

**MINUTES**  
**MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD**  
**November 16, 2012**

NOTE: THE BOARD WILL CONSIDER TIMED ITEMS AS CLOSE AS POSSIBLE TO THE LISTED TIME, BUT NOT BEFORE THE TIME SPECIFIED. UNTIMED ITEMS MAY BE HEARD IN ANY ORDER. MINUTES ARE PRESENTED IN AGENDA ORDER, THOUGH ITEMS WERE NOT NECESSARILY HEARD IN THAT ORDER.

A regular meeting of the Central Valley Flood Protection Board was held on November 16, 2012, beginning at 9:09 a.m. in the Auditorium at The Resources Building, 1416 Ninth Street, Sacramento, California.

**The following Members of the Board were present:**

Mr. William H. (Bill) Edgar, President  
Ms. Emma Suarez, Vice President  
Ms. Jane Dolan, Secretary  
Mr. Joe Countryman  
Mr. Clyde Macdonald  
Mr. Tim Ramirez  
Mr. Mike Villines  
Assemblymember Ben Hueso, represented by Ms. Tina Canon-Leahy

**The following members of the Board staff were present:**

Mr. Jay Punia, Executive Officer  
Mr. Len Marino, Chief Engineer  
Mr. Eric Butler, Supervising Engineer  
Ms. Mitra Emami, Senior Engineer  
Mr. Michael Wright, Senior Engineer  
Ms. Amber Woertink, Staff Assistant  
Ms. Deborah M. Smith, Legal Counsel

**Department of Water Resources (DWR) staff present:**

Mr. Gary Bardini, Deputy Director, Integrated Water Management  
Mr. Paul Helliker, Deputy Director, Delta and Statewide Water Management  
Mr. Arthur Hinojosa, Chief, Hydrology and Flood Operations Center  
Mr. Noel Lerner, Chief, Flood Maintenance Office  
Mr. Michael Sabbaghian, Chief, Project Development Branch  
Mr. Keith Swanson, Chief, Division of Flood Management  
Mr. Ward Tabor, Assistant Chief Counsel

**Also Present:**

Ms. Kim Floyd, Kim Floyd Communications

**1. ROLL CALL**

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

**2. APPROVAL OF MINUTES – September 28, 2012 Board Meeting**

*Upon motion by Secretary Dolan, seconded by Board Member Macdonald, the Board unanimously approved the September 28, 2012 Board Meeting Minutes.*

**3. APPROVAL OF AGENDA**

Executive Officer Punia stated the staff recommendation that some of the language in Consent Calendar Items 8A and 8E be slightly modified to better clarify the project descriptions.

*Upon motion by Secretary Dolan, seconded by Board Member Macdonald, the Board unanimously approved the staff recommendation (see sentence above).*

**4. PUBLIC COMMENT - NONE**

**5. RECOGNITION OF SERVICE – WARD TABOR**

President Edgar read the retirement resolution into the record.

Members of the Board and others congratulated Mr. Tabor and expressed their appreciation for his exceptional efforts during 23 years of service to the State of California.

Mr. Tabor spoke briefly about how he started in flood control and concluded by expressing his pleasure at serving the Board and DWR.

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

Mr. Gary Bardini, DWR Deputy Director, addressed the Board. He acknowledged Mr. Tabor's efforts; spoke briefly about the history and accomplishments of past Boards and the present Board ; and provided some background information before introducing Mr. Paul Helliker, newly appointed Deputy Director of Delta and Statewide Water Management, who addressed the Board.

## **Flood Season Preparedness Briefing – Flood Emergency Response activities and outlook for the 2012-13 flood season**

Mr. Art Hinojosa, Chief of the Hydrology and Flood Operations Office, Division of Flood Management, gave a presentation on flood season preparedness. Some highlights:

- Prior to the onset of flood season, his office conducts pre-season meetings with their partners, which include the California-Nevada River Forecast Center and the Weather Forecast Offices (WFOs).
- They also meet with the local county Office of Emergency Services (OES), Cal-Fire, the Corps of Engineers, and representatives from the conservation corps and the respective reclamation district.
- They expect and verify that every county has a hazard mitigation plan; if not, they work with the county on how to put such a plan together. The Office has begun operation of a direct grant program to facilitate the planning. Thus far, \$5 million has been made available statewide.
- In the Delta, help is provided to communities and local responders, anywhere from reclamation districts and levee districts to counties and cities, to develop or enhance their response plans for flood control.
- Flood fight information is reviewed and training courses are provided.
- A Levee Threat Mitigation Process and Levee Threat Monitoring Guide have been developed to help the people in the field to provide a consistent report to DWR when they see problems. The Guide outlines what to do with the information by utilizing the Process, a concise and deliberate method for evaluating threats that counties can use to have a better idea of what DWR is looking at and what it will consider a threat versus not a threat.
- For every levee and flood control facility, it's a local issue first, and they expect the local level to address the issues as best they can. To the extent the threat exceeds their abilities, they then call their County. To the extent the County needs assistance, they call the State. And to the extent the State needs assistance, it calls the Corps of Engineers (Corps).
- A weekly weather hydrology briefing will be held at the Flood Center. It is webcast and hard-linked with the Corps' Sacramento District. The briefing goes over the weather for the coming week as well as the long-range forecast. The hydrologist then goes over what threats may be present and what the ramifications potentially are.



In the event of high water or flood conditions the briefing will provide a report on the conditions.

After the briefing there is a routine off-line “check in” with major reservoir operators to see where they are at and what their concerns are.

DWR and Weather Service staff put joint forecasts out after getting information from the 10 WFOs. There are now 92 forecast points.

They also forecast 50 river reservoir in-flows through a coordinated effort with the Corps and the Bureau.

- Mr. Hinojosa discussed some of the advanced software forecasting tools being used.
- Inspections are nearly complete and erosion surveys are completed. All the information is being assembled and the reports will be delivered to the Board by the end of the year. The findings will be presented at the January Board meeting.
- He showed maps that illustrate how vulnerabilities in the system are assessed and emergency response perspectives formulated.

President Edgar spoke about the need for a huge public outreach effort, mainly from the local government people, cities or counties and/or the local agencies. Chief Hinojosa concurred and related some of DWR’s public outreach programs.

Secretary Dolan commented on the huge variation in Local Maintenance Agencies’ (LMAs) abilities to put resources together, or even to identify and dedicate staff to a particular flood issue. She reiterated the constant need for encouragement and information communicated to the local level.

Board Member Countryman added that one of the greatest incentives for the LMAs is that, when they see the information that they’re putting in the system coming back to them in real-time, they actually start using the system as part of their operations, and they see there’s a benefit; i.e, from the local engineers’ perspective it’s not just feeding the State’s data system but making the system work for them, so they can do their jobs better.

Mr. Noel Lerner, DWR Flood Maintenance Office Chief, briefed the Board on the workings of his office and answered Board Member questions.

## **7. REPORT OF ACTIVITIES OF THE EXECUTIVE OFFICER**

Executive Officer Punia reported on the following items:

- Mitra Emami will be acting as Branch Chief for the Permitting and Enforcement Branch. Gary Lemon will take Ms. Emami's position, and will be acting as Section Chief for the Permit Section.
- Curt Taras will be officiating and working with Len Marino and Mr. Punia on several assignments as a specialist, not as a branch chief.
- Early Implementation Projects are getting close to the completion phases.
- Sacramento Area Flood Control Agency (SAFCA): Natomas Cross Canal, Phase 2 and 2B, all work is completed. Work is almost complete on the Sacramento River east levee.
- Sutter Butte Flood Control Agency Project: staff participated on the independent panel of experts meeting to review the 90 percent of design. They will be submitting their first permit application soon.
- Three Rivers Levee Improvement Agency: most of the work on Phase 4 is completed.
- West Sacramento Area Flood Control Agency: The Rivers and the CHP Academy project have been stalled. Credit was requested from the Corps, under Section 221, but Corps Headquarters denied the credit. Mr. Michael Sabbaghian, DWR Flood Project Office, detailed the implications of the denial.
- South Cross Levee certification: West Sacramento Area Flood Control Agency, RD 900 and the Corps are working together and have submitted a package requesting that this private levee, on the south side of the City of West Sacramento, be part of the PL 84-99 non-project levee. Once the levee is considered as meeting Corps standards it will be covered under PL 84-99.
- The Marysville Ring Levee project, part of the Yuba River Basin, is 95 percent complete.
- The American River Common Features project: additional work was done close to Howe Avenue.
- Folsom Dam Modification, the Joint Federal Project: work continues and is now about 32 percent complete.
- Unionhouse Creek, a SAFCA project, is about 90-95 percent complete.



