

MINUTES
MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD
July 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 meeting of the Central Valley Flood Protection Board was held on July 27 beginning at 9:00 a.m. in the Auditorium of the Resources Building, 1416 Ninth Street, Sacramento, California.

The following members of the Board were present:

Mr. Bill Edgar, President
Ms. Emma Suarez, Vice-President
Ms. Jane Dolan, Secretary
Mr. Joe Countryman
Mr. Clyde MacDonald
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. David Williams, Senior Engineer
Mr. Michael Wright, Senior Engineer
Dr. Deb Biswas, Staff Engineer
Mr. Jon Tice, Staff Engineer
Ms. Amber Woertink, Staff Assistant
Mr. Jim Andrews, Legal Counsel

Department of Water Resources staff present:

Mr. Jeremy Arrich, Chief, Central Valley Flood Planning Office
Mr. Paul Marshall, Assistant Chief, Division of Flood Management
Mr. Keith Swanson, Chief, Division of Flood Management
Mr. Ward Tabor, Assistant Chief Counsel

Also present:

Mr. Tom Brannon, California Department of Transportation

Mr. Pete Ghelfi, Sacramento Area Flood Control Agency
Mr. Steve Ng, California Department of Transportation
Ms. Sandra Sales
Ms. Brenda Schimpf, California Department of Transportation

1. ROLL CALL

President Edgar welcomed everyone to the meeting.

Executive Officer Punia reported that all Board Members were present except for Mr. Ramirez, who would not be attending.

2. APPROVAL OF MINUTES – April 20, April 27, May 11, and May 25, 2012 Meetings

Upon motion by Secretary Dolan, seconded by Board Member Countryman, the Board unanimously approved the April 20, April 27, May 11, and May 25, 2012 Minutes.

3. APPROVAL OF AGENDA

Executive Officer Punia stated that staff recommended removal of Item 7U from the consent calendar to a hearing. Staff felt that the Board should be made aware of the project's lack of a freeboard.

President Edgar agreed. The Board will be dealing with this kind of project over the next few years; they must balance the need to get improvements in place quickly versus the need for long-term fixes.

Upon motion by Secretary Dolan, seconded by Board Member MacDonald, the Board unanimously approved the agenda.

4. PUBLIC COMMENTS

There were no public comments for items not on the agenda.

5. REPORT OF ACTIVITIES OF THE DEPARTMENT OF WATER RESOURCES

Keith Swanson, Chief of the Division of Flood Management with the Department of Water Resources (DWR), reported on the following.

- At a July 24 press conference, the Governor and the Secretary of Interior, Ken Salazar, defined the Bay-Delta Conservation Plan as a 50-year ecosystem-based plan designed to restore fish and wildlife species in the Delta in a way that provides for protection of reliable water supply while minimizing impacts to the Delta communities and farms.

The modified plan they presented reduces the tunnel size. The Board will get drawn into this. There will be 408 issues associated with the intake structures, and permit requests to site some of the habitat in the existing footprint of the flood control project.

- DWR personnel have received a 5% pay cut with one day per month of vacation. In addition, retired annuitants and students identified as non-mission critical are going to be terminated. Some mission-critical retired annuitants and engineering students can be retained.
- Office recarpeting and painting has been disruptive process for both the Division of Flood Management and Board staff.
- On July 19, DWR and the Corps held an executive meeting. Representing DWR were Director Cowin, Deputy Bardini, Division of Safety of Dams Chief Dave Gutierrez, and Mr. Swanson. Representing the Corps were Major General Walsh, General Wehr, and Colonel Leady.
 - The Corps acknowledged that funding is going to continue to be tight in the foreseeable future.
 - The Corps is starting to embrace the concept of integrated water management, working with the Office of Management and Budget (OMB) to try to get their funding more broad-based to gain more flexibility in implementing these integrated projects.
 - The Corps feels that their vegetation policy is reasonable. They think that people who are not using the opportunity to implement a System-Wide Improvement Framework (SWIF) really are choosing to opt out of PL 84-99.
- The Levee Vegetation Symposium will be held on August 28-30. The Corps is providing technical people to talk about Corps research, but is otherwise limiting its involvement.
- Regarding encroachment management, the Board, DWR, the Sacramento Area Flood Control Agency (SAFCA), and MBK Consulting have been working to develop a strategy for the Sacramento area. The Board and DWR are holding weekly meetings.
- Regarding the Central Valley Floodplain Evaluation and Delineation (CVFED) program, DWR and the Corps are working closely to try to get the hydrology information developed. It is proving to be a challenge.
- DWR continues to work with Lois Wolk's office on SB 1278, which is an update of SB 5. Preliminary discussions involve the requirement for DWR to finish their 200-year preliminary maps by July 1, 2013. DWR is emphasizing the technical difficulties of completing them, as well as the need for them.
- Funding guidelines for regional planning are out for review. DWR's Paul Marshall and Jeremy Arrich, plus regional managers, are beginning to engage the various communities.

President Edgar requested a summary of DWR's overall strategy for engaging the public. The big issue with regional planning was how it will be integrated with systemwide planning. He noted that identifying and resolving issues early on was preferable to trying to deal with them later.

Mr. Arrich gave the Board the same presentation DWR is giving to the regions. He prefaced by saying that the Plan adoption process was lengthy and required quite a bit of DWR's resources. They were now progressing with the efforts to develop new programs, as well as scoping out the basin-wide feasibility studies, but the strategy wasn't quite complete. Also, scheduling the meetings has not been easy between the schedules of Mr. Marshall, Mr. Arrich, and the local agencies.

