

MEETING
STATE OF CALIFORNIA
THE RESOURCES AGENCY
CENTRAL VALLEY FLOOD PROTECTION BOARD
OPEN SESSION

THE RESOURCES BUILDING
AUDITORIUM
1416 NINTH STREET
SACRAMENTO, CALIFORNIA

FRIDAY, FEBRUARY 24, 2012

8:42 A.M.

JAMES F. PETERS, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 10063

APPEARANCES

BOARD MEMBERS

Mr. Benjamin Carter, President

Ms. Teri Rie, Vice-President

Ms. Jane Dolan, Secretary

Mr. Bill Edgar

Mr. Tim Ramirez

Ms. Emma Suarez

Mr. Mike Villines

Assemblyman Jared Huffman, represented by Ms. Tina Cannon-Leahy

STAFF

Mr. Jay Punia, Executive Officer

Mr. Len Marino, Chief Engineer

Mr. Eric Butler, Supervising Engineer

Ms. Mitra Emami, Senior Engineer

Mr. Michael Wright, Senior Engineer

Mr. Martin Janolo, Staff Engineer

Ms. Amber Woertink, Staff Assistant

Ms. Deborah Smith, Legal Counsel

DEPARTMENT OF WATER RESOURCES

Mr. Keith Swanson, Chief, Division of Flood Management

Mr. Efrain Escutia

Mr. Eric Koch, Chief, FloodSAFE Program Management Office

APPEARANCES CONTINUED

ALSO PRESENT

Mr. Larry Afzal, representing Lawrence Cassidy

Mr. Lewis Bair, Reclamation District 108, Sacramento River Westside Levee District Knights Landing Ridge Drainage District

Ms. Tara Brocker, Yuba-Sutter Farm Bureau

Mr. John Cain, American Rivers

Ms. Denise Carter, Colusa County

Mr. Paul Devereux, Reclamation District 1000

Mr. Fritz Durst, Reclamation District 108, Sacramento River Westside Levee District

Mr. Tom Ellis

Mr. John Garner, Colusa Basin Flood Control District

Mr. Jim Giottonini, San Joaquin Area Flood Control Agency

Mr. Dan Gorfain, Friends of the Sacramento River Greenway

Dr. René Henery, Trout Unlimited

Mr. Butch Hodgkins

Ms. Ashley Indrieri, Family Water Alliance

Mr. Richard Johnson, Sacramento Area Flood Control Agency

Ms. Petrea Marchand, Yolo County

Mr. John McCamman, California Waterfowl Association

Mr. Tim Miramontes, Yolo County Farm Bureau

Mr. John Moffatt

Ms. Meegan Nagy, United States Army Corps of Engineers

Ms. Tiffany Ryan, representing Senator Doug LaMalfa

APPEARANCES CONTINUED

ALSO PRESENT

Mr. Chris Scheuring, California Farm Bureau Federation

Ms. Scott Shapiro, California Central Valley Flood Control Association, Sutter Butte Flood Control Agency

Mr. James Sligar

Mr. Thomas Smith, RiverSmith Engineering

Ms. Nicky Suard, Snug Harbor Resorts

Mr. Roger Swanson, Wild Good Club, Butte Sink Waterfowl Association

Ms. Susan Tatayon, The Nature Conservancy

Ms. Melinda Terry, California Central Valley Flood Control Association

Mr. Val Toppenberg, Sierra Railroad

Mr. Dan Welsh, United States Fish and Wildlife Service

Ms. Matt Williams

Mr. Greg Zlotnick, State and Federal Contractors Water Agency

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PROCEEDINGS

1
2 PRESIDENT CARTER: Good morning, ladies and
3 gentlemen. Welcome to the Central Valley Flood Protection
4 Board meeting for February 24th. I would first like to
5 welcome our two newest members, Mr. Bill Edgar and Mr. Tim
6 Ramirez. And as you can see, we have a full Board serving
7 today, so thank you both very much for joining us.

8 Would either of you like to share any thoughts in
9 terms of service on the Board, not to put you on the spot.

10 (Laughter.)

11 BOARD MEMBER EDGAR: Thank you, Mr. Carter. It's
12 obviously a pleasure to be appointed to the Board. This
13 is my second time on the Board. It was the old Rec Board
14 at that time. I look forward to participating in this
15 very important time in the Board's history, where we have
16 a plan presented to us and moving forward.

17 Thanks very much for recognizing me.

18 PRESIDENT CARTER: Mr. Ramirez.

19 BOARD MEMBER RAMIREZ: Glad I let Bill go first
20 and just echo his comments. I knew he would be articulate
21 and concise. I was with the State as a staff person and
22 tracked the Board for several years when Bill was on it
23 the first time. And I'm happy to be here now, and thank
24 you for the recognition. I look forward to today and to
25 serving as a member.

1 PRESIDENT CARTER: Thank you. Well, welcome both
2 of you.

3 Mr. Punia, would you please call the roll.

4 EXECUTIVE OFFICER PUNIA: Good morning. Jay
5 Punia. All the Board members are present today.

6 PRESIDENT CARTER: Thank you.

7 Move on to Item 2, Approval of the Agenda. Are
8 there any proposed changes to the agenda as published?

9 Mr. Punia.

10 EXECUTIVE OFFICER PUNIA: Staff -- Jay Punia.
11 Staff is recommending the following changes to the agenda
12 for the Board's consideration:

13 Consent Calendar Item 8A, staff is requesting
14 that this item be postponed until later date. Applicant
15 wants to discuss some modification to the permit
16 conditions, so the applicant is requesting that this be
17 postponed for a future date.

18 8B, staff is recommending to postpone this item
19 until the March meeting. U.S. Army Corps of Engineers has
20 some questions on this item. And the applicant wants to
21 have a discussion between the Board staff and the U.S.
22 Army Corps of Engineers.

23 And Item 8g, again staff is recommending to
24 postpone until March. U.S. Army Corps of Engineers is
25 requesting seepage analysis from the applicant. And the

1 applicant is willing to perform it, but hasn't completed
2 that yet.

3 8H, staff is again requesting that this item be
4 postponed until the March meeting. U.S. Army Corps of
5 Engineers is recommending changes to the project as
6 presented and more information is needed from the
7 applicant.

8 So those are the changes staff is recommending
9 for the Board's consideration. And I want to make another
10 comment. Meegan Nagy is not here, but I want to
11 acknowledge U.S. Army Corps of Engineers that they have
12 provided most of the letters, and we appreciate their
13 quick response to the permit review and response back to
14 the Board.

15 Thank you.

16 PRESIDENT CARTER: Okay. Are there any other
17 proposed changes to the agenda as published?

18 Okay. So I will entertain a motion.

19 BOARD MEMBER SUAREZ: So moved.

20 PRESIDENT CARTER: We have a motion to adopt the
21 agenda as published today with the changes of postponing
22 Items 8A, 8B, 8G, and 8H.

23 VICE-PRESIDENT RIE: Second.

24 PRESIDENT CARTER: We have a second. All those
25 in favor indicate by saying aye?

1 (Ayes.)

2 PRESIDENT CARTER: And opposed?

3 Motion carries unanimously.

4 Thank you.

5 Moving on to public comment. This is the time
6 when we invite members of the public to address the Board
7 on non-agendized items. I have one card here. We do ask
8 that you please fill out these comment cards, so that we
9 know to recognize you. Those items that you wish to
10 address that are on the agenda, we will invite you to
11 comment on those when those items come before the Board.
12 So this is -- but this is the time for items that are not
13 agendized.

14 Mr. Swanson, are you in the audience? Do you
15 wish to address the Board now or would you like to address
16 the Board in the afternoon when we discuss the Central
17 Valley Flood Protection Plan?

18 MR. SWANSON: I think now would be easier.

19 PRESIDENT CARTER: Okay. Fine.

20 MR. SWANSON: I just have a short comment.

21 PRESIDENT CARTER: All right. Please.

22 MR. SWANSON: Step up here?

23 PRESIDENT CARTER: Yes. Please step up and
24 introduce yourself for the record.

25 MR. SWANSON: My name is Roger Swanson, and I

1 represent the Butte Sink Waterfowl Association up in the
2 Butte Sink.

