

MINUTES
MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD
May 9, 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 May 9, 2014, beginning at 9:06 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
Mr. Eric Butler, Chief, Projects and Environmental Branch
Ms. Mitra Emami, Chief, Permitting Section
Ms. Alison Tang, Acting Chief, Enforcement Section
Ms. Amber Woertink, Staff Assistant
Mr. Michael Wright, Acting Chief, Permitting and Enforcement Branch

Department of Water Resources (DWR) staff present:

Mr. Dave Carlson, Environmental Program Manager
Mr. Marc Hoshovsky, Environmental Program Manager
Mr. David Pesavento, Chief, Flood Project Inspection Section
Mr. George Qualley
Mr. Mike Roberts, Senior Environmental Scientist

Also Present:

Ms. Kim Floyd, Kim Floyd Communications
Mr. Ryan Larson, United States Army Corps of Engineers (the Corps)
Mr. Ron Stork, Friends of the River

1. ROLL CALL

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

2. APPROVAL OF AGENDA

Executive Officer Punia reviewed the Agenda and recommended that action on Agenda Item 3A be postponed.

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

3. CONSENT

A. Permit No. 18856, Capital Conservation and Mitigation Bank - *Postponed*

Consider approval of amended Resolution No. 2014-10 and Permit No. 18856, revised to include findings of Delta Plan Consistency. (Yolo County)

4. PUBLIC COMMENTS - *None*

5. INFORMATIONAL BRIEFINGS

A. Revisions to the 2012 Central Valley Flood Protection Plan Interim Vegetation Management Strategy

Mr. Mike Roberts, DWR Senior Environmental Scientist, updated the Board on the Revisions. He; Mr. Dave Carlson, DWR Environmental Program Manager; and Mr. Marc Hoshovsky, DWR Environmental Program Manager, answered Board Member questions.

Mr. Ron Stork, Friends of the River, commented on elements of the Strategy, including apparent similarities and differences with the U.S. Army Corps of Engineers (the Corps) vegetation management policy.

Mr. Ryan Larson, the Corps, further clarified the Corps' perspective.

6. STATUS OF REGIONAL FLOOD MANAGEMENT PLANNING ACTIVITIES

Ms. Kim Floyd, Kim Floyd Communications, gave the presentation. Some highlights:

- The Coordinating Committee has met once per month since the start of the year and continues to have strong involvement, averaging about 70 participants per meeting. Overall membership continues to increase and is now at 160 members.
- Recent meetings have focused on how best to make the flood projects multi-beneficial by integrating their conservation elements.
- All six regional plans are on track to be completed in Fall of 2014.
- The May meeting will focus on how best to use the Coordinating Committee to facilitate the integration process.

Ms. Floyd also provided an update on activities in each region, and commented on the improved coordination between the regions and DWR.

7. REPORT OF THE ACTIVITIES OF THE EXECUTIVE OFFICER

Before providing the Report, Mr. Jay Punia, Board Executive Officer, commented on Assembly Bill 2108, which was recently made public. The Bill's amendments request that the determination of whether or not a local agency is making adequate progress in flood protection should be made by this Board, which could mean a substantial increase in the Board's responsibilities.

Mr. Punia remarked that staff will analyze the proposed amendments and potential impacts on the Board and the State as a whole.

Board Members expressed their surprise at the contents of the Bill and deliberated on its' potential effects.

Mr. Punia then gave the Report. Highlights included:

- Personnel: Ms. Lucy Montgomery, the new Administrative Officer, has taken over many of her responsibilities, including budgeting. Ms. Andrea Buckley has been promoted to the next level.
- The Title 23 regulations pertaining to granting the Board increased enforcement authority were published in the Office of Administrative Law (OAL) on April 4th. They will be brought to the Board at the May 23rd meeting for a review of any comments and for Board approval. Following that, they will again be submitted to the OAL for a final 30-day review before becoming permanent.

- The Action Plan to implement the Board’s Strategic Plan will focus on three areas: updating Title 23 regulations, the enforcement pilot program, and local maintaining agency accountability.
- The Yolo Bypass tour was conducted recently and the tour summary and handout documents are available on the Board website.
- Board Members Countryman and Ramirez, along with Board Chief Engineer Len Marino, met with Reggie Hill and toured the significant ground subsidence in Madera County, as well as various features of the Lower San Joaquin Levee District area.
- On April 26th Mr. Punia and Mr. Marino represented the Board at the Folsom Dam Joint Federal Project first gate arrival ceremony.
- The Delta Stewardship Councils’ Delta Plan Interagency Implementation Committee met recently. Several Board Members and staff participated. The Committee will meet twice monthly. Board staff is now coordinating with the Council on a regular basis.

Ms. Mitra Emami, Board Permitting Section Chief, reported on the Executive Officer’s delegation and project authorizations.

Ms. Alison Tang, Enforcement Section Acting Chief, provided a status update on enforcement staff activities.

Mr. Eric Butler, Board Projects and Environmental Branch Chief, gave an update on some of the EIP and urban flood risk reduction projects that are under review.

Mr. Marino provided an update on other major proposals and projects.

Following their presentations, each Board staff member answered Board Member questions.

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: Executive Officer.

9. CLOSED SESSION REPORT - *NONE*

10. INFORMATIONAL BRIEFINGS (continued)

- A. Overall Strategy for Updating the Board's Title 23 Regulations - Board staff will provide a status briefing describing a plan and proposed schedule, including stakeholder involvement, environmental impact analysis, and additional resources required, for updating the Board's regulations in Title 23 of the California Code of Regulations. The report will summarize a multi-track plan and schedule to carry out a comprehensive revision of the regulations beginning with completion of updates to the Board's technical Standards on hold since mid-2011.**

Mr. Butler gave the Briefing. He and Ms. Leslie Gallagher, Board Chief Counsel, answered Board Member questions.

The Board deliberated on next steps in the Strategy.

11. FUTURE AGENDA

Executive Officer Punia noted that the May 23rd Board Meeting is full and answered Board Member queries.

12. ADJOURN-REGULAR BOARD MEETING


The Board unanimously adjourned the Open Session at 4:23 p.m.

The foregoing Minutes were approved:

Dated: July 25, 2014



Jane Dolan
Secretary



William H. Edgar
President