, and federal levels. Ideally, we would be able to garner 65% federal cost share for implementing the SSIA, but the reality is that in these economic times, it's not likely.
- Some of the emergency response improvements are not likely to be funded by the federal government. The State is going to have to play a larger funding role than in the past.
- As DWR moves forward with the implementation process and gets a better handle on the numbers, it will start talking about specific improvements on the ground via discussions at all levels.
- Mr. Swanson showed a portion of a chart illustrating cost allocation with time, building on the concept of a shared responsibility.
- The funding is going to support a broad range of activities involving improvements across the board. Planning documents will outline how to communicate from the local LMA level to the County, the State, and the Corps.
- Some basins might have multiple maintainers. There needs to be some kind of local governance to accomplish that more effectively.
- There are systemic problems that transcend maintenance. DWR will have to discern how to make system improvements to deal with issues that arise.
- DWR envisions spending money on flood risk reduction management programs: the FEMA mapping, notification programs, building code modifications, etc.
- After the reconnaissance level funding – flood system assessment, engineering, feasibility, and permitting – will come the feasibility level for delivering projects.
- Many more flood risk reduction projects will need to be delivered than in the past.

- Distribution of costs is estimated as follows:
 - Flood emergency response, flood system O&M, and flood risk management programs: 10%
 - Flood system assessment, engineering, feasibility, and permitting: 15%
 - Flood risk reduction projects: 75%
- Looking at potential investments in a different way:
 - Rural improvements and residual risk management: 20%
 - System improvements: 40%
 - Urban improvements: 40%
- While it works through the adoption process, DWR is trying to organize for implementation. Currently, they are trying to assemble the information developed through inspection programs, levee evaluations, and hydraulic studies, so that they can define the problems at the hydraulic basin level.
- DWR will then work with the locals to confirm that these are the problems that resonate with them.
- DWR will have discussions at the regional level based on the information compiled at multiple basins. Regional planning must feed two feasibility studies currently underway, for the Sacramento basin and the San Joaquin basin. They are being conducted in partnership with the Corps – an opportunity to bring federal funding.

Conservation

Marc Hoshovsky, Environmental Program Manager of DWR's FloodSAFE Environmental Stewardship and Statewide Resources Office, explained why conservation is an integral part of the SSIA. Below are highlights.

- An important element of developing a resilient integrated flood management system is to incorporate a functioning natural ecosystem.
- DWR has legislative direction from the Central Valley Flood Protection Act in three key pieces:
 1. Promote natural hydrologic and geomorphic processes.
 2. Increase and improve habitat.
 3. Promote species recovery.
- DWR is committed to environmental stewardship, having a department-wide environmental stewardship policy that affects all of its activities.
- Making conservation a part of the plan also broadens support for flood improvements over time.

- The SSIA outlines DWR's intent to integrate habitat enhancement with flood system improvements, by promoting multiple benefit projects – using vegetation to solve problems, and looking for integrated habitat improvements.
- In terms of integrating habitat improvements, DWR seeks to provide and increase shaded riverine aquatic habitat, improve habitat connectivity, improve fish passage, and reduce the effects of invasive species.
- Mr. Hoshovsky provided highlights of the conservation framework:
 - It provides a quick summary of ecosystem conditions and trends.
 - It provides more conservation-specific goals.
 - It provides examples of integrated flood and ecosystem management.
 - It identifies opportunities for multi-benefit projects throughout the system.
 - It lays out a vegetation management approach.
 - It lays out some of the key implementation activities.
- Implementation of the conservation framework involves four broad areas:
 - Improve conditions and trends.
 - Improve regulatory efficiency and effectiveness.
 - Improve information for decisions.
 - Engage and inform others.
- The basis of the vegetation management strategy is that it is risk-informed, and that it uses an adaptive management approach. It protects both public safety and sensitive environmental resources, and it is also based on recognizing the limited funding.
- Vegetation on new levees will be managed to comply with the Corps Engineer Technical Letters (ETLs). Levees with legacy vegetation will be managed for visibility: inspection and accessibility for flood fighting. They will be managed to protect waterside vegetation, and DWR will be using a lifecycle management approach for those trees on those levees.