3 And it came to our attention that one of the
4 elements in the flood protection -- and I'm quoting from
5 the Appeal Democrat from January 24 -- is quote, "...and
6 the plan also suggests a new bypass northwest of Gridley
7 from where the Feather River emerges below Oroville Dam,
8 along what's now the Cherokee Canal and ending in the
9 Butte Basin".

10 The Cherokee Canal comes right through the Wild
11 Goose Duck Club, which I'm a member of and vice president
12 of, and through much of -- or most of, and then into --
13 back into Butte Creek through the Butte Sink. And I just
14 am trying to find out who is working on that element of
15 the flood control. I would like to meet with them and try
16 to understand what the plan might be, and see if we can't,
17 as a stakeholder, get involved in it. That's the only
18 thing I wanted to do. And I've called your agency, and
19 nobody seems to know anything about this particular
20 element of the plan.

21 PRESIDENT CARTER: Okay. Thank you very much for
22 coming Mr. Swanson. With respect to questions on the
23 plan, probably the first stop would be Ms. Nancy Moricz or
24 Mr. Eric Butler or Mr. Punia here on the Board staff. And
25 the best number to call them at would be 916.574.0609.

1 And on your way out, if you'd like to check with Ms.
2 Moricz - Ms. Moricz, would you please raise your hand -
3 and you can get direct contact information.

4 They can perhaps answer your questions or direct
5 you to somebody within our organization or DWR to answer
6 your questions.

7 MR. SWANSON: Okay. Thank you very much.

8 PRESIDENT CARTER: You're very welcome.

9 Are there any other members of the public that
10 wish to address the Board at this time?

11 Very good. Thank you very much.

12 All right. We'll move on to a fun part of the
13 Board's meeting. I have three resolutions which I'd like
14 to present, and these are for past service to the Board.
15 So what I will do is I will come down and do these.

16 Butch, would you like to join me up here.

17 Well, ladies and gentlemen, on behalf of the
18 Central Valley Flood Protection Board, I would like to
19 present a Resolution, number 2012-08 to Mr. Francis, with
20 an I, "Butch" Hodgkins.

21 That's an inside joke.

22 (Laughter.)

23 PRESIDENT CARTER: This is for the State of
24 California, Natural Resources Agency, Central Valley Flood
25 Protection Board.

1 "Whereas, Mr. Francis "Butch" Hodgkins has
2 relinquished his position as a Board member of
3 the Central Valley Flood Protection Board on
4 January 27th, 2012, after almost seven years of
5 serving with honor and distinction, and was
6 elected to the leadership positions of
7 Vice-President and Secretary of the Board; and,

8 "Whereas, Mr. Hodgkins' primary interests
9 were in developing and establishing a partnership
10 between flood management and environmental
11 restoration, improving the Board's permitting
12 process, and appropriately adjusting long-term
13 liability sharing between local land-use agencies
14 and the State; and,

15 "Whereas, Mr. Hodgkins, after graduating from
16 Sacramento State University began what was to
17 become an entire career in...", as Butch likes to
18 say, "...the liquid side of public works starting
19 as a private sector consultant; and then joining
20 the Sacramento County Public Works Department to
21 focus on drainage improvement in 1975,
22 implementing a \$500 million sewer program that
23 eliminated over 20 individual sewer plants and
24 their discharges into the American and Sacramento
25 Rivers, and their local tributaries.

1 "Whereas, in 1991 as Deputy Public Works
2 Director, Mr. Hodgkins worked with Mr. William
3 Edgar...", our esteemed Board member, "...the
4 Deputy Sacramento City Manager in creating the
5 City/County Office of Water Planning, which led
6 to the formation of the Sacramento Water Forum, a
7 collaborative water supply planning effort
8 involving the City and County of Sacramento, more
9 than two score independent water districts and
10 conservation interests focused on co-equal goals
11 of regional water supply and environmental
12 protection for the lower American River; and,

13 "Whereas, in 1993, Mr. Hodgkins was appointed
14 Executive Director of the Sacramento Area Flood
15 Control Agency; and though efforts to secure
16 Congressional authorization of a flood control
17 dam at Auburn were unsuccessful, SAFCA and the
18 U.S. Army Corps of Engineers focused on reducing
19 Sacramento's flood risk without adding new
20 storage; SAFCA successfully secured voter
21 approval for the first local flood assessment;
22 and working with the Bureau of Reclamation
23 developed and implemented the first reservoir
24 reoperation plan in the Central Valley; and,

25 "Whereas, Mr. Hodgkins currently serves as

1 trustee for the Sacramento River Watershed
2 Program, a non-governmental organization, that
3 works to advance watershed based planning.

4 "Now, therefore be it hereby resolved, for
5 Mr. Hodgkins tireless advocacy of public safety
6 combined with environmental and habitat
7 restoration considerations, his leadership in
8 helping to ensure that all parties involved in
9 flood management fairly share responsibility, and
10 helping to guide the Board through improvement of
11 its permit process, we hereby thank Mr. Hodgkins
12 for his service to the Board, to the State of
13 California, and to its residents.

14 "Be it further resolved, that the Board
15 extends its sincere wishes as he continues on
16 with his personal endeavors, which includes
17 spending more time skiing, playing with his
18 grandson and making sawdust.

19 "Be it further resolved that this resolution
20 be engrossed in the official minutes of the
21 Board, and a suitable copy provided to Mr.
22 Francis "Butch" Hodgkins."

23 Butch, thank you very, very much for your
24 service. It's truly been a pleasure.

25 (Applause.)

1 MR. HODGKINS: Ben spoke to me very quickly there
2 before and told me I had two minutes, and he's using his
3 clock, so you're safe.

4 (Laughter.)

5 MR. HODGKINS: It was absolutely my pleasure to
6 serve on the Board to be involved in seeing the Board go
7 from seven separate individuals to a Board that, I think,
8 really worked pretty well as a Board and as a team. The
9 staff -- the development of the staff has just been
10 incredible.

11 I was thinking about the fact that we have a lot
12 more -- am I allowed to say female staff members --
13 than --

14 PRESIDENT CARTER: You are now.

15 MR. HODGKINS: -- any Board ever did in the past.
16 And I wonder if that has something to do with our improved
17 functionality. I don't know.

18 (Laughter.)

19 MR. HODGKINS: But I will tell you that, you
20 know, one of my observations is that female engineers in
21 particular are whole individuals. Whereas, male engineers
22 are mostly left-brained badly.

23 (Laughter.)

24 MR. HODGKINS: So you're getting the right kind
25 of people.

1 And, Bill, welcome back. You know, it's like
2 full circle in a way, because Bill left and I came on, and
3 I'm leaving and Bill came back. So I wish this Board the
4 best. You have a lot of work in front of you, especially
5 with the plan, and then with keeping things going. I
6 think you're up to it. I think your staff is up to it.
7 And I wish you the best of luck.

8 BOARD MEMBER EDGAR: Thanks, Butch.

9 PRESIDENT CARTER: Thank you, Butch. Always a
10 bit of humor.

11 (Laughter.)

12 PRESIDENT CARTER: If I can invite Mr. John
13 Moffatt.

14 BOARD MEMBER SUAREZ: Mr. President. I'm sorry.
15 You know, Butch I was going to say something, but I'm must
16 say I'm speechless at this point.

17 (Laughter.)

18 PRESIDENT CARTER: That never happens to Butch
19 though.

20 (Laughter.)

21 PRESIDENT CARTER: Ladies and gentlemen, I would
22 like to present Resolution number 2012-10 to Mr. John
23 Moffatt on behalf of the Board.

24 This is the State of California, California
25 Natural Resources Agency, Central Valley Flood Protection

1 Board.

2 "Whereas, Mr. John Moffatt has relinquished
3 his position as a Board member of the Central
4 Valley Flood Protection Board on December 30th,
5 2011, after serving the Board with honor and
6 distinction; and,

7 "Whereas, Mr. Moffatt earned a Juris
8 Doctorate Degree at the University of the
9 Pacific, McGeorge School of Law with a
10 concentration in taxation policy and a Bachelor
11 of Science degree in agricultural policy...", -
12 yea.