Below is a summary of the presentation.

- Regional flood management planning is the first key step in implementing the Central Valley Flood Protection Plan (CVFPP).
- The plan articulates a systemwide approach, and provides guidance for implementation of a broader array of system and regional improvements.
- The basin-wide studies will tackle the system elements, while the regional plans will tackle projects and programs from a local perspective.
- DWR's integrated planning approach is all about multi-benefit projects, including water reliability, public safety, ecosystem restoration, and long-term economic stability in all programs and projects.
- Implementation of the projects will not only improve public safety, but also secure future funding that is much needed for implementing the plan's long-term vision, as well as the locals' long-term visions.
- The purpose of the kick-off meetings is to:
 - Formally initiate the regional planning process.
 - Provide an orientation of regional planning.
 - Discuss local governance with the regions and highlight its importance.
 - Receive input from the local partners and answer their questions.
- The locals have asked DWR to allow them to develop their priorities from a bottom-up approach. DWR will be awarding some funding to help locals develop their regional plans, which are to be completed by the end of next year.
- The regional plans will continue to evolve over time.

President Edgar mentioned the need to change the term "bottom-up." The end product must be a merger of the top-down systemwide approach and the regional approach.

Mr. Arrich noted the need to share information between the regional planning and the basin-wide studies early and often. He agreed that they need to define and develop a methodology for integration.

President Edgar felt that integration is going to be very important in the rural and small community areas with their small projects.

Mr. Arrich continued the presentation.

- In engaging local agencies, they need to think long-term. The Integrated Water Management Planning Program had shown that the importance of the local agencies establishing governance – going through the process and building relationships.
- A regional flood management plan is a long-term plan for implementing the locals' vision for a “flood-safe” region or a roadmap for improving flood safety for the next 25 years. DWR is asking the locals to articulate how they are going to manage their systems over the long term.
- The regional plans are not feasibility studies, although they may incorporate information from feasibility studies.
- The regional plans are not prioritized funding lists. The regional plans articulate the priorities of the regions and can include projects and programs.
- DWR will have draft regional flood atlases completed within the next few weeks. The atlases include existing information of problems, land use, and local agencies responsible for flood management.
- DWR will distribute the draft atlases at the kick-off meetings and ask for feedback on improving them as a resource for the locals.
- The Lower San Joaquin and Delta South regions requested a combined kick-off meeting. They are interested in modifying their regional boundaries or combining their regions – expanding the Paradise Cut area into the Lower San Joaquin region.
- Regional and local priorities in the plans will include:
 - Capital improvements – on-the-ground physical improvements to the flood system.
 - Ecosystem restoration opportunities and projects.
 - Land-use strategies.
 - Operation and maintenance over the long term.
 - Emergency response programs and planning.
 - A regional financing plan, including investments, projects, programs, implementation schedules, and funding sources.
- DWR is asking the regions to establish regional governance. Four major groups of agencies are implementing agencies, regulatory agencies, non-governmental organizations, and maintaining agencies/land-use agencies.
- DWR is asking the regions to identify a lead within each region to serve as the sole responsible agency to apply for funding that DWR is offering to develop the regional plans, and to be responsible for developing the regional plans.
- DWR is strongly encouraging the regions to include various stakeholders: NGOs, environmental communities, and the CVFPB.

- DWR has offered a draft project management plan that the regions can use if they wish.

President Edgar said that he would have the Board representation matter discussed by the Executive Committee to discern whether the Board wants to take action to attend the meetings.

- Mr. Arrich displayed a graph that Secretary Dolan indicated was problematic: locals felt that it prescribes to them a process whereby local agencies are being asked by DWR to get together to limit the projects that will get funded.

Mr. Arrich explained that the state's priority will lie with State Plan of Flood Control facilities when it comes down to spending limited funding. What DWR hoped to get out of the basin-wide feasibility studies as they are integrated with the regional plans is state investment priorities. From there, DWR will identify the need for future project feasibility studies and will ultimately implement projects.

DWR was open to suggestions on how to improve the graphic and the message.

Vice-President Suarez commented that while reviewing DWR's monthly report, she had needed to look through various sections to get a sense of how implementation of the plan was moving forward. Mr. Arrich agreed that DWR needed to put the planning activities in one place to make the process more transparent.

Mr. Arrich gave the schedule for the funding guideline regional workshops.

6. REPORT OF ACTIVITIES OF THE EXECUTIVE OFFICER

Executive Officer Punia reported on staff activities.

- The Board had modified the levee vegetation management strategy presented by DWR in the CVFPP. Board staff then met with DWR to discern what the Board's resolution means. They are putting it into written form which they will share with the Board's committee on vegetation management. They will then bring it to the full Board, then the stakeholders, so that the Board's modified vegetation policy is absolutely clear to everyone.
- Levee District 1 in Sutter County: Staff is reviewing their project completion reports.
- SAFCA projects: Staff is rescinding the second Notice of Violation.
- Sutter Butte Flood Control Agency project: staff has lined up a September 14 tour for the Board of the proposed project site.
- Three Rivers Levee Improvement Agency (TRLIA) Upper Yuba Levee Improvement project: project work is almost 95% complete.
- West Sacramento Flood Control Agency: for the levee mitigation project, a contract has been awarded for tree plantings and irrigation construction. All work is complete on the West Sacramento levee slip repair; staff has reviewed as-builts and drawings, and provided comments. For the South Fork levee project, final design work is proceeding.

