

MINUTES
MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD
November 22, 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 November 22, 2013, beginning at 9:00 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 (not present today)
Mr. Clyde Macdonald
Mr. Tim Ramirez
Mr. Mike Villines
Assembly Member, Dr. Anthony Rendon, represented by Ms. Tina Leahy (Ex-Officio)

The following members of the Board staff were present:

Mr. Jay Punia, Executive Officer
Mr. Len Marino, Chief Engineer
Ms. Leslie Gallagher, Chief Counsel
Mr. Eric Butler, Chief, Projects and Environmental Branch
Ms. Mitra Emami, Chief, Permitting and Enforcement Branch
Mr. Curt Taras, Supervising Engineer
Ms. Amber Woertink, Staff Assistant
Mr. Michael Wright, Chief, Enforcement Section

Department of Water Resources (DWR) staff present:

Mr. Patrick Luzuriaga, Staff Engineer
Ms. Sandy Maxwell, Senior Engineer
Mr. Michael Mierzwa, Supervising Engineer
Ms. Gail Newton, Chief, FLOODsafe Environmental Stewardship and Statewide Resources Office
Mr. Michael Sabbaghian, Chief, Project Development Branch
Mr. Keith Swanson, Chief Division of Flood Management

Also Present:

Ms. Andrea Clark, Downey Brand
Ms. Tambour Eller, United States Army Corps of Engineers (the Corps)
Ms. Kim Floyd, Kim Floyd Communications
Ms. Edie Lohmann, Federal Emergency Management Agency, Region 9
Mr. David McDaniel, the Corps
Ms. Melinda Terry, Central Valley Flood Control Association
Mr. David Thomas, the Corps

1. ROLL CALL

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

2. APPROVAL OF MINUTES: SEPTEMBER 13 AND SEPTEMBER 27, 2013

Upon motion by Secretary Dolan, seconded by Board Member Macdonald, the Board unanimously approved the Minutes for September 13 and September 27.

3. APPROVAL OF AGENDA

Executive Officer Punia requested no changes in the current Agenda.

Upon motion by Board Member Macdonald, seconded by Secretary Dolan, the Board unanimously approved the Agenda "as is."

4. CONSENT

A. Permit No. 18889, Dan Roza

Consider approval of Permit No. 18889 to install an 8-inch diameter steel agricultural pipe up-and-over the left (west) levee of the San Joaquin River to include a fish screen; to authorize various encroachments on the landside and waterside of the levee that were in existence prior to Project adoption in 1964. (San Joaquin County)

B. Application No. 18905, Knights Landing Ridge Drainage District, Knights Landing Ridge Cut Levee Repair Project

Consider approval of a letter to the U.S. Army Corps of Engineers requesting 33 U.S. Code Section 408 approval to alter approximately 3.4 miles (18,200 feet) of State Plan of Flood Control project levee along the Knights Landing Ridge Cut left (east) bank. (Yolo County)

C. Sacramento River Flood Control Project, Upper Sacramento Area, Phase V, Site E-Quitclaim of Temporary Construction Easements 13230-B & 13273-B

Consider approval of Resolution No. 2013-27 to:

- 1. Approve the Quitclaim of the Temporary Construction Easements known as Parcels 13230-B and 13273-B to Empire GROUP, LLC.; and**
- 2. Delegate to the Board President and Secretary the authority to approve and execute said Quitclaim Deed along with any associated documents necessary for the real estate transaction.**

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

5. PUBLIC COMMENT

Ms. Melinda Terry, Central Valley Flood Control Association, mentioned her recent attendance at the Water Education Foundation's San Joaquin River Restoration flood tour and encouraged Board Members to attend a future tour. She also notified the Board that a group called Delta Restoration Network has been meeting and suggested that the Corps, the Board and some of the appropriate local district representatives meet with the Network to share information of mutual concern.

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

Summary of the activities that took place over the summer to reduce flood risk in the Central Valley through USACE/CVFPB partnership agreements

Ms. Tambour Eller, the new Deputy District Engineer for Project Management, Sacramento District, the Corps, introduced the summary.

