

**MINUTES**  
**MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD**  
**May 23, 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 23, 2014, beginning at 9:03 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  
Mr. Gary Lemon, Staff Engineer  
Mr. Ali Porbaha, Senior Engineer  
Mr. Curt Taras, Supervising Engineer  
Mr. Jon Tice, Staff Engineer  
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  
Mr. Jason Brabec, Staff Engineer  
Mr. Jon Ericson, Chief, Flood Maintenance Office  
Mr. Jeremy Goldberg, Staff Counsel  
Mr. Marc Hoshovsky, Environmental Program Manager

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

Mr. Patrick Luzuriaga, Staff Engineer  
Mr. Dave Mraz, Senior Engineer  
Mr. Michael Sabbaghian, Chief, Project Development Branch  
Mr. Keith Swanson, Chief, Division of Flood Management

**Also Present:**

Mr. John Carlon, River Partners  
Mr. Jeff Fredericks  
Mr. Bill Hampton, Levee District 1  
Mr. Jason Holley, California Department of Fish and Wildlife  
Mr. Ryan Larson, United States Army Corps of Engineers (The Corps)  
Mr. Barry O'Regan, Knights Landing Ridge Drainage District  
Ms. Melinda Terry, California Central Valley Flood Control Association  
Mr. Martin Van Houten, University of the Pacific

**1. ROLL CALL**

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

**2. APPROVAL OF MINUTES – March 28, 2014**

*Upon motion by Secretary Dolan, seconded by Board Member Macdonald, the Board unanimously approved the March 28, 2014 Meeting Minutes.*

**3. APPROVAL OF AGENDA**

Prior to detailing the day's Agenda, Mr. Jay Punia, Board Executive Officer, stated how honored and privileged he felt to have served as the Board's Executive Officer for the past eight years, and that he is planning to submit his resignation to the Board effective June 30, 2014. President Edgar and Board Members commented and thanked him for his exceptional service.

Mr. Punia reviewed the Agenda and remarked that Agenda Item 6(2)-RD 2104, will be postponed. He also suggested that Item 4F, currently part of the Consent Calendar, be removed from the Calendar and presented as a quick briefing to highlight some minor changes in the resolution. President Edgar agreed.

**4. CONSENT**

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

**Consider approval of amended Resolution No. 2014-10 and Permit No. 18856.**

**B. Permit No. 18915, Natomas Central Mutual Water Company**

**Consider approval of Permit No. 18915 to remove and replace the Pritchard Lake Pumping Plant (previously authorized under Permit No. 1723, Elkhorn Mutual Water Company) on the left (east) bank of the Sacramento River. (Sacramento County)**

**C. Lease Agreement (Lease No. RIOV173) with the California Department of Water Resources for the Delta Flood Emergency Facilities Improvement Project. (Solano County)**

**Consider approval of Resolution No. 2014-09 to:**

**1. Commence a Lease Agreement (Lease No. RIOV173) with the California Department of Water Resources for the purposes of the Delta Flood Emergency Facilities Improvement Project for a term of 30 years, for a property owned by Sacramento and San Joaquin Drainage District acting by and through the Central Valley Flood Protection Board in the City of Rio Vista, Solano County; and**

**2. Delegate to the Board Executive Officer the authority to execute said lease.**

**D. Cache Creek Critical Erosion Site (LM 3.9L and LM 4.2) North Levee Setback Project, Quitclaim of Temporary Construction Easement 13668-A**

**Consider approval of Resolution No. 2014-13 to:**

**1. Approve the Quitclaim of the Temporary Construction Easement known as Parcel 13668-A to Margrit Boyd, Trustee of the Survivors Trust under the Steven and Margrit Boyd Family Revocable Trust, Dated August 23, 2000; and**

**2. Delegate to the Board President and Secretary the authority to approve and execute said Quitclaim Deed along with any associated documents necessary for the real estate transaction.**

**E. Cache Creek Critical Erosion Site (LM 3.9L and LM 4.2) North Levee Setback Project, Assignment of Easement 13672-B**

**Consider approval of Resolution No. 2014-14 to:**

**1. Approve the Assignment of Easement known as Parcel 13672-B to the County of Yolo.**



**2. Delegate to the Board President and Secretary the authority to approve and execute said Quitclaim Deed along with any associated documents necessary for the real estate transaction.**

**F. Folsom Dam Modification Project - Evening Rock Blasting, Final Supplemental Environmental Impact Report (*removed from Consent*)**

**Consider approval of Resolution No. 2014-15 to certify the Folsom Dam Safety and Flood Damage Reduction Project - Evening Rock Blasting, Final Supplemental Environmental Impact Report.**

Board Member Countryman recused himself on Item 4F.