- The methyl mercury issue: staff is working with the multi-agency team in production of a conceptual proposal for limiting total mercury load into the waters of the Yolo Bypass and the Delta.
- Regional Transit and Burlington Northern Railroad Transport: staff is coordinating with them to process permits for the bridge projects.
- San Joaquin River Restoration Program: staff attended a meeting with the U.S. Bureau of Reclamation and DWR to discuss alternatives for Reaches 2B and 4B. In addition, Board Member Countryman and President Edgar attended a briefing by DWR and the Bureau on this project. They gave all the flood control agencies a briefing on the San Joaquin River Restoration Project.
- Board Member Ramirez is coordinating with Earth Economics, a nonprofit organization working with the Corps to modify their benefit cost analysis. The overall objective is to achieve benefits from the habitat enhancement in their benefit analysis for the Corps flood control project.

Board Member Ramirez proposed to dedicate half of the October 12 Board meeting for a workshop with Earth Economics.

- Staff is launching the process whereby they can approve routine projects without coming to the Board.

Len Marino, Chief Engineer, briefed the Board on the periodic inspections.

- He displayed a table showing the effects of expiration of the framework on the number of the periodic inspection reports that would be resulting in an inactive levee system.

Overall, if the framework were in place, 52% of the systems would be inactive. With the framework expiring, 89% would be inactive: they would be out of compliance with Corps standards and therefore not eligible for PL 84-99 in the event of a disaster.

Executive Officer Punia stressed that the Corps was giving the reports to staff, who were working with the local agencies; as soon as they can address the deficiencies, the Corps will bring those districts back into the PL 84-99 process.

The Corps has also given staff the option to work on the systemwide SWIF to continue the PL 84-99 eligibility. However, for the time being, the DWR position and the Board staff position is that this constitutes too much effort on a paper exercise; they are not recommending to the Board to go that route.

Executive Officer Punia also stressed that the PL 84-99 has various components. The emergency response portion stays intact. But for the rehab portion, the Corps will not help the State to restore those levees.

In response to a question from Board Member Countryman, Executive Officer Punia stated that it will take years to bring the system back, because the local maintaining agencies will need some help. They may not be able to address all the deficiencies highlighted.

Michael Wright, Senior Engineer, gave an update on enforcement activity.

- Staff is looking to come back in November to the TRLIA fence relocation hearings.
- Staff is working with AT&T to remove a phone line in the Cherokee Canal levee system.
- Staff has issued two Notices of Violation this month. They are still waiting to hear from Lake County on a Notice of Violation sent in June.
- There were two PI out-briefs in June. They had draft reports, and are the first to be distributed after the framework has expired. As mentioned by Executive Officer Punia and Mr. Marino, the Corps is suggesting that the Board develop a SWIF.
- At the June Board meeting Mr. Wright had presented Enforcement Action 2012-145 with Mr. Ron Smith as the respondent. The Board had requested that Mr. Wright work with Mr. Smith to reach an agreement on the unpermitted encroachments. They have now come to an agreement on all the issues, which Mr. Wright enumerated.

Mr. Wright will bring the draft agreement to the Board meeting next month to vacate the enforcement.

President Edgar gave a clarification from Eric Butler, Supervising Engineer, regarding the 44 levee systems inspected by the Corps under the PI: there are still some remaining systems which need to be inspected.

7. **CONSENT CALENDAR**

A. **Permit No. 18654, California Department of Transportation (CALTRANS), District 3**

Consider approval of Permit No. 18654 to authorize an existing cast-in-place reinforced box girder concrete bridge structure (No. 19-0198R) crossing Big Yankee Slough. (Placer County)

B. **Permit No. 18654-2, California Department of Transportation (CALTRANS), District 3**

Consider approval of Permit No. 18654-2 to build a cast-in-place, pre-stressed concrete box girder left bridge (19-0198L) crossing Big Yankee Slough. (Placer County)

C. **Permit No. 18656, California Department of Transportation (CALTRANS), District 3**

Consider approval of Permit 18656 to A) remove the existing County Dowd Road bridge (No. 19C-0223) crossing Big Yankee Slough, and B) authorize an existing cast-in-place reinforced concrete slab bridge structure (No. 19-C0223), crossing Big Yankee Slough. (Placer County)

D. **Permit No. 18657, California Department of Transportation (CALTRANS), District 3**

Consider approval of Permit No. 18657 to authorize an existing cast-in-place reinforced box girder single span concrete bridge structure (No. 19-0197R) crossing North Yankee Slough. (Placer County)

E. Permit No. 18657-2, California Department of Transportation (CALTRANS), District 3

Consider approval of Permit No. 18657-2 to build a cast-in-place, pre-stressed concrete box girder left bridge (19-0197L) crossing North Yankee Slough. (Placer County)

F. Permit No. 18658, California Department of Transportation (CALTRANS), District 3

Consider approval of Permit No. 18658 to authorize an existing cast-in-place reinforced box girder single span concrete bridge structure (No. 19-0196R) crossing South Yankee Slough. (Placer County)

G. Permit No. 18658-2, California Department of Transportation (CALTRANS), District 3

Consider approval of Permit No. 18658-2 to build a cast-in-place, pre-stressed concrete box girder left bridge (19-0196L) crossing South Yankee Slough. (Placer County)