13 (Laughter.)

14 PRESIDENT CARTER: "... at California Poly
15 Technic University in San Luis Obispo.

16 "Whereas, Mr. Moffatt's strong ties to the
17 Central Valley agricultural community began early
18 in his career as State president of the Future
19 Farmers of America; and,

20 "Whereas, Mr. Moffatt during his career has
21 served as Assistant Legislative Director for the
22 California Department of Food and Ag, also worked
23 as Associate Director for the California Farm
24 Bureau. Mr. Moffatt also served as a Legislative
25 Director of the Office of Senator Charles

1 Poochigian, who represented California's 14th
2 District, which included portions of Fresno,
3 Tulare, and Kern Counties; and,

4 "Whereas, prior to his appointment to the
5 Board, Mr. Moffatt served as Deputy Legislative
6 Secretary in the Office of Governor
7 Schwarzenegger. And in this capacity advised the
8 Governor and his administration on energy, green
9 chemistry, agriculture, alternative fuel, global
10 warming, and water legislation and policy; and,

11 "Whereas, the Board and the People of
12 California have greatly benefited from Mr.
13 Moffatt's knowledge, experience, and concern for
14 public safety;

15 "Now, therefore be it hereby resolved, that
16 the Board wishes to thank Mr. Moffatt for his
17 service to the Board, the State of California and
18 to its residents and extend our sincere wishes to
19 Mr. Moffatt as he continues on with his personal
20 endeavors; and,

21 "Be it further resolved that this resolution
22 be engrossed in the official minutes of the
23 Board, and a suitable copy provided to Mr. John
24 Moffatt."

25 John, thank you very, very much.

1 (Applause.)

2 BOARD MEMBER MOFFATT: I'm assuming the time
3 limits apply to me too, but I don't have any intention of
4 taking that long

5 PRESIDENT CARTER: You gets two minutes and 10
6 seconds.

7 (Laughter.)

8 BOARD MEMBER MOFFATT: I just want to commend
9 whoever wrote this, because you really pulled some stuff
10 out of your rear-end to actually put on here --

11 (Laughter.)

12 BOARD MEMBER MOFFATT: -- especially when you
13 compare it to somebody like Butch, who, you know, going
14 through his list of accomplishments, I was trying to
15 figure out at what point in there I was born.

16 (Laughter.)

17 BOARD MEMBER MOFFATT: I mean -- and really, I
18 think it just exemplified my time here on the Board. And
19 that's, you know, such a deep devoted background to these
20 issues amongst the Board members, especially with guys
21 like Butch, and John, and Teri and everybody. And the
22 folks working at the -- you know, at the Board every day
23 keeping things running, Jay and crew, just a joy and a
24 pleasure to work with. And I really appreciated my time
25 here. And I looked forward to every meeting. And I just

1 want to say thank you very much. It was an honor and a
2 pleasure to serve.

3 And I wish you -- I don't wish you good luck,
4 because, you know, I don't know a lot, but I know that you
5 have a difficult task in front of you with the Central
6 Valley Flood Plan. And so I leave wishing you good work,
7 because I think it's going to take a lot of work. And I
8 know you all are up to it. And with that, I just say
9 thank you very much, and good work as you move forward.

10 Thank you.

11 (Applause.)

12 PRESIDENT CARTER: Finally, ladies and gentlemen,
13 I have a resolution for Mr. John Brown. And he is not
14 here with us today, but I would like to read this into the
15 record for everyone.

16 This is the State of California, California
17 Natural Resources Agency, Central Valley Flood Protection
18 Board, Resolution Number 2012-09.

19 "Whereas, Mr. John Brown has relinquished his
20 position as Board member of the Central Valley
21 Flood Protection Board on January 27th, 2012,
22 after almost five years of serving the Board with
23 honor and distinction; and,

24 "Whereas, Mr. Brown helped the Board navigate
25 its legislative mandated transition in 2008; and,

1 "Whereas, Mr. Brown was a strong advocate for
2 multi-benefit projects, which included flood
3 protection, water supply, soil conservation, and
4 environmental restoration; and,

5 "Whereas, from 1965 to 1978, Mr. Brown
6 managed the Engineering and Water Departments for
7 the Irvine Company in southern California and was
8 responsible for seen earth-filled dams and
9 reservoirs, flood control management, irrigation
10 water supply systems, including 2,600 miles of
11 pipelines, 32 deep-well turbine pumps, all in
12 support of 20,000 acres irrigated agricultural
13 high-value crops; and,

14 "Whereas, in 1993, Mr. Brown was appointed by
15 Governor Wilson to serve two terms as a member
16 and Vice Chairman of the California State Water
17 Resources Control Board that allocates water
18 rights and protects water quality, and was
19 assigned to be the lead groundwater, surface, and
20 subsurface drainage, agriculture, and water
21 reclamation issues, as well as liaison for the
22 Central Valley, North Coast, Central Coast
23 Regional Water Quality Control Boards; and,

24 "Whereas, Mr. Brown served for 15 years as
25 Director of the Orange County Resource

1 Conservation District, graduate of the
2 Agricultural Leadership Program, an instrument
3 rated private pilot with over 4,500 hours of
4 pilot and command experience, a member of the
5 Sacramento County Sheriff's Aero Squadron, past
6 president of the Tustin Rotary Club, past Master
7 of the Santa Ana Masonic Lodge, and a current
8 member of the East Sacramento Rotary Club; and,

9 "Whereas, the Board and the people of
10 California have benefited greatly over many years
11 from Mr. Brown's generous sharing of his more
12 than 40 years experience in resource management,
13 which include expertise in water supply and
14 conveyance, master planning, water rights, water
15 quality, flood control, drainage, and
16 agricultural use of reclaimed water.

17 "Now, therefore be it hereby resolved, that
18 Mr. Brown's unwavering advocacy of public safety,
19 combined with his deep conviction that water
20 projects be considered from a multiple benefit
21 perspective, we hereby thank Mr. Brown for his
22 service to the Board, the State of California,
23 and its residents, and extend our sincere wishes
24 to Mr. Brown as he continues on with his personal
25 endeavors; and,

1 "Be it further resolved that this resolution
2 be engrossed in the official minutes of the Board
3 and a suitable copy provided to Mr. John Brown."

4 So we will make that happen. Thank you very
5 much. And, for me, it's been a very enlightening and
6 privilege to work with all three of those gentlemen. And
7 so I wish them well.

8 Thank you very much.

9 (Applause.)

10 PRESIDENT CARTER: All right, ladies and
11 gentlemen, we will move on to Item 5, selection of the
12 Board Secretary. That way we'll have somebody who can
13 sign those three resolutions for the three gentlemen. So
14 we will open the nominations for Board Secretary.

15 BOARD MEMBER SUAREZ: Mr. President.

16 PRESIDENT CARTER: Mr. Suarez.

17 BOARD MEMBER SUAREZ: I think a number of us
18 would like to nominate Ms. Jane Dolan as Secretary of the
19 Board.

20 PRESIDENT CARTER: Okay.

21 VICE-PRESIDENT RIE: Second.

22 PRESIDENT CARTER: We have a motion and a second.
23 Are there any further nominations for Secretary
24 to the Board?

25 Do we need a motion to close the nominations?

1 We'll entertain that?

2 BOARD MEMBER EDGAR: So moved.

3 PRESIDENT CARTER: So moved. All right. And a
4 second?

5 VICE-PRESIDENT RIE: Second.

6 PRESIDENT CARTER: Okay. All right. All
7 those -- Ms. Dolan, are you willing to serve?

8 BOARD MEMBER DOLAN: Yes.

9 PRESIDENT CARTER: Good. Okay. That makes
10 things easy.

11 All right.

12 BOARD MEMBER DOLAN: No speech.

13 PRESIDENT CARTER: All those in favor indicate by
14 saying aye?

15 (Ayes.)

16 PRESIDENT CARTER: And opposed?

17 Motion carries unanimously.

18 Congratulations. Thank you very much. Get your
19 pen ready.

20 (Laughter.)

21 PRESIDENT CARTER: All right. So we'll move on
22 to Item 6, Report of the Activities of the Department of
23 Water Resources. Good morning, Mr. Swanson. Welcome.

