

**MINUTES**  
**MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD**  
**June 14, 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 June 14, 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. James Herota, Staff Environmental Scientist  
Ms. Nicole Rinke, Legal Counsel  
Ms. Amber Woertink, Staff Assistant  
Mr. Michael Wright, Senior Engineer

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

Mr. Wilbur Huang, Senior Engineer  
Ms. Jeanne Lee  
Mr. Paul Marshall, Assistant Chief, Division of Flood Management  
Ms. Brittania Saenz  
Mr. Keith Swanson, Chief, Division of Flood Management

**Also Present:**

Mr. Justin Fredrickson, California Farm Bureau Federation  
Mr. Ralph Keeley, Keeley Family Limited Partnership

**Also Present (continued):**

Ms. Meegan Nagy, United States Army Corps of Engineers (the Corps)

Mr. Chris Neudeck, Kjeldsen, Sinnock & Neudeck

Ms. Melinda Terry, 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 AGENDA**

Executive Officer Punia stated the staff recommendation that Agenda Item 8 be postponed. Ms. Nicole Rinke, Board Legal Counsel, stated that a Closed Session would not be needed for today's meeting.

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

**3. PUBLIC COMMENT**

Mr. Ralph Keeley, Keeley Family Limited Partnership, spoke regarding his permit application to build a solar array to support six grain bins on his ranch in Butte City in the Butte Basin, and concluded by requesting that the Board direct staff to handle his current application the same as the previous one (Permit Number 18661); to not require the Corps' approval; and to take timely action.

After discussion, Vice President Suarez asked Executive Officer Punia if there was any possibility of issuing the permit per the established delegation procedure, and that staff could condition on final review by the Corps; Mr. Punia stated that this would be done.

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

**U.S. Army Corps of Engineers Levee Inspection Results:**

- 1. RD 2060: Hastings Tract**
- 2. RD 2068: Yolano/2098: Cache-Haas Sloughs**
- 3. RD 2062/2107: Stewart Tract**
- 4. RD 2063/2091: Chase and Crows Landing**
- 5. RD 1: Union Island/2089: Stark**
- 6. RD 341: Sherman Island**
- 7. RD 1601: Twitchell Island**
- 8. Mellin Levee**

Ms. Meegan Nagy, the Corps, gave the presentation and answered Board Member questions. She noted that the deficiencies that are primarily causing the unacceptable

ratings and hence an inactive status in PL 84-99 are encroachments, slope stability, erosion, and animal control.

The first six items (see list above) received an unacceptable and inactive status. However, items 7 and 8, the RD 1601: Twitchell Island and the Mellin Levee, received minimally acceptable ratings, and are active in the PL 84-99 program.

## **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:

- The Division has been working on fairly extensive reorganization for the last six months; it will come to fruition on July 1. One of the big things about this reorganization is to get key people in the right places.
- Mr. Paul Marshall will be returning to the Division as Mr. Swanson's Assistant. He was previously in charge of the Flood Risk Assessment and Mitigation Office, which has been disbanded.
- Tool development has been ongoing. There are now approximately 100 hydraulic models in the library. These will be made available to the general public as well as other flood control agencies and the Flood Board. An open house on June 27<sup>th</sup> will share information and improvements associated with the library models, the draft 200-year maps that are in development, and the new FERIX system.
- Mr. Swanson recently signed off on a Director Decision Memo covering recommendations for a statewide grant program related to emergency response. About \$10 million in requests have come in; however, it is a \$5 million program. Staff recommendation is to fund 14 of the 16 applicants, which represent over 80 agencies that have come together to work on emergency response planning. He noted that their collective efforts at building governance at the local level are coming to fruition.
- A \$5 million Delta-specific emergency response program is coming up to provide funding to Delta-specific activities.
- A Notice of Determination was signed for transfer facilities that DWR is proposing to construct. Three sites will be created—one in Stockton, one working with State Parks on Brannan Island, and one at Rio Vista.
- DWR has been working in the Delta on a hydraulic model which will allow staff to look at real-time water quality and water supply impacts associated with Delta levee failures.