H. Permit No. 18701, City of Tracy

Consider approval of Permit No. 18701 and Resolution No. 2012-34 to construct a new 42-inch diameter wastewater treatment plant outfall pipeline and diffuser, which will run 30-feet from and parallel to the existing outfall pipeline. (San Joaquin County)

I. Permit No. 18724, California Department of Transportation (CALTRANS)

Consider approval of Permit No. 18724 to A) authorize removal of an existing 2-lane bridge (08-0009) and B) approve replacing it with a longer, clear-span 2-lane bridge (08-0166). (Tehama County)

J. Permit No. 18742, Sacramento Regional County Sanitation District

Consider approval of Permit No. 18742 to authorize removal of six abandoned bents and two groups of dolphin piers from the left bank of River Mile 53.9 of the Sacramento River. (Yolo County)

K. Permit No. 18745, Lauppe Family Trust, et al.

Consider approval of Permit No. 18745 (including Resolution No. 2012-36) to replace the existing temporary irrigation system which was placed as part of the Natomas Levee Improvement Program (NLIP; SAFCA, 18159-3) that goes, in part, through and over the levee. (Sutter County)

L. Permit No. 18746, Lauppe Family Trust, et al.

Consider approval of Permit No. 18746 (including Resolution No. 2012-36) to replace the temporary high-density polyethylene (HDPE) pipe which was placed as part of the Natomas Levee Improvement Program (NLIP; SAFCA, 18159-3) with a 10-inch diameter welded steel pipe through the levee, and a 14-inch diameter pipe beyond the levee toe. (Sutter County)

M. Permit No. 18748, City of Bakersfield

Consider approval of Permit No. 18748 and Resolution No. 2012-35 to plant approximately 408 riparian trees and shrubs along the north and south banks of the Kern River. (Kern County)

N. Permit No. 18749, Central Valley Independent Network, LLC (CVIN)

Consider approval of Permit No. 18749 to bore (directional drill) a four-inch diameter high-density polyethylene (HDPE) casing pipe beneath Duck Creek that will contain two 1.25-inch diameter HDPE fiber optic cable conduits. (San Joaquin County)

O. Permit No. 18750, Central Valley Independent Network, LLC (CVIN)

Consider approval of Permit No. 18750 to bore (directional drill) a four-inch diameter high-density polyethylene (HDPE) casing pipe beneath Lone Tree Creek that will contain two 1.25-inch diameter HDPE fiber optic cable conduits. (San Joaquin County)

P. Permit No. 18751, Central Valley Independent Network, LLC (CVIN)

Consider approval of Permit No. 18751 to bore (directional drill) a four-inch diameter high-density polyethylene (HDPE) casing pipe beneath South Littlejohns Creek (North Branch) that will contain two 1.25-inch diameter HDPE fiber optic cable conduits. (San Joaquin County)

Q. Permit No. 18752, Central Valley Independent Network, LLC (CVIN)

Consider approval of Permit No. 18752 to bore (directional drill) a four-inch diameter high-density polyethylene (HDPE) casing pipe beneath South Littlejohns Creek (South Branch) that will contain two 1.25-inch diameter HDPE fiber optic cable conduits. (San Joaquin County)

R. Permit No. 18753, Jim DeMartini

Consider approval of Permit No. 18753 to plant up to 15 native riparian trees adjacent to a farm road and in a dense riparian area along the Tuolumne River. (Stanislaus County)

S. Permit No. 18758, California American Water

Consider approval of Permit No. 18758 to realign approximately 130 feet of an existing water pipeline. (Placer County)

T. Permit No. 18775, Pacific Gas & Electric Co. (PG&E)

Consider approval of Permit No. 18775 to install two wood poles supporting overhead service to new agricultural Well No. 32NW-2. (Yolo County)

U. Permit No. 18777, Unionhouse Creek Improvements (SAFCA) (Moved to Hearing)

Consider approval of Permit No. 18777 to widen the existing concrete-lined bottom of Unionhouse Creek by 8 feet from Franklin Boulevard to Center Parkway; to concrete-line the side slopes of Unionhouse Creek from Center Parkway to Bruceville Road; and relocate an existing sump pump (Sump 201). (Sacramento County)

V. Lower San Joaquin River Feasibility Study

Consider approval of Resolution No. 2012-13 to approve:

1. Approve Amendment No. 2 to the Feasibility Cost Sharing Agreement (FCSA) between the Department of the Army, the State of California and the San Joaquin Area Flood Control Agency for the Lower San Joaquin River Feasibility Study authorizing the acceleration of Non-federal sponsor's funding to USACE in an amount not to exceed the current contract amount; and

2. Delegate to the Central Valley Flood Protection Board President the authority to execute the Amendment.

President Edgar noted that staff was working on the new applicant permit process:

1. Applicant permits are posted.
2. After 30 days, if there are no complaints, they will become actual final permits and will not have to appear on the consent calendar. They will be delegated to staff.

Vice-President Suarez commented that as the CVFPP has been approved, the Board needs to hear from staff that they can attest that each permit is consistent with the plan as approved and amended by the Board.

Executive Officer Punia affirmed that the items on this consent calendar were consistent.

President Edgar requested a statement for future consent calendars that the permits are consistent with the CVFPP.

