MINUTES
MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD
June 29, 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 special meeting of the Central Valley Flood Protection Board was held on June 29, 2012, beginning at 9:10 a.m. at the Resources Building, 1416 Ninth Street, Sacramento, California 95814.

The following members of the Board were present:

Mr. Bill Edgar, President
Ms. Emma Suarez, Vice President
Ms. Jane Dolan, Secretary
Mr. Joe Countryman
Ms. Tina Leahy
Mr. Clyde MacDonald
Mr. Tim Ramirez
Mr. Mike Villines

The following members of the Board staff were present:

Mr. Jay Punia, Executive Officer
Mr. Len Marino, Chief Engineer
Mr. Eric Butler, Supervising Engineer
Ms. Nancy Moricz, Staff Engineer
Mr. James Herota, Staff Environmental Scientist
Ms. Amber Woertink, Staff Assistant
Ms. Deborah Smith, Legal Counsel

Department of Water Resources staff present:

Mr. Keith Swanson, Chief, Division of Flood Management
Mr. Paul Marshall, Assistant Chief, Division of Flood Management
Ms. Michele Ng, Senior Engineer

Also present:

Mr. John Cain, American Rivers
Mr. Justin Fredrickson, California Farm Bureau Federation
Mr. Christopher Lee, Yolo County

1. ROLL CALL

President Edgar welcomed everyone to the special meeting, the purpose of which was to consider adoption of the Central Valley Flood Protection Plan (CVFPP). He stated this is a historic moment for the flood protection system in the Central Valley. It is the first time in over 100 years that a framework has been developed for comprehensive flood management and flood risk reduction in the Central Valley. The adoption of this plan is consistent with the Governor's vision to improve infrastructure for the State of California.

Executive Officer Punia welcomed Tina Leahy, representing Ex Officio Member Assemblyman Jared Huffman, and reported that all Board Members were present except for Mr. Villines, who arrived later.

2. APPROVAL OF AGENDA

Executive Officer Punia stated staff requested to follow the agenda as posted.

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

3. PUBLIC COMMENTS

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

4. CENTRAL VALLEY FLOOD PROTECTION PLAN

President Edgar stated the Board has heard presentations from the Department of Water Resources (DWR), public and stakeholder testimony, and comments on the plan over the last six months. He is pleased with the robust response from the public, and stated they have provided valuable input in this process. Over the last six months, the Board has attended hearings and regular, special, and individual meetings. The adoption resolution, first drafted in early May, also received input from the DWR and the public. A drafting committee convened to produce a revised draft of the adoption resolution based on that input. Today, the Board is preparing to adopt the plan.

A. Presentation of the final Program Environmental Impact Report (PEIR) and its findings for the 2012 Central Valley Flood Protection Plan

DWR Senior Engineer Ng stated the DWR certified the final PEIR, which consists of an introduction, master responses, individual comments, references, a list of preparers, the Mitigation Monitoring or Reporting Plan (MMRP), and the CVFPP errata.

Since December 2011, a total of about 2,600 comments were received from 5 federal agencies, 6 State agencies, 50 local agencies, 60 group comments, 84 individual comments, and 99 comments from the six public hearings. The total does not include duplicate comments. Additional comments received after the public comment period closed will become part of the administrative record; however, they are not included in the PEIR.

The PEIR required alterations to avoid adverse effects on the environment. Several factors make mitigation efforts to lessen those negative effects infeasible. Consequently, the Statewide System Investment Approach (SSIA) results in significant and unavoidable impacts after mitigation.

However, the DWR has found:

- The PEIR provides adequate, good-faith, and reasoned responses to all comments that raise significant environmental issues.

- There was no new significant information presented during or after the public comment period.
- The PEIR evaluates compliance with the Engineering Technical Letter to provide an analysis if needed for future variance processes.

Based on the above findings and information contained in the record, the DWR determined that most significant effects on the environment, due to the approval of the project, have been eliminated or substantially lessened where feasible. Any remaining unavoidable significant effects are acceptable due to the factors described in the Statement of Overriding Considerations, which DWR Senior Engineer Ng summarized as follows:

- Significant portions of the flood risk reduction system are in need of modification.
- State law and policy require the flood risk reduction system to meet multiple objectives where feasible.
- Flood risk reduction is necessary.
- Flood risk reduction projects can be planned to minimize impacts.

DWR Senior Engineer Ng stated the DWR, after balancing the economic, legal, social technological, and other benefits of the project against its unavoidable environmental risks, found that the former outweigh the latter, and thus, certified the final PEIR yesterday and posted it on their website.