DWR Staff Counsel Jeremy Goldberg highlighted the proposed changes and stated that he had reviewed them and didn't think there were any significant legal changes.

DWR Staff Engineer Jason Brabec concurred, stating that they were really ministerial-type changes.

*Upon **motion** by Secretary Dolan, seconded by Board Member Macdonald, the Board unanimously approved Item 4F by a 6-0 vote (Recusal-Countryman).*

**G. American River Common Features Project, Natomas East Main Drainage Canal Extension**

**Consider Approval of Resolution No. 2014-17 to:**

**1. Adopt the Mitigated Negative Declaration and Mitigation Monitoring Plan for the Natomas East Main Drainage Canal Extension (NEMDC Extension) Levee Improvement Project;**

**2. Approve the NEMDC Extension Levee Improvement Project; and**

**3. Delegate authority to the Executive Officer to execute the Notice of Determination.**

**H. American River Common Features Project, Site L5A**

**Consider Approval of Resolution No. 2014-18 to:**

**1. Adopt the Mitigated Negative Declaration and Mitigation Monitoring Plan for the Site L5A Levee Improvement Project;**

**2. Approve the Site L5A Levee Improvement Project; and**

**3. Delegate authority to the Executive Officer to execute the Notice of Determination.**

Board Member Countryman recused himself on Items 4G and 4H.

*Upon **motion** by Secretary Dolan, seconded by Board Member Macdonald, the Board unanimously approved Consent Items 4A, 4B, 4C, 4D and 4E; and approved Items 4G and 4H by a 6-0 vote (Recusals-Countryman).*

**5. PUBLIC COMMENTS**

Mr. Jeff Fredericks commented on a project sponsored by Sutter Buttes Flood Control Agency (SBFCA) that adversely affects his property in several ways. He asked that someone from the Board or another relevant authority review the project and see if there are some better alternatives to the ones currently proposed by SBFCA.

President Edgar directed Board staff to include a response to Mr. Fredericks' concerns as part of a future Board Meeting Agenda Item recently scheduled for his neighbor, Mr. Peekema. SBFCA will respond to both parties as part of that Item.

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

**A. U.S. Army Corps of Engineers Levee Inspection Results**

- 1. RD 2085 (San Joaquin County)**
- 2. RD 2104 (Solano County) (*Postponed*)**

Mr. Ryan Larson, Corps Flood Protection and Navigation Section Chief, briefed the Board on RD 2085, which was recently inspected and found to be minimally acceptable and active.

He also noted that the Letter Of Intent for the City of Sacramento MA 9 System was approved at Corps Headquarters.

**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 and answered Board Member questions. Highlights included:

- A long, dry summer is ahead and there are dwindling supplies of water. Hopefully next year will be different.
- DWR's maintenance season is underway.
- After a seven year pilot program, it is hoped that the Small Erosion Repair Program (SERP) will initiate repairs on the first 13 sites during the season, covering 4,000 lineal feet of repairs.
- The Lower Feather River Corridor Management Plan workgroup met on May 8 to discuss the Plan and provide comments. Positive feedback has been received on the work done thus far.
- A more in-depth presentation on both programs (SERP and Lower Feather) will be given at the June 27 Board Meeting.
- The Folsom Dam Joint Federal Project continues to progress towards its October 2017 completion date.
- Funding for Phase 2 of Regional Planning is progressing and discussions are underway to determine which elements are most important to the various regions. DWR appreciates the efforts to date and sees tremendous value in the process.
- Draft comments for the Urban Flood Risk Reduction Program guidelines will be issued soon. It is hoped that money will be flowing out to the urban areas in the near future.

