

MINUTES
MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD
July 12, 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 July 12, 2013, beginning at 9:04 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
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
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. Michael Anderson, Staff Climatologist
Mr. Jeremy Arrich, Chief, Central Valley Flood Planning Office
Mr. Joe Bartlett, Senior Engineer
Mr. Noel Lerner, Chief, Flood Maintenance Chief
Mr. Dennis McEwan, Chief, Mitigation & Restoration Branch
Mr. Dan Riordan, Environmental Scientist
Mr. Keith Swanson, Chief, Division of Flood Management
Mr. Dan Wheeldon, Chief, Flood System Sustainability Branch
Mr. Chris Williams
Mr. Kent Zenobia, Chief, Project Delivery Branch

Also Present:

Ms. Rachel Hersh-Burdick, United States Army Corps of Engineers (the Corps)
Mr. Reggie Hill, Lower San Joaquin Levee District
Mr. Ryan Larsen, the Corps
Mr. Chris White, Central California Irrigation District

1. ROLL CALL

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

2. APPROVAL OF AGENDA

Executive Officer Punia stated the staff recommendation that the Agenda remain “as is.”

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

3. PUBLIC COMMENT-None

4. U.S. ARMY CORPS OF ENGINEERS (THE CORPS) BRIEFING

Fall 2012 DWR Inspection Data Translated to USACE (the Corps) Ratings

Ms. Rachel Hersh-Burdick, the Corps, gave the briefing. She noted that the purpose of translating the ratings was to leverage limited local, State, and federal government resources to better allow the Corps, the Board and DWR to utilize the data collected during the inspections. She also provided a short history of the details of levee inspections in California and answered Board Member questions.

Ms. Hersh-Burdick observed that aligning the programs can facilitate the Corps’ ability to do quality assurance of the data. Hopefully, the Corps can analyze the data in coordination with the Flood Board, and that can inform and improve Corps inspections.

Mr. Ryan Larsen, the Corps, provided additional detail, and noted that often the Corps’ ratings don’t line up with the reports that DWR produces, and this is a way to help folks understand where those differences are, and to help local maintaining agencies (LMAs) understand what to expect when the agencies come through and do an inspection.

President Edgar recommended that Executive Officer Punia continue the work to coordinate the two inspections programs and to research the translations and report back to the Board on the specifics of the process. The Board had previously decided, in response to the DWR inspection reports, to begin to talk to the LMAs about their performance and the documentation that’s set forth in the DWR reports and the Corps inspections and how to comply. He further remarked that this appears to be a logical extension of that effort.

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

Mr. Keith Swanson, Division of Flood Management Chief, gave the presentation and answered Board Member questions. Some highlights:

- DWR has a new planning contract to support its 2017 Central Valley Flood Protection Plan (CVFPP) update. It selected CH2MHill as the contractor.
- Central Valley Floodplain Evaluation and Delineation Program (CVFED): as indicated in the previous month's briefing, DWR did deliver the 200-year maps by the statutory time limit. Also, DWR has met with various counties and agencies about the program.
- Urban Level of Flood Protection (ULOP): The working groups continue to make progress and the technical subgroups have been building consensus on some controversial items. The next larger group meeting is July 16, and the group expects to be done with the revisions in September. DWR continues to work with the counties and cities to see if they can make something that is workable, but the situation is difficult for everyone.
- Also, at this point in time, there is no commitment on when the Sutter Butte Flood Control Agency (SBFCA) might get the 408 approval from the Corps, which is also a concern. DWR is progressing on the funding. Director Mark Cowin approved the EIP funding request. Eric Koch's group is currently working on the work agreement, which is the main part of the funding agreement. They anticipate the agreement will be in place by the end of August, and that is a timeframe that works for SBFCA. They remain hopeful that the Corps gets the 408 approval and the August 7th groundbreaking date remains as planned.
- On September 18th there will be a SBFCA Civil Review Board in Washington D.C. Chief Swanson will be attending as the DWR representative.
- American River General Re-evaluation Report (GRR): A work team comprised of DWR, SAFCA, and consultant staff are working on a locally preferred plan for the Pocket Area.
- Two meetings are scheduled for July 18th: a Colusa Basin Fish Stranding Meeting called by NOAA Fisheries; and a presentation on the Biggert-Waters Flood Insurance Act. Edie Lohmann from FEMA will provide the briefing on the Act, which has some serious implications regarding flood insurance rates that are set to rise dramatically throughout the nation.
- Regional planning: Initial payments have been made to five of the six Regions.

