

MINUTES
MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD
February 28, 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 February 28, 2014, beginning at 9:05 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 (not present today)
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
Mr. Eric Butler, Chief, Projects and Environmental Branch
Ms. Mitra Emami, Chief, Permitting Section
Ms. Nancy Moricz, Senior Engineer
Mr. Gary Lemon, Staff Engineer
Ms. Sterling Sorenson, Water Resources Engineer Associate
Ms. Amber Woertink, Staff Assistant
Mr. Michael Wright, Acting Chief, Permitting and Enforcement Branch

Department of Water Resources (DWR) staff present:

Mr. Jeremy Arrich, Chief, Central Valley Flood Planning Office
Ms. Kelly Fucciolo, Chief, Urban Flood Program
Ms. Terri Gaines, Environmental Program Manager
Mr. Marc Hoshovsky, Environmental Program Manager
Mr. Mike Mierzwa, Supervising Engineer

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

Ms. Gail Newton, Chief, FloodSAFE Environmental Stewardship and Statewide Resources Office (FESSRO)

Mr. Ricardo Pineda, Chief, Floodplain Risk Management Branch

Mr. Keith Swanson, Chief, Division of Flood Management

Also Present:

Ms. Kelley Barker, California Department of Fish and Wildlife

Mr. Michael Bessette, Sutter Butte Flood Control Agency

Ms. Kristal Davis-Fadtke, Delta Conservancy

Mr. Tom Ellis

Mr. Mike Inamine, Sutter Butte Flood Control Agency

Ms. Lorna Kelso

Mr. Barry O'Regan, Sutter Butte Flood Control Agency

Mr. Richard Peekema, Peekema Ranch, LLC

Mr. Scott Shapiro, Sutter Butte Flood Control Agency

1. ROLL CALL

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

2. APPROVAL OF MINUTES – December 20, 2013

Upon motion by Secretary Dolan, seconded by Board Member Macdonald, the Board unanimously approved the December 20, 2013 Meeting Minutes.

3. APPROVAL OF AGENDA

Executive Officer Punia recommended that Agenda Item 6 be postponed.

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

4. CONSENT

A. Lease Agreement with McCuen American River Drive Investors, LP

Consider approval of Resolution No. 2014-02 to:

- 1. Commence Lease No. AR2274 with McCuen American River Drive Investors LP for the purpose of vehicular parking for a period of five years; and**
- 2. Delegate to the Board Executive Officer the authority to execute said Lease.**

Upon motion by Secretary Dolan, seconded by Board Member Macdonald, the Board unanimously approved the Resolution.

B. Permit No. 18904, Derrell Kelso

Consider approval of Permit No. 18904 to install a 34-acre vineyard with a drip irrigation system on the waterside berm that separates the East Levee of the Yolo Bypass (Reclamation District 999) from the Sacramento Deep Water Ship Channel; to install two irrigation pipes through the levee crown that will service the vineyard drip irrigation system. (Yolo County)

President Edgar and the Board deliberated on whether or not time limits on these kinds of permits would make sense.

Ms. Sterling Sorenson, Board Water Resources Engineer Associate, provided additional details and answered Board Member questions.

Mr. Gary Lemon, Board Staff Engineer, further clarified the issues.

Ms. Leslie Gallagher, Board Chief Counsel, noted that Board regulations specify that the Board always has the ability to make any permit modifications it deems appropriate due to changed circumstances.

Ms. Lorna Kelso, one of the property owners, provided additional history and assurances that the property owners would continue to work with the Board as required.

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

5. PUBLIC COMMENT

Mr. Tom Ellis, landowner in the Colusa Basin and member of the Board of Commissioners of the Sacramento River Westside Levee District, inquired on the status of Board Item 7 from the March 22, 2013 meeting, which stated that Board staff would inform bypass landowners regarding existing flowage easements on bypasses, in particular the Sutter Bypass. President Edgar directed Executive Officer Punia to prepare a staff report detailing the appropriate information.

6. 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:

- Mr. Jon Erickson has been selected to head the Flood Maintenance Office.
- DWR is now organized under the Standard Emergency Management System (SEMS). Currently, 45 people are actively working in support of drought activities and many key managers are involved. In addition, four of the five office chiefs have key roles in drought response, as well as two key branch chiefs.
- Precipitation in the state continues to be a dire situation—the north Sierra is at 26 percent of average for the date, and San Joaquin at 21 percent. Also, snow water content remains abysmal, with the northern Sierras at 11 percent of average, and San Joaquin at 29 percent. The reservoirs are also empty, with the exception of Shasta and Oroville, which are both around 39 percent capacity (about 55-57 percent of average).
- Legislation has been passed on to the Governor designed to accelerate funding to help with the drought conditions; this should lead to release of funds earlier than previously anticipated. There is a steady procession of local jurisdictions proclaiming drought emergencies; thus, accelerated funding and other relief is critical.
- Work continues on the Project Management Plan.
- Chief Swanson also discussed the North Delta Lower Sac regional planning effort.

Mr. Jeremy Arrich, DWR Central Valley Flood Planning Office Chief, commented that DWR will definitely be engaging at an informal level with each of the six regions over the new few months. Board Members reinforced the importance of continuing with the ongoing coordination and communication of DWR and the various regions.

2013 FloodSAFE Accomplishments Report

Mr. Mike Mierzwa, DWR Supervising Engineer, gave the Report and answered Board Member questions.

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

Ms. Gail Newton, FESSRO Chief, provided the presentation. Some highlights:

- DWR provided funding to the Delta Stewardship Council for work on levee prioritization in the Delta, and the Council released the Notice of Public Solicitation Package (PSP) to find consultants to help with the process.
- Draft guidelines and the new PSP for Delta Levees Program special projects were released and are now in the 15-day public comment period.
- FESSRO contracted with the Delta Protection Commission to begin a program to look at prioritizing and removing exotic species within the legal Delta and replacing those with native vegetation that will provide habitat for the native species.
- A new brochure is now available from the Delta Levees Program; it looks at the accomplishments of the bond programs from 2006-2013.
- The Fish Passage Improvement Program within FESSRO is designed to provide fish access to their spawning grounds and/or migration corridors.

- Regional Permitting for the Central Valley Flood Protection Plan and Habitat Conservation Plan (HCP) development for the Feather River Region

Ms. Terri Gaines, DWR Environmental Program Manager, gave the presentation and answered Board Member questions.

- Delta Islands and Levees Feasibility Study (DILFS) - *Postponed*

7. REQUESTED ACTIONS

A. Strategic Plan Implementation

Consider approval of the draft Action Plan

Mr. Eric Butler, Board Projects and Environmental Branch Chief, presented the draft Action Plan and answered Board member questions. He noted that the Action Plan covers a two-year period, from January 2014 through December 2015.

Mr. Len Marino, Board Chief Engineer, detailed the four proposed action steps.

Board Members deliberated on the four steps and whether to amend some of the language. President Edgar reminded the Members that this is a dynamic document that will change over time.

After discussion, the Board decided to adopt the following language as replacement for Action Step 1:

“Ascertain whether underperforming Local Maintenance Agencies (LMAs) are on track to receive acceptable maintenance ratings, and if not, why not, and what should be done?”

The Board further decided to strike the other steps.

Upon motion by Vice President Suarez, seconded by Board Member Macdonald, the Board unanimously adopted the revised action step language, as noted above, and approved the overall implementation plan as prepared by the staff and the consultant.

Mr. Punia and Mr. Butler also re-emphasized that, although the Executive Officer is authorized to revise the Action Plan as needed, the implementation requires Board staff to bring any revisions to the Board at least twice a year, in January and July, for Board re-approval.

8. 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.

- Public Employee Performance Evaluation, pursuant to Govt. Code section 11126(a)(1); Title: Chief Counsel.

- Public Employee Performance Evaluation, pursuant to Govt. Code section 11126(a)(1); Title: Executive Officer.

9. CLOSED SESSION REPORT - None

10. HEARINGS AND DECISIONS

A. Sutter Butte Flood Control Agency, Feather River West Levee, Project Areas B and D

Consider approval of Resolution No. 2014-01 to approve:

1. Permit No. 18793-2, Feather River West Levee, Project Area B, to construct approximately 6.1 miles of levee improvements on the west levee of the Feather River from Shanghai Bend downstream to Star Bend. Work includes degrading and reconstructing levees, constructing cutoff walls, installation of relief wells and appurtenances, and reconstruction or removal of other existing appurtenant structures (Sutter County); and

2. Permit No. 18793-3, Feather River West Levee, Project Area D, to construct approximately 11.4 miles of levee improvements on the west levee of the Feather River from Thermalito Afterbay downstream to near East Evans Reimer Road southeast of Gridley. Work includes degrading and reconstructing levees, constructing cutoff walls and seepage berms, and reconstruction or removal of other existing appurtenant structures (Butte County).

(Prior to the start of Item 10A, Executive Officer Punia notified the Board that the Army Corps of Engineers has approved a Letter of Intent to prepare a System-Wide Improvement Framework (SWIF) for the Sutter Butte Basin. With this approval the Sutter Butte Basin will be temporarily returned into the PL 84-99 program.)

Ms. Nancy Moricz, Board Senior Engineer, gave the presentation and concluded with the staff recommendation to approve Permits 18793-2 and 18793-3. She also answered Board Member questions.

Mr. Mike Inamine, Sutter Butte Flood Control Agency (SBFCA) Executive Director, thanked the Board and Board staff for being so efficient in working with the Applicant on these Permits, and answered Board Member questions.

Ms. Kelly Fucciolo, DWR Urban Flood Programs Chief, further clarified the issues involved.

Mr. Richard Peekema, a landowner on a parcel of land within SBFCA Project Area D (Application 18793-3), expressed his concerns regarding the apparently redundant work planned for portions of the cutoff slurry wall adjacent to his property, as work was done in that area previously (about 15 years ago).

Board Senior Engineer Moricz; Mr. Michael Bessette, SBFCA Director of Engineering; Mr. Ricardo Pineda, DWR Floodplain Risk Management Branch Chief; Mr. Barry O'Regan, SBFCA; and Mr. Scott Shapiro, SBFCA General Counsel, provided additional

content and clarification regarding the previous and current construction decisions in the Area; and answered Board Member questions.

Vice President Suarez reiterated the Board's expectation that Executive Officer Punia will work with Board Chief Counsel Gallagher in determining whether any modifications to existing permits, or any other additional permitting, will be required in the Project Areas.

Upon motion by Vice President Suarez, seconded by Board Member Macdonald, the Board unanimously approved Resolution 2014-01.

11. INFORMATIONAL BRIEFINGS

A. Delta Conservancy Briefing regarding the Delta Restoration Network

Ms. Kristal Davis-Fadtke, Delta Conservancy Ecosystem Restoration Program, gave the Briefing and answered Board Member questions.

12. BOARD COMMENTS AND TASK LEADER REPORTS

President Edgar has been spending a lot of time attending meetings and thinking of efforts to enhance coordination, integration and etc.

The Executive Committee is handling the infrastructure of the organization, and significant deliverables have come out of that process: the adopted strategic plan, the implementation plan, a clear legal determination of the HR process, a clear organizational chart, direction to the staff on the administrative manual, and increased Board involvement in the budget process.

Board Member Macdonald continues his Coordination Committee and other activities.

Secretary Dolan has been active with her liaison assignments with the regional flood management planning groups.

She and the other Executive Committee members are busy following the Board's goal and desire of continual organizational improvement and strengthening.

She attended the Assembly Parks and Wildlife Committee meeting.

She has been tracking the Hamilton City issue, and helped the locals to craft a letter to Corps Headquarters.

Vice President Suarez attended the recent funding webinar of the Stormwater and Flood Control Association.

Board Member Villines continues to attend the Delta Conservancy meetings.

He attended some of the Water, Park and Wildlife Hearings.

He has been meeting with some private land mitigation banks.

13. FUTURE AGENDA

Executive Officer Punia read the draft Agendas for the March 14 Yolo Bypass Tour and the March 28 Board Meeting and answered questions.

14. ADJOURN-REGULAR BOARD MEETING

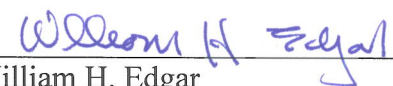
The Board unanimously adjourned the Open Session at 4:18 p.m.

Dated: 4-25-2014

The foregoing Minutes were approved:



Jane Dolan
Secretary



William H. Edgar
President