24 DWR FLOOD MANAGEMENT DIVISION CHIEF SWANSON:

25 Good morning. Keith Swanson, Chief of the

1 Division of Flood Management. I also would like to
2 express my gratitude to Butch Hodgkins, John Brown, and
3 John Moffatt. You know, from a professional perspective,
4 I'm going to truly miss each of them. I think they
5 brought a lot to the Board. Not that I don't have
6 confidence in the new Board members. But, you know, after
7 a number of years, there was a certain familiarity. And,
8 you know, the dedication that each of them brought to the
9 job is truly noteworthy.

10 A beautiful spring day today. You know, and from
11 a hydrologic standpoint, we're not having winter, and I
12 think everybody knows that. You know, precipitation in
13 the Northern Sierra has only about 16 inches, which is 48
14 percent of normal to date. San Joaquin is similarly
15 lagging behind. It had 11.6 inches, which is 45 percent
16 of average to date.

17 The snowpack is a whopping seven inches on
18 average, which is 30 percent to date. Having been up
19 skiing a couple of times, I can attest that my brand new
20 skis are becoming rock skis rather quickly.

21 The good news is that the reservoirs are full,
22 and they're at 109 percent of average to date, so there's
23 water up in the mountains, which will help deal with the
24 lack of snowpack, to some degree, but it is a serious
25 situation.

1 As far as looking out into the future, the
2 six-day QPF is only talking about negligible rainfall up
3 on the north coast. Nothing else is predicted Statewide.
4 So in the near term future, we're not expecting any
5 change.

6 On the Central Valley Flood Protection Planning
7 front, the Department has been extremely busy. We've
8 talked with a number of media sources. We've had
9 discussions with the Associate Press, a number of local
10 newspapers, including here in Sacramento and in Contra
11 Costa County. We've been interviewed by ASCE. We've had
12 briefings for a lot of different groups, and more are
13 planned, including the Delta Stewardship Council. We've
14 briefed Colonel Wehr over at the Corps of Engineers, UC
15 Davis, the Governor's Climate Change Committee, American
16 River Task Force, SAFCA. We talked with the bloggers
17 forum. We had a three-day briefing for Board staff on our
18 technical documents. We're meeting -- staff is meeting
19 with Congressman Garamendi today.

20 And then as we're looking into the future,
21 Senator Steinberg has arranged for a couple of town halls
22 one tomorrow and one on March 3rd. We'll be participating
23 in those. There's a National Research Council discussion
24 March 1st. This is a little bit different. It's talking
25 about FEMA issues, national flood insurance reforms, and

1 mapping procedure changes. Rod Mayer from the Department
2 will be representing us in those discussions.

3 On March 2nd, we'll be meeting with the Farm
4 Bureau I want to thank Emma who helped with some of the
5 discussions to get this arranged. It's one of, I think,
6 many discussions we're likely to have with the Farm
7 Bureau, but this is just the start to talk about the plan,
8 and really get down to the specifics of what the plan does
9 and doesn't do.

10 And so we want to talk about the facts of what's
11 really going on. So this is a start, and so thank you,
12 Emma.

13 I think, early in the month, we're going to be
14 appearing at the Solano County Water Agency, and we're
15 also going to be part of panel discussions at the Central
16 Valley Flood Control Association's annual forum. And then
17 recently we've had meetings with SAFCA and Yolo County.
18 Again, start of numerous discussions I'm sure that we're
19 going to have.

20 This was something that Jerry Meral of The
21 Resource Agency organized. And in the meeting that we had
22 with them, we heard about the concerns that Yolo County
23 had. And we received a letter from them requesting
24 funding for a number of initiatives that they would like
25 the State to fund.

1 We also have met with a number of Delta
2 implementers. This is something that the Central Valley
3 Flood Control Association arranged. Mainly, the geotech
4 interests that really are the implementers in the Delta.
5 And they're concerned about how funding might be -- the
6 remaining funding in the bond might be spent, so we talked
7 with them.

8 And then we met with various NGOs. Also, I want
9 to report that the PEIR is on schedule. And we're going
10 to have a draft ready for public release on March 6th.
11 And then I think the Department has been working with the
12 Board for the Board's public hearings in April, and so I
13 think that's moving forward and is now scheduled.

14 As far as interactions with the Corps of
15 Engineers, a lot of things are happening. There's been a
16 lot of discussion on levee vegetation research and how
17 we're going to move forward with that. There's also been
18 discussion, and this is not necessarily just with the
19 Corps, but on a vegetation symposium in the fall -- late
20 summer fall time frame. And so planning is underway for
21 that, and we're continuing to participate in those
22 discussions.

23 I think you guys are aware that last week the
24 Corps released their draft vegetation variance policy.
25 Based on an initial review, we feel like it's going to be

1 unworkable for California. You know, after about four
2 years of discussion with the Corps, I have to say that
3 we're disappointed with the lack of change. We're, you
4 know, contemplating what kind of comments that we will be
5 providing, which they're expecting them I think it's April
6 17th are the due date for comments.

7 In the past, we put together a 70-page package of
8 comments. We kind of feel that we might be able to change
9 the date on that and not do much more, because it really
10 hasn't changed a lot.

11 The key to that is what they refer to as their
12 System Wide Improvement Plan, their SWIP. It might be
13 something that's applicable for a select number of levee
14 maintaining districts, but we're not feeling that it's
15 something that's going to work for us Central Valley wide.
16 And so it's, like I say, not something that we're real
17 confident is headed in the right direction.

18 The Department of Fish and Game filed a 60-day
19 Notice of Intent to sue, based on violations of ESA. You
20 know, in the past, the Department of Fish and Game had
21 tried to enter the lawsuit that Friends of the River has
22 initiated against the Corps. They were not allowed to
23 join, based on a technicality, and so now this is to take
24 care of that technicality and go through the proper
25 noticing process.

1 I think, as a consequence of the litigation, the
2 Corps of Engineers has cancelled the National Committee on
3 Levee Safety, the meetings on that. They also have not
4 been willing to participate in the last two Roundtable
5 meetings, and so the Roundtable really has not moved
6 forward.

7 And that was, you know, intended as a forum where
8 we could talk about implementation issues. But if they're
9 not willing to talk about the vegetation, it makes the
10 discussions a little bit moot.

11 The Corps of Engineers issued new instructions on
12 their civil works feasibility study program. It was -- a
13 letter was issued by Major General Walsh. Under this new
14 guidance, the Corps is talking about eliminating one-third
15 of their feasibility studies that are ongoing. It says
16 that they'll only moved forward with feasibility studies
17 that can be completed within three years, that cost less
18 than \$3 million, and fit into a binder three inches thick.
19 They refer to this as the three by three by three rule,
20 because all the various threes.

21 You know, I think it's in response to some of the
22 concerns that a number of constituents have raised with
23 the Corps about the cost to do business with the Corps,
24 and the time to do business with the Corps. And so, in
25 one sense, I think it's positive that they're reflecting

1 on what are valid concerns, I think, expressed by a number
2 of people.

3 They haven't gotten to the specifics though on
4 how they would implement this. And so I think it's
5 causing somewhat of quandary down at the District level,
6 how do you do this? You know, and especially bigger
7 projects like the CVIFMS study that we're talking about
8 partnering with the Corps on, you know, Central Valley
9 feasibility study, how do you do something like that in
10 three years and for \$3 million? So we'll see how this
11 transpires as we move forward.

12 As far as DWR and DFM activities, next week,
13 we're going to have a cross-divisional coordination. And
14 those are all the Divisions under Gary Bardini. It's
15 really our IWM groups, our planning groups, and flood
16 management. It's something Gary Bardini is pushing. I
17 think it's going to be important as we look to staff up
18 and deliver the Central Valley Flood Protection Plan, when
19 you guys approve it, we're going to have to look internal
20 to DWR, and make sure that we're using our resources in a
21 prioritized manner.

22 And so what we're doing how is looking at all the
23 programs the various divisions are responsible for and
24 delivering work products out of and starting to
25 familiarize each other with what the various activities

1 look, how we can leverage ongoing work, how we can take
2 advantage of existing skills. And so it's just our
3 efforts to start to get organized behind plan development
4 or plan implementation.