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

8. **HEARINGS AND DECISIONS**

Permit No. 18777, Unionhouse Creek Improvements (SAFCA) (Moved from Consent Calendar)

Consider approval of Permit No. 18777 to widen the existing concrete-lined bottom of Unionhouse Creek by 8 feet from Franklin Boulevard to Center

Parkway; to concrete-line the side slopes of Unionhouse Creek from Center Parkway to Bruceville Road; and relocate an existing sump pump (Sump 201). (Sacramento County)

President Edgar reiterated that this project provided an example of the balance the Board was trying to achieve, between making an improvement versus waiting until more studies are done and making a larger improvement to achieve 200-year protection.

He continued that this project allows the people in this area to achieve minimal 100-year protection – a substantial improvement over what they have now, but not the 200-year.

Board Member Countryman recused himself from the item because of the work he did for SAFCA.

Jon Tice, Staff Engineer, gave a presentation on the project. He summarized that there was a freeboard issue as well as a vibration issue, with RT tracks being within 20' of the top of the south slope of the channel.

- Mr. Tice pointed out from the staff report that they wanted for the City of Sacramento to increase their effort to achieve a strong acceptable operation and maintenance rating for the project, because any type of added maintenance or debris flow in this channel could cause a problem down the road.
- He pointed out that on July 5, staff had sent out 320 adjacent property owner letters, 25% of which were returned by the Post Office. Staff reserved the right until August 5 to retract the permit if they received any written protests.
- From reviewing the information they received from Wood Rodgers, Inc. on the hydraulic report, staff had concluded that freeboard should be incorporated into this project in the near future. Staff found 37% of the project as currently designed provided less than 1' of freeboard for adjacent property owners.
- The Board has the responsibility to oversee flood control. It is a regulated stream in Unionhouse Creek and all the other streams outside of the South Sacramento County Streams Flood control project.
- CVFPB has not yet accepted the South Sacramento flood project because it is still under construction.
- Mr. Tice displayed location maps of the project and gave other site details.
- Vibration impacts from the RT light rail need to be mitigated to ensure the south slope stability of Unionhouse Creek.
- Staff received a Corps letter stating it had no objection to the project as long as no excavations were done nor anything left in the floodway during flood season, and that the work does not interfere with the integrity of the hydraulic capacity of the flood control project.

- Staff recommended that the Board adopt the California Environmental Quality Act (CEQA) findings, approve the permit, and direct staff to file a Notice of Termination with the State Clearinghouse.

Secretary Dolan asked about the term *meniscus*. Mr. Tice answered that it is the effect of water when you fill up a glass to the top. The surface tension of the water causes a small bubble to form; any small change in some way or another could cause a problem.

President Edgar asked if the project was a compromise of sorts. Executive Officer Punia replied that CVFPB's key responsibility for the project was to do the analysis and make sure that it does not negatively impact the federal flood control project downstream.

Executive Officer Punia continued that the FEMA issue is a local issue. Eventually, the locals will be required to get the 200-year level of protection.

In response to a question from President Edgar, Mr. Tice stated that the difference between 100-year and 200-year levels in the creek are about a tenth of a foot.

President Edgar noted that there is a lot of support from the local community, because they are paying very high flood insurance premiums. They want to see the project move forward.

Pete Ghelfi, Director of Engineering for SAFCA, gave a presentation on the project.

- The channel is flowing full. SAFCA works with the City of Sacramento (the floodplain manager in the area) and they are aware of that. The project does provide insurance relief for the affected property owners, who pay about \$1300/year in flood insurance. Completion of the project will result in their removal from the floodplain. Their insurance will go down to about \$350/year for preferred risk policies.
- Light rail is under construction up against the channel. Sewer lines and an expansion of Cosumnes River Boulevard have limited the width of the corridor, so SAFCA has done all it can to provide flood protection at an affordable rate.
- For a financial perspective: a Corps \$40 million project would have meant an obligation to the State of California of \$9.8 million based on the cost share. SAFCA is able to do this project for \$3 million, receiving less than \$1 million from the State and a Proposition 1E grant.
- As Mr. Tice mentioned, on the 200-year they are probably looking at any water spills out of the channel causing a shallow sheet flow situation mainly contained in the streets.
- The contractor is ready to start work on August 13.
- The Board will see this type of project in the future, in which the federal government is unable to complete a project and the locals want to go forward. There is limited money and space. SAFCA has found a solution that the community is willing to accept. It is not an encroachment in the floodway. SAFCA is actually just widening the channel; it happens that the width of the channel brings it to a 100-year level of protection.

- SAFCA is working with RT and feels that this is an RT issue, not a flood control issue.
- SAFCA was requesting the Board to encourage its staff to complete their final plan review before August 9, so that SAFCA can get its contractor started without any hesitation.
- Mr. Ghelfi requested the Board to issue the permit without the stipulation that it can be revoked due to public protest, as SAFCA has met the legal requirements for notice.
- SAFCA wants to do the project in a quick timeline for insurance relief, and in addition because light rail is ready to start construction on their line next summer. There is not room for two contractors at the site.

In answer to a question from President Edgar, Mr. Ghelfi stated that FEMA's Region 9 staff reported that they were on board and didn't need the 3' of freeboard.

President Edgar stated his position: he felt that staff has gone overboard in accommodating SAFCA, its construction schedule, and so on. Staff has moved this project ahead of others. Regarding the legal requirement on the posting, the Board will comply with the legal requirement, whatever it is.