Mr. David McDaniel, the Corps, briefed the Board on the American River Common Features activities.

Mr. David Thomas, the Corps, discussed the Folsom Dam Joint Federal Project.

7. REPORT OF ACTIVITIES OF THE DEPARTMENT OF WATER RESOURCES

Quarterly progress report and scheduled update on deliverables and processes pursuant to Board Resolution No. 2012-25, RESOLVED 11 (y), regarding the Central Valley Flood Protection Plan implementation.

Prior to the Quarterly Report, Mr. Keith Swanson, DWR Division of Flood Management Chief, updated the Board on the California Water Action Plan, the ongoing activities in Washington on the WRRDA bill, and activities during the November 4-9 California Flood Preparedness Week.

Mr. Michael Sabbaghian, DWR Project Development Branch Chief, provided details on his recent trip to Washington, D.C. with Ms. Robin Brewer, DWR Legal Counsel. The trip, conducted annually by DWR staff, is primarily focused on increasing and maximizing federal funding for flood projects in California.

Mr. Mike Mierzwa, DWR Supervising Engineer, then presented a summary of the Quarterly Progress Report and answered Board Members questions. Board Members commented on and expressed their concerns about elements of the Report.

Ms. Gail Newton, DWR FloodSAFE Environmental Stewardship and Statewide Resources Office (FESSRO) Chief, discussed DWR's Conservation Strategy Branch; as well as the Governor's Water Action Plan, which has three broad objectives: 1. more reliable water supplies; 2. restoration of important species and habitats; and 3. a more resilient, sustained, and managed water system. She also answered Board Member questions.

8. STATUS OF REGIONAL FLOOD MANAGEMENT PLANNING ACTIVITIES

Ms. Kim Floyd, Kim Floyd Communications, provided the briefing and answered Board Member questions. Some highlights:

- The November 28 Coordination Committee meeting features a presentation from FESSRO's Gail Newton on advanced mitigation strategies in FESSRO. There will be discussion on the alignment of the Central Valley Integrated Flood Management Study and the Central Valley Flood Protection Plan, and a presentation by the Feather River Regional Flood Management Plan group on its approaches to reducing flood risk in agricultural and small communities.
- No meeting is scheduled in December; monthly meetings will recommence on the 4th Wednesday of each month, starting January 22, 2014.
- All regions are now making great progress and feel they have some momentum behind them now. There is also some sensitivity between the regions about the idea that one region is further ahead than another.

9. REQUESTED ACTIONS

A. Terminus Dam, Kaweah River Flood Control Project - Schedule and Cost Change Request

Consider approval of Resolution No. 2013-26 to approve a schedule and cost change request from the U.S. Army Corps of Engineers to increase the total project cost and extend the project completion to September 2014.

Mr. Patrick Luzuriaga, DWR Staff Engineer, gave the presentation and concluded with the recommendation that the Board approve the new Schedule and Cost Change Request Number Three from the Corps, and answered Board Member questions.

Upon motion by Board Member Macdonald, seconded by Secretary Dolan, the Board unanimously approved the Schedule and Cost Change Request.

B. Submission of Emergency Regulations Implementing Senate Bill 753

Consider approval to submit draft emergency regulations to the Office of Administrative Law (OAL) supporting the enactment of Senate Bill 753, which grants the Board expanded enforcement authority including the authority to issue administrative fines for code violations.

Mr. Curt Taras, Board Supervising Engineer, gave the presentation and concluded with the staff recommendation that the Board approve the submission of SB 753 emergency regulations to the OAL and delegate to the Executive Officer the authority to certify the submission by signature.

The Board deliberated on additional changes to the regulations.

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

C. Strategic Planning Issues, Priorities and Next Steps

Consider approval of revisions to the Board's August 23, 2012 Memo regarding the Issues, Priorities and Next Steps relative to the Board's Strategic Planning Process.