Summary

Mr. Arrich closed the presentation with a summary, highlighted below.

- We know that there's an urgent need. There are many people and much infrastructure at risk in the Central Valley.
- The plan provides a solid path forward for making the needed system improvements, while maintaining a strong and robust economy including the agricultural sector.
- The plan will be costly and will take a long time to implement – 20 to 30 years.
- It's important to recognize that we have already made improvements in the system that are part of the plan.

- With respect to land use, there will be different levels of landowner willingness to participate in implementation of certain elements. We will need to work through this.
- Some of the urban areas are struggling with how to meet flood protection requirements once the plan is adopted.
- Land use is ultimately a local choice and a local responsibility.
- Policies, procedures, and regulations will change. The system will change as improvements are actually implemented on the ground.
- Additional funding is going to be needed from federal, State, and local sources. Implementation costs may end up being higher than the estimates.
- Federal funding is uncertain but has been trending downward. The Corps' perspective on crediting has changed.
- The federal government does have jurisdiction over the State Plan of Flood Control levees. Their federal approval is required to modify the system, so we need to continue working on those relationships and the various federal policies and processes.
- We are trying to look for ways to navigate institutional barriers more effectively, including our own State processes.
- The federal feasibility study process could take time to get through.
- DWR feels it important to stay engaged with the Board throughout the process, the Board further providing guidance as we move into the 2017 update process.
- The Board has done a great job in recent years endorsing strong encroachment enforcement, local maintaining agency reporting requirements, and local O&M responsibilities.
- DWR would like the Board to support consolidation of Central Valley flood system management and governance under the nine regional areas articulated in the plan.
- DWR would like the Board to encourage the following:
 - Responsible development, particularly in deep floodplains.
 - Acquisition of agricultural easements, which goes along with responsible growth.
 - Flood assessments to flood protection beneficiaries.
 - Multi-benefit projects.

Board Questions and Comments

Secretary Hodgkins requested perspective on the Sacramento and San Joaquin feasibility studies with respect to the Corps' current watershed study and San Joaquin feasibility study. Mr. Swanson responded that the CVFPP feasibility studies should align with the Corps' planning studies. In 2017, DWR felt that the outcome of the Corps' study should be those feasibility studies. DWR is trying to scope out what the two basinwide

feasibility studies will actually look like, and how they will interact with and consider the other feasibility studies that are out there.

Board Member Suarez asked about money already spent on early implementation projects. Rod Mayer, DWR Flood Management, said that of the eight early implementation projects, only one is not urban. Through funding agreements, about \$775 million is allotted for them with about \$200 million of that sum being local funds. There are still a lot of urban dollars available to spend.

Secretary Hodgkins asked about conservation projects. Mr. Hoshovsky explained that many projects are already underway by a number of organizations throughout the planning area. They represent opportunities for DWR to engage with the organizations.

Secretary Hodgkins mentioned the Board's work related to modeling the Sutter Bypass: preliminary results show that vegetation in that bypass has significantly raised the water surface. At some point, the results of that work and environmental restoration are going to come before the Board.

President Carter closed by saying that the CVFPP frames many challenges within our system. He thanked DWR and the many stakeholders who have voluntarily contributed their time, experience, wisdom, and leadership to the plan development. He submitted that a significant test of leadership and resolve is fixing problems before they become emergencies.

5. REPORT ON THE BOARD'S REVIEW AND ADOPTION PROCESS AND SCHEDULE FOR THE CVFPP

Executive Officer Punia gave a presentation outlining the Board's proposed process for review and adoption of the plan. Below is a summary.