Atmospheric River Based Design Storm for Flood Planning

Mr. Joe Bartlett, DWR Senior Engineer, provided the briefing, and Mr. Michael Anderson, DWR Staff Climatologist, further clarified certain elements; both answered Board Member questions. They discussed some of the climate change considerations in the implementation of the CVFPP, the context of flood management that climate change presents, an overview of what DWR did in the CVFPP, and what they are doing now in the basin-wide feasibility studies.

The Board deliberated on ways to integrate climate change scenarios into the various regional planning efforts.

6. REPORT OF THE ACTIVITIES OF THE EXECUTIVE OFFICER

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

- A very good response was received from the advertisement for hiring a new attorney for the Board. To date, 23 applications have been received, including some very good and competent candidates. During the August Board Meeting, staff will bring the top two or three candidates before the full Board for an interview during the Closed Session.
- American River Common Features Project: construction is moving ahead—Site 10, at Watt Avenue, is underway and five percent complete; the site close to River Park has a planned construction start date of July 15. There were some CEQA-related issues on these projects; staff resolved some of the issues and continues to work on resolving the rest so that the work can continue as planned.
- Folsom Dam Modification Joint Federal Project, Phase 3, Control Structure work is 58 percent completed, and the rebar installation and concrete placement is continuing
- Marysville Ring Levee Project, Phase 1 is almost complete. Paving of the levee crown road is underway. An inspection was performed in June and a punch list completed by Board staff to assist the contractor in project completion.
- Cache Creek setback levee project has received 408 approval from the Corps and will go into the construction phase soon.
- South Sacramento Streams, Morrison Creek, is almost 98 percent complete.

- Lower San Joaquin/South Delta Regional Flood Management Plan: Board President Edgar and Board staff attended a meeting for this regional plan in Stockton on June 19.
- Mid-San Joaquin Regional Flood Management Plan: the Three Amigos Project continues to move along.
- ULOP: Board Member Countryman and Board staff attended the ULOP Criteria Refinement Meeting on June 20. Paul Marshall is now the DWR Executive Representative on this topic.
- Mr. Punia provided a quick synopsis of the flood system improvement projects.
- Various bridge projects are at various stages.
- Bay Delta Conservation Plan (BDCP): Board staff submitted comments to DWR on the administrative draft, and the EIR/EIS. Staff withheld comments on the regulatory activities pursuant to Title 23. Board counsel continues to work with DWR counsel to see what type of role the Board will be playing on the BDCP, but staff provided other comments on the potential mitigation measures associated with the project, alternatives, their consistency with the CVFPP, and concern about the potential transportation impacts.
- San Joaquin River Restoration Program: the U.S. Bureau of Reclamation is moving ahead and is in the process of acquiring their independent easements.
- Title 23 regulation update: Board Chief Engineer Marino and Mr. Punia have assigned staff to start drafting the regulations pertaining to the proposed SB 753.

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

On behalf of Ms. Floyd, Mr. Punia gave the Briefing. Some highlights:

- The funding agreements are all signed and in place for all six regions. Also, DWR has processed the initial invoices, so that the consultants can be paid.
- The Coordination Committee last met on June 26th in West Sacramento. The main theme of that meeting was the conservation strategy, and DWR staff presented information on it. DWR staff will continue to work with the regions to guide them on the conservation strategy.

There was also discussion regarding the emergency response exercise that will be conducted in the Lower Sacramento Delta North Region; and how other regions can gain experience from that and include that in their regional plans.

Attendance in the meetings continues to be strong, both in person and on the phone.

The next meeting is scheduled for July 24th at the City of West Sacramento location. The overall theme is that the regional folks can understand how the Corps' study will fit into the regional plan, the Central Valley Flood Protection Plan and the regional plan, and the basin-wide plan.

