

MINUTES
MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD
September 27, 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 September 27, 2013, beginning with a 9 a.m. project update presentation and construction site visit of the Joint Federal Project at Folsom Dam (see agenda item below). The group then travelled to the Sacramento City Hall First Floor Council Chamber, 915 I Street, Sacramento, California to continue the Board Meeting at 1:38 p.m.

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 for the afternoon session)

The following members of the Board staff were present:

Mr. Jay Punia, Executive Officer
Mr. Len Marino, Chief Engineer
Mr. Eric Butler, Chief, Projects and Environmental Branch
Ms. Mitra Emami, Chief, Permitting and Enforcement Branch
Ms. Nicole Rinke, Legal Counsel
Ms. Alison Tang, Staff Engineer
Ms. Amber Woertink, Staff Assistant
Mr. Michael Wright, Chief, Enforcement Section

Department of Water Resources (DWR) staff present:

Mr. Mark List, Chief, Maintenance Support Branch

Also Present:

Mr. Lewis Bair, Knights Landing Ridge Drainage District
Mr. Bill Busath, City of Sacramento

Mr. Paul Dirksen, West Sacramento Area Flood Control Agency
Ms. Leslie Gallagher

Also Present (continued):

Mr. Jim Heidrick, Knights Landing Ridge Drainage District
Mr. Mike Inamine, Sutter Buttes Flood Control Agency (SBFCA)
Mr. Tim Kerr, American River Flood Control District
Mr. Ryan Larson, United States Army Corps of Engineers (the Corps)
Mr. Scott Shapiro, Oakstone Investments

1. ROLL CALL

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

2. APPROVAL OF MINUTES: JULY 12, 2013 AND JULY 26, 2013

Upon motion by Secretary Dolan, seconded by Board Member Macdonald, the Board unanimously approved the Minutes for July 12 and July 26.

3. APPROVAL OF AGENDA

Executive Officer Punia stated the staff recommendation that Item 4B be moved from Consent, as there is a minor change that will necessitate official Board approval.

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

4. CONSENT

A. Permit No. 18869, Three Rivers Levee Improvement Authority (TRLIA)

Consider approval of Resolution No. 2013-22 to approve Permit No. 18869 to construct an erosion protection berm along the landside levee slope of the Feather River East Levee. (Yuba County)

Upon motion by Board Member Countryman, seconded by Secretary Dolan, the Board unanimously approved Item 4A.

B. 2013-14 CVFPB Board Meeting Schedule (*removed from Consent*)

Consider approval of the proposed schedule for the remaining 2013 and the 2014 calendar year Board meetings.

Mr. Len Marino, Board Chief Engineer, handed out copies of the proposed schedule and noted the changes from the previous edition.

Upon motion by Board Member Countryman, seconded by Secretary Dolan, the Board unanimously approved the proposed 2013-14 CVFPB Board Meeting Schedule.

5. PUBLIC COMMENT

Mr. Jim Heidrick, Knights Landing Ridge Drainage District Board of Commissioners, expressed his concerns regarding the Corps' processing of an application affecting his District. He stated that the Corps issued a recent press release that remarked that the District had not done its job, although the application in question has been a longstanding issue for over 25 years. Mr. Lewis Bair, Knights Landing Ridge Drainage District Manager, further clarified the effort to design a solution and funding, timelines, processes and issues involved; and both answered Board Member questions.

Mr. Ryan Larson, the Corps, offered the Corps' perspective on the issues and answered Board Member questions.

Ms. Nicole Rinke, Board Legal Counsel, cautioned the Board that, since this is not an agenda item, it probably should become so before it is discussed further.

President Edgar suggested that the issue be agenda item as quickly as possible; Executive Officer Punia responded that Board staff would expedite the matter and agenda item it in the near future.

6. INFORMATIONAL BRIEFINGS

A. Follow-up discussion on the Folsom Dam JFP site visit and project briefing.

The Board participated in a project briefing and tour of the auxiliary spillway construction site of the Folsom Dam Joint Federal Project earlier in the day. There were introductory remarks by Board President Bill Edgar, Colonel Michael Farrell of the USACE, Congresswoman Doris Matsui's office, DWR Deputy Director Gary Bardini, and a presentation by David Thomas, the USACE's JFP Director. Mr. Punia remarked that Board staff was extremely pleased to see the progress on the project and looks forward to its completion in 2017.

B. Informational Briefing on The Rivers Development, Adjacent to Project Levees in West Sacramento - update from January 25, 2013

Mr. Scott Shapiro and Mr. Clifton Taylor, Oakstone Investments; and Mr. Chris Neudeck, Kjeldsen, Neudeck & Sinnock Engineering, provided the Briefing and answered Board Member questions.

