

MINUTES
MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD
November 20, 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 November 20, 2015, beginning at 9:03 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
Ms. Mitra Emami, Chief, Operations Branch
Ms. Nancy Moricz, Senior Engineer
Mr. Ali Porbaha, Senior Engineer
Ms. Andrea Buckley, Senior Environmental Scientist
Ms. Amber Woertink, Analyst to the Board
Ms. Nicole Rinke, Board Counsel
Ms. Debbie Smith, Board Counsel

Department of Water Resources (DWR) staff present:

Ms. Robin Brewer, Assistant Chief Counsel
Mr. Jon Ericson, Supervising Engineer
Mr. Greg Farley, Supervising Engineer, Small Communities Program
Ms. Natasha Nelson, Environmental Program Manager
Mr. Chris Williams, Senior Engineer

Also Present:

Mr. Greg Fabun, West Sacramento Area Flood Control Agency
Mr. Reggie Hill, Lower San Joaquin Levee District
Mr. Rick Johnson, Sacramento Area Flood Control Agency
Ms. Alicia Kirchner, United States Army Corps of Engineers
Mr. René Leclerc, Central Valley Regional Water Quality Control Board
Mr. Glen Reed, United States Army Corps of Engineers

1. WELCOME AND INTRODUCTIONS

2. ROLL CALL

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

3. APPROVAL OF MINUTES – September 25, 2015 Board Meeting

Secretary Dolan noted that a few non-substantive corrections were made in the Appearances section.

*Upon **motion** by Secretary Dolan, seconded by Board Member Macdonald, the Board unanimously approved the September 25, 2015 Meeting Minutes, including the non-substantive corrections.*

4. APPROVAL OF AGENDA

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

5. CONSENT ITEMS

A. Application No. 19055, Sacramento Area Flood Control Agency (SAFCA)

Consider approval of a letter to the U.S. Army Corps of Engineers (USACE) requesting U.S. Code Section 408 approval to alter approximately three (3) miles of State Plan of Flood Control project levee features along the Natomas East Main Drainage Canal east (left bank) levee, Arcade Creek north (right bank) levee, and Arcade Creek south (left bank) levee. (Sacramento County)

Board Member Countryman recused himself from Item 5A.

B. Reclamation District No. 2035 Letter of Intent

Consider authorizing the Executive Officer to transmit a Letter of Intent to develop and implement a System-Wide Improvement Framework (SWIF) to the USACE, prepared by the Reclamation District No. 2035 on behalf of the County of Yolo and the Department of Water Resources, for the Cache Creek-RD 2035-Willow Slough Bypass Levee System as defined by the USACE.

Upon motion by Secretary Dolan, seconded by Board Member MacDonald, the Board approved Item 5A by a 6-0 vote (recused—Countryman); and unanimously approved Item 5B.

6. PUBLIC COMMENTS - None

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

A. Consider approval of a letter releasing draft Central Valley Integrated Flood Management Watershed Study (CVIFMS) for public review and comment.

Mr. Glen Reed, USACE, remarked that the letter approval basically recognizes that the USACE has sponsorship support for the Study. He and Mr. Chris Williams, DWR Senior Engineer, answered Board Member questions.

Board Members Ramirez and Suarez suggested that language be added to the letter that acknowledges that it nests into the 2012 plan. Also, to ensure consistency, the contents of the letter should be the same as DWR's or be submitted as one joint letter.

Upon motion by Board Member Ramirez, seconded by Secretary Dolan, the Board unanimously approved the release of the letter, with the additions cited in the previous paragraph.

B. Report on USACE Sacramento District/State/Local preparation for December 8, 2015, Civil Works Review Board at Army Corps Headquarters in Washington, D.C. for the American River Common Features GRR (SAFCA) and the West Sacramento GRR (WSAFCA).

Ms. Alicia Kirchner, USACE, gave the report. She explained the USACE's process and answered Board Member questions. The General Reevaluation Report (GRR) is a type of post-authorization document; i.e., it reviews something already authorized by Congress. The purpose of the two GRR's is to further investigate the reduction of flood risk to West Sacramento and Sacramento and their vicinities.

Mr. Rick Johnson, Executive Director of SAFCA, and Mr. Greg Fabun, WSAFCA, explained how the GRR fits in with other SAFCA and WSAFCA projects.

