

**MINUTES**  
**MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD**  
**April 26, 2013**

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 April 26, 2013, beginning at 9:01 a.m. in The Sacramento City Hall First Floor Council Chambers, 915 I Street, Sacramento, California.

**The Members of the Board:**

Mr. William H. (Bill) Edgar, President  
Ms. Emma Suarez, Vice President  
Ms. Jane Dolan, Secretary (not present today)  
Mr. Joe Countryman  
Mr. Clyde Macdonald  
Mr. Tim Ramirez  
Mr. Mike Villines

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

Mr. Jay Punia, Executive Officer  
Mr. Len Marino, Chief Engineer  
Mr. Eric Butler, Supervising Engineer  
Mr. Brian Cullum, Staff Assistant  
Ms. Mitra Emami, Senior Engineer  
Ms. Nicole Rinke, Legal Counsel  
Ms. Amber Woertink, Staff Assistant

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

Mr. Jeremy Arrich, Chief, Central Valley Flood Planning Office  
Mr. Noel Lerner, Chief, Flood Maintenance Office  
Mr. Mark List, Supervising Engineer  
Mr. Rod Mayer, Assistant Deputy Director, FloodSAFE  
Mr. David Pesavento, Chief, Flood Protection Inspection Section  
Mr. Michael Sabbaghian, Chief, Project Development Branch  
Mr. Keith Swanson, Chief, Division of Flood Management

**Also Present:**

Mr. Lewis Bair, Sacramento River West Side Levee District, Reclamation District 108  
Mr. John Carlin  
Ms. Meegan Nagy, United States Army Corps of Engineers (the Corps)  
Mr. Joe Sallaberry, Reclamation District 2063  
Mr. Scott Shapiro, California Central Valley Flood Control Association (CCVFCA)

**1. ROLL CALL**

Staff Assistant Amber Woertink called the roll and a quorum was achieved.

**2. APPROVAL OF MINUTES – February 8 and February 22, 2013**

Board Member Ramirez remarked that the Minutes of February 22, in the “Board Comments and Task Leader Reports” section, references a response letter that the Board was drafting to the Delta Conservancy Bureau; it was actually just to the Bureau (the referenced letter is the December 2012 letter the Board received and drafted a response to).

*Upon motion by Board Member Ramirez, seconded by Board Member Countryman, the Board unanimously approved the February 8 and February 22 Minutes, with the change noted in the above paragraph.*

**3. APPROVAL OF AGENDA**

Executive Officer Punia stated the staff recommendation that Item D, Permit Number 18197, Stockton East Water District, be postponed.

*Upon motion by Board Member Countryman, seconded by Board Member Macdonald, the Board unanimously approved the Agenda, as amended (see paragraph above).*

**4. PUBLIC COMMENTS**

Mr. Joe Sallaberry, Reclamation District 2063 President, discussed the ongoing problems with his inspector.

President Edgar responded by asking Executive Officer Punia to look into the dispute and, if the Board needs to take action, the matter will be brought back before it.

Mr. David Pesavento, DWR Flood Project Inspection Section Chief, added that he will be accompanying Mr. Sallaberry and the inspector at the next scheduled inspection, a few weeks from today.

## **5. RECOGNITION OF SERVICE – ROD MAYER**

President Edgar stated that this Agenda Item honors Mr. Rod Mayer, current DWR Assistant Deputy Director, FloodSAFE, who will be retiring after 37 years of state service. Several Board Members and DWR personnel commented with personal anecdotes about Mr. Mayer and thanked him for his outstanding service.

## **6. U.S. ARMY CORPS OF ENGINEERS (THE CORPS) BRIEFING**

### **De-Authorization of Levees Process**

#### **- U.S. Army Corps of Engineers Levee Inspection Results**

#### **- Sacramento River West Bank**

Ms. Meegan Nagy, the Corps' Sacramento District, provided the Briefing and answered Board Member questions. She discussed how to use the 33CFR Section 408, the Rehabilitation and Inspection Program's (RIP) non-structural alternative, project modifications for improvement of the environment, review of completed projects, and de-authorization.