5 On a regional planning front, you know, we think
6 that's going to be key to delivering the plan, once it's
7 approved. And so we're now working to develop atlases,
8 which is just pulling together existing information that
9 we already have developed through the planning process.
10 We're also developing a project management plan to layout
11 how we might move forward with these regional plans with
12 the understanding that, you know, the goal of the regional
13 plans would be prioritized regional projects and a way to
14 finance them.

15 And so we'll be working at the local level to
16 develop those, because we know that we can't do this from
17 a top down perspective. We've got to get local
18 involvement in this. And we've got to have the frank
19 discussions with the locals on how we're going to fund
20 projects, especially in light of the way federal funding
21 is drying up.

22 We're also working on our PMP for system
23 feasibility studies. And so we're starting to develop
24 that, and we're wrestling with how we deal with the
25 systemwide planning effort, and a regional planning

1 effort, and how the two actions would inform one another.
2 So we're grappling with that. And in the future, we'll be
3 coming before you with more specifics.

4 One issue that I want to bring to your attention,
5 because I think it's going to become more and more
6 controversial, and that is dealing with a mitigation
7 obligation associated with 2006 PL 84-99 rehabilitation
8 work that came.

9 Staff from the Department and from the Board have
10 been working with the Corps to try to resolve how we can
11 take care of this obligation to provide mitigation that's
12 on-site mitigation for PL 84-99 rehabilitation work that
13 occurred about in 2008.

14 This is an issue that becomes complex, because of
15 the Corps' vegetation policy. The biological opinions for
16 this work require on-site planting. The Corps worked
17 through their chain of command, developed -- got a
18 vegetation variance that they feel covers how this work
19 should proceed.

20 Our problem, at the staff level, is that we're
21 not sure that it's implementable. It requires that
22 plants, two types of willows, be managed for size, for
23 visibility, and for accessibility. And the problem is
24 that if one of the species, the Arroyo Willows, get too
25 big, you have to chop it off. And if you chop it off,

1 then it becomes bushy, which when it becomes bushy, then,
2 you know, how do you manage it for visibility?

3 And it also requires that these willows, two
4 types -- like I said, Willow -- Sandbar Willow and Arroyo
5 Willow, be managed within a zone, a vegetation management
6 zone. And that vegetation management zone and where the
7 plants are relative to that is something that the Corps
8 says they can't define, until they go out and plant it.

9 So if they plant a tree right on the edge of this
10 management zone, then the local maintainer is going to
11 have to go down there and keep chopping branches off on a
12 regular basis.

13 Both of those chopping -- you know, cutting the
14 trees for size and pruning them up have environmental
15 consequences. The Corps has said that they're going to
16 get federal permits that would allow the local maintainers
17 to manage these. We haven't seen them yet, and, you know,
18 we're anxious to see what they can actually negotiate with
19 the resource agencies.

20 But they're saying that they don't have any
21 obligation to get any permits at the State level. And so
22 the locals would have to then go out and get 1,600 permits
23 to manage this vegetation to cut the vegetation down, and
24 it kind of puts the locals in the position of having to
25 implement the Corps policy, and fight the environmental

1 battles.

2 We've talked, you know, at the staff level.
3 We're to the point now where we think that we're going to
4 have to put it in a letter some of our concerns. And
5 we'll work with Board staff on that. But, you know, it
6 just doesn't seem like something that is going to work
7 long term. It seems like we've got a very difficult
8 policy. The Corps' veg policy is very difficult
9 implement, and that's being -- the difficulties of
10 implementing are being transferred to the local level.

11 One last thing. It was our pleasure to
12 participate in briefings that were provided to Tim Ramirez
13 and Bill Edgar. Hopefully, you guys found those
14 informative. I would like to offer similar briefings to
15 Jane, if you --

16 SECRETARY DOLAN: I just made a note. I didn't
17 get that. Yes, sir.

18 DWR FLOOD MANAGEMENT DIVISION CHIEF SWANSON:

19 And, you know, when Mike came on, we didn't offer
20 something like that. So really, you know, I mean, I think
21 anybody -- if it would be beneficial, we would love to sit
22 down with you one on one and talk about our organization
23 and some of the directions that, you know, we're
24 progressing in.

25 So with that, I'd be happy to take questions.

1 PRESIDENT CARTER: Any questions for Mr. Swanson?
2 Ms. Rie.

3 VICE-PRESIDENT RIE: Yes. Can you explain what
4 the RAMP group is?

5 DWR FLOOD MANAGEMENT DIVISION CHIEF SWANSON:

6 Well, RAMP is an effort to develop advanced
7 mitigation on a large scale. And so conceptually, it's
8 saying that, as we move forward with a lot of those civil
9 work improvement projects, if we could mitigate in an
10 organized fashion, we could probably develop cheaper
11 mitigation and more environmentally beneficial mitigation.

12 And so conceptually, it's developing a program
13 that would deliver this. It's something that our FESSRO
14 group has been working with the transportation -- with
15 CalTrans on trying to develop. And so, I mean, that's
16 what the effort is. I think that's who the players are.
17 I think it's intended to provide mitigation for all public
18 works, transportation, water supply, public safety.

19 VICE-PRESIDENT RIE: So it's not just DWR
20 projects, it's statewide?

21 DWR FLOOD MANAGEMENT DIVISION CHIEF SWANSON:

22 That's the concept. That's the concept. Now, I
23 think the concept is really good. There's a lot of
24 details associated with actually being able to do this, to
25 work -- you know, to say can we do this in a manner that

1 can be defended from an economic perspective. You know,
2 can we go into business against the private mitigation
3 banks? Will the Resource Agencies give us credit for the
4 temporal benefits associated with putting the mitigation
5 in before the impacts actually occur? You know, how do
6 you do, you know, the cash flow issues? How do you manage
7 this thing? I mean, it's extremely complex.

8 VICE-PRESIDENT RIE: Well, that sounds very
9 interesting, and I'm sure we'd love to hear more about it
10 when you have more details.

11 DWR FLOOD MANAGEMENT DIVISION CHIEF SWANSON:
12 Okay.

13 VICE-PRESIDENT RIE: Thank you.

14 PRESIDENT CARTER: Any other questions for Mr.
15 Swanson?

16 BOARD MEMBER SUAREZ: Mr. President?

17 PRESIDENT CARTER: Mr. Suarez.

18 BOARD MEMBER SUAREZ: Mr. Swanson, I'm wondering,
19 you discussed the regional planning process, how you're
20 beginning, I guess, to conceptualize that.

21 DWR FLOOD MANAGEMENT DIVISION CHIEF SWANSON:
22 Yeah.

23 BOARD MEMBER SUAREZ: When do you believe you'll
24 be able to provide some detailed information on what that
25 might look like, what the components of that would be in

1 timetables?

2 DWR FLOOD MANAGEMENT DIVISION CHIEF SWANSON: I'd
3 say probably two months.

4 BOARD MEMBER SUAREZ: That would be excellent.

5 DWR FLOOD MANAGEMENT DIVISION CHIEF SWANSON:
6 Okay. We'll keep you informed.

7 PRESIDENT CARTER: Any other questions for Mr.
8 Swanson?

9 I have one. Mr. Swanson, can you give us just a
10 brief status on the Section 104, 221 credit situation with
11 respect to our projects in terms of getting federal credit
12 for some of those?

13 DWR FLOOD MANAGEMENT DIVISION CHIEF SWANSON: You
14 know, I think since -- we moved forward with a lot of the
15 EIP projects, hoping and expecting that we would get
16 federal credit. The Corps, over the last year or so, has
17 tightened up the requirements, made it much more difficult
18 to get any credits.

19 And frankly, I don't know that we've made much
20 progress. And we've illuminated the fact that this is
21 problematic for California, because we're trying to work
22 as fast as we can to implement public safety improvement
23 projects, and we're finding that we can't wait for the
24 Corps.

25 And so I think we're getting to the point where

1 we're having to move forward, knowing that we're not going
2 to be able to get credits. And we're not seeing the Corps
3 really doing anything to change what they've done, which
4 is just make situation -- the situation harder to qualify
5 for the credits.

