

MINUTES
MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD
April 25, 2014

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 April 25, 2014, beginning at 9:02 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
Ms. Leslie Gallagher, Chief Counsel
Ms. Mitra Emami, Chief, Permitting Section
Mr. Gary Lemon, Staff Engineer
Ms. Amber Woertink, Staff Assistant
Mr. Michael Wright, Acting Chief, Permitting and Enforcement Branch

Department of Water Resources (DWR) staff present:

Mr. Jon Ericson, Chief, Flood Maintenance Office
Mr. Joel Farias, Assistant Superintendent
Mr. Jeremy Goldberg, Staff Counsel
Mr. Paul Helliker, Deputy Director
Mr. Eric Koch, Chief, Flood Projects Office
Mr. Mark List, Chief, Maintenance Support Branch
Mr. Patrick Luzuriaga, Staff Engineer

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

Mr. Jacob McQuirk, Supervising Engineer
Mr. Mike Mierzwa, Supervising Engineer
Ms. Gail Newton, Chief, FloodSAFE Environmental Stewardship and Statewide
Resources Office (FESSRO)
Mr. Keith Swanson, Chief, Division of Flood Management

Also Present:

Mr. Chris Campbell, CBEC
Mr. Tony Frayji, Frayji Design Group
Mr. Pete Ghelfi, Sacramento Area Flood Control Agency
Mr. Ryan Larson, United States Army Corps of Engineers
Mr. Chris Neudeck, Kjeldsen, Sinnock, and Neudeck
Mr. Dustin Smith, America's Habitats
Mr. Ron Stork, Friends of the River
Mr. Matt Walker, H.T. Harvey and Associates

1. ROLL CALL

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

2. APPROVAL OF MINUTES – February 10, 2014

Upon motion by Secretary Dolan, seconded by Board Member Macdonald, the Board unanimously approved the February 10, 2014 Meeting Minutes.

3. APPROVAL OF AGENDA

Executive Officer Punia reviewed the Agenda and recommended that action on Agenda Item 11A be postponed.

Upon motion by Secretary Dolan, seconded by Board Member Countryman, the Board unanimously approved the Agenda, including the change referenced above.

4. CONSENT

A. Permit No. 18910, Teichert Land Company

Consider approval of Permit No. 18910 to establish a riparian corridor and preserve, including berms, outflow culverts, cobble beds and planting native vegetation, along Morrison Creek. (Sacramento County)

B. Permit No. 18911, Pacific Gas and Electric Company

Consider approval of Permit No. 18911 to place new utility polls on the levee, construct an underground conduit, and remove an existing utility pole. (Sutter County)

C. Permit No. 18919, Pacific Gas and Electric Company

Consider approval of Permit No. 18919 to abandon an 8-inch natural gas pipe line and install a new 16-inch natural gas pipeline in a new Horizontal Directional Drilling type bore under Canal Creek. (Merced County)

D. Permit No. 18925, Granite Construction Company

Consider approval of Permit No. 18925 to realign and mine Morrison Creek, followed by the establishment of a riparian corridor and preserve along the realigned creek channel, including trail crossings, a vehicle bridge, levee maintenance roads, diversion weir and pipe culverts. (Sacramento County)

Board Member Countryman recused himself on Items 4A and 4D.

Board Member Villines recused himself on items 4B and 4C.

*Upon **motion** by Secretary Dolan, seconded by Board Member Villines, the Board unanimously approved the Consent, each by a 6-0 vote, with the recusals mentioned above.*

5. PUBLIC COMMENTS - None

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

A. Inspection Reporting Changes Necessary to Implement the Interim Policy for determining Eligibility Status of Flood Risk Management Projects for the Rehabilitation Program Pursuant to Public Law (PL) 84-99.

Mr. Ryan Larson, Corps Flood Protection and Navigation Section Chief, briefed the Board on the new interim criteria for rehabilitation eligibility; on how the Corps is going to be reporting that out to the Board; and on the changes they have made based on the interim policy. He noted that the inspection checklist itself did not change. Following the briefing he answered Board Member questions.

B. Levee Inspection results

1. D 0501 - Ryer Island (Solano County)

Mr. Larson reported that the inspection resulted in an unacceptable and inactive rating, with deficiencies in encroachments that were likely to prevent the system from performing, and answered Board Member questions.

Mr. Chris Neudeck, engineer for Kjeldsen, Sinnock, and Neudeck, further clarified aspects of the encroachments.

7. REPORT OF ACTIVITIES OF THE DEPARTMENT OF WATER RESOURCES (DWR)

Division of Flood Management (DFM) Activities/Updates

Mr. Keith Swanson, DWR DFM Chief, provided the Report. Highlights included:

- California hydraulic conditions remain abysmal--precipitation is 50 percent of average, runoff 35 percent, the snow water equivalent 25 percent, and reservoir storage 75 percent.
- There was above average precipitation in March, which did help somewhat, but there are still many dire situations, especially south of the Delta.
- This year's snowpack ranks as the third driest dating back to 1950.
- The Utility Crossing Inventory Program has finished inspection of 6,500 of the 7,500 pipes. The complete initial inspection will be finished within the next couple of months. The data has been placed into an online database that is available for the LMAs, the Board, and others to use.
- Federal appropriations for 2014 are a little better than expected. It is anticipated that Central Valley projects will receive about \$122 million in federal funding, which is consistent with the total dollars from 2013.
- The Folsom Dam Project modifications continue to progress and are on schedule for control structure completion in June of 2015. The approach channel chute and spillway portions remain scheduled for completion in May 2017.

Mr. Jon Ericson, DWR Flood Maintenance Office, briefed the Board on the Lower Feather River Corridor Management Plan.

Board Members asked Mr. Swanson and Mr. Ericson about the progress of various programs.

FloodSAFE Environmental Stewardship and Statewide Resources Office (FESSRO) Activities/Updates

Ms. Gail Newton, FESSRO Chief, provided the update, and also discussed the conservation strategy and its scheduling.

Mr. Ron Stork, Friends of the River, provided his perspective on the levee vegetation management strategy and its relationship with the interim Corps plan and the Corps itself; on the new and old Engineering Technical letter (ETL); and on what DWR and the Board are doing on the vegetation management strategy. He noted that it was his intent to brief the Board on what's coming up regarding the Friends' understanding of the "minefields" the Board is about to enter. He also responded to Board Member questions about the potential ramifications of the strategy.

8. HEARINGS AND DECISIONS

A. Permit No. 18856, Capital Conservation and Mitigation Bank

Consider approval of Resolution No. 2014-10 to approve Permit No. 18856 to construct a Giant Garter Snake Mitigation Bank consisting of perennial marsh, upland habitat, delivery channels, shallow wetlands, and raised areas on 137-acres inside the Yolo Bypass. (Yolo County)

Mr. Gary Lemon, Board Staff Engineer, gave the presentation and concluded with the staff recommendation that the Board adopt Resolution No. 2014-10 to conditionally approve Board Encroachment Permit Number 18856, subject to any additional conditions that may be warranted by testimony of DWR Division of Flood Management Flood Maintenance Office, or others, at the public hearing; and to direct the Executive Officer to take the necessary actions to prepare and execute the Permit and any related documents, and to file a Notice of Determination with the State Clearinghouse. He also answered Board Member questions.

Mr. Dustin Smith, representing America's Habitats, the Applicant, provided some background on the Permit, further clarified the issues involved, and answered Board Member questions.

Mr. Matt Walker, H.T. Harvey and Associates, discussed some of the permitting aspects, provided supplemental information about the long-term management of the site, and answered Board Member questions.

Board Members expressed concerns about voting to permit a project that had not yet completed all preliminary work.

Mr. Smith further clarified that the full work completed at this point is for Phase 1 only, and that today's Permit application refers only to Phase 1.

Ms. Leslie Gallagher, Board Chief Counsel, pointed out that there is a specific reference in the Permit--Condition 20--that only allows for work being permitted today under the

Permit (i.e., Phase 1 work). Any further work is required to come back to the Board for approval. Also, Condition 17 details the Applicant's affirmative obligation to make sure that, if there are conflicts between different permit conditions that are issued by other agencies, the Applicant must work those out in such a way that they still comply with this Permit.

Mr. Chris Campbell, CBEC, discussed the hydrology associated with the Permit and answered Board Member questions.

Mr. Tony Frayji, Frayji Design Group, and Mr. Smith addressed some of the timing concerns and possible delays associated with their decision to come before the Board today to seek approval for Phase 1.

Board Members deliberated further on the timing issues involved, as well as the importance of not "putting the cart in front of the horse" by prematurely approving Phase 1, only to have difficulties with the approvals of Phase 2 later on. Also, they discussed the appropriateness of specific Conditions in the Permit.

Upon motion by Board Member Countryman, seconded by Board Member Ramirez, the Board agreed to amend the Permit by removing Condition 30 from the proposed resolution. The vote was 6-1 (Macdonald).