Upon motion by Secretary Dolan, seconded by Board Member Macdonald, the Board unanimously adopted the Memo as a statement of the issues, priorities, and next steps and for it to be guidance to both the Board and Board staff as the Work Plan of implementation of the Strategic Plan is prepared.

D. Board's Committees and Assignments

Consider revisions to the June 26, 2013 Board Committees and Assignments.

Secretary Dolan introduced the Item and, after discussion:

*Upon **motion** by Secretary Dolan, seconded by Board Member Macdonald, the Board unanimously agreed to ask the Executive Officer to craft a formal action that would authorize the Executive Officer to make adjustments as needed to committee assignments.*

10. INFORMATIONAL BRIEFINGS

A. Implications of the FEMA Reform Act of 2012 regarding insurance rates.

Ms. Edie Lohmann, FEMA Region 9 Insurance Specialist, provided the initial Briefing and answered Board Member questions. She also noted that there is significant additional information at their website www.floodsmart.gov.

Ms. Andrea Clark, Downey Brand, presented additional clarifying information.

Mr. Michael Mierzwa, DWR Supervising Engineer, further highlighted some of the issues involved.

B. Based on the September 13, 2013 Central Valley Flood Protection Board request, the Delta Levees Subventions Program Manager will brief the Board on information regarding the program's ability to pay requirements and how the program applies these requirements each year.

Ms. Sandy Maxwell, DWR Senior Engineer, Subventions Program, provided the briefing and answered Board Member questions.

11. 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).

- 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.

12. BOARD COMMENTS AND TASK LEADER REPORTS

President Edgar commented that he has been spending a great deal of time attending the meetings of the regional planning groups over the last month.

He attended, with Secretary Laird, the meeting in Yuba City on the Water Plan.

He noted that the Executive Committee is spending a lot of time looking at the internal administration of Board staff, and how it can improve the overall administration and operation of the Board.

He and Board Member Macdonald have been attending some meetings with SAFCA, looking at ways to get their appropriations completed; on getting the General Reevaluation Reports approved; and on acquiring some money from Congress to continue SAFCA's efforts. They are also working very closely with Yolo County in the planning arena.

Board Member Ramirez has been spending significant time acquiring additional insight into how the permitting agencies can further streamline the environmental documents required for different projects.

Board Member Villines attended the fourth Mid-San Joaquin Flood Management Plan Workshop.

Vice President Suarez—along with President Edgar and Secretary Dolan—attended the Feather River regional planning meetings in Marysville and Chico.

She continues to work with the Executive Committee and the Board's new Chief Counsel, Ms. Leslie Gallagher, on regulations.

Board Member Macdonald has been meeting with different people on resolving the River Park levee issue; and remarked that it looks like the Corps has come up with a good solution.

He is in discussion--within DWR and elsewhere--looking at the inter-relationship between flood and conservation and how the two are integrated.

He has started working with DWR on determining the appropriate future of the Coordinating Committee.

He worked on the emergency regulations discussed earlier today.

He commented to DWR on the WRRDA bill language and on how best to approach Congress regarding the issues involved.

He attended meetings on creation of the Folsom Dam Control Manual.

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He attended the California Levee Vegetation Research Committee Steering Committee meeting.

He attended several meetings of the Lower Sacramento North Delta Region, along with SAFCA and the Corps.

Secretary Dolan continued her work with the Executive Committee.

She has been very involved with the liaison efforts between the Mid Upper Sac and Feather River Regions.

She attended the 11th annual Habitat Conservation Planning Workshop in Vacaville.

13. FUTURE AGENDA

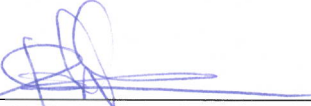
Executive Officer Punia noted that there is a light Agenda for the December 20 Board meeting.

14. ADJOURN-REGULAR BOARD MEETING

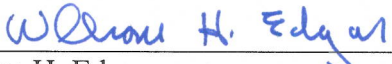
The Board unanimously adjourned the Open Session at 3:58 p.m.

Dated: January 29, 2014

The foregoing Minutes were approved:



Jane Dolan
Secretary



William H. Edgar
President