6 So I don't know that we've made any recent
7 progress on, you know, what the Corps' done. I think
8 we've had discussions, written letters, but we're not
9 seeing any change to the national policies.

10 PRESIDENT CARTER: Okay. Thank you. And just a
11 comment. I think the Board intends to comment on the
12 Corps's draft PGL in the -- it's published on the Federal
13 Register. We intend to comment on that within the time
14 limits that are defined.

15 So if any of the Board members have specific
16 issues, hopefully we can bring some of those comments back
17 before the Board. What is the deadline on the comments?

18 EXECUTIVE OFFICER PUNIA: April 17th.

19 PRESIDENT CARTER: So perhaps we can share those
20 with the Board before that letter goes in. If you have
21 any specific comments with respect to the PGL, please be
22 sure to give those to Jay.

23 That's something that is -- that the Board, as
24 the founder of The Roundtable, has been working hard on
25 for the last four years. Well, since 2007 really when we

1 founded The Roundtable, and we really would -- it's
2 important that we comment on that.

3 And then the other issue we wanted to piggyback
4 onto Mr. Swanson's comments with respect to the Corps' PL
5 84-99 on-site mitigation, that represents some significant
6 challenges for our local partners, given that it puts them
7 back in this Catch 22 situation of needing to maintain
8 their sites to Corps standards, while at the same time
9 needing to comply with resource laws. And it is, from our
10 perspective, not a sustainable approach for the State,
11 because it involves the State continually and the locals
12 continually investing money in managing the vegetation,
13 rather than designing a system that is self-sustaining.

14 So this is something that we really want to work
15 with the Corps on. Regrettably, they are threatening, if
16 we don't comply with their -- the variance that they
17 themselves developed and said that we needed to comply
18 with, they will pull PL 84-99 assistance for all those
19 areas that need the mitigation.

20 So it's under a veil of threat, which I
21 personally, and as Board President, don't appreciate.
22 Rather than working with us as partners, it's, I feel,
23 being shoved down our throat. And so it's something that
24 ought to be on all of your radar screens as well.

25 So with that, if there are no other comments.

1 SECRETARY DOLAN: Mr. President just as a new
2 Board member, if The Roundtable is not functioning, if I
3 get that correctly, because the Corps doesn't choose to
4 participate, and there is this conflict and this issue,
5 what's the process that we're trying to initiate to
6 resolve this, other than submitting letters?

7 PRESIDENT CARTER: The process that we're -- is a
8 negotiation process directly with the Corps.

9 SECRETARY DOLAN: So is that staff level to staff
10 level

11 PRESIDENT CARTER: That is staff level to staff
12 level. That's leadership level to leadership level, both
13 from the Department's perspective and from the Board's
14 perspective. I'm in communication with the Colonel and
15 the Division, Colonel (P) Wehr, discussing that this
16 proposal really doesn't work for us, and work for our
17 partners, the locals out there.

18 So the reason The Roundtable is not functional is
19 that the Corps, because of legal considerations, is not
20 allowed to participate in The Roundtable. They can
21 participate in listening mode only. But the steering
22 committee of The Roundtable has decided that since a major
23 partner, the Corps, cannot interact and collaborate in
24 coming to some sort of resolution on some of these issues,
25 then it's not worth all the member's times to talk.

1 And the reason that they can't collaborate is
2 that the State, through the Department of Fish and Game,
3 is suing them. And they do not want to go on any record
4 or have any discussions with respect to vegetation with
5 this ongoing suit happening. And that's the advice of
6 their legal counsel.

7 So that doesn't mean that on these specifics
8 projects we aren't talking and trying to have productive
9 discussions with respect to that.

10 SECRETARY DOLAN: Thank you.

11 PRESIDENT CARTER: Thank you very much, Mr.
12 Swanson.

13 DWR FLOOD MANAGEMENT DIVISION CHIEF SWANSON:
14 Thank you.

15 PRESIDENT CARTER: With that, we'll move on to
16 Item 7, Report of the Activities of the Executive Officer.
17 Mr. Punia.

18 (Thereupon an overhead presentation was
19 presented as follows.)

20 PRESIDENT CARTER: Welcome.

21 EXECUTIVE OFFICER PUNIA: Good morning, once
22 again, Board members. Jay Punia.

23 I'm going to give you a quick synopsis of the
24 activities of your staff. And if you need more details,
25 please stop me, and we'll elaborate on that topic.

1 --o0o--

2 EXECUTIVE OFFICER PUNIA: On behalf of staff
3 also, we want to welcome our new Board members, Mr. Edgar
4 and Mr. Ramirez. So I think they're bringing a unique
5 qualification and perspective, so welcome them.

6 Quick update on the levee projects. They're
7 moving along. I just want to give you a few highlights on
8 the major levee projects. On the Sacramento Area Flood
9 Control Agency's project, the staff requested -- the Board
10 staff requested Sacramento Area Flood Control consultant
11 team to conduct permeability testing for the recently
12 completed levee section. And they are going to conduct
13 those tests and provide the result to the Board staff.

14 On the Three Rivers Levee Improvement Agency
15 project, staff received another permit application from
16 the TRLIA for the Yuba River south levee. TRLIA is
17 requesting EIP funding to rehabilitate the defects
18 identified on this section of the levee by the U.S. Army
19 Corps of Engineers under their periodic inspections. So
20 we'll be working with the TRLIA to process this request
21 from the TRLIA.

22 And Sutter Butte Flood Control Agency, they're
23 moving along. The major efforts are underway. And Sutter
24 Butte Flood Control Agency is planning to brief the Board.
25 Originally, they were planning to come in March, but based

1 upon yesterday's discussion, it looks like they will be
2 ready to brief the Board in April Board meeting, and then
3 they will be submitting a package for requesting a Section
4 408 approval from the Board and the U.S. Army Corps of
5 Engineers.

6 And I want to commend the Sutter Butte Flood
7 Control Agency, they have established an excellent team,
8 and we have several meetings with them to resolve their
9 easement issues, and how we are going to tackle the
10 encroachments. So staff has made progress working with
11 them, and they will be briefing to the Board, so that they
12 can seek Board's input on those major issues, before
13 submitting the package for the Section 408 approval from
14 the Board and the U.S. Army Corps of Engineers.

15 Similarly, on West Sacramento Area Flood Control
16 Agency, they're making progress for getting ready for the
17 next submittal of their 408 request. Board staff attended
18 a two-day board of senior consultants meeting recently
19 with the West Sacramento project.

20 Central Valley Flood Protection Plan. As Keith
21 mentioned, staff attended a briefing arranged by DWR for
22 giving a quick overview of all the technical attachments
23 to the plan. Our staff attended, along with the DWR
24 staff, and their consultant, the feedback I got from our
25 staff is that it was very helpful, and will direct them

1 and expedite their review of all the technical documents
2 associated with the Central Valley Flood Protection Plan.

3 And our staff plan of action is that by middle of
4 March they want to complete the review of all the
5 technical documents, so that they can prepare the staff
6 report for the April hearings, when they will provide
7 input to the Board regarding the technical attachments
8 associated with the Central Valley Flood Protection Plan.

9 And public comments are being compiled and
10 collected on our website. And our plan is that we will be
11 sending you a notification each week including all the new
12 comments we received on the plan. And if you need hard
13 copies, then we will be glad to provide you the hard
14 copies. But all the comments for your information and for
15 the general public information will be posted on our
16 website, and we will be updating that website every week.

17 Our regulations update, Title 23 update. Glad to
18 report that finally -- it took awhile, but finally the
19 Office of Administrative Law has approved the Tier 1B
20 changes to the Title 23. And the West Law publishers will
21 public a new copy of the Title 23, which we will post on
22 our website, and we'll provide you the copies of the newly
23 revised Title 23 publication.

24 And one of the key components of this update is
25 that based upon the 2007 flood legislation, that the Board

1 can grant delegation to the staff to approve permits. So
2 we will be bringing a resolution for your consideration
3 during the April Board meeting, so that you can give the
4 delegation to the Executive Officer to approve simple
5 projects. So we are working on that area and plan to
6 bring that item for your consideration during the April
7 27th Board meeting.