- The Legislature has given a clear direction to the Board about its review and adoption process. Codified in Water Code Section 9612, it is part of the Central Valley Flood Protection Act of 2008. DWR has met the requirement to prepare the CVFPP no later than January 1, 2012.
- The Board's requirement is to adopt a plan no later than July 1, 2012.
- The Legislature directed the Board to hold at least two hearings to receive comments on the proposed plan. At least one of those hearings will be held in the Sacramento Valley while the other will be held in the San Joaquin Valley.
- The Board will continually accept comments from the public regarding the plan.
- The Board may make changes to the proposed plan to resolve issues raised in the hearings, or to respond to comments received by the Board.
- In subsequent years ending in 2 and 7, the plan will be updated.
- The Board's review team will handle scheduling, public comments, processing, and technical reviews in coordination with DWR. The review team consists of President Carter, Board Member Suarez, and Board Member Villines.

- Eric Butler will lead the staff team that reviews the technical documents included in the plan.
- Lorraine Pendlebury and Nancy Moricz will handle the administrative side, processing the comments and scheduling the public hearings.
- Stakeholder comments should be submitted using the downloadable Excel spreadsheet linked to the Central Valley Flood Protection tab on the Board's website. However, the team will entertain comments in any format.
- Executive Director Punia outlined the schedule as follows:
 - On January 27 the Board held its regular meeting, and today (January 28) the draft plan was presented by DWR.
 - During the five months left before the adoption, the Board and DWR staff will continue to work together in the review, documentation, and comment process. The outreach team will work with the stakeholders to schedule and announce the public hearings required by the Legislature. The outreach team is considering scheduling more than two workshops.
 - At the February 24 Board meeting, staff will ask the stakeholders to guide the Board as to which area of plan review they should be focusing on.
 - On March 23 there will be a regular Board meeting. DWR will present the EIR associated with the CVFPP.
 - The public hearings will be scheduled in April. They will be announced on the website. Agendas will be based on focus points from the stakeholders' February meeting, and will also cover CEQA issues and staff's technical findings.
 - Staff will continue to develop their findings for the Board's consideration. The outreach committee will continue to engage the public in this process.
 - In May, publicly noticed workshops will be scheduled to discuss comments, responses, and proposed plan changes. The Board's regularly scheduled meeting is on May 25.
 - Before the plan is adopted the changes must be publicized for a minimum of two weeks.
 - In June, the Board will adopt the revised plan based upon the input from the stakeholders. The Board will notify the Legislature and the Resources Secretary of the plan's adoption.

President Carter noted that anyone not able to make the February meeting should submit comments to the Board in writing, so they can be incorporated into the discussion at the April public meetings.

Vice-President Rie asked if the comments on the plan are going to be available for the public to review; Executive Officer Punia replied that they would. Ms. Moricz anticipated weekly or biweekly updates to the log.

In response to a question from Board Member Dolan, Board Member Suarez asserted that the public meetings for review of the plan are separate from the Board meetings.

Mr. Arrich pointed out that the majority of the technical supporting documents would shortly be available for review. Joe Bartlett, DWR Senior Engineer, stated that there are about 29 of the documents; they include hydrology and hydraulics, economic analysis, conservation framework, and so on.

Public Comment

Melinda Terry, Executive Director of the Central Valley Flood Control Association, stated that the schedule looked problematic in that having the meetings regarding actual proposed changes in early April, then adopting the changes by the end of the month, might be difficult. If more time is needed to meet the deadline, Ms. Terry suggested meeting with the leadership of the Legislature to advise them of the need and to give a new target date.

Chris Lee, Yolo County Administrator's Office on behalf of the Yolo County Board of Supervisors, stated that his Board and County staff were caught off guard by the inclusion of projects that have significant impacts on the livelihoods and homes of many of their constituents. Without extensive outreach and engagement of Yolo County elected officials and community members, the Board was positioned to oppose the widening of the Fremont Weir and setbacks to the Yolo Bypass levees. They hoped that the CVFPP would commit to extensive engagement and outreach with Yolo County to discuss those proposals.

6. CENTENNIAL CELEBRATION


The Board and the public celebrated CVFPB's 100th birthday at the California State History Museum.

7. ADJOURN


The meeting adjourned at 4:00 p.m.

Dated: 3-23-2012

The foregoing Minutes were approved:



Jane Dolan
Secretary



William Edgar
President