

MINUTES
MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD
August 9, 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 August 9, 2013, beginning at 9:02 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 (not present today)
Ms. Jane Dolan, Secretary
Mr. Joe Countryman
Mr. Clyde Macdonald
Mr. Tim Ramirez (not present today)
Mr. Mike Villines (not present today)

The following members of the Board staff were present:

Mr. Jay Punia, Executive Officer
Mr. Eric Butler, Supervising Engineer
Ms. Mitra Emami, Senior Engineer
Ms. Nicole Rinke, Legal Counsel
Ms. Amber Woertink, Staff Assistant
Mr. Michael Wright, Senior Engineer

Department of Water Resources (DWR) staff present:

Mr. Steve Bradley, Supervising Engineer
Mr. Mike Mierzwa, Supervising Engineer
Mr. Michael Sabbaghian, Chief, Project Development Branch
Mr. Keith Swanson, Chief, Division of Flood Management

Also Present:

Ms. Kim Floyd, Kim Floyd Communications

1. ROLL CALL

Prior to the Roll Call, President Edgar welcomed everyone and remarked that, in response to stakeholders, the legislature and the public's desire for more public awareness of the Board's activities, Board Meetings will now be held in this new venue, the Sacramento City Hall First Floor Chambers.

Board meetings are now live-streamed and available through a link on the Board's website. In the week following the meeting, interested parties will be able to see it again by accessing a DVD in the Archives section of the website. Also, the Chamber offers wireless access for laptops and other electronic devices, as well as accommodations for the disabled.

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

2. APPROVAL OF AGENDA

Executive Officer Punia stated the staff recommendation that Agenda Item 8, Closed Session, pertaining to the interviews for hiring Board Counsel, be postponed to a future date.

Upon motion by Secretary Dolan, seconded by Board Member Macdonald, the Board unanimously approved the staff recommendation.

3. PUBLIC COMMENT-None

4. REPORT OF THE ACTIVITIES OF THE DEPARTMENT OF WATER RESOURCES

Mr. Keith Swanson, DWR Division of Flood Management Chief, began the Report and answered Board Member questions. He noted that the Central Valley Integrated Flood Management Study (CVIFMS) had a meeting on August 2, attended by Secretary Dolan, President Edgar, regional planning leads, the Corps' Mark Cowan, Jeremy Arrich from DWR, and local stakeholders. It was the first of a series of meetings to develop a path forward on how to address both the short- and long-term issues associated with the Study.

He and President Edgar discussed the ongoing difficulties inherent with moving forward on several projects that still await Corps approval.

Beginning in September, DWR will be conducting pre-season flood coordination meetings around the state.

Mr. Michael Sabbaghian, DWR Project Development Branch Chief, discussed DWR's involvement with the federal advocacy process and answered Board Member questions. He noted that DWR will soon be hiring a federal advocacy consultant, hopefully by the end of September. DWR is currently revisiting the whole program to see how to prioritize its federal advocacy in the future.

Mr. Mike Mierzwa, DWR Supervising Engineer, gave a presentation on DWR's activities related to flood risk awareness and answered Board Member questions. He remarked that the keystone project is DWR's annual flood risk notification flier. There are also a variety of other programs, including California Flood Preparedness Week, the National High Water Mark Initiative, DWR's Flood Risk Notification Program, and the National Flood Insurance Program. In addition, Mr. Mierzwa highlighted some of the local notification efforts that reduce premiums and increase public awareness.

He stated two recommendations from the Flood Future Report: first, increase flood awareness across the state; and second, collect more data, so that a better plan can be formulated at the tactical and strategic level.

Mr. Steve Bradley, DWR Division of Flood Management, presented the Central Valley Flood Protection Plan quarterly status report.

5. REPORT OF THE ACTIVITIES OF THE EXECUTIVE OFFICER

Board Executive Officer Jay Punia gave the report and answered Board Member questions. Some highlights:

- Board staff is recommending a return to a single monthly business meeting format, to be held on the 4th Friday of each month, beginning in January 2014. Staff is also thinking that a quarterly planning meeting is still a good idea. The Board deliberated about the potential scheduling changes. President Edgar directed Mr. Punia to develop a revised schedule, first for discussion at the Executive Committee Meeting, and then brought back before the full Board.
- Board staff participated in the July 16 Urban Level of Protection (ULOP) Criteria Refinement Work Group meeting; it was decided that DWR and ULOP would team their plans and prepare a revised draft ULOP criteria document for review in September.
- The Rural ULOP Group had a meeting on July 31, which was attended by Board Member Countryman and Board staff. The objective of this group is to draft some "template-type" criteria designed to provide guidance to the people developing the regional plans for the rural areas.
- Flood System Improvement Project: Levee District One (LD1) Sutter County Project has been completed and is now at the stage where the Board needs to first accept the project, and then hand it back to the LD for operation and maintenance. A similar effort is underway for the San Joaquin Area Flood Control Agency project, which was finished in the mid-nineties.
- Sutter Butte Flood Control Agency (SBFCA): staff and Board Members attended the groundbreaking ceremony. Sutter County is finally on the move, following on

previous action on the Yuba County side. When the Corps' 408 approval letter was finally received, Board Chief Eric Butler's staff was able to issue the permit the same day and the locals were very pleased.

- Staff is continually working with the SBFCA and, as part of that process, is also working with the Corps to permit relocation of 17 PG&E electric poles.
- The California High-Speed Rail is gearing up to submit a lot of applications; staff is working with them and will brief the Board on their overall plan and proposal in the near future.
- Central Valley Integrated Flood Management Study (CVIFMS): the meeting group agreed on when the Board will consider the amendment to the cost share agreement and send a letter—which will explain the local's concerns and what was approved in the Central Valley Flood Protection Plan resolution--to the Corps along with the amendment. The issue will be discussed further at the August 23 Board Meeting.

