

MINUTES
MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD
June 28, 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 28, 2013, beginning at 9:01 a.m. in The Resources Building Auditorium, 1416 Ninth 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 (not present today)

The following members of the Board staff were present:

Mr. Jay Punia, Executive Officer
Mr. Len Marino, Chief 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. Jeremy Arrich, Chief, Central Valley Flood Planning Office
Mr. Jon Ericson, Chief, Hydrology Branch
Mr. Noel Lerner, Chief, Flood Maintenance Office
Mr. Mark List, Chief, Maintenance Support Branch
Mr. Paul Marshall, Assistant Chief, Division of Flood Management
Mr. George Qualley

Also Present:

Mr. Eric Douglas, Leading Resources, Inc.
Mr. Gibson Howell, Garden Highway Community Association (GHCA)

Also Present (continued):

Mr. Ryan Larson, United States Army Corps of Engineers (the Corps)
Colonel William Leady, the Corps
Mr. Keith Seegmiller, GHCA
Mr. Paul Thayer

1. ROLL CALL

Mr. Jay Punia, Board Executive Officer, called the roll and a quorum was achieved.

2. APPROVAL OF MINUTES – April 12 and April 26, 2013

Upon motion by Secretary Dolan, seconded by Board Member Ramirez, the Board unanimously approved the April 12 and April 26 Minutes.

3. APPROVAL OF AGENDA

Upon motion by Secretary Dolan, seconded by Board Member Countryman, the Board unanimously approved the Agenda.

4. CONSENT

A. Permit No 16840-1, Mr. Jerry (Bob) Hays

Consider approval of Permit No. 16840-1 to construct a 60-foot by 100-foot addition to an existing 60-foot by 100-foot maintenance equipment storage building on the left (east) bank overflow area of the Feather River Designated Floodway. (Butte County)

B. Permit No. 17956-1, Sacramento Yacht Club

Consider approval of Permit No. 17956-1 to install an 8-inch diameter steel casing through the levee that will allow for the periodic removal of river sediment from the Sacramento Yacht Club Marina. (Yolo County)

C. Permit No. 18159-3-3, Sacramento Area Flood Control Agency (SAFCA)

Consider adoption of Resolution No. 2013-13 to approve Permit No. 18159-3-3 to grade and place roadway shoulders at the intersection of Riego Road and Garden Highway, along the crown of the Sacramento River East Levee. (Sacramento County)

D. Permit No. 18159-4-2, Sacramento Area Flood Control Agency (SAFCA)

Consider adoption of Resolution No. 2013-14 to approve Permit No. 18159-4-2 to make drainage improvements at Elverta Road, Teal Bend Drive and Elkhorn Highway; and re-grade a drainage swale between the new adjacent levee and the Garden Highway roadway pavement along the Sacramento River. The project is a component of the Natomas Levee Improvement Program. (Sacramento County)

E. Permit No. 18159-7-1, Sacramento Area Flood Control Agency (SAFCA)

Consider adoption of Resolution No. 2013-15 to approve Permit No. 18159-7-1 to construct two drainage inlets, a drainage outfall and associated piping between the new adjacent levee and Garden Highway along the Sacramento River, just downstream of the intersection with Power Line Road. (Sacramento County)

F. Permit No. 18833, Placer County Dept of Public Works

Consider adoption of Resolution No. 2013-15 to approve Permit No. 18833 to expand Auburn-Folsom Road to provide two additional lanes and paved shoulders on each side road; build a trail on the west side from Eureka Road to Oak Hill Drive; and replace the existing Linda Creek culvert with a single span bridge. (Placer County)

G. Permit No. 18841, Union Pacific Railroad

Consider approval of Permit No. 18841 to (a) replace the existing timber string trestle portion (Segment A) of Bridge 104.18, Fresno Subdivision along the Stanislaus River, (b) add compacted fill for stabilization. (San Joaquin County)