If the Board is willing to go ahead with this, it will be recognized as a compromise: we can't spend the kind of money that the Corps wanted to spend on a huge project. We had to do it at far less cost, and the local partners came up with a good idea.

The Corps is obviously getting out of the business of flood control. Neither the State nor the locals has a great amount of money, so we have to work on improving the system with less money and less perfect solutions. We have to begin to compromise.

Mr. Ghelfi mentioned that the federal project is authorized to go up to Center Parkway, which is about half of the project. SAFCA, the Corps, and the State collectively agreed to stop the project on Unionhouse Creek at Franklin Boulevard; their project is upstream.

Executive Officer Punia emphasized that this is a regulated stream under the Board's authority. It is not part of the federal flood control project.

Board Member MacDonald remarked that for the future, the Board will need a good understanding of exactly when SB 5 triggers the 200-year requirement.

Upon motion by Vice-President Suarez, seconded by Secretary Dolan, the Board unanimously voted to adopt the staff recommendation to approve Permit No. 18777.

At this point in the meeting, Mr. Butler made a brief statement to acknowledge some staff for their hard work. As many of the staff had spent several months working exclusively on the CVFPP, others were back at the office continuing to work on early implementation projects such as the Caltrans bridge projects and the Unionhouse Creek project. These staff members were David Williams, Deb Biswas, Sungho Lee, Andrea Mauro, and Jon Tice. Mr. Butler thanked them for holding down the fort.

A. Combined Construction Variance Hearing for Permit No. 18655 and Permit No. 18655-2, California Department of Transportation (CALTRANS), District 3

Consider approval of Permit No. 18655 to authorize an existing cast-in-place reinforced box girder concrete bridge structure (No. 19-0195R) crossing Coon Creek, and approval of Resolution No. 2012-30 for a construction variance to Board standards. Also consider approval of Permit No. 18655-2 to build a cast-in-place, pre-stressed concrete box girder left bridge (19-0195L) crossing Coon Creek, and approval of Resolution No. 2012-33 for a similar construction variance to Board standards. (Placer County)

Mr. Williams, Section Chief of the Projects Branch, gave a presentation. He stated that on or about September 3, 2010, Board staff visited the site to find seven bridges under construction without a Board permit. The staff was now bringing the matter to the Board.

- Mr. Williams described the site location using maps.
- The bridges in question are constructed in the floodway of Coon Creek and thus require permitting under the board's jurisdiction.
- Caltrans has mitigated the rise in water surface elevation by purchasing upstream flood easements.
- Because of the flood easements and compensation upstream and downstream for the landowners, staff believes that the freeboard issue has been mitigated.
- Mr. Williams explained several factors that prompted a request from Caltrans for a variance from Board standards to reduce the freeboard requirement.
- Backwater impacts from the new crossing encroach onto several upstream adjacent private parcels. Caltrans has obtained the necessary flood easements from two separate landowners and provided compensation.
- Mr. Williams provided the basis for the hydraulic design water surface elevation, and provided a picture of the water surface profile.
- He showed the HEC-RAS model and photographs of bridge construction.

Mr. Tom Brannon, Caltrans District 3 Project Management, answered Board questions. He stated that Caltrans had no objection to the permit as written and urged the Board to adopt it.

Vice-President Suarez asked how it happened that Caltrans built the bridge without obtaining permission from the Board on issues relating to flood control and protection. Mr. Brannon explained that Caltrans had simply been ignorant of the law. On being notified of their responsibilities, they have been working with Board staff ever since.

Vice-President Suarez asked about any process Caltrans has instituted for the future to ensure that this doesn't happen again. Mr. Brannon answered that Caltrans is now aware

than when crossing a waterway with any kind of an improvement, they will engage the Board initially.

Board Member Villines asked about the mitigation that has occurred. Mr. Brannon explained the purchase of additional flood easements and compensation for rock slope protection for the landowners.

Responding to a question from President Edgar, Mr. Brannon and Mr. Williams confirmed that the remaining bridges did not need any variances, except for the bridge scheduled for the next hearing.

Mr. Marino acknowledged Mr. Brannon and Director Jody Jones from District 3 for their cooperation during this process, which had lasted almost two years. Board staff had held a series of educational briefings as to why and when a permit is needed. Everyone was looking to have the permits in place in time for the Highway 65 bypass to open on September 28.

Mr. Marino added that this was the process that spurred the creation of the position held by Steve Jaques, Caltrans coordinator for the entire Department of Transportation. He coordinates all hydraulic and geotechnical issues concerning the bridges among the districts.

Upon motion by Board Member Countryman, seconded by Board Member MacDonald, the Board unanimously voted to adopt the staff recommendation to approve Permits No. 18655 and 18655-2.

B. Encroachment Permit Hearing for Permit No. 18653, California Department of Transportation (CALTRANS), District 3

Consider approval of Permit No. 18653 and Resolution No. 2012-31 to authorize two existing cast-in-place reinforced box girder concrete bridge structures (No. 19-0191R and 19-0191L) crossing Auburn Ravine. (Placer County)

Dr. Biswas, Staff Engineer, gave a presentation on the project.

