

**MINUTES**  
**MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD**  
**October 25, 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 October 25, 2013, beginning at 9:07 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  
Ms. Leslie Gallagher, Chief Counsel  
Mr. Eric Butler, Chief, Projects and Environmental Branch  
Mr. Steve Dawson, Senior Engineer  
Ms. Mitra Emami, Chief, Permitting and Enforcement Branch  
Mr. Gary Lemon, Acting Chief, Permitting Section  
Ms. Amber Woertink, Staff Assistant  
Mr. Michael Wright, Chief, Enforcement Section

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

Mr. Ajala Ali, Staff Engineer  
Mr. Noel Lerner, Chief, Flood Maintenance Office  
Mr. Paul Marshall, Assistant Chief, Division of Flood Management  
Mr. Mike Mierzwa, Supervising Engineer  
Ms. Michele Ng, Environmental Scientist  
Mr. David Pesavento, Chief, Flood Project Inspection Section  
Mr. Keith Swanson, Chief, Division of Flood Management

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

Mr. Dave Wheeldon, Chief, Flood System Sustainability Branch  
Mr. Kent Zenobia, Chief, Project Delivery Branch

**Also Present:**

Mr. George Booth, Sacramento County  
Mr. Greg DeYoung, Westervelt Ecological Services  
Mr. Greg Sutter, Westervelt Ecological Services  
Mr. Andy Duffey, Reclamation Districts 70 and 1660  
Mr. Tim Kerr, American River Flood Control District  
Mr. Ryan Larson, United States Army Corps of Engineers  
Mr. David McDaniel, United States Army Corps of Engineers  
Mr. John Maguire, San Joaquin County

**1. ROLL CALL**

President Edgar introduced and welcomed the Board's new Chief Counsel, Ms. Leslie Gallagher.

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

**2. APPROVAL OF MINUTES: AUGUST 9 AND AUGUST 23, 2013**

*Upon motion by Secretary Dolan, seconded by Board Member Macdonald, the Board unanimously approved the Minutes for August 9 and August 23.*

**3. APPROVAL OF AGENDA**

Executive Officer Punia requested no changes in the current Agenda.

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

**4. CONSENT**

**A. Permit No. 18876, Lion Farms LLC**

**Consider approval of Permit No. 18876 to install rubber gasket reinforced concrete pipe with a trash rack and a canal screw gate, accessible through a concrete vault at the waterside levee hinge point, through the left (west) bank of the Chowchilla Bypass. (Madera County)**

**B. Permit No. 18878, Tulare County Resources Management Agency - Public Works Department**

**Consider approval of Permit No. 18878 to replace the Road 148 bridge over Outside Creek (Bridge No. 46C-0186). (Tulare County)**

**C. Permit No. 18882, California State Department of Transportation**

**Consider approval of Permit No. 18882 to place rock slope protection at Piers 2 and 3 under Bridge No. 12-0043, which spans Big Chico Creek. (Butte County)**

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

**5. PUBLIC COMMENT - None**

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

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

- 1. RD 0070 and RD 1660 - Sutter Basin North (Sutter County)**
- 2. Wadsworth Canal right bank - Sutter Bypass East (Sutter County)**
- 3. Interceptor Canal - West (Sutter County)**

Mr. Ryan Larson, the Corps, gave the Briefing and answered Board Member questions. He reported that all three systems were rated as unacceptable and inactive for various reasons, including encroachments and erosion.

Mr. Andy Duffey, General Manager for both RD 0070 and 1660, provided a progress report on repair activities in his districts and answered Board Member questions and requested assistance in how to handle encroachments that were granted permit via an ABO but do not have the Corps concurrence.

Mr. Michael Wright, Board Enforcement Section Chief, and Executive Officer Punia clarified the Board's approach on enforcement of unacceptable items and answered Board Member questions.

Mr. Punia discussed some elements of the previously used Automatic Board Orders (ABOs) and stated staff is preparing background and information for a future Board presentation. Mr. David Pesavento, DWR Flood Project Inspection Section Chief, further clarified how the department is attempting to address coordination of inspections and finding and means to resolve the issues of the ABOs.