H. Permit No. 18858, California Department of Transportation, District 2

Consider approval of Permit No. 18858 to widen the existing Salt Creek Bridge (No 06-0049) by 6 foot, 9 inches and excavate approximately 125 cubic yards of banks and channel bottom for abutments and bent footings in Salt Creek. (Shasta County)

I. Lower San Joaquin River Feasibility Study

Consider approval of Resolution 2013-12 to:

- 1. Approve Amendment No. 1 to the Local Feasibility Cost Sharing Agreement between the Central Valley Flood Protection Board and the San Joaquin Area Flood Control Agency for the Lower San Joaquin River Feasibility Study; and**
- 2. Delegate to the Central Valley Flood Protection Board President the authority to execute the Amendment.**

Upon motion by Board Member Countryman, seconded by Secretary Dolan, the Board unanimously approved the Consent Calendar.

5. PUBLIC COMMENT- None

6. RECOGNITION OF SERVICE – COLONEL WILLIAM J. LEADY, UNITED STATES ARMY CORPS OF ENGINEERS (THE CORPS)

President Edgar recognized Colonel Leady and presented him with a Resolution from the Board. President Edgar and other Board Members and staff expressed their appreciation and thanks to Colonel Leady for his service and leadership.

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

**The Corps' Levee Inspection Results:
Knights Landing Unit 2 – Yolo Bypass-Service Area 6**

Mr. Ryan Larson, the Corps, gave the Briefing and answered Board Member questions. He showed a map detailing the “report card” for the Knights Landing Unit 2 – Yolo Bypass-Service Area 6 system and stated that the overall system rating was unacceptable and inactive for the Rehabilitation and Inspection Program. Mr. Lewis Baer, General Manager of RD 108, which provides maintenance for the Knights Landing Unit, sent an email, as he was unable to be present at the meeting, to state the district has recently increased its assessment in order to more aggressively address the issues in this inspection report.

8. INFORMATIONAL BRIEFINGS

A. Basin Wide Feasibility Study Progress Update and Flood Management Planning Briefing Schedule

Mr. Jeremy Arrich, DWR Central Valley Flood Planning Office Chief, gave the Briefing. He provided a Power Point presentation of a general status update of the State-led studies as a point of departure for future briefings to the Board, as the planning process continues. The basin-wide feasibility study process will be in two main phases, with several milestones along the way. Phase 1 is focusing on specific objectives within each basin, and then identifying and refining some of the physical options for system improvements. Phase 2 will focus on comparing combinations of those management actions, combinations of system improvements, and a more holistic system-wide scale to see the effects on the system, benefits to the system, and other implications. He concluded by commending the Board for its efforts with the Coordinating Committee Meetings and answered Board Member questions.

B. State Maintenance Areas response to the United States Army Corps of Engineers' (USACE) Periodic Inspections (PI) Results

Mr. Noel Lerner, Flood Maintenance Office Chief, briefed the Board. Among other things, he discussed the sources of funding and overall budget for the various Maintenance Area responsibilities. Mr. Mark List, DWR Maintenance Support Branch Chief, specifically addressed how the changes to the Maintenance Area budgets are being used to address the Corps' PI deficiencies. They also responded to Board Member questions.

C. Status Report of Mapping Activities for the Central Valley Floodplain Evaluation and Delineation Program, pursuant to California Water Code Section 9610(d)(1) and 9610(d)(2) of the Water Code

Mr. Jon Ericson, DWR Hydrology Branch Chief, briefed the Board Members and answered their questions.

9. 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 stated that the bill now in print is virtually the same as what the Board originally adopted; and detailed some of the minor changes in the bill language.

Secretary Dolan and Legal Counsel Nicole Rinke further clarified sections of the updated bill language.

Upon motion by Secretary Dolan, seconded by Board Member Countryman, the Board unanimously approved the amended wording as described.

Mr. Paul Thayer, Garden Highway area resident, and Mr. Arthur Howell, GHCA President, discussed two concerns in Section 8702 of the bill that appear to potentially allow the state to take a resident's home, if the dwelling is deemed a flood risk; and, if this occurred, would the resident be compensated for that?