Mr. Michael Wright, Chief of the Enforcement Section, gave a status update on enforcement activities completed on behalf of the Board. He noted that staff was recently informed that DWR will conduct seven upcoming periodic inspections, to take place between December 2012 and February 2013. Staff is working with the DWR Flood Project Inspection Section to inform the associated LMAs of the inspections.

Mr. Wright noted that swimming pools are coming up continuously in the periodic inspections. Chief Engineer Marino added that the Corps provided some guidance to Board staff and it is clear that this needs to be pursued at the staff level; i.e., that a swimming pool remediation program of some kind needs to be put together.

President Edgar remarked that this is going to be a big issue and the Board needs to get into a proactive enforcement program. Otherwise, these levees will not continue under PL 84-99, and the Board cannot allow that to happen. The criteria for new applications must be established. The Corps standard will be that criteria, with no deviation from it.

Executive Officer Punia stated that he is planning a meeting with SAFCA and DWR to develop some strategy on the swimming pool issue and they will report back to the Board in the near future.

Senior Engineer Emami provided a quick overview of all the permits Board staff has been reviewing for the last few months. She showed what has been posted on the web and gave the status of those permits.

Vice President Suarez noted that the website allows the public easy access to view the permits that have been issued, which is another step forward in addressing the original concern with the delegated authority that people had expressed during the Board's rule-making process--that people want more transparency about the process for allowing Executive Officer issue permits. This is an important step, as it avoids the problems that apparently occurred in the past, where people felt that permits were being issued behind closed doors.

Supervising Engineer Butler further clarified the permit issuing process by presenting different looks at the data set of permits. He noted that the goal has been to continue to streamline the process and provide better service to the public.

Ms. Emami and Mr. Butler discussed the streamlining efforts and answered Board Member questions.

The Board also discussed the potential for a large quantity of permit applications coming before them as a result of the high-speed rail that is being built. Mr. Butler suggested that, at some point soon, the Board will probably need to have an informational briefing by the High-Speed Rail Authority to further clarify what that potentially might mean.

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

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

- The six regions have been pulling their planning groups together and getting their draft applications drafted and submitted to DWR. The Lower Sacramento Delta North Region was the first to submit a final drafted funding application and Feather River expects to submit its application by Wednesday of next week at the latest. All regions expect to have their drafted funding applications to DWR by mid-December.
- The steering committee for the Coordination Committee had its first meeting on November 6. That group set the agenda for the November 28 Coordination Committee meeting. As part of that meeting, DWR has volunteered to provide some information to the planning regions about what data is available for planning.
- She recommended that, at least once per quarter, consider holding meetings outside the Sacramento area, so that the Committee can really demonstrate to the regions that it is trying to do a good job with outreach, and is not expecting everyone to always come to Sacramento.
- A plan is being put together for holding open meetings and making them accessible to all Board members and all interested stakeholders, and managing that process effectively.
- One current issue is the push for funding through the grant process to pay for reconnaissance-level engineering on some of the project ideas.
- Regarding plan development, regions feel like they need more data--and it may be data that DWR doesn't currently have--to be able to put forth realistic costs and make sure that the projects they're recommending solve a real problem.
- Some regions feel that they still don't have enough clarity to properly scope their directed funding applications and will be working with DWR on that process.
- There is also a push for more clarity on the financial planning aspects of these plans.
- Overall, the Coordination Committee has been very well received, and we think that participation will grow as we move forward.



President Edgar stressed the importance of getting the grant planning applications in as quickly as possible. Also, the Coordinating Committee needs to ensure that the six regions prepare the applications in similar formats and templates, so they can be reviewed easily.

Another issue is the criteria for the rural levee repair program. DWR is preparing a charter for that and the Coordination Committee will look at it upon completion, as will the Board.

The Board should probably do the same thing with the financial issue that seems to be coming up. How much financial information is required? Is there a schedule that is required? Do the locals need to make a commitment regarding how they're going to generate their local funds? What information is going to be in that financial part of the application? In essence, how is this going to work exactly? Some time needs to be spent to figure out how much and what kind of information needs to be in that application.