Upon motion by Board Member Ramirez, seconded by Board Member Countryman, the Board unanimously approved the Permit, with two modifications: that Condition 30 be deleted (as referenced in the previous motion); and that the wording of Condition 9 be amended to more accurately reflect the timing and prerequisites associated with construction of the two separate Phases.

9. CLOSED SESSION – None

- 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.

10. CLOSED SESSION REPORT - None

11. HEARINGS AND DECISIONS (continued)

A. California Department of Water Resources Delta Rock Barriers-*Postponed*

Consider approval of Resolution No. 2014-11 to approve:

1. Permit No. 18941 to authorize the placement of a temporary rock barrier across the Sutter Slough located slightly north of Sutter Island Road, east of Painterville, CA (Sacramento & Yolo Counties); and

2. Permit No. 18942 to authorize the placement of a temporary rock barrier across the Steamboat Slough located approximately 350-ft south of the intersection of W. Sutter Island Cross Road and Sutter Island Road. (Sacramento County)

Although action was postponed, Mr. Jamie McQuirk, DWR Supervising Engineer, provided an update on the program and explained why DWR made that decision. He concluded by stating that he will continue to apprise the Board and Board staff of any changes.

12. REQUESTED ACTIONS

A. Maintenance Area Budgets

Consider approval of Department of Water Resources' proposed fiscal year 2014-15 maintenance area budgets, pursuant to Water Code § 12878.

Mr. Jon Ericson, DWR Flood Maintenance Office Chief, presented the proposed budget. Along with Mr. Mark List, DWR Maintenance Support Branch Chief, and Mr. Joel Farias, DWR Assistant Superintendent, he answered Board Member questions.

Mr. Jay Punia, Board Executive Officer, noted that Board staff concurs with DWR that the maintenance area budgets should be approved as proposed.

Upon motion by Board Member Ramirez, seconded by Board Member Macdonald, the Board unanimously approved the Maintenance Area Budgets for FY 2014-15.

B. U.S. Army Corps of Engineers American River Watershed, Natomas Basin Project

Consider approval of Resolution No. 2014-08 to execute a Local Design Agreement with the Sacramento Area Flood Control Agency (SAFCA) for pre-construction engineering and design of the remaining flood control

improvements in the Natomas Basin primarily, along the southern and eastern boundaries of the basin but including unfinished work along the Sacramento River and Natomas Cross Canal, as part of the upcoming federal American River Watershed, Natomas Basin Project.

Board Member Countryman recused himself from the vote.

Mr. Patrick Luzuriaga, DWR Staff Engineer, gave the presentation and concluded by requesting the Board's approval of the Resolution. He and Mr. Pete Ghelfi, SAFCA Director of Engineering, answered Board Member questions.

Upon motion by Board Member Macdonald, seconded by Secretary Dolan, the Board unanimously approved the Resolution by a vote of 6-0 (note recusal above).

13. BOARD COMMENTS AND TASK LEADER REPORTS

Board Member Macdonald commented that he has been paying close attention to the Lower Sac Delta North Region, working on integration and maintenance, and talking with DWR about money for the various projects.

Secretary Dolan continues her work with the Executive Committee.

Board Member Ramirez, along with Board Member Villines and Board Chief Engineer Marino, spent a day with Reggie Hill in the Lower San Joaquin, discussing the various issues and concerns of the Region.

Board Member Villines, in addition to attending the meeting mentioned above, closely followed the State budget and the budget implications for the Board and DWR in general, as well as water issues and the water bond.

Board Member Countryman attended the Interagency Collaboration Group and updated the Board on Group activities.

Vice President Suarez, along with Secretary Dolan, has been heavily involved in the regional planning. She noted that the Mid Upper Sac Region draft plan is out in circulation.

She has been receiving a lot of phone calls from constituents and stakeholders, on a variety of issues. The conservation strategy comes up again and again.

President Edgar has been spending most of his time on the integration issue and trying to suggest ways in which the Board can take the elements of the various plans, planning groups and committees and put together a way in which all parties can begin to collectively reconcile the conflicting elements.

14. FUTURE AGENDA

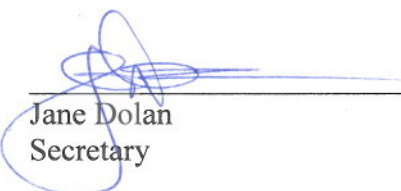
Executive Officer Punia read the draft Agendas for the May 9th and 23rd Board Meetings and answered Board Member queries.

15. ADJOURN-REGULAR BOARD MEETING


The Board unanimously adjourned the Open Session at 3:36 p.m.

Dated: July 25, 2014

The foregoing Minutes were approved:



Jane Dolan
Secretary



William H. Edgar
President