- He showed the location of the proposed two bridges.
- There are no freeboard issues or clearance issues between the design water surface elevation and the bottom member of the soffit. However, the hydraulic analysis indicates that there is an almost 4' rise in the water surface elevation, which is in contradiction of Section 15(a)(2) of Board regulations.
- After reviewing Dr. Biswas' hydraulic analysis, Board staff had agreed. In the staff report, there are two different sets of LiDAR data used for getting the cross-sections for the HEC-RAS models.
- Dr. Biswas provided technical details on the HEC-RAS models. He stated that Board staff and Caltrans did not agree on flooding to the area on the northern side.

- He explained that in the ravine, from pre-construction to post-construction the water surface elevation increase is almost 4'. This also contradicts Title 23, Section 15(a)(3).
- There will definitely be some amount of through-seepage and underseepage, which occur whenever an embankment is placed on the ground and there is a high buildup of backwater. Caltrans had not conducted any kind of through-seepage or underseepage analysis.
- There were no issues with the CEQA findings.
- The project followed the accepted industry standard – Water Code Section 8610.5.
- Board staff had included a special permit Condition 26 because of the uncertainty and assumptions used for the hydraulic model.
- Board staff received a letter from the Corps with no recommendation about the project.

Mr. Williams reported that Mr. Marino had received a handwritten note from Caltrans. It stated that Caltrans requested to get a permit without Condition 26. But they would accept the permit with the condition and the understanding that they would continue analysis to prove that the wetted area does not change. If it does not, they would return to ask for a relief from Condition 26.

Mr. Williams felt that the important thing to notice was that, while the wetted perimeter upstream was not changed because of the deep canal of Auburn Ravine, the rise in water surface elevation of 4' does affect farm property.

Mr. Butler addressed a point brought up by Board Member Countryman: whether or not Condition 26 becomes part of the permit has no impact on facilities of the State Plan of Flood Control. They are downstream; the site is well upstream of those facilities. The two issues should be separated.

Mr. Williams stated that Board staff felt that the only way they could address the extra height in water surface elevation in the landowner's orchard, was to ask Caltrans to purchase a flood easement there – the area could be maintained and Caltrans would have the responsibility to help the farmer out so that he was not as deeply underwater as historically has happened.

Board Member Countryman asked about the Board's authority for Condition 26. Mr. Williams pointed out that the stream is regulated by the Board. Jim Andrews, Legal Counsel, stated that a permit doesn't have to be connected with the State Plan of Flood Control for the Board to have the authority under Title 23, Section 16(a) to condition it.

Mr. Marino explained that staff was not asking Caltrans to demolish the bridge and rebuild it with a different support system; they were asking them to mitigate in a different way for constructing the bridge: to buy more easement so that someone in the future doesn't construct a commercial building or a school on that parcel that's now occupied by

an orchard. Staff believed that was the best strategy to keep the bridge in place and move forward. It was the purpose and logic behind Condition 26.

President Edgar advised the staff to decide which material, information, and data make sense to the technical experts and work it out. It was not the proper role of the Board to determine whether the LiDAR information is correct or not, or to try to referee between technical experts.

Mr. Brannon gave the next presentation, which explained Caltrans' position. The only issue Caltrans had with the variance was Condition 26.

- Caltrans acknowledged that the depth of water on the orchard parcel in question does increase above the depth to which it was flooded before they built the bridge.
- Caltrans engaged experts – both biologists inside Caltrans as well as U.C. Davis Professor Louise Ferguson, Ph.D. – asking them the effect on an orchard of increasing the depth of flooding. Their response was that the increased depth of flooding was not going to do any more damage to the trees than the original depth was. The only issue would be the additional length of time of water inundation of that parcel.
- The general thought among Caltrans engineers was that this time span would increase only a few hours because of the construction of the bridge.
- Because the parcel floods in the current condition and Caltrans was having a very difficult time putting a dollar figure on the damage that would accrue by the additional flooding, Caltrans was asking that Condition 26 not be applied to the permit.

Brenda Schimpf, Caltrans Chief of North Region Right-of-Way, stated that their appraisal process has just begun. They will be meeting with the property owner. They will be talking to the county about zoning, about the current floodplain status, and about the potential uses for the property based on the change of the water that would be standing on the property.

Board Member Villines questioned why the group should exclude that piece from this discussion, and discussed this with Mr. Brannon. President Edgar reiterated that the Board's concern was the possibility of the farmer selling the property down the road.

Secretary Dolan commented that the idea set down in the Board regulations is to prevent having structures and people in floodways that can be damaged. There is an increase in water on this parcel. Caltrans did not think it actually causes damage and hasn't yet discerned how to negotiate the value. This was not a reason to be unconcerned about the finding and necessary mitigation.

The property owner, Sandra Sales, asked for clarification about the map. Steve Ng, Caltrans Structure Hydraulics Chief, explained the location of the creek relative to the house.

Ms. Sales stated that she and her husband had bought the place as their retirement home, and she asked how Caltrans was going to address the higher floodwater level on the property. President Edgar explained that this was the reason for Condition 26 in the permit. Caltrans needed to work with Mr. and Mrs. Sales.

Mr. Williams noted that staff had met with Caltrans many times regarding this project and the rest of the Highway 65 project, trying to get the hydraulics straight. Caltrans had submitted three hydraulics reports. Staff believes that with the bridge, the walnut orchard is going to flood deeper than it is right now. Caltrans needs to meet with the property owner to work out a flood easement; Board staff would be fine with the project with that flood easement.