Mr. Michael Sabbaghian, DWR Project Development Branch Chief, updated the Board on his discussions with the Corps and other interested parties about what happens with FEMA if an entity loses their PL 84-99 authorization, and answered Board Member questions.

Mr. John Carlin commented about the Three Amigos project, which was initiated 14 years ago and remains unfinished. An MOU was signed between the Board, the Corps and the U.S. Fish and Wildlife Service. He encouraged the parties to continue to work towards finding a solution to the project.

Mr. Lewis Bair, Sacramento River West Bank Levee District and Reclamation District (RD) 108 General Manager, provided further inspection details and answered Board Member questions.

Ms. Nagy stated that the Corps' Sacramento Division has endorsed the RD 1000 Letter of Intent and it has been sent to Headquarters for review. Also, the Corps will be working with DWR to develop a biological assessment and do Section 7 consultation for the mechanisms associated with fixing rodent burrows.

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

**Quarterly progress report pursuant to Board Resolution No. 2012-25, RESOLVED 11 (y) on schedules and progress for DWR deliverables and processes set forth in RESOLVED items 11 (a) through (x) related to implementation of the Central Valley Flood Protection Plan (CVFPP).**



Mr. Keith Swanson, DWR Division of Flood Management Chief, gave the report and answered Board Member questions. He remarked that DWR is moving forward with implementing the CCFVP and specifically the State System-wide Investment Approach (SSIA).

President Edgar commented that, since the Regional Planning Groups serve as the “hub” where the various players meet, it is extremely important that the funding contracts with the Regional Flood Planning groups be completed and appropriate communications be maintained. Mr. Swanson agreed and added that the Coordinating Committee has been discussing how to synchronize calendars and link the various web pages, and it remains an ongoing process.

Some highlights of Mr. Swanson’s report:

- There will be a need for a huge amount of iteration as the various parties figure out how to merge all their efforts together. It will be imperative to come together from a regional perspective, a State perspective, and a federal perspective to implement the changes everyone is talking about.
- DWR is working on the revised hydrology for the Central Valley, which has been a long process. Many procedures were developed to make sure that DWR coordinates and reviews hydrology as it’s being developed. Much of the data has now been shared and is open to the public and being evaluated.
- The Folsom Water Control Manual update is ongoing; a second project update stakeholder outreach meeting was held on March 28.
- Urban Level of Flood Protection (ULOP): DWR has tried to re-engage, and to define shallow versus local flooding. A new work group is meeting to talk about trying to separate the ULOP discretionary items in the legislation.
- LiDAR data has been developed and shared with all sorts of external and internal stakeholders, and regional atlases have been developed for the regional planning groups. The LiDAR information will continually be updated and shared.
- A geotechnical database is being developed that is tied to the FERIX system. It will be available electronically for regional personnel to use, for consultants working on specific projects (mainly feasibility studies), and for sharing with the Corps.
- Urban Levee Evaluations—many will be completed by the end of this fiscal year; some work has been added to a few, like Stockton, and those may not get finished until the end of 2014.
- CVFPP--DWR is striving to align the basin-wide feasibility studies, the conservation strategies, and the regional flood planning efforts. This will be a

difficult process, and during this time DWR will determine appropriate projects, implement them, and come up with a process to maximize the benefits associated with the work.

- Flood Risk Notification Management—DWR is trying to provide leadership in that. The Water Code mandates sending out flood risk notifications in the Central Valley, and in the last several years over 270,000 notifications have been sent. DWR has been talking to the big flood control agencies, like SAFCA and SBFCA, about sharing mailing lists and mailings to see if there's some kind of economics associated with going to a joint mailer.
- The State Water Project has a requirement associated with the Oroville FERC relicensing to do some notification, and DWR is providing information from DWR databases.
- Flood risk reduction projects have been initiated in the San Joaquin system and staff indicates enthusiastic cooperation from the operators.
- DWR continues to work with the Corps on the Folsom Dam modifications. A contract will be awarded in early May for the approach channel, the spillway and the stilling basin.
- Work continues on the Marysville Ring Levee and Folsom Dam South Sacramento Streaming Group.
- A new WRDA bill is starting to work its way through Congress. It includes some interesting information on vegetation management and crediting.
- DWR is trying to develop a small community flood risk reduction program and is currently working on guidelines that can be shared and commented on.
- DWR is starting to formulate guidelines for the high-risk urban area flood risk reduction program.
- Progress continues with the local levee assistance program, which provides funding for flood projects outside the Central Valley. Fifty funding agreements for projects and evaluations are currently being worked on.
- The EIR review for the Small Erosion Repair Program ends on May 3. Hopefully DWR will be able to extend the effectiveness of the program and make it available to LMAs in the future.
- Flood System Repair Program guidelines are now finalized and DWR is trying to get agreements in place so it can make on-the-ground improvements.