- California's Flood Preparedness Week will be November 4-9. A user group has been formulated to drive this effort. The group is coming together to work on improving public awareness of flood risk and the need for flood preparedness. Strategically, it will improve the public and policymaker's awareness and increase collaboration around flood management agencies. This group has expanded to 16 counties throughout the State.
- Regional planning: it was hoped that funding agreements would be signed and in place now, but staff is looking at a June 20 signing date. Invoicing work is continuing.
- Staff continues to work hard with the various flood control agencies, especially the Sutter Buttes Flood Control Agency (SBFCA) and the Sacramento Area Flood Control Agency (SAFCA).
- Representative Doris Matsui has introduced HR 2293, a bill on crediting. It "fills in the cracks" on some of the information that DWR would like to have seen from WRDA. For example, credit on the watershed basis, and credit for separable elements--following identification of the Secretary of the Army--of project alternatives. DWR is very supportive of the bill and is in the process of writing a letter of support for the legislation.
- DWR has been working on reformulating its federal advocacy program. Mr. Swanson and President Edgar commented on the difficulties inherent in the reformulation.

Mr. Paul Marshall, Division of Flood Management Assistant Chief, reported on the re-start of the Urban Levee of Protection (ULOP) Criteria Refinement Work Group, and answered Board Member questions.

Ms. Melinda Terry, CCVFCA Executive Director, thanked the Board for participating in the ULOP Group, and also mentioned that the State recently re-instituted and appointed members to the California Water Commission. Apparently, no appointees were forthcoming for perhaps a decade. Under their statutory authority, one of their activities is lobbying Washington D.C. regarding flood projects. She suggested that the Board may want to meet with the Commission's flood project subcommittee.

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

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

- Based on Board direction at the previous meeting, Board staff has launched the process for hiring a new attorney for the Board. The new attorney position will report directly to the Board, not to the Executive Officer. The position will be advertised soon through DWR human resources staff and on the DWR and Board

web pages. Ms. Brittanica Saenz and Ms. Jeanne Lee, DWR staff, further clarified the hiring process and answered Board Member questions.

- The main action on the Central Valley Flood Protection Plan is on the regional plan and the basin-wide studies.
- The Rural Levee Repair Workgroup was held on May 23<sup>rd</sup>; DWR's Dave Wheeldon is leading the group and Board Member Countryman attended and participated in the work group. The group is developing templates so that, as people are developing the regional plan, they have a template to follow the type of repair they will propose in those rural areas.
- Bay-Delta Conservation Plan (BDCP): staff is working with Board Counsel Nicole Rinke, BDCP staff, and the DWR Office of Chief Counsel to coordinate the review of the project, and how best to seek the Corps 408 approval for the project.
- Several bridge projects will be requesting permit applications and others have already been approved.
- Mr. Punia updated the Board on several flood control system improvement projects that are underway, including SBFCA, West Sacramento Area Flood control Agency (WSAFCA), RD 17 in San Joaquin County, Folsom Dam Phase 3 work, and SAFCA.
- LD 1, on the Sutter County side, has been done for a couple of years and Board staff is wrapping up closing the documents.
- The joint Folsom Dam Modification Project is in Phase 3, the control structure; finished work is at 54 percent. Rebar installation and concrete placement is continuing. A contract for Phase 4, the approach channel and stilling basin, was awarded on May 3 and Notice To Proceed is expected to be issued on July 1, 2013.
- The Board contract for services for the webcasting of future Board meetings was approved to be granted via a noncompetitive bid process, so the Board will not have to advertise the contract. It is hoped that the contract will be in place by the end of July.

Mr. Len Marino, Board Chief Engineer, discussed a site visit to several locations on the San Joaquin River Restoration Program; including four sites that have proposed project alternatives in the San Joaquin River Flood Control System.

He also reported that the Channel Advisory Committee had its kick-off meeting. Mr. Marino will represent the Board as part of the technical group that is going to be reviewing all of the program documents for channel conveyance and channel capacity.

The technical group will also evaluate whether the fish passage modifications that the program is planning to implement are going to have an injurious effect on flood control, in terms of channel capacity.

Mr. Michael Wright, Board Senior Engineer and Chief of the Enforcement Section, provided an update on enforcement activities for May and June.