7. REQUESTED ACTIONS

A. Maintenance Area 09 (MA 09) – City of Sacramento, American River left bank levee system Letter of Intent (LOI)

Consider approval of transmittal to the U.S. Army Corps of Engineers a Letter of Intent (LOI) for a System-Wide Improvement Framework (SWIF) from MA 09 - City of Sacramento, American River left bank levee system.

Ms. Alison Tang, Board Staff Engineer, gave the presentation and concluded with the staff recommendation that the Board authorize the Executive Officer to finalize a letter of transmittal and forward it, along with the LOI, to the Corps.

Mr. Bill Busath, City of Sacramento Utilities Department, clarified the issues and answered Board Member questions. He expressed his appreciation for Board and DWR support in preparing the LOI package.

Mr. Tim Kerr, American River Flood Control District General Manager, expressed his support for the LOI and SWIF and answered Board Member questions.

Upon motion by Vice President Suarez, seconded by Board Member Macdonald, the Board unanimously approved the staff recommendation.

B. Sutter Butte Flood Control Agency (SBFCA), Feather River West Levee Project, Permit No. 18793-1, Project Area C

Consider amending Permit No. 18793-1 to approve variances to California Code of Regulations, Title 23, Article 8 Standards requested by the Sutter Butte Flood Control Agency associated with Type 2 levee backfill material specifications for use in Project Area C.

Mr. Eric Butler, Board Projects and Environmental Branch Chief, gave the presentation on behalf of the Board and SBFCA, answered Board Member questions, and stated the staff recommendation to adopt Resolution 2013-23, including the CEQA findings that are prepared within it; to approve sending a letter to the Corps requesting a project design change pursuant to the requirements of the Letter of Permission (LOP) and Record of Decision (ROD); to delegate authority to Executive Officer Punia to sign the letter on the Board's behalf; to approve construction variances to Board standards pursuant to Title 23, Sections 11 and 120(a), paragraphs 13, 15, and 18; to approve, subject to Corps Sacramento District approval, amending Permit 18793-1 to include the Board-approved variances; to incorporate any additional conditions of the Corps subsequent to the LOP and ROD received in early September; to direct Mr. Punia to take the necessary actions to issue the amended permit; and to file a Notice of Determination with the Clearinghouse.

Mr. Mike Inamine, SBFCA Executive Director, expressed his support for the requested action and thanked Board staff for their cooperation.

Upon motion by Board Member Macdonald, seconded by Vice President Suarez, the Board unanimously approved the staff recommendation.

C. 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 commented that there is nothing new to report at this time.

8. 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 introduced the Board's new Chief Counsel, Ms. Leslie Gallagher, to the public.

9. BOARD COMMENTS AND TASK LEADER REPORTS

President Edgar commented that he has been spending a lot of time thinking about the “big picture” items.

He visited the various regional planning groups and assessed their progress.

He also flew over the northern part of the Sacramento Valley to assess the flood control situation from the air.

Board Member Macdonald attended the usual committee meetings.

He worked with Board staff on permitting costs and issuance.

He has been in discussion with DWR about the Yolo Bypass regarding how to get the different parties involved to work together more closely.

Secretary Dolan continued her work on the Executive Committee, especially on how best to maintain momentum towards implementing the recently-adopted Board Strategic Plan.

She met with various people to assist with the Mid Upper Sacramento Regional Flood Management Planning process.

She continued attendance at the Coordination Committee meetings.

She attended the Flood Management Association Conference, held the first week in September in Anaheim, and was able to meet and reinforce awareness and communication with the stakeholders there.

Board Member Ramirez attended one day of a scheduled two-day conference on the UC Berkeley campus entitled “Wise Use of Floodplains: Adaptation of the U.S. and EU Non-structural Approaches.”

Board Member Countryman attended the Rural Levee Repair Criteria Program, which is now starting to come to conclusion.

He and Board Member Macdonald attended the Interagency Coordinating Committee meeting, where all the different agencies get together and try to find solutions to problems. Attendees have been spending a lot of time talking about rodent holes in the levees and the snake and how to fix those and set priorities.

He and Secretary Dolan met with DWR about implementation of DWR’s Urban Level of Protection Criteria program.

On October 4 he will meet with the Corps and talk about Corps processes.

Vice President Suarez has been spending considerable time on the Board attorney hiring process, as well as attending meetings and working on Executive Committee issues.

10. FUTURE AGENDA

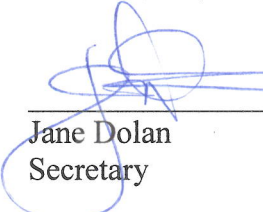
Executive Officer Punia noted that Friday, October 11th will be dedicated to a full day tour of the San Joaquin River Restoration Project. He also read the draft Agenda for the October 25th Board meeting, and answered Board Member questions.

12. ADJOURN-REGULAR BOARD MEETING


The Board unanimously adjourned the Open Session at 5:15 p.m.

Dated: 11-22-2013

The foregoing Minutes were approved:



Jane Dolan
Secretary



William H. Edgar
President