Mr. Michael Sabbaghian, DWR Project Development Branch Chief, updated the Board and answered questions on the current language in the Water Resources Reform and Development Act (WRRDA), which has passed through Congress and is now awaiting the President's signature.

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

Mr. Marc Hoshovsky, DWR Environmental Program Manager, provided the update.

#### **Delta Islands and Levees Feasibility Study (DILFS)**

Mr. Dave Mraz, DWR Senior Engineer, provided an informational briefing on the tentatively selected DILFS plan and answered Board Member questions.

## **8. HEARINGS AND DECISIONS**

### **A. Permit No. 18902, University of the Pacific (UOP)**



**Consider approval of Resolution No. 2014-20 to approve Permit No. 18902 to install fourteen security lights along the landside shoulder of the north Calaveras River levee. (San Joaquin County)**

Mr. Jon Tice, Board Staff Engineer, gave the presentation and concluded with the staff recommendation to adopt Resolution 2014-20; approve the requested variance to Title 23, Section 123, paragraphs (b)(2) and (d)(2); approve the draft Encroachment Permit, substantially in the form provided; and direct the Executive Officer to take necessary actions to execute the Permit and file a Notice of Determination pursuant to CEQA with the State Clearinghouse.

Mr. Martin Van Houten, UOP Support Services, expressed the university's support for the Permit.

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

**9. CLOSED SESSION**

- A. 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).**
- B. 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).**
- C. 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. Adoption of the California Code of Regulations Title 23, Division 1 Revisions, Regular Rulemaking**

**Consider adoption of Resolution No. 2014-21 to accept public comments and adopt revisions to the California Code of Regulations Title 23, Division 1; related to evidentiary hearings, enforcement actions, and reconsideration.**

**The proposed regulatory amendments address new California laws which**

**expand Board enforcement authority to include the ability to issue and collect administrative fines for code violations.**

Mr. Curt Taras, Board Supervising Engineer, gave the presentation. He detailed the various comments received and Board staff responses to the comments, and concluded with the staff recommendation to approve Resolution 2014-21, which will adopt the proposed text of regulations for revisions to the California Code of Regulations; to direct the Board Executive Officer to prepare the final rule-making record, which includes the Final Statement of Reasons and any changes made to the regulation, and a summary and response to all the comments; and to direct the Executive Officer to submit this rule-making record to the California Office of Administrative Law to be reviewed and made effective.

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

**B. Permit No. 18905, Knights Landing Ridge Drainage District, Knights Landing Ridge Cut Levee Repair Project**

**Consider approval of Resolution No. 2014-12 to approve Flood System Improvement Permit No. 18905 to remediate approximately 3.4 miles (18,200 feet) of the Knights Landing Ridge Cut left (east) bank levee. The proposed project will reduce the risk of historical landside levee slope failures by replacing the landside levee face with lean clay, constructing a spoils berm, replacing pump station discharge lines, and relocating drainage ditches in the construction area away from the levee slope. (Yolo County)**

Mr. Ali Porbaha, Board Senior Engineer, gave the presentation and concluded with the staff recommendation that the Board adopt Resolution 2014-12; approve Permit 18905, which includes letters from the Corps and the LMA; delegate authority to the Executive Officer to make minor changes to the Permit, if needed; and direct the Executive Officer to prepare and execute the Permit, and prepare and file a Notice of Determination pursuant to CEQA with the State Clearinghouse.

Mr. Barry O'Regan, Knights Landing Ridge Drainage District, thanked the Board staff for their diligent efforts and expeditious review of the 408 permit.

*Upon **motion** by Vice President Suarez, seconded by Secretary Dolan, the Board unanimously approved the staff recommendation.*

## **12. INFORMATIONAL BRIEFINGS**

**A. Abbott Lakes Restoration Project - Project proponents and Board staff will brief the Board on project features and recent progress in preparing the encroachment permit application. (Sutter County)**



Mr. Len Marino, Board Chief Engineer, introduced the Briefing. He and Mr. John Carlon, River Partners; Mr. Jason Holley, California Department of Fish and Wildlife; Mr. Bill Hampton, Levee District 1; Mr. Gary Lemon, Board Staff Engineer; and Mr. Jon Ericson, DWR Flood Maintenance Office Chief, provided further details and answered Board Member questions.