**7. REPORT OF ACTIVITIES OF THE DEPARTMENT OF WATER RESOURCES**



Mr. Keith Swanson, DWR Division of Flood Management Chief, began by reporting on the activities at the recent Sutter Buttes Flood Control Agency (SBFCA) Civil Works Review Board in Washington, D.C. where the Feasibility Study was approved and answered Board Member questions. Other highlights:

- He noted that the House recently adopted House Resolution (HR) 3080, the Water Resources Reform and Development Act (WRRDA)—formerly known as the Water Resources Development Act, by a vote of 417 to 3. The Senate version of the Act passed last spring, and the two bodies will now form a conference committee to try and reconcile the differences between the two bills. The conference committee will likely be chaired by Senator Boxer, who is the Chair of the Senate Environmental and Public Works Committee.
- Mr. Bill Croyle and Mr. John Pasch, of DWR’s Hydrology and Flood Operations Office appeared before the Delta Stewardship Council and provided updates on DWR’s emergency response activities.
- DWR is in the process of developing three emergency response staging sites--in Stockton, Brannan Island, and Rio Vista.
- DWR is initiating its \$5 million Delta Emergency Response Grant Program.
- The Central Valley Flood Protection Plan Technical Workshop was held and there have been ongoing discussions of how to integrate the conservation strategy with flood safety.

**FloodSAFE Planning Documents:**

- **Functional Area/Mega Programs**
- **Engagement Plans**
- **Relationship to Strategic Planning Documents**
- **California Flood Preparedness Week**

Mr. Mike Mierzwa, DWR Supervising Engineer, summarized the FloodSAFE California strategic planning efforts and subsequent engagement plan, and answered Board Member questions regarding DWR financing of the plan. He also briefed the Board on activities of the California Flood Preparedness Week, held November 4 through 9.

**8. REPORT OF ACTIVITIES OF THE EXECUTIVE OFFICER**

Prior to his Report, Executive Officer Punia briefly introduced discussion about the American River Common Features, Site 15.

Mr. Kent Zenobia, DWR Project Delivery Branch Chief, gave a quick synopsis of the repair activities planned at the Site.

Board Member Macdonald, who recently visited the Site, commented on some aspects of the repair.

Mr. Tim Kerr, American River Flood Control District General Manager, discussed the District's concerns regarding some of the safety issues involved with the repair.

Mr. David McDaniel, The Corps, further clarified the repair issues involved.

Mr. Punia continued with his report. Highlights included:

- He mentioned a recently updated memo from President Edgar that outlined the accomplishments of this new Board to date, which prompted discussion and deliberation among Board Members regarding potential information that should/should not be included in future, similar documents.
- He clarified some elements of the technical workshops for the Basin-Wide Feasibility Studies.
- Knights Landing Ridge Drainage District—the application has been submitted to the Board, which is now reviewing it; it will be submitted to the Corps for 408 minor approval.
- Star Bend, LD 1, Sutter County—staff is now bringing closure to the project.
- Sutter Butte Flood Control Agency Feather River West Levee Project—construction is underway, with almost 15 percent complete on Area C. Staff is also reviewing the 60 percent design for Areas B and D.
- Board staff recently briefed the Delta Stewardship Council regarding the project levees in the Delta.
- The Small Erosion Repair Program (SERP)—DWR is gearing up to bring about 20 potential sites to authorization under the Program.
- The U.S. Bureau of Reclamation's Shasta Lake water resources investigation has been reviewed by staff and comments were prepared and submitted on the draft Environmental Impact Statement (EIS).
- San Joaquin River Restoration—Board staff and Board Member Countryman attended the meeting at the National Marine Fisheries Service regarding the final rule-making under Section 10(j) of the Federal Endangered Species Act.

- Board staff met with DWR Contract Services Office staff.
- The California High-Speed Rail project is on hold due to funding issues.

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

Ms. Floyd was not available for the meeting, so Mr. Punia briefed the Board in her place. Some highlights:

- The next meeting for the Coordination Committee is scheduled for November 27. Main items on the agenda include discussion of advanced mitigation and mitigation banking; the Urban Flood Risk Reduction Program guidelines; and a discussion about the alignment of the Central Valley Integrated Flood Management Study, the Central Valley Flood Protection Plan, and the Corps study.
- No Coordination Committee meeting is scheduled for December; the next scheduled meeting is January 22, 2014.
- Each region is making progress, and Feather River region is taking the lead. They have developed their draft plan and it is now available on the Web.

Mr. Michael Wright, Board Enforcement Section Chief, updated the Board on enforcement activities.

## **9. HEARINGS AND DECISIONS**

### **A. Permit No. 18845, Westervelt Ecological Services**

**Consider approval Resolution No. 2013-24 to approve Permit No. 18845 to develop a wetland and giant garter snake preserve with a managed-marsh complex and interior berms, and utilize existing and new water control structures to direct water in Colusa Trough. (Colusa County)**

Mr. Steve Dawson, Board Senior Engineer, gave the presentation and concluded with the staff recommendation that the Permit be approved. He and Mr. Gary Lemon, Board Permitting Section Acting Chief, answered Board Member questions.

Mr. Greg DeYoung, Westervelt Ecological Services, and Mr. Greg Sutter, Executive Vice President for Westervelt, further clarified the process and answered Board Member questions.