Vice President Suarez asked how the DWR has responded to comments dealing with the adequacy of the document in analyzing specific projects. DWR Senior Engineer Ng stated this is one of the master responses in Chapter 2, wherein the DWR addressed the adequacy of the analysis, both under CEQA and in the context of the plan, and the DWR cited the objectives and responsibilities given by the Legislature.

In response to Vice President Suarez's question, DWR Senior Engineer Ng stated the DWR does not, as yet, have the resources or public input to do more project-specific analyses. Currently, the DWR has a conceptual program, as requested by the Legislature, which includes public outreach and local input and is updated every five years; additional analyses and studies will be conducted in the future.

In answer to President Edgar's question, DWR Senior Engineer Ng and Legal Counsel Smith concurred that the DWR is the proper lead agency.

B. Per California Water Code Section 9612(b), consider approval of Resolution No. 2012-25 to adopt:

Responsible Agency Findings pursuant to the California Environmental Quality Act and direct the Executive Officer to take the necessary actions to prepare and file a Notice of Determination for the Central Valley Flood Protection Plan Final Program Environmental Impact Report (State Clearinghouse No. 2010102044).

The Department of Water Resources' 2012 Central Valley Flood Protection Plan as described in Resolution 2012-25 as the "adopted 2012 Central Valley Flood Protection Plan."

Staff Environmental Scientist Herota stated the Board, as a responsible agency, and in accordance with the CEQA guidelines, is required to consider the environmental impacts of the CVFPP identified in the PEIR as prepared by the DWR. After approving a plan that is subject to

the requirements of CEQA, the Board is required to file a Notice of Determination with the State Clearinghouse within five working days.

The Board's CEQA findings, the decision on the CVFPP, and the PEIR are in the Board's Resolution 2012-25, on pages 21 and 22.

- Resolved 27 – The Board has considered the environmental impacts identified in the PEIR. The findings show that the Board reached its own conclusions after reviewing the lead agency findings, the MMRP, the Findings of Fact, and the Statement of Overriding Consideration on the CVFPP.
- Resolved 28 – The Board adopts the project description, the MMRP, and the analysis and findings of significant impacts, which are relevant to the CVFPP.
- Resolved 31 – Directs the Board's Executive Officer to take the necessary actions to prepare and file a Notice of Determination with the State Clearinghouse showing approval of the CVFPP PEIR.

The proposed adopted CVFPP components can be viewed or downloaded from the Board's website, and the PEIR can be viewed or downloaded from the DWR's website.

Supervising Engineer Butler reviewed the proposed Board adoption package, which includes seven components:

- The proposed resolution
- The draft of the 2012 plan
- Volume 1, which includes Attachments 1 through 6
- The final errata on the draft and Volume 1
- The State Plan of Flood Control Descriptive Document completed in 2010
- The Flood Control System Status Report completed in 2011
- The Board public comment record

Supervising Engineer Butler presented the chronology of plan activities and emphasized the meetings the Board convened to engage the public. Several agencies, organizations, and other entities contributed in creating a draft resolution, which reflects public input and testimony received since January 1st.

He summarized the changes in the resolution that have been made since June 22: Whereas RR was added addressing the programmatic- versus project-level CEQA analyses to clarify that the CEQA work is ongoing; minor editorial corrections, removal of past highlighted changes, insertion of placeholders material, and updated pagination were made to Whereas JJ, Whereas QQ, and Resolved 23.

He summarized the Board commitments reflected in the Resolved statements:

- Continue to provide a public forum for post-adoption planning, and implementation
- Establish an advisory committee to implement future flood risk reduction programs and projects
- Establish an advisory committee for results-oriented and time-bound conservation objectives
- Establish advisory committee to develop rural levee repair and improvement criteria
- Seek to preserve rural agricultural landscapes
- Minimize agricultural production losses

- Coordinate with the DWR to initiate State-led basin-wide feasibility studies
- Link to the regional planning website
- Provide representatives to the regional planning groups
- Hold hearings
- Provide a public forum
- Seek regulatory reform and reduce flood insurance rates relative to the FEMA floodplain
- Facilitate coordination between the plan and other major water- and conservation-related programs in the two river basins
- Work with the DWR and other agencies to develop a more comprehensive State levee vegetation management strategy

President Edgar asked Secretary Dolan to prepare the Board assignment list for the July meeting, and to assign two members to a Board committee that will have the responsibility to track the commitments to keep the Board on task and on schedule.