The Steering Committee continues to meet on the first Tuesday of every month. In the six regions:

- Lower Sacramento Delta North area, representing the metropolitan Sacramento and North Delta areas: held a public meeting on June 29 to review the region's draft problem definition report covering the first five chapters of the regional plan documents.
- The Mid and Upper Sacramento Region: the district will continue scheduling small group stakeholder meetings and organizing work groups for focus areas, such as agriculture and small communities.
- The Feather River Region, Marysville/Yuba City area and the overall SBFCA's area: consultants are preparing the first draft of the regional flood management plan, and plan to share the document with the stakeholders by the end of 2013.
- The Lower San Joaquin Delta South Region, in the areas in and around Stockton: representatives are still conducting small group meetings with cities and RDs in the planning area. These meetings focus on informing participants of the history and goals of the regional flood management plan to engage them in providing information on their flood management system needs.
- Mid-San Joaquin Region: the first public workshop will take place from 10:00 to noon on July 18th at the Stanislaus County Ag Center in Modesto. The workshop aims to provide an overview of the regional flood management planning process, and will establish the forum for the stakeholders to provide input.
- Upper San Joaquin Region: following the May 8th kick-off meeting the region is getting feedback on its regional setting, and on the flood hazard assessment chapters.

7. 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 the bill, now approved by the full Senate, is currently on the Assembly side. A hearing was held on July 2nd, attended by Legal Counsel Nicole Rinke, Mr. Butler and President Edgar. Senator Steinberg made the opening presentation, followed by President Edgar. Also speaking in strong support of the bill was the Flood Control Association and the City of Sacramento.

Mr. Danny Merkeley, the Farm Bureau, also made comments that indicated he was pleased with the Board's collaboration with the Farm Bureau, and that the Bureau was removing all opposition to the bill.

President Edgar discussed three minor amendments to the bill made by the Legislative Counsel, then asked for a motion to vote approval of the current version of SB 753 with the proposed three amendments that he outlined.

*Upon **motion** by Board Member Macdonald, seconded by Secretary Dolan, the Board unanimously approved the revised version of SB 753, with the three amendments.*

8. INFORMATIONAL BRIEFINGS

A. Status of Central Valley Integrated Flood Management Study and Proposed Feasibility Cost Sharing Agreement Amendment among the Board, USACE (the Corps), and DWR

Mr. Chris Williams, DWR, presented the status of the Study and Amendment, and answered Board Member questions.

B. An update by the San Joaquin River Exchange Contractors Water Authority on various action items related to reducing the rate of land subsidence in the Red Top Area located between the Eastside Bypass and the San Joaquin River in Merced and Madera Counties

Mr. Reggie Hill, General Manager, Lower San Joaquin Levee District; Mr. Christopher White, Central California Irrigation District General Manager; and Mr. Chase Hurley, General Manager of San Luis Canala Company, briefed the Board on the actions and possible solutions they are taking to deal with the subsidence problem; and answered Board Member Questions.

C. The Prospect Island Restoration Project

Mr. Dan Riordan, DWR Environmental Scientist, provided a general overview of the Fish Restoration Program Agreement and the program that the restoration falls under, and

discussed the details on Prospect Island. He and DWR Mitigation and Restoration Branch Chief Dennis McEwan answered Board Member questions.

- D. Informational briefing on the progress and status of the Rural Levee Repair Criteria (RLRC) development. In response to Board Resolution No. 2012-25 adopting the Central Valley Flood Protection Plan, a workgroup was established, consisting of DWR, LMA, interested stakeholders and the USACE to develop rural levee repair and improvement criteria to be applied to planned or emergency work.**

Mr. Dave Wheeldon, DWR Flood System Sustainability Branch Chief, provided the Briefing. He and Mr. Noel Lerner, DWR Flood Maintenance Office Chief, answered Board Member questions.

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).**
- 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.**

10. FUTURE AGENDA

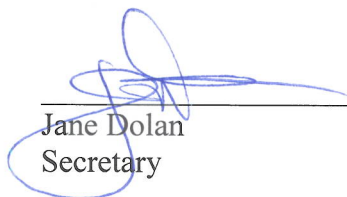
Executive Officer Punia read the draft Agendas for the July 24th Executive Committee and July 26th Board meetings and answered Board Member questions.

11. ADJOURN-REGULAR BOARD MEETING

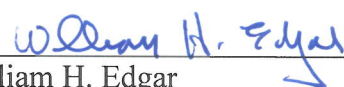
The Board unanimously adjourned the Open Session at 3:13 p.m.

Dated: September 27, 2013

The foregoing Minutes were approved:



Jane Dolan
Secretary



William H. Edgar
President