Secretary Dolan, who attended the meeting, added that the CVIFMS is an incredibly sensitive topic to northern California, the Sacramento Valley, Feather River, and even the Sacramento River local maintaining agencies, along with Cherokee Canal and Feather River Bypass. It was a healthy meeting that went from venting to some understanding of how this agreement between DWR, the Board and the Corps needs to move forward, so that there is a partnership and communication that is verified between those three entities.

- President Edgar added that the Board's issue is whether it wants the Corps working alongside DWR, as DWR's plan and Board studies are being performed--and yes, that's a good thing to do, so that, at the end of the process, the Corps is up to speed and can make their findings in a much more expeditious and efficient way regarding whether or not there is any federal interest.
- Some of the local Reclamation Districts (RDs) who have received the Corps' periodic inspection reports are raising the issue that some of the items highlighted are not their responsibilities; they are not big issues from the structural integrity of the project. Board staff will meet with the local RDs, hear their concerns, and then, once they are sure of common understanding, will have a meeting with the Corps.

Mr. Michael Wright, Board Chief of Enforcement Section, provided an update on enforcement activity.

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

Ms. Kim Floyd, Kim Floyd Communications, briefed the Board and answered Board Member questions. Highlights included:

- The Coordinating Committee (CC) last met in West Sacramento on July 24. Based upon participant feedback, the CC's steering committee has been making a concerted effort to facilitate the presentation of information to every meeting on conservation strategies and topics, as well as best practices for improving flood protection in small communities.
- Thus far, the CC has been extremely effective and successful in facilitating two-way communication.
- The next CC meeting will be on August 28, again at the City of West Sacramento. The bulk of that meeting is going to focus on a July 22nd letter from non-governmental organizations (NGOs) to Secretary Laird and DWR Director Mark Cowin regarding regional and statewide planning. The CC will be offering the NGOs an opportunity to clarify and expand on that letter, and then a discussion will be facilitated on how to better involve the NGOs in the various regional planning activities. Ms. Floyd and Board Members discussed the inherent problems with facilitating the NGO input early on in the process.
- Regarding the six *Regions*:
 - *Lower Sacramento Delta North* had a meeting on July 29 that was attended by more than 60 stakeholders who reviewed and commented on their draft Problem Definition Report. The redline version of that Report will be posted to the website by August 30, according to regional representatives. Their next committee meetings are planned for September.
 - *Mid- and Upper Sacramento* are currently meeting with small communities and levee maintaining agencies to draft the problem identification portion of the plan. The steering committee will meet on August 29 at the Colusa Community Indian Center. It will be an open business meeting.
 - *Feather River* is working on a draft of the regional plan. The Region received some very good input from the State Farm Bureau, and is working to incorporate those comments into the plan.
 - *San Joaquin Delta South* met with approximately 300 stakeholders to develop their problem identification draft chapter and work continues on that. They are also doing some outreach to the cities of Lathrop and Manteca.
 - *Mid San Joaquin* had a workshop on July 18. The next public workshop is scheduled for September 26, and they are going to be looking at their emergency response planning chapter. Also, they are going to discuss how they will start drafting their proposed regional improvements chapter.

- *Upper San Joaquin* will be discussing land use and the environment at their next meeting. They have also posted the first two chapters of their regional plan on the region's website.

6. REQUESTED ACTIONS

A. 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 remarked that he and Legal Counsel Rinke had reviewed the language and determined that it was consistent with the amendments approved by the Water Parks and Wildlife Committee on July 2, when he and Ms. Rinke testified on behalf of the bill. Subsequently, the same language was approved by the Board at its July 12 meeting, so the endorsements and actual language of the bill are in synch. Next comes the Aug 14 Assembly Appropriations Committee meeting.

Mr. Punia noted that the latest copy of SB 753 is on the Board's website.

B. Consider Approving Assignments: Consider approving Board's Executive Committee recommendations regarding committees, liaisons and focus group assignments for Board Members.

Secretary Dolan provided additional clarification on the process that culminated in the proposed assignments, and the Board deliberated.

Upon motion by Secretary Dolan, seconded by Board Member Macdonald, the Board unanimously voted to adopt the conclusions, recommendations, and Board Member assignments, as set forth in the July 26 memo.

President Edgar added that the revised information would be available on the Board website.

7. CLOSED SESSION

**- To discuss the evaluation, selection, employment, and other personnel matters related to the Board's interviewing of candidates and hiring for the position of Board Counsel pursuant to Govt. Code Section 11126(a)(1). -
*Postponed***

- 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).

- To discuss litigation (Central Valley Flood Protection Board v. Lino Catabran, Sacramento Superior Court Case No. 34-2013-142003) pursuant to Govt. Code section 11126(e)(1).

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

- To discuss litigation (Ward v. State, et al., Sacramento Superior Court Case No. 34-2013-00144886) 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.

8. CLOSED SESSION - Interviews for hiring Board Counsel pursuant to Government Code Section 11126(a)(1) - *Postponed*

9. FUTURE AGENDA

Executive Officer Punia read the draft Agenda for August 23 and answered Board Member questions.

10. ADJOURN-REGULAR BOARD MEETING

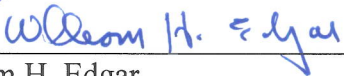
The Board unanimously adjourned the Open Session at 2:03 p.m.

Dated: 10-25-2013

The foregoing Minutes were approved:



Jane Dolan
Secretary



William H. Edgar
President