- Flood Emergency Response Program—as mentioned earlier, DWR is trying to leverage information through utilizing the FERIX, including geotech information, levee logs that have been developed, and O&M manuals.
- Flood forecasting—an atmospheric river monitoring network has been developed to better predict what’s going on with those types of conditions, and to start to understand and take advantage of the science behind it.
- DWR is conducting some research on sierra snow aerial LiDAR, in collaboration with NASA and the Jet Propulsion Laboratory. It is trying to use the LiDAR data to augment the on-the-ground sensors to get an idea of what the snowpack is, especially at the high elevations, which will be a key association with the forecast-based operations and DWR’s ability to manage the reservoirs.
- LMA personnel are being informed on what they should be focusing on during the next maintenance season.
- April 1<sup>st</sup> snowpack was disappointing, continuing the trend from January, February and March, which were only 52 percent of average. These were the driest three months on record.
- DWR hasn’t completely quantified how it characterizes benefits, and that will be the subject of ongoing discussions.
- DWR is looking for overall results that denote the idea of resiliency within the system; the development of a robust system to handle large flood events over time, recover from the flood events quickly, and continue to provide benefits after damaging floods. The system needs to be flexible enough to handle things like climate change and changing expectations from an environmental and regulatory perspective. The work is complex and difficult; the sheer number of venues is almost overwhelming and the way it is being managed, by breaking it up with various managers, is comprehensive.

**8. CONSENT CALENDAR**

**A. Permit No. 18166-3, Sacramento Regional Transit District (Sac RT)**

**Consider approval of Permit No. 18166-3 to construct a pedestrian bridge over Unionhouse Creek. (Sacramento County)**

**B. Permit No. 18621-1, Department of Water Resources**

**Consider approval of Permit No. 18621-1 to add (construct) an additional 400-linear-feet of slurry wall to a previously approved 1200-linear-foot slurry wall (Permit No. 18621); add fill at various locations; and add a seepage berm to an existing levee on the San Joaquin River. (San Joaquin County)**



**C. Permit No. 18787, City of Sacramento**

**Consider approval of Permit No. 18787 to replace Roseville Road Bridge over Arcade Creek (Bridge No. 24C-003). (Sacramento County)**

**D. Permit No. 18817, Stockton East Water District (*Postponed*)**

**Consider approval of Permit No. 18817 to remove and replace existing culverts; and remove native material and replace with engineered streambed material and bankline rock in Mormon Slough. (San Joaquin County)**

**E. Permit No. 18818-1, Wild Goose Club, Inc.**

**Consider approval of Permit No. 18818-1 to construct an 800 square foot addition to an existing structure utilized for seasonal occupancy within Area E of the Butte Basin. (Butte County)**

**F. Permit No. 18819, City of Modesto**

**Consider approval of Permit No. 18819 and Resolution No. 2013-10 to bore two 18-inch diameter sewer lines beneath the Tuolumne River. (Stanislaus County)**

**G. Permit No. 18835, Solano County Department of Resource Management**

**Consider approval of Permit No. 18835 to remove and replace the Winters Road Bridge (Railroad Avenue) at Putah Creek. (Solano County)**

*Upon motion by Board Member Countryman, seconded by Board Member Macdonald, the Board unanimously approved Consent Calendar Items 8A, 8B, 8C, 8E, 8F, and 8G.*

**9. REQUESTED ACTIONS**

**A. Maintenance Area Budgets: Consider approval of DWR's proposed fiscal year 2013-14 maintenance area budgets, pursuant to Water Code §12878.**

Mr. Noel Learner, DWR Flood Maintenance Office Chief, presented the detailed budget information and concluded by asking for Board approval of the budgets. He, DWR Supervising Engineer Mark List, and DWR Flood Project Inspection Section Chief David Pesavento answered Board Member questions and further clarified the difficulties of accurate budget prediction.