President Edgar further clarified some of the newly amended bill language and a brief discussion on the parameters of the Board's involvement in bill enforcement ensued.

Mr. Keith Seegmiller, Garden Highway resident and Vice President of the GHCA, addressed other elements of the bill.

After further discussion, President Edgar recommended that no further action be taken at this time, and the other Board Members agreed with that recommendation.

B. Central Valley Flood Protection Board Strategic Plan

Consider approval of the Central Valley Flood Protection Board Strategic Plan and the Governance Principles.

President Edgar provided a review of the Strategic Planning process and stated that the Board is now at a point where they are ready to adopt the Plan.

Executive Officer Punia provided additional background information.

Mr. Eric Douglas, Leading Resources, Inc. and strategic plan consultant, gave a quick overview of the process and final plan:

- The goal in the process was to try to refresh the mission of the Board, to get it to a place where everyone was clear about Board priorities by identifying specific objectives and strategies, and to develop a workplan for advancing the strategic plan.
- The Board's Mission was defined as *“reducing the risk of catastrophic flooding to people and to property within the California Central Valley through a series of broad statements, including adopting, monitoring, and overseeing the implementation of the Central Valley Flood Protection Plan (CVFPP); to provide oversight of existing flood risk-reduction facilities; to evaluate and approve new flood protection facilities; to be consistent, timely, and effective in fulfilling the Board's permitting and enforcement authorities; to provide a forum for public participation and interagency coordination between federal, State, and local agencies and stakeholders; and to take an integrated approach to flood protection for the purpose of public safety, economic stability and environmental stewardship.”*
- Further, the four goals and of the Board are:
 - Goal 1: to preserve the integrity and function of flood protection systems in the Central Valley.
 - Goal 2: to oversee the implementation of the CVFPP.
 - Goal 3: to provide leadership in optimizing flood protection planning, management, and operations.
 - Goal 4: to develop broad public support for regional and system-wide multi-benefit flood risk reduction projects and programs.

- Objectives and a series of strategies were worked out that detail Board responsibilities and the staff's responsibilities, in terms of how to move forward with the plan.

Mr. George Qualley, DWR, commented and thanked the Board for allowing himself, on behalf of DWR, and Mike Mierzwa, to participate to some extent in the process. He felt the process was very good and allowed for a lot of good and lively discussion.

Executive Officer Punia gave the staff recommendation that the Board approve the Board's Strategic Plan, which includes a mission statement, goals and objectives; and to approve the governance principles.

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

President Edgar thanked all the parties and indicated the next steps will be for the Executive Committee to review and recommend revisions to Board committees, liaisons and other assignments. Further steps will be to develop a Work Plan to define the implementation of the Strategic plan. Executive Officer Punia remarked that the specifics of the Plan will be posted on the Board website.

10. BOARD COMMENTS AND TASK LEADER REPORTS

President Edgar commented that he had spent most of his recent time working on the proposed SB 753 legislation (discussed earlier).

He noted that the Coordination Committee continues to meet and is going well. Much good discussion has been occurring among the representatives of the regions involved.

Board Member Countryman attended the recent Urban Level of Protection (ULOP) group meeting, where discussion revolved around resolving issues between State and local interests and how those interests are defined.

He attended a recent meeting, with Executive Officer Punia and Board Member Macdonald that discussed the Pocket levee issues and encroachments, and cost estimates for dealing with the problem.

Secretary Dolan went to the ULOP plenary work session. She also continued her work with the Executive Committee.

Board Member Ramirez noted the recent Delta Vision Report Card that came out, in which the Board was given a grade of B+.

He will be checking with a couple of California Water Commission personnel about their work to date.

He has been trying to meet and talk with Marc Hoshovsky and will continue those communication efforts.

(Vice President Suarez left the meeting during the lunch break.)

11. FUTURE AGENDA

Executive Officer Punia read the proposed Agendas for July 12 and 26 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 (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 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 2:25 p.m.

Dated: _____

August 23, 2013

The foregoing Minutes were approved:



Jane Dolan
Secretary

William H. Edgar

William H. Edgar
President