8 BOARD MEMBER SUAREZ: Mr. President, if I could
9 quickly ask. Mr. Punia, that's such an important item,
10 and because it's going to help everybody, I just hope that
11 Ms. Smith and you get an opportunity to really work
12 closely on that resolution, so when it's ready, it's
13 ready.

14 EXECUTIVE OFFICER PUNIA: Yes, we will be -- we
15 definitely are working closely.

16 And Tier 2, the technical changes update.
17 We -- the staff who's assigned to work on this obviously
18 is busy with the Central Valley Flood Protection Plan, so
19 we are not able to focus, at this time, but once the
20 review of the Central Valley Flood Protection is finished,
21 then we will be again focusing on the Tier 2 updates,
22 which are more technical in nature.

23 And then we will also want to make sure that the
24 Title 2 updates are compatible with the Central Valley
25 Flood Protection Plan, so we are making a -- moving ahead,

1 but for time being, it's a little bit on hold until we
2 can -- we are focusing on the Central Valley Flood
3 Protection Plan.

4 And I want to commend Board member Emma Suarez
5 efforts to keep us on track on the update of our
6 regulations.

7 Delta Plan, Environmental Impact Report. Staff
8 provided the comments on the Delta plan. The comments
9 were submitted on February 1st, 2012. The comments
10 package included a detailed map and table indicating
11 locations of all the project levees, designated floodways,
12 and regulated streams within the legal boundaries of the
13 Delta. Staff included the Board's September 14th
14 previously submitted comments in the package also.

15 As you may recall, sometime back, the U.S. Army
16 Corps of Engineers issued a policy on classifications of
17 actions subject to 33 -- U.S. Army Corps federal
18 regulation 33, Section 408.

19 Staff provided comments on the Corps' policy, and
20 we haven't received any feedback from the U.S. Army Corps
21 of Engineers so far. But the staff is indicating that
22 based upon our discussion with the U.S. Army Corps of
23 Engineers that the Sacramento District staff indicated
24 that the revisions to the draft policy are nearing
25 completions, and we will hear from the Corps soon on that

1 subject.

2 --o0o--

3 EXECUTIVE OFFICER PUNIA: Quick update on the
4 bridge projects. As you may recall, with the stimulus
5 money, and the CalTrans has a lot of bridge projects in
6 the pipeline. Board staff is currently working on six
7 CalTrans bridge permit applications. And we will be
8 bringing these applications to you, one by one shortly.
9 The staff is indicating that they're in the advanced
10 stage. We are ready to bring those applications to you in
11 the near future.

12 Central Valley Joint Venture. As you may recall,
13 sometime back, the Central Valley Joint Venture sent us a
14 letter reflecting that they have several issues with our
15 permit process, and the U.S. Army Corps of Engineers
16 review of the encroachment permits.

17 Subsequently, we have a meeting with the Central
18 Valley Joint Ventures, and it was really helpful. We
19 invited the U.S. Army Corps of Engineers to participate in
20 this meeting too.

21 The meeting went well, and we were able to
22 resolve several misunderstandings, as well as it provided
23 the Board staff information how we can improve our
24 permitting process, so that their application can be
25 processed quickly. And we will be also responding in

1 writing to the letter in the future.

2 But we'll continue the feedback we got from them.
3 We will try to implement, so that we can meet their
4 expectations to process the applications on restoration
5 and habitat enhancement projects.

6 Small Erosion Repair Program. As you may recall,
7 the Department of Water Resources is proposing this
8 program that they can continue to repair the small erosion
9 sites without getting a permit for each site. Staff had
10 several issues and concerns, but most of those concerns
11 has been resolved, but still there are some sticky issues
12 still remaining.

13 So staff will continue to work with DWR to
14 resolve the remaining issues. And if we are not able to
15 resolve those issues, we will be bringing this program to
16 the Board to seek the Board's guidance how to proceed
17 further on this program. A few miscellaneous items.

18 Budget. We are tracking our expenditures
19 closely. And with the recent budget cuts and with our
20 full recruitment of the staff, we are very close to that
21 if there are further cuts, we may not be able to support
22 all the staff we have. So we will be continually
23 monitoring our expenditures and the budget, but we are at
24 the bare bones, that if there are further cuts, then we
25 may not be able to support all the staff we have.

1 VICE-PRESIDENT RIE: Mr. Punia.

2 EXECUTIVE OFFICER PUNIA: Yes.

3 VICE-PRESIDENT RIE: A quick question on the
4 budget. How do you see the budget cuts affecting the
5 enforcement program? Will we be able to continue to put a
6 lot of efforts into the enforcement program?

7 EXECUTIVE OFFICER PUNIA: I think we haven't made
8 up -- if we have to cut staff, we haven't made our
9 decision, which staff we will cut. As you may -- you know
10 that we have ramped up on the enforcement side. So I
11 think a little down the line we will know where we stand,
12 and then we will seek Board's guidance too, that where we
13 can cut.

14 We have cut our operating expenses to the
15 maximum, and we don't have much choice. If we have to cut
16 further, then we may have to cut some positions. So we
17 haven't made the decision whether those positions will be
18 cut from the enforcement or from the project side.

19 VICE-PRESIDENT RIE: Well, my question wasn't
20 regarding staff cuts, it was more along the lines of
21 enforcement services. Because in order for us to proceed
22 with enforcement actions, we need legal support, and, you
23 know, perhaps we have to contract out some removal
24 services. So I'm just wondering how the support services
25 that go along with enforcement may be affected.

1 EXECUTIVE OFFICER PUNIA: I think it will have
2 impact on those decisions, so we don't have much money in
3 our budget to support those type of activities.

4 VICE-PRESIDENT RIE: Okay. Thank you.

5 Next item is the Central Valley Regional Water
6 Quality Control Board has put us on notice that based upon
7 their basin plans, they have to control the mercury load
8 into the Yolo Bypass and in the Delta. As a non-federal
9 sponsor of the Cache Creek Settling Basin, they are asking
10 us to develop a report showing that what actions we will
11 take to reduce the mercury load in the Yolo Bypass and in
12 the Delta.

13 I think we have discussed that at the Board's
14 Executive Level, committee level, and our position is that
15 it's naturally occurring in the basin, that by having the
16 Cache Creek we are not augmenting the load into the Yolo
17 Bypass and in the Delta, but they are not buying into our
18 argument. So we are requesting the California Central
19 Valley Regional Water Quality Control Board staff to come
20 and give a quick briefing to the Board, so that they can
21 share their concerns, and articulate their position to the
22 full Board.

23 So the Board's Chief Engineer Len Marino is
24 working with their staff, so that we can bring them for an
25 informational briefing to the full Board, either in March

1 or April Board meeting.

2 And as previously discussed, U.S. Army Corps of
3 Engineers Policy Guidance Letter for requesting vegetation
4 variance is out. Staff will be working with some of the
5 Board members, and we will generate our comments, and we
6 will also coordinate our comments with the Department of
7 Water Resources. And the comments are due on April 17th.
8 And as previously directed and discussed, we will try to
9 bring a draft copy of our comments to the Board during the
10 March meeting for the Board's consideration.

11 I think I will invite Michael Wright to give you
12 a quick synopsis on our enforcement efforts, and then
13 Mitra Emami to give you the status of our permit
14 applications. I think I want to make one more comment.
15 Meegan Nagy is here. I think usually we inform you that
16 the we haven't received the letters from the U.S. Army
17 Corps of Engineers, I want to make this comment in the
18 presence of Meegan that this month we have received all
19 the items we will asking your approval of the letters from
20 the U.S. Army Corps of Engineers. And Meegan is working
21 hard and working very closely with our staff. I want to
22 appreciate her efforts.

23 Thank you.

24 PRESIDENT CARTER: Thank you, Meegan.

25 SENIOR ENGINEER WRIGHT: Thank you, Jay. Good

1 been closed due to maintenance, but the timer for the pump
2 was not shut off, so the pump continued to flow and
3 overflow the top of the box and around degrading the
4 levee.