Board Member Countryman tried to establish whether the home, barn, and other outstructures, which being at a higher elevation stay dry now, would flood because of the bridge. Mr. Ng and Board staff did not reach agreement.

Mr. Butler summarized the situation, recognizing that staff and Caltrans did not agree on the technical issues – and those issues are important to determine whether or not further mitigation through a flood easement is necessary or not. He proposed that Condition 26 gives Caltrans enough leeway, and staff enough direction, to work out those hydraulic issues so both sides can be more certain as to what really is going on out there.

Upon motion by Board Member Countryman, seconded by Board Member Villines, the Board unanimously voted to adopt the staff recommendation to approve Permit No. 18653.

9. CLOSED SESSION

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

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

The Board recessed into Closed Session at 12:55 p.m., reconvening at 2:10 p.m.

10. BOARD COMMENTS AND TASK LEADER REPORTS

President Edgar stated that the Board had three items to discuss.

1. **Individual Committee Assignments.** The Board had previously discussed having committees. They had made the decision to go to two meetings a month starting in September.
 - The second Friday of the month will be the meeting on informational items, tours, and studies that need more detail.
 - The fourth Friday of the month will be the regular business meeting.

Secretary Dolan displayed a chart showing her recommendation and President Edgar's recommendation for committee assignments. She noted that the Board had decided to review the committees in six months to see if they were working.

President Edgar described the three committee categories.

- a. The **Executive Committee**, consisting of himself, Vice-President Suarez, and Secretary Dolan, handles issues of Board management and agenda follow-up. This committee will be looking increasingly into budget issues.
 - b. The **Ad Hoc Committees** consist of two committee members and an alternate. The Ad Hoc Committees are set up in categories to deal with issues as they come up.
 - c. The **Liaison Assignments** are made when other organizations or agencies request CVFPB presence.
2. **Integration of Systemwide and Regional Planning.** An informal coordinating committee will consist of people representing CVFPB, DWR, and stakeholders. They will identify disconnects, problems, or coordination issues that need to be analyzed and resolved quickly, to give a consistent message that everyone is moving in the same direction.

Board Member MacDonald addressed DWR's basic idea is for DWR to do the two basin plans –Sacramento and San Joaquin – and have the regional entities prepare regional plans. The Board saw problems with this. Accordingly they proposed to create a coordinating committee which would have no specific membership; subcommittees could be created. It would be primarily a discussion group allowing communication between DWR, the engineering people, and the regional people.

Board Member Villines agreed with the concept. The Board had listened to too many groups of constituents saying they felt discounted and disconnected. President Edgar stated that the Board had to somehow inject itself in a meaningful way into this process. Real listening and collaboration had to happen.

Board Member MacDonald stressed the advantage of this process for having a good relationship between the basin plan and the regional plan.

Board Member Villines felt that the Board's responsibility was to take the role that helps the public have a voice. Board Member MacDonald commented that the Board can continue to hold local hearings on subjects important to the public.

President Edgar stated that if this coordinating committee is established and becomes effective, DWR will use it. The Board needs to earn the ability to be involved in some sort of meaningful way – a difficult process. At the same time the Board will be visiting stakeholders and possibly having hearing on different subjects, in order to get some feedback.

He continued that while the Urban Level Design Criteria (ULDC) is basically resolved, the Urban Level of Protection (ULOP) has various problems, the result of

engineers doing land-use planning. For the Board to be meaningfully involved will be an incremental process.

3. Current Board Activities, which the Board proceeded to report on as follows.

- Board Member Countryman and President Edgar had a briefing on the San Joaquin River Restoration Project. Board Members Countryman and Ramirez are going to be involved in that project with Board Member Villines as the alternate.
- Because of budgetary reasons, DWR has been pulling back on the outreach program that Christy Black had been helping with. To do any public outreach, the Board will have to carve it out of their own budget.
- Regarding the vegetation management issue, Board Member MacDonald felt that to win the fight there should be pressure put on the Corps from higher up. He suggested Washington lobbyists from the Assembly, Senate, and Governor's office. Besides the Board, DWR, the Resources Agency and the Governor's office, possibly the Speaker's office and the Pro Tem's office could join the effort.
- Also regarding the vegetation management issue, Board Member MacDonald suggested developing material for use in public relations. Since the Board can use DWR's graphics people, perhaps they could take a photograph off the I-5 bridge looking up towards Old Sacramento – a shot shown with all the trees and a shot with the trees photo-shopped out. He will follow up on this idea.

11. FUTURE AGENDA

Secretary Dolan asked about how close staff is to implementing the delegation of approval of routine projects. Mitra Emami, Senior Engineer, reported that staff is developing a report that is printed off their database so they will not have to put so much effort in it. A trial run with 12 projects posted is scheduled for August 3.

At the request of Vice-President Suarez, Ms. Emami reminded everyone of the sequence of the 30-day notice requirement in the regulation.

Ms. Emami remarked that currently she cannot reduce the time it takes for an application to be received and deemed complete, because the Corps must have their 60-to-75-day review period.


Mr. Marino stated that staff is looking for a date in November to meet with the Marysville people. Five enforcement hearings must be held with one in Spanish. The board settled on November 15 with Marysville as the location.

12. ADJOURN – REGULAR BOARD MEETING


President Edgar adjourned the regular meeting at 2:54 p.m.

Dated: ~~William H. Edgar~~ September 28, 2012

The foregoing Minutes were approved:



Jane Dolan
Secretary



William H. Edgar
President