*Upon motion by Vice President Suarez, seconded by Board Member Ramirez, the Board unanimously approved the Permit.*



## 10. REQUESTED ACTIONS

### A. American River Common Features General Re-Evaluation Report Letter of Intent

Consider approval of Resolution No. 2013-25 to:

1. Approve a letter indicating the Non-federal sponsors intent to submit a Locally Preferred Plan for the American River Common Features General Re-evaluation Report.
2. Delegate to the Executive Officer authority to sign the Letter.

Mr. Ajala Ali, Board Staff Engineer, gave the presentation and concluded with the staff recommendation to approve Resolution 2013-25.

*Upon motion by Board Member Macdonald, seconded by Board Member Villines, the Board unanimously approved the Resolution.*

## 11. INFORMATIONAL BRIEFINGS

### A. Briefing on Flood System Repair Project (SRP), through which DWR will cost share with Local Maintaining Agencies to reduce flood risks in non-urban areas for repairing documented critical problems within the State Plan of Flood Control (SPFC) facilities, as reflected in the Board's Resolution No. 2012-25 adopting the Central Valley Flood Protection Plan, under Resolved 11(g).

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

### B. DWR staff will be updating the Board on its development of the Urban Level of Flood Protection Criteria (ULOP) which is intended to fulfill requirements of the Central Valley Flood Protection Act of 2008 (SB5) and subsequent legislated amendments. The ULOP is also referenced in the Board's Resolution No. 2012-25 adopting the Central Valley Flood Protection Plan, under Resolved 12.

Ms. Michele Ng, DWR Environmental Scientist, provided the Briefing. She and Mr. Paul Marshall, DWR Division of Flood Management Assistant Chief, answered Board Member questions.

Board Member Dolan; Mr. George Booth, Floodplain Manager and Drainage Engineer, Sacramento County; and Mr. John Maguire, San Joaquin County, provided additional perspective on the ULOP process.

## **12. 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).**
- 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).**
- 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.**

Following the Closed Session, President Edgar remarked that the Board had approved in conceptual terms the settlement agreement for the Fay Island Project that DWR had been working on with the Board. That agreement was approved in concept, and the Board is now delegating to the Executive Officer the authority to sign the agreement in consultation with the Chief Counsel.

## **13. BOARD COMMENTS AND TASK LEADER REPORTS**

President Edgar commented that he has been spending a lot of time attending the regional planning meetings. He was recently in San Joaquin at the Upper-, Mid-, and Lower San Joaquin planning meetings and was impressed by the progress they are making.

He has been spending a lot of time with the Executive Committee, working to resolve the issues pertaining to the budgeted positions that have been approved but not yet filled since last July.



Board Member Villines commented that he has been looking at the safe harbor white paper the Delta Conservancy Board is preparing in response to various issues that have been raised. .

Board Member Countryman commented that he continues his work with various committees (which were reported on earlier in this meeting).

Vice President Suarez commented that she had the opportunity to participate in a Northern California Water Forum, which held a discussion regarding the Bay Delta Conservation Plan and how the Board fits into that process.

She is continuing with her Executive Committee work.

Secretary Dolan began by congratulating Board Member Villines on his leadership with the State legislature.

She continues to read the transcripts and Minutes from Board Meetings, trying to improve them; and to work with the Executive Committee to continue to improve the Board's organizational effectiveness.

She is working on her liaison assignments, one of which is to enhance communication with Yolo County government officials.

She attended the first day of the two-day Water Forum meeting.

She has been working with the Mid Upper Sac Region consulting team, identifying the appropriate people to speak with in the counties and local maintenance agencies.

Board Member Macdonald continues his work on the various American River Common Features issues.

He took a tour of the Tule Canal, which runs from Fremont Weir all the way down into the Delta.

He attended both days of the Basin Plan Conservation Workshop.

He is developing comments on the draft emergency regulations.

He worked with Curt Taras on a permit report.

He reviewed and compared the Senate and House WRRDA proposed legislation.

He continues to attend the federal-state permitting group.

**14. FUTURE AGENDA**

Executive Officer Punia read the draft Agenda for the November 22<sup>nd</sup> Board meeting and answered Board Member questions.

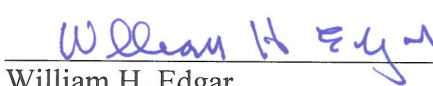
**15. ADJOURN-REGULAR BOARD MEETING**

The Board adjourned the Open Session at 4:38 p.m.

Dated: 2/28/2014

The foregoing Minutes were approved:

  
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Jane Dolan  
Secretary

  
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William H. Edgar  
President