5 --o0o--

6 SENIOR ENGINEER WRIGHT: That's another picture
7 behind the box. But I'm happy to report -- maybe --

8 --o0o--

9 SENIOR ENGINEER WRIGHT: -- that the repairs were
10 successfully completed on February 7th restoring the
11 levee.

12 --o0o--

13 SENIOR ENGINEER WRIGHT: Board staff continues to
14 work with the Corps on the periodic inspection program.
15 On January 13th, Board staff attended the Corps' periodic
16 inspection outbriefing for the Elder Creek and Gerber
17 Levee Systems located south of Red Bluff and north of
18 Corning Road.

19 Rodent control is a big issue in this area, so
20 Board staff is working with DWR and the levee sponsors to
21 ensure that the sponsors have information and access to
22 DWR's rodent hole grouting equipment.

23 On February 10th, Board staff attended the Corps'
24 periodic inspection outbriefing for the Butte Creek and
25 Cherokee Canal levee systems located south of Chico and

1 west of Lake Oroville. The systems have unacceptable
2 violations, including encroachments, rodent activity, and
3 erosion, and will be deemed inactive by the Corps in the
4 PL 84-99 levee rehabilitation program if violations are
5 not corrected before the periodic inspection report is
6 finalized.

7 --o0o--

8 SENIOR ENGINEER WRIGHT: And looking at the near
9 future, in April, we have a potential enforcement hearing
10 for levee toe excavations caused by orchard operations on
11 the Feather River levee in Sutter County. And, in May, we
12 have a potential enforcement hearing for a hay barn and
13 elevated berm constructed in the Yolo Bypass.

14 That concludes my briefing.

15 Thank you.

16 PRESIDENT CARTER: Questions for Mr. Wright?

17 Thank you very much.

18 SENIOR ENGINEER WRIGHT: Thank you.

19 PRESIDENT CARTER: Ms. Emami. Good morning.
20 Welcome.

21 SENIOR ENGINEER EMAMI: Morning, President
22 Carter, members of the Board. Mitra Emami, Board staff.

23 --o0o--

24 SENIOR ENGINEER EMAMI: I'm just going to give
25 you a quick overview of our permitting tracker update.

1 --o0o--

2 SENIOR ENGINEER EMAMI: This is our tracker log.
3 If just -- this shows from July, the fiscal year of this
4 year, to February. As you can see, we issued 12 permits
5 last month. Two are still conditionally approved. We're
6 waiting on Corps letters. Fifty have been, let's see,
7 scheduled for future meetings. This is till July. And
8 then eight are under review. And the yellow section you
9 can see our backlog is down to 15.

10 --o0o--

11 SENIOR ENGINEER EMAMI: This is just a pie chart
12 that shows all that tracker from the pie. And I want
13 to -- the yellow section I want to show that in another
14 pie.

15 --o0o--

16 SENIOR ENGINEER EMAMI: I'm having difficulty.
17 Okay. That yellow section -- this yellow section shows
18 that 15 backlog, eight are enforcement, and the rest,
19 which are seven, are the permit backlogs that we're still
20 working on. And I want to go back to -- this is a trend
21 chart that we had back in January 2011.

22 I just wanted to focus on the yellow section. It
23 shows back in January we had 87 backlogs, compared to
24 right now we've made a reduction of 83 percent. And that
25 reduction basically is our improved intake process. This

1 way we're working with the applicants upfront, so they
2 know what we require for the project and the application
3 to be complete. And this way staff is not assigned
4 incomplete projects. Incomplete projects are not
5 transmitted to the Corps. We're saving time with staff
6 and the Corps' review.

7 And early on the applicant knows where the
8 project is incomplete, and they can start working on it.
9 And with better coordination with the Corps, as you can
10 see it reflects on the letters that we have been receiving
11 from the Corps and not waiting on any conditionally
12 approved applications.

13 That concludes my presentation. I was told I
14 have two minutes, so I did it fast. So if you have any
15 questions, I'm happy to answer them.

16 PRESIDENT CARTER: Questions for Ms. Emami?

17 BOARD MEMBER SUAREZ: Mr. President.

18 PRESIDENT CARTER: Ms. Suarez.

19 BOARD MEMBER SUAREZ: The Enforcement Action
20 backlog is that Bear Creek or --

21 SENIOR ENGINEER EMAMI: No. That's not the Bear
22 Creek. That's other permits that were -- I don't -- I
23 have some here, but they were already authorized. They
24 had already built the project. And after reviewing it,
25 they're not either Title 23 conforming or to the Corps'

1 standards, so we have to work with the applicant to bring
2 it up to standard. They're already built. They're not
3 the Bear Creek ones. They're separate.

4 BOARD MEMBER SUAREZ: But they don't have
5 permits?

6 SENIOR ENGINEER EMAMI: No.

7 BOARD MEMBER SUAREZ: But they have applications?

8 SENIOR ENGINEER EMAMI: They have applications
9 in.

10 BOARD MEMBER SUAREZ: After the fact?

11 SENIOR ENGINEER EMAMI: Yes.

12 BOARD MEMBER SUAREZ: And these are not
13 Enforcement Actions -- are these Enforcement Actions that
14 we've taken?

15 SENIOR ENGINEER EMAMI: They have been turned
16 over to the Enforcement Section and for them to follow up.

17 BOARD MEMBER SUAREZ: Okay.

18 PRESIDENT CARTER: Any other questions for Ms.
19 Emami.

20 Ms. Emami, the pink section, it's prioritized for
21 Board/Corps review and scheduled for future Board
22 meetings. So those are being worked on by staff?

23 SENIOR ENGINEER EMAMI: Yes, and by the Corps.

24 PRESIDENT CARTER: So some of -- are those
25 processes in parallel with our Board staff and the Corps,

1 or is there a mix of things that are in our shop and
2 things that are in the Corps' shop that are unique?

3 SENIOR ENGINEER EMAMI: Well, once we review the
4 application for completeness, we send it off to the Corps
5 and we schedule it.

6 And the Corps has 75 days to review. So some of
7 those applications, the Corps is working simultaneously at
8 the same time as we are. They're scheduled all the way
9 down to July. So the Corps has the majority of these
10 applications, at the moment.

11 PRESIDENT CARTER: Okay.

12 SENIOR ENGINEER EMAMI: Was that your question?

13 PRESIDENT CARTER: Yes. So 50 in there scheduled
14 through July. It's now March, essentially, March, April,
15 May, June, July, five months. So 10 a month is what
16 you're looking at on that.

17 SENIOR ENGINEER EMAMI: Roughly, yes, on average.

18 PRESIDENT CARTER: Okay. And that represents
19 kind of a five-month backlog. Do we have a goal to get
20 that backlog down even further?

21 SENIOR ENGINEER EMAMI: Yes. My goal is to each,
22 every couple of months, look at each application. Each
23 applications is unique, depending on what the situation
24 was that made it a backlog. If it was they needed to have
25 a redesign or extra information was needed from the

1 applicant, we try to coordinate with the applicant, or the
2 Corps needed a redesign to just -- we're trying to work
3 with the applicant. Sometimes, they take longer, because
4 this applicant does not respond in time.

5 PRESIDENT CARTER: So you're goal for a backlog
6 is what?

7 SENIOR ENGINEER EMAMI: I'm hoping within the
8 next six to eight months to reduce the whole backlog, the
9 yellow section.

10 PRESIDENT CARTER: To?

11 SENIOR ENGINEER EMAMI: To zero.

12 PRESIDENT CARTER: To zero?

13 SENIOR ENGINEER EMAMI: Yes.

14 PRESIDENT CARTER: No waiting. That's an
15 admirable goal. Thank you very much.

16 SENIOR ENGINEER EMAMI: You're welcome.

17 BOARD MEMBER EDGAR: Mr. Carter.

18 PRESIDENT CARTER: Mr. Edgar.

19 BOARD MEMBER EDGAR: Through the Chair, Jay, how
20 do you define backlog? Is that -- as you're looking at
21 this chart, there are 87 in process, and there are 12
22 issued. Does that mean there are 75 that are defined as
23 the backlog or how do you do that.

24 EXECUTIVE OFFICER PUNIA: Maybe Eric or Mitra can
25 define it better. I think --

1 SENIOR ENGINEER EMAMI: Mitra Emