

MINUTES
MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD
June 27, 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 June 27, 2014, beginning at 9:04 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 (not present today)
Ms. Jane Dolan, Secretary
Mr. Joe Countryman
Mr. Clyde Macdonald (not present today)
Mr. Tim Ramirez
Mr. Mike Villines

The following members of the Board staff were present:

Ms. Leslie Gallagher, Chief Counsel and Acting Executive Officer
Mr. Len Marino, Chief Engineer
Mr. Eric Butler, Supervising Engineer
Ms. Mitra Emami, Chief, Permitting Section
Ms. Nancy Moricz, Senior Engineer
Ms. Nicole Rinke, Legal Counsel
Mr. Curt Taras, Supervising Engineer
Ms. Amber Woertink, Board Staff Assistant
Mr. Michael Wright, Acting Chief, Permitting and Enforcement Branch

Department of Water Resources (DWR) staff present:

Ms. Kelly Briggs, Chief, Maintenance Environmental Support Branch
Ms. Terri Gaines, Program Manager II

Also Present:

Mr. John Basset, Director of Engineering, Sacramento Area Flood Control Agency (SAFCA)

Also Present (continued):

Mr. Michael Bissette, Director of Engineers, SAFCA
Mr. Steve Chainey, AECOM
Mr. Paul Devereux, General Manager, Reclamation District (RD) 1000
Mr. Jeff Fredericks
Mr. Earl Nelson, Project Leader, Corridor Management Plan
Mr. Ryan Larson, United States Army Corps of Engineers (the Corps)
Mr. Barry O'Regan, Sutter Butte Flood Control Agency (SBFCA)
Mr. Richard Peekema
Ms. Susan Sanders, AECOM

1. ROLL CALL

Mr. Bill Edgar, Board President, announced that Ms. Leslie Gallagher, Board Chief Counsel, is now also serving as Acting Executive Officer. He also introduced Ms. Nicole Rinke, Deputy Attorney General, who will be performing some of Ms. Gallagher's legal work.

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

2. APPROVAL OF MINUTES – April 25, 2014

Upon motion by Secretary Dolan, seconded by Board Member Villines, the Board unanimously approved the April 25, 2014 Meeting Minutes.

3. APPROVAL OF AGENDA

Ms. Leslie Gallagher, Acting Executive Officer, noted that the only change to the Agenda will be that there is no Closed Session today.

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

4. PUBLIC COMMENTS - None

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

- 1. Cache Creek – RD 2035 – Willow Bypass System (Yolo County)**
- 2. Cache Creek**
- 3. Yolo Bypass West Levee – Cache Creek Unit 4 (Yolo County)**
- 4. RD 10 Honcut Drainage Basin (Yuba County)**
- 5. Honcut Creek Area – Eastern (Yuba County)**
- 6. RD 2104 (Solano County)**

Mr. Ryan Larson, the Corps, provided the Briefing and answered Board Member questions. He stated that all six systems were deemed unacceptable and thus inactive for the Rehabilitation Program. Deficiencies included encroachments, slope stability, erosion bank caving and animal control.

6. HEARINGS AND DECISIONS

A. Permit No. 18793-3, Sutter Butte Flood Control Agency (SBFCA), Feather River West Levee, Project Area D

1. Petition for Reconsideration – Richard Peekema

Consider a petition for reconsideration of the Board's February 28, 2014 decision to approve Flood System Improvement Permit No. 18793-3 to construct the Project.

2. Discussion – Jeff Fredericks

Ms. Nancy Moricz, CVFPB Senior Engineer, gave the presentation and concluded with the staff recommendation that the Board deny Mr. Peekema's Petition for Reconsideration and find that the February 2014 decision approving Permit No. 19793-3 was based on substantial evidence in the record and thus was proper.

Further, that the Board allow Mr. Fredericks to make additional comments on the record but take no further action because Mr. Fredericks did not file a petition for reconsideration.

Mr. Peekema commented that the staff report concluded that his Petition provided no basis for reconsideration because the February 2014 decision was supported by substantial evidence. However, Petitioner's evidence was not consistent with SBFCA's evidence and remains inconsistent. Further, since the SBFCA evidence is still in dispute, the Request for Reconsideration is both proper and well-founded. He provided additional materials that examined the differences in detail.

Mr. Peekema also remarked that the Petition is not intended to derail or delay the project but rather to avoid unnecessary cost in its implementation. He fully supports SBFCA's public purpose of improved flood protection but with a project designed and constructed economically that employs the most accurate available data.

Mr. Michael Bissette, SBFCA Director of Engineers, stated that their designs were fully vetted through the Corps, DWR and an independent panel of experts, all of whom were in agreement on the design put forth to the Board in February that was ultimately approved.

Mr. Fredericks asked the Board to reconsider. He stated that in his mind there's going to be an additional cost of almost three-quarters of a million dollars, just on incidental work outside of the construction of the levee, to keep the levee where it is now rather than relocate it.

Mr. Barry O'Regan, SBFCA, further clarified SBFCA's analysis and plans, stating that moving the levee from the location it has been for 40 years would significantly change the hydraulics and add substantial costs to the project. He answered Board Member questions.

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

7. REQUESTED ACTIONS

A. **Sacramento Area Flood Control Agency (SAFCA), Natomas Cross Canal South (left bank) Levee Improvements (NCCSL)--transfer of Ownership and Maintenance (O&M) Responsibilities to Reclamation District (RD) 1000, Sutter County.**

Consider approval of Resolution 2014-22 to transfer O&M responsibilities for the improved NCCSL, constructed by SAFCA under Board Permit Nos. 1815.9 and 18159-2, to RD 1000.

Board Member Countryman recused himself on Item 7A.

Ms. Moricz gave the presentation and concluded with the staff recommendation that the Board adopt Resolution 2014-22 and transfer O&M responsibilities to RD 1000, to approve the revised O&M Manual and as-built drawings as transmitted and accepted by the Corps; to permit RD 1000 to accept responsibilities for O&M of the NCCSL; to transfer those responsibilities, along with copies of the revised O&M Manual and as-built drawings, to RD 1000 through approval of the draft Board transfer letter; to determine that the transfers are ministerial approvals and statutorily exempt from CEQA; and to direct the Board's Executive Officer to execute the Board's O&M transfer letter to RD 1000 in substantially the form provided and to file a Notice of Exemption with the State Clearinghouse. She also answered Board Member questions.

Mr. Paul Devereux, RD 1000 General Manager, stated that the district accepts the responsibilities that are being bestowed upon it, consistent with the O&M and RRR agreements that they agreed to in 2010. He also thanked the Board for its support of the project, and his colleagues at SAFCA for getting the improvements done.

Upon motion by Secretary Dolan, seconded by Board Member Ramirez, the Board unanimously approved the transfer by a vote of 4-0 (Recused-Countryman).

B. Extension of the effective period of the Emergency Regulations

Consider approval of a 90-day extension of the effective period of the emergency regulations in Office of Administrative Law (OAL) File #2014-0102-02E to accommodate the OAL review period required for regular rulemaking.

Mr. Curt Taras, Board Supervising Engineer, gave the presentation and concluded with the staff recommendation that the Board find that the CVFPB has made substantial progress and proceeded with diligence to complete a regular rulemaking action, and to make the emergency regulations permanent, as evidenced by the Certificate of Compliance submission to the California OAL on May 29, 2014. Staff also recommends that the Board re-adopt the emergency regulations for a 90-day period and direct the Executive Officer to submit an emergency re-adopt filing to the OAL.

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

8. INFORMATIONAL BRIEFING

A. Lower Feather River Corridor Management Plan

Ms. Kelly Briggs, DWR Division of Flood Management Environmental Program Manager, gave the Briefing.

Ms. Susan Sanders and Mr. Steve Chainey, AECOM, provided further information and answered Board Member questions.

Mr. Earl Nelson, Corridor Management Plan Project Leader, made additional clarifying comments.

Ms. Terri Gaines, DWR Program Manager, added comments and answered Board Member questions.

9. CLOSED SESSION – *None*

10. CLOSED SESSION REPORT - *None*

11. BOARD COMMENTS AND TASK LEADER REPORTS - *Postponed*

12. FUTURE AGENDA

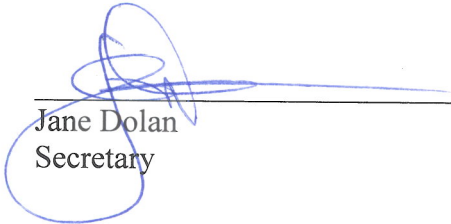
Acting Executive Officer Gallagher read the draft Agendas for the July 11th and 25th Board Meetings and answered Board Member queries.

13. ADJOURN-REGULAR BOARD MEETING

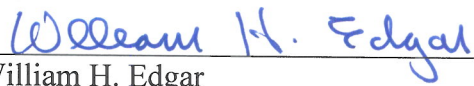
The Board unanimously adjourned the Open Session at 12:07 p.m.

Dated: 8-22-2014

The foregoing Minutes were approved:



Jane Dolan
Secretary



William H. Edgar
President