## **8. CONSENT CALENDAR**

- A. Permit No. 18170-1, Three Rivers Levee Improvement Authority**
- B. Permit No. 18655-2, California Department of Transportation, District 3**
- C. Permit No. 18794, County of Merced**
- D. Permit No. 18795, County of Merced**
- E. Permit No. 18796, California Department of Transportation, District 6**
- F. Permit No. 18799, River Garden Farms**
- G. Permit No. 18800, San Joaquin River Conservancy**
- H. Permit No. 18802, Butte Creek Farms**

(As mentioned previously, some of the language in Consent Calendar Items 8A and 8E will be slightly modified to better clarify the project descriptions.)

*Upon motion by Board Member Macdonald, seconded by Board Member Ramirez, the Board unanimously approved Consent Calendar Items 8A through 8H.*

## **9. BOARD COMMENTS AND TASK LEADER REPORTS**



President Edgar remarked that he and Board Member Macdonald have spent a lot of time on Coordination Committee activities. The steering committee started up and they are working with the local planning leads to keep the regional planning efforts moving along.

He attended a meeting sponsored by Councilman Darrel Fong regarding the implementation of the City's Sacramento River Parkway Plan. His message was to emphasize that the Board's authority is as a regulatory agency that reviews the plans of others to make sure that they are in compliance with the public safety objectives and Board standards. The Board doesn't really plan, construct or finance bicycle or recreational facilities on the top of levees.

He spent time with Vice President Suarez and Board staff regarding the planning of an orientation session for the Board.

Board Member Ramirez commented that he had spoken with Mike Inamine of SAFCA to further the understanding of Board policies regarding conservation strategies and the environment, as well as other issues.

Board Member Macdonald, as mentioned previously, continues to work with President Edgar on the Coordination Committee.

He met with former Sacramento Mayor Anne Rudin, Jim Houpt and another person and talked about the fences and bicycle trails on the Pocket and south Pocket.

He attended a meeting with Councilman Darrell Fong.

He attended a Sacramento City Council meeting and witnessed a 9-0 vote in favor of proceeding with a bicycle trail.

He attended the San Joaquin Restoration tour.

He continues to work with DWR on messaging. President Edgar had asked him to prepare a generic kind of presentation that could be used by members of the Board, one for the Sacramento River, maybe another one for the Delta and one for the San Joaquin River. A draft for the Sacramento River has been finished and he has started to look at the San Joaquin issues by researching the various options and studies in the San Joaquin area.

Secretary Dolan attended the three-day Water Education Foundation tour of northern Sacramento Valley.

She received a number of press inquiries about the decertification of portions of the Mud Creek Levee north of Chico, and the Elder Creek levee around Gerber, and diverted those phone conversations to Executive Officer Punia, as she doesn't want to be seen as the spokesperson on that.

Board Member Villines spent time researching the San Joaquin restoration.

He visited the Dumna tribe, the actual aboriginal land dwellers on the San Joaquin River, who provided him with a great history of the river and what the tribe has done there.

Board Member Countryman had discussions with West Yolo Bypass personnel regarding their local planning process.

He attended the San Joaquin River Restoration meeting at CSU-Stanislaus in Turlock.

He attended an early morning meeting at Corps Sacramento District regarding the expedited process for the Sutter Buttes Feasibility Study project.

Vice President Suarez also attended the meeting at the Corps regarding Sutter Buttes.

She has been involved in various administrative duties with President Edgar and Secretary Dolan.

She has been in e-mail contact with the Flood Control Association, which has allocated time at their December 10 board meeting to receive information regarding the Letter of Intent and SWIF processes.

Board Members discussed the extent of the Board's authority when a levee becomes decertified.

## **10. FUTURE AGENDA**

Executive Officer Punia read portions of the draft Agenda for the December 21 Board Meeting and responded to Board Member questions.

## **11. CLOSED SESSION**

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


## **12. ADJOURN**

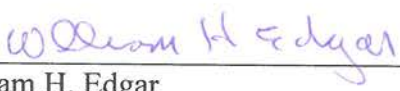
*The Board unanimously adjourned the Open Session at 4:02 p.m.*



Dated: January 25, 2013

The foregoing Minutes were approved:

  
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Jane Dolan  
Secretary

  
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William H. Edgar  
President