### **13. REQUESTED ACTIONS**

#### **A. Bay Delta Conservation Plan (BDCP) Draft Environmental Impact Report (EIR) and Chief Counsel Update**

**Consider approval to submit Board comments on the Bay Delta Conservation Plan Draft EIR prior to the deadline and authorize the Board President to sign on behalf of the Board.**

Board Member Ramirez recused himself from Item 13A.

Ms. Leslie Gallagher, Board Chief Counsel, gave the presentation. Vice President Suarez and Board Member Ramirez expressed their confidence and comfort with the Board comments.

Ms. Melinda Terry, California Central Valley Flood Control Association (CCVFCA) Executive Director, complimented Board staff on the tone and appropriateness of the comments, asked some clarifying questions and expressed additional points.

*Upon **motion** by Vice President Suarez, seconded by Board Member Macdonald, the Board unanimously approved the submittal of Board comments and delegated the task group to finalize whatever edits might be deemed appropriate based on today's feedback, by a vote of 6-0 (Recusal-Ramirez).*

### **14. BOARD SPONSORED PROJECTS**

#### **A. American River Common Features Project, Project Cooperation Agreement Amendment No. 5**

**Consider approval of Resolution No. 2014-19 to:**

- 1. Approve Amendment No. 5 to the Project Cooperation Agreement;**
- and**
- 2. Delegate to the Board President the authority to execute the Amendment.**

Board Member Macdonald recused himself from Item 14A.

Mr. Patrick Luzuriaga, DWR Staff Engineer, gave the presentation.

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

## **15. BOARD COMMENTS AND TASK LEADER REPORTS**

Board Member Macdonald commented that he is continuing his work on the Coordinating Committee, the Yolo Bypass, and AB 2108.

Board Member Ramirez noted his work on the BDCP draft EIR and his ongoing discussions with Delta Stewardship Council and FESSRO personnel.

Board Member Villines commented on his continuing work with subsidence, drought, and water-related issues.

Board Member Countryman made a presentation to the Water Education Foundation on the hydrology of the San Joaquin Basin. He attended the Lower San Joaquin River South Delta Regional Planning Group meeting.

Vice President Suarez noted her work related to the BDCP draft EIR comments and the ongoing Executive Committee. She attended the Water Education Foundation tour in San Joaquin. She has been participating, with Secretary Dolan, on the regional planning efforts in Mid- and Upper Sacramento Region.

President Edgar commented that he has been spending a lot of time on the integration issue, and with the ongoing work of the Executive Committee.

Secretary Dolan, with Vice President Suarez, has been continuing her participation in the regional planning efforts in Mid- and Upper Sacramento Regions, and with the Executive Committee. She has also been following the Feather River Habitat Conservation Plan (HCP) idea and proposal. She is also providing input to staff regarding how to analyze and proactively address the long-standing, non-compliant, non-responsive Local Maintaining Agencies (LMAs) and how to respond to LMA inspection reports.

## **16. FUTURE AGENDA**

Executive Officer Punia read the draft Agenda for the June 27th Board Meeting and answered Board Member queries. After discussion, it was decided that the June 27

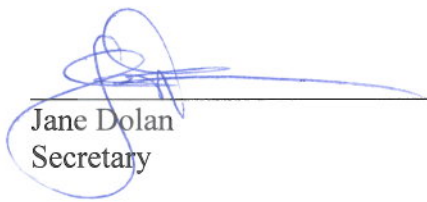
Meeting time will be 8:30-1:00 and the Agenda adjusted to accommodate the shortened timeframe.


# **17. ADJOURN-REGULAR BOARD MEETING**

The Board unanimously adjourned the Open Session at 3:04 p.m.

The foregoing Minutes were approved:

Dated: July 25, 2014

  
\_\_\_\_\_  
Jane Dolan  
Secretary

  
\_\_\_\_\_  
William H. Edgar  
President