Mr. Punia reported on the recent Coordination Committee meeting and activities, in place of Ms. Kim Floyd:

- The Coordination Committee met on May 22. The main agenda item was discussion on the programs, planning processes and studies that will lead to the 2017 plan. There appears to now be a recognition and understanding among the participants, DWR, and the other stakeholders that it is one process and many activities under this one process.
- The next Committee meeting is scheduled for June 26 in West Sacramento. It will focus on the conservation strategy. At that meeting DWR will brief the members on how the conservation strategy will fall into this one process. The Board discussed various elements of the conservation strategy.
- The Steering Committee continues to meet on the first Tuesday of every month. One issue at the recent meeting is the funding originally gathered for Kim Floyd's services is going to expire, so they are working with the respective regions to fund Ms. Floyd's services to the Coordination Committee in the future.
- Lower Sacramento Delta North Region consultants are coordinating a smaller group of meetings so they can better identify what the problems are in the region. An emergency response exercise is also being planned for the region.
- Feather River Region held a well-attended kick-off meeting on June 5<sup>th</sup>.
- Lower San Joaquin Delta South Region had a kick-off meeting on May 15 in conjunction with the San Joaquin County Flood Control Technical Advisory Committee. Focus has been placed on a small group meeting between cities and the Reclamation District to identify the problems and concerns.
- The Mid-San Joaquin Region stakeholder contact list has expanded to 85 members. An internal draft of the chapter on the regional setting and flood hazard is being developed by the region. Their first large group meeting is scheduled for July 18<sup>th</sup> in Modesto.
- Upper San Joaquin Region had their kick-off meeting on May 8. The meeting featured a work session to define the regional setting and assessment of the flood hazard.



Ms. Melinda Terry, CCVFCA, commented on funding by the regions for Ms. Floyd and the intent to be involved in the 408 process discussions with BDCP. She recommended that the Board consider the need to participate a little bit earlier in the 408 discussions to ensure that the Board understands the analysis and mitigation referenced in the Plan prior to its release to the public on October 1<sup>st</sup>.

President Edgar and other Board Members discussed the need to clarify the extent of the Board's involvement in the 408 review process.

## 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 passed the Senate with most of the Board's language in it, except where the legislative counsel overruled them on the choice of words and reordered some language, as well as adding some format changes. The changes appear to be minor, except for the Senate's addition of emergency regulations, which will require more work by all parties.

Board Member Macdonald and Legal Counsel Rinke clarified the options and potential next steps in the process, recommended approval of the amended bill language by the Senate, and answered Board Member and the public's questions.

The Board deliberated about the amended bill language.

Mr. Justin Fredrickson, California Farm Bureau Federation stated two major concerns: that the portion of the bill referencing "in the best interest of the State" is too broad and could mean almost anything; and the Notice of Violation step is useful and should not be excluded from the final bill language.

Ms. Melinda Terry, CCVFCA, echoed the problematic nature of the language "in the best interest of the State."

The Board deliberated further on the amended bill language.

*Upon motion of Board Member Macdonald, seconded by Board Member Countryman, the Board unanimously approved the amended bill language, with the exception of adding the words "or modification" to section 8702 after*

*language that may require further refinement; and to ask Senator Steinberg to amend the bill to allow for future language modification.*

**8. INFORMATIONAL BRIEFINGS-*Postponed***

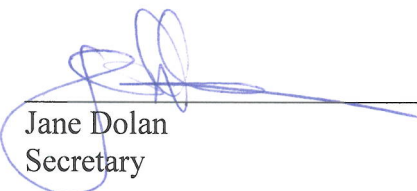
**A. State Maintenance Areas response to the Corps' Periodic Inspections (PI) Results**

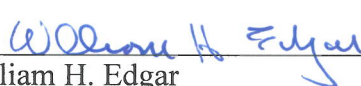
**9. ADJOURN-REGULAR BOARD MEETING**

*The Board unanimously adjourned the Open Session at 1:11 p.m.*

Dated: August 23, 2013

The foregoing Minutes were approved:

  
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Jane Dolan  
Secretary

  
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William H. Edgar  
President