8. DEPARTMENT OF WATER RESOURCES ITEMS

A. Update on the Activities of the Drought Task Force.

Mr. Jon Ericson, DWR Supervising Engineer, provided the update and answered Board Member questions. The Task Force uses various tools to measure the severity of the drought.

B. Update on State response to the letter to the Board regarding levees and channels of the Lower San Joaquin Levee District within the San Joaquin River Flood Control system upstream of the Merced River.

Ms. Leslie Gallagher, Board Executive Officer, updated the Board. The letter referenced was from Colonel Farrell of the USACE and was received by the Board in July 2015. It identifies significant portions of the San Joaquin system that, in the USACE's opinion and analysis, are not part of the federal system, even though for 60 years everyone had operated as though they were.

Ms. Robin Brewer, DWR Assistant Chief Counsel, remarked that DWR is working to clarify the various funding sources and authorizations in the system. She noted that the facilities in question were constructed by the State which would indicate that these are part of the State Plan of Flood Control and this may mean a need for a legislation.

Mr. Reggie Hill, Lower San Joaquin Levee District, stated that they are following the process closely in case it does materialize that they are not a federal project and appreciates the communication as DWR and the Board state does the research and determines the resolution.

C. Update on the release of guidelines for public comment for the Small Communities Flood Risk Reduction Program.

Mr. Greg Farley, DWR Supervising Engineer, updated the Board and answered Board Member questions. The goal of the program is to provide assistance and help with the design and implementation of projects that come out of the Regional Flood Management Planning Process.

9. CLOSED SESSION - *None*

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. INFORMATIONAL BRIEFINGS

- A. “*Understanding the Sacramento River Valley Before Levees and Dams*” - Program delivered at the executive team briefing for the Sacramento River GRR Charrette.**

Mr. Rene Leclerc, Central Valley Regional Water Quality Control Board, provided the Briefing and answered Board Member questions. His presentation traced the history of the Sacramento River Valley starting in the early 1800’s (before levees and dams), the geomorphic context of floods, and how settlers coped with the increasing awareness of the extreme flood events that occurred in the Valley and ultimately drove the development and design of the Sacramento River Flood Control Project.

12. BOARD ITEMS

- A. Update on progress to complete the Three Amigos Non-structural Alternative Flood Management Project at the San Joaquin River National Wildlife Refuge, Stanislaus County.**

Mr. Ali Porbaha, Board Senior Engineer, provided the update and answered Board Member questions.

- B. Update on Conservation Strategy Advisory Committee meeting schedule and agenda.**

Ms. Andrea Buckley, Board Senior Environmental Scientist, gave the update and answered Board Member questions. The most recent meeting provided expertise to the Board on how the Conservation Strategy and its measurable objectives relate to the 2017 plan update.

- C. Update on the Central Valley Flood Protection Board Financing Plan requested by the Senate Budget Subcommittee.**

Executive Officer Gallagher updated the Board and answered Board Member questions.

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

There were no questions about the Executive Officer’s Report.

A. Update on activities of the Operations Branch (permits and enforcement).

No questions.

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

No questions.

C. Report of the Department of Water Resources.

Executive Officer Gallagher confirmed that any DWR Reports submitted to the Board are made available to the public on the Board website.

14. BOARD COMMENTS AND COMMITTEE UPDATES

President Edgar commented that 2016 will be a big year for the Board, as many activities are underway, and it will be especially important that Board Members and staff be “on the same wavelength.”

Board Member Macdonald commented that, in addition to the usual things, he was also working on the budget paper.

Secretary Dolan has been working on improving the agenda. She also attended the small communities workshops.

Board Member Villines complimented Rene Leclerc on the value of his earlier presentation (Item 11A) on the history of the Sacramento Valley flood situation.

Board Member Ramirez echoed Mr. Villines’ comments and remarked on the importance of getting the San Joaquin area on the “radar screen” in terms of presenting its’ story to the public. Other Board Members agreed.

Vice President Suarez noted that the Board has now posted the Board Counsel position vacancy (now vacant as a result of Ms. Gallagher’s promotion to Executive Officer). Interested parties should take the opportunity to visit the Board website for details.

15. UPCOMING MEETING AGENDA(S) AND TOPICS FOR THE BOARD

Board Members discussed proposed items for the December 2015 meeting.

16. ADJOURNMENT

The Board unanimously adjourned the Open Session at 2:38 p.m.

Dated: _____

The foregoing Minutes were approved:

Jane Dolan
Secretary

William H. Edgar
President