President Edgar and Board Member Suarez raised the issue of the Board's continuing need to know more specifics about what the budgets do and do not cover.

The Board deliberated further and concluded that the Board will approve the budgets with the caveat that they receive future reports that clarify what the budgets actually provide.

*Upon motion by Board Member Countryman, seconded by Board Member Ramirez, the Board unanimously approved the Maintenance Area Budgets for FY 2013-14, with the caveat noted in the above paragraph.*

**B. Senate Bill 753, An Act to Amend the Water Code Relating to Flood Protection**

**Consider the status of, modifications to, and other actions related to legislation approved by the Board for the legislature's consideration to broaden the Board's authority, primarily related to encroachment permitting and enforcement including the authority to issue administrative fines for uncorrected code violations.**

President Edgar reiterated that the purpose of this Item is to update the Board on the bill's current status. He noted that the bill is designed to create a similar process to that used by a city or county code enforcement or nuisance abatement program. The bill would set up a three-step process: 1. a Notice of Violation; 2. a Cease and Desist Order; and 3. an Enforcement Order for those illegal or non-compliant encroachments.

Board Member Macdonald gave a progress report and explained the next steps in the process. The proposed bill was heard in legislative closed committee and approved by a vote of 7-1. The bill language will now be further clarified, then go before the Appropriations Committee, and then on to the floor of the Legislature for a vote.

Mr. Scott Shapiro, Central California Valley Flood Protection Association Counsel, remarked that the Association is extremely supportive of what the Board is trying to do in moving forward with the bill.

**10. BOARD COMMENTS AND TASK LEADER REPORTS**

President Edgar commented that he has spent a lot of his time on the legislation (see SB 753, Item 9B, above).

He has also been in continuing discussion with Board Member Suarez, Secretary Dolan and Mr. Eric Douglas. They are reviewing the various work products for the upcoming strategic planning process discussions, which will be held on May 10.

He attended the Coordination Committee meeting in Dos Palos.

Board Member Macdonald commented that he has also been spending significant time on the legislation and also attended the Dos Palos meeting.



He went to a dry run on DWR's conservation strategy on May 2<sup>nd</sup>. This is the first step of a rollout of what DWR wants to do with the conservation program.

He gave two speeches on flood control at Rio American High School to 9<sup>th</sup> graders in the GATE Program.

Board Member Ramirez has kept abreast of the various issues via e-mail. He will also attend the May 2 DWR briefing (along with Mr. Macdonald) on conservation strategy.

Board Member Countryman attended the Interagency Collaborative (IAC) Working Group meeting, which includes Fish and Game, Fish and Wildlife Service, DWR, the Corps, and multiple other agencies. Executive Officer Punia clarified that IAC meeting members discuss various conservation topics prior to the release of an EIR and other environmental documents.

Mr. Countryman attended the Mid-San Joaquin River Regional Planning Group kickoff meeting. He noted that the collaboration of the group members looks like it will result in some good regional plans.

He also attended the Dos Palos Coordination Committee meeting.

## **11. FUTURE AGENDA**

Executive Officer Punia read the proposed Agendas for May 10 and 24 and clarified some Items in response to Board Member questions.

## **12. 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.**

**To discuss litigation (Hardesty et. al. versus 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 Government Code Section 11126(e)(1).**


**To discuss litigation (Fay Island Reclamation District v. California Department of Fish and Game, et. al; California Superior Court, County of San Joaquin, Case No. 39-2009-00228660-CU-BC-STK) pursuant to Government Code Section 11126(e)(1).**

## **13. ADJOURN-REGULAR BOARD MEETING**

*The Board unanimously adjourned the Open Session at 3:28 p.m.*

Dated: June 28, 2013

The foregoing Minutes were approved:

  
\_\_\_\_\_  
Jane Dolan  
Secretary

William H. Edgar  
\_\_\_\_\_  
William H. Edgar  
President