

MINUTES
MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD
December 18, 2015

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. THESE MINUTES ARE PRESENTED IN AGENDA ORDER, BUT ITEMS WERE NOT NECESSARILY HEARD IN THAT ORDER.

A regular meeting of the Central Valley Flood Protection Board was held on December 18, 2015, beginning at 9:04 a.m. in The Sacramento City Hall First Floor Council Chambers, 915 I Street, Sacramento, California.

Board Members present:

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

Board staff present:

Ms. Leslie Gallagher, Executive Officer
Mr. Eric Butler, Chief, Planning Branch
Ms. Mitra Emami, Chief, Operations Branch
Mr. Michael Wright, Chief, Enforcement Section
Ms. Nancy Moricz, Senior Engineer
Mr. Ali Porbaha, Senior Engineer
Ms. Alison Tang, Staff Engineer
Ms. Amber Woertink, Analyst to the Board
Ms. Nicole Rinke, Board Counsel

Department of Water Resources (DWR) staff present:

Ms. Mary Jimenez, Branch Chief, Flood Planning Branch, Division of Flood Management
Mr. Mark List, Acting Chief, Flood Maintenance Office, Division of Flood Management
Mr. David Martasian, Senior Environmental Scientist, Chief, Environmental Support Section, Flood Projects Office, Division of Flood Management
Mr. Preston Shopbell, Staff Engineer, Flood Risk Reduction Projects Branch, Flood Projects Office, Division of Flood Management

Mr. Eric Tsai, Senior Engineer, Flood Planning Branch, Central Valley Flood Planning Office, Division of Flood Management
Mr. George Qualley, Advisor to Deputy Director and Chief of Division of Flood Management

Also Present:

Mr. Patrick Ajuria, Marysville Levee Commission
Mr. John Carlon, River Partners
Mr. Blaine Cox, West Stanislaus Irrigation District
Mr. Tom Engler, MBK Engineers
Mr. Greg Fabun, West Sacramento Area Flood Control Agency
Mr. Rick Johnson, Sacramento Area Flood Control Agency
Mr. Eric Nagy, MBK Engineers
Mr. Dan Tibbitts, United States Army Corps of Engineers (USACE)

1. WELCOME AND INTRODUCTIONS

2. ROLL CALL

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

3. APPROVAL OF MINUTES – October 23, 2015 Board Meeting

Upon motion by Secretary Dolan, seconded by Board Member Macdonald, the Board unanimously approved the October 23, 2015 Meeting Minutes.

4. APPROVAL OF AGENDA

Ms. Leslie Gallagher, Board Executive Officer, announced that Board staff member Sungho Lee had passed his professional engineer licensing exam.

Item 12A was postponed.

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

5. CONSENT ITEMS

A. Permit No. 19054, San Joaquin County

Consider approval of Permit No. 19054 to remove and replace the Victory Avenue Bridge crossing Lone Tree Creek. Work also includes streambank scour protection, post-construction contouring and erosion control seeding,

and temporary access to Lone Tree Creek. (San Joaquin / Stanislaus County Line)

B. California Department of Water Resources, California Water Fix, Levee Intake Project

Consider approval of a letter to the U.S. Army Corps of Engineers (USACE) pursuant to federal Title 33, USC Section 408 requesting that USACE initiate, in cooperation with the Department, a joint review of proposed Intake and Sedimentation Facilities on the east bank of the Sacramento River between Clarksburg and Courtland. (Sacramento County)

Upon motion by Vice President Suarez, seconded by Secretary Dolan, the Board unanimously approved the Consent Items as submitted.

6. PUBLIC COMMENTS - None

7. U.S. ARMY CORPS OF ENGINEERS (USACE) ITEMS

A. Marysville Ring Levee Project – Update on the design and construction of the ring levee flood risk management system to provide 200-year level of protection to the City of Marysville.

Mr. Preston Shopbell, DWR Staff Engineer, provided the update and answered Board Member questions. The Marysville Ring Levee Project is an element of the larger Yuba River Basin Project. It provides protection for approximately 12,700 residents of the City of Marysville, is seated at the confluence of the Feather and Yuba Rivers, and is critical for flood protection for the city.

Ms. Nancy Moricz, Board Senior Engineer, discussed how Board staff has been involved in the project.

Mr. Tom Engler, MBK Engineers, clarified some of the financial details.

B. Report on results of the Civil Works Review Board for the American River Common Features and the West Sacramento General Reevaluation Reports

Mr. Dan Tibbitts, USACE Project Manager, reported that both projects were approved to go forward, which means that documents for both will go out for State and agency review. Once that is completed, a Chief's Report will be prepared, probably in the April time frame. The Chief's Report is the document that goes to Congress for authorization and will lead to considerable federal investment in the flood protection system for the Sacramento Metropolitan area. Mr. Tibbitts also answered Board Member questions.

Mr. Greg Fabun, West Sacramento Area Flood Control Agency; and Mr. Rick Johnson, Sacramento Area Flood Control Agency, thanked everyone involved for their efforts in obtaining the project approvals.

8. DEPARTMENT OF WATER RESOURCES ITEMS

A. Sacramento River Basin-wide Feasibility Study – Update regarding Tentative Recommendations, Stakeholder Engagement and Next Steps

Mr. Eric Tsai, DWR Senior Engineer, provided the update and answered Board Member questions. He summarized DWR's planning work to date, highlighted some recent stakeholder engagement and feedback, described what is currently included in the tentatively recommended Yolo Bypass option, and discussed some of the next steps in the process.

Mr. Eric Nagy, MBK Engineers, offered additional clarifying remarks.

B. Update on coordinated activities of the U.S. Army Corps of Engineers and the Department of Water Resources in the Yolo Bypass

Mr. George Qualley updated the Board and answered Board Member questions on the background, context, and status of activity related to the Memorandum Of Understanding between the USACE Sacramento District and DWR for collaboration on integrated water resources management. The MOU was executed last August 15th and defines the working relationship for effective and efficient planning and management of California's water resources within the context of specific agency appropriations, missions, and goals.

9. HEARINGS

A. Permit No. 19066, U.S. Fish and Wildlife Service

Consider approval of Permit No. 19066 to install three 48-inch gated pipes with manually-operated slide gates, and to authorize an existing 36-inch gated pipe under the west (left bank) project levee of the San Joaquin River on the U.S. Fish and Wildlife Service' San Joaquin River National Wildlife Refuge. The proposed project will provide improved river floodplain connectivity for over 2,500 acres of restored floodplain habitat along the west side of the San Joaquin River between its confluence with the Tuolumne River and Highway 132, and will promote drainage that preserves and supports wildlife habitat values on the Refuge.

Mr. Ali Porhaba, Board Senior Engineer, gave the presentation and answered Board Member questions. He concluded with the staff recommendation to adopt responsible agency findings pursuant to CEQA, to approve Permit Number 19066 subject to a USACE Section 408 decision, and to direct the Board's Executive Officer to take the

necessary action to execute the permit and file a Notice of Determination pursuant to CEQA with the State Clearinghouse.

Mr. John Carlon, River Partners, thanked the Board for its leadership on this project.

Mr. Blaine Cox, West Stanislaus Irrigation District, urged the Board to not take action to approve the permit until the following information was provided: the scope of the project must be confirmed; the operation must be described; and the impact on West Stanislaus Irrigation District levees and on the San Joaquin River must be addressed.

Executive Officer Gallagher reiterated the staff recommendation that the Board adopt the recommendation in the staff report.

Mr. Cox and Mr. Dave Martasian, DWR Senior Environmental Scientist, were asked clarifying questions by the Board.

*Upon **motion** by Vice President Suarez, seconded by Board Member Ramirez, the Board unanimously adopted the staff recommendation to issue the permit, conditioned upon receipt of the USACE letter of concurrence.*

10. 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.**

11. CLOSED SESSION REPORT - *None*

12. BOARD ITEMS

- A. Update on the Central Valley Flood Protection Board Financing Plan requested by the Senate Budget Subcommittee - *Postponed***
- B. Update regarding Letters of Intent submitted by Local Maintaining Agencies to develop System Wide Improvement Framework plans and the resulting effects on USACE (the Corps) Public Law 84-99 eligibility.**

Mr. Michael Wright, Board Enforcement Section Chief, provided the update, which showed how the local maintaining agency participation in the USACE System-Wide Improvement Framework (SWIF) Program has affected eligibility in the Federal Public Law (PL) 84-99 Rehabilitation Program.

Ms. Alison Tang, Board Staff Engineer, updated the Board on the status of Letters of Intent for SWIF and their effect on PL 84-99 eligibility.

Mr. Mark List, DWR Flood Maintenance Office Acting Chief, added clarifying information and answered Board Member questions.

C. Update on December 4th Conservation Strategy Advisory Committee meeting

Board Member Macdonald provided the update.

**13. EXECUTIVE OFFICER'S REPORT
(Documents Submitted for Board Member review)**

A. Update on activities of the Operations Branch (Permits and Enforcement)

B. Update on activities of the Projects Branch (Plan Implementation and Flood System Alterations)

C. Report of the Department of Water Resources

The Board had no questions about the submitted documents.

14. BOARD COMMENTS AND COMMITTEE UPDATES - *None*

15. UPCOMING MEETING AGENDA(S) AND TOPICS FOR THE BOARD – *No Discussion*

16. ADJOURNMENT

The Board unanimously adjourned the Open Session at 12:43 p.m.

Dated: _____

The foregoing Minutes were approved:

Jane Dolan
Secretary

William H. Edgar
President