President Edgar stated the staff's recommendation to the Board is to adopt Resolution 2012-25, which modifies the DWR's proposed 2012 CVFPP, so that the adopted plan includes the contents of the resolution, including the Board's CEQA findings as a responsible agency; the Public Draft 2012 plan as modified by Resolution 2012-25 and errata; the State Plan of Flood Control Descriptive Document; the Flood Control System Status Report; Volume 1, Attachments 1 through 6 as modified by errata; the errata itself; and the Board public comment record. Resolution 2012-25 has been written to direct the Executive Officer, pursuant to CEQA, to file a Notice of Determination with the State Clearinghouse.

DWR Comments

DWR Division of Flood Management Chief Swanson stated this is a historic moment that will usher in profound changes in the next twenty-five years. While the CVFPP is not without controversial elements, it gives the opportunity to change how water is managed in California.

He felt regional planning and basin evaluations are the immediate challenges. Regional governance will be important to produce projects that represent an integration of public safety, environmental stewardship, and water reliability.

The CVFPP will allow water managers across the State to coordinate and develop goals for the future. The DWR looks forward to working with the Board to implement projects and improvement to water management in California.

Public Comment – Justin Fredrickson

Justin Fredrickson, of the California Farm Bureau Federation, stated there are certain essential components that will make regional planning a success and offered suggestions for increased involvement in the process:

- Have detailed, technical, project development conversations between the regional management entities
- Hold public forums
- Collaborate with County Farm Bureaus to reach stakeholders, landowners, and agricultural interests
- Hold county and local government meetings
- Establish a stakeholder advisory committee

Mr. Fredrickson stated direct input from regional and local interests is an important link between the regional and basin-wide feasibility planning processes.

Public Comment – Christopher Lee

Christopher Lee, representing the Yolo County Board of Supervisors, stated the County's three key points:

- The County supports local input in the planning process and implementation.
- The County has endeavored to participate in the process to date, but the CVFPB needs resources to ensure that public and stakeholder participation can continue, and that local buy-in to the products will be available.
- The Yolo Bypass should not be considered the only solution to flood management issues, and the study should not be started with preconceived notions that this is so.

Public Comment – John Cain

John Cain, of American Rivers, stated collaboration between the Board and the public during the planning process will strengthen future cooperation and understanding. He also hoped to see an even closer partnership between the non-governmental organizations and agricultural communities.

Board Discussion

Board Member Countryman warned against the CVFPP impeding the Early Implementation Program (EIP) process. President Edgar stated the EIP will be part of the regional process as it is an issue of stakeholder concern. The Board will confer with the DWR on that, as well as other issues involved in the regional planning process.

Acting Ex Officio Member Leahy commended the Board for creating a respectful process that involves the public and addresses their concerns.

Board President's Address

President Edgar stated the Legislature, in 2008, approved the development of a State-wide comprehensive framework for system-wide flood management and flood-risk reduction in the Sacramento and San Joaquin River basins. Under the law, the DWR took the lead in developing the plan, and a draft plan was completed in December 2011. The Legislature and the Governor selected this Board as the proper forum to vet the plan with the public. The dedication and perseverance of the Board members and staff made the process not only possible but successful.

As a result of the high level of public interest, four public hearings were held – double the number required by law – in addition to special Board meetings and public workshops. The Board received over three hundred comment letters regarding the plan and the adopted resolution, and participated in dozens of group briefings with local elected officials and key stakeholders. The Board also conducted a series of seven stakeholder meetings throughout the region. Public response to these meetings was overall positive.

In reviewing and amending this plan, the Board received input from valley residents, flood experts, farmers, property owners, local governments, levee districts, scientists, and environmentalists. Their contribution greatly influenced the key components of the plan. On behalf of the members of the Board, President Edgar thanked everyone involved in the process

for their participation. The Board values the partnership with the DWR, stakeholders, and the public in furthering the development, integration, and implementation of regional and basin-wide planning efforts.

*Upon **motion** by Board Member Villines, seconded by Secretary Dolan, the Board unanimously approved the staff recommendation to adopt Resolution 2012-25, which modifies the DWR's proposed 2012 CVFPP, so that the adopted plan includes the contents of the resolution, including the Board's CEQA findings as a responsible agency; the Public Draft 2012 plan as modified by Resolution 2012-25 and errata; the State Plan of Flood Control Descriptive Document; the Flood Control System Status Report; Volume 1, Attachments 1 through 6 as modified by errata; the errata itself; and the Board public comment record.*

5. ADJOURN – SPECIAL BOARD MEETING

President Edgar adjourned the meeting at 10:29 a.m.

Dated: August 24, 2012

The foregoing Minutes were approved:

Jane Dolan
Secretary

William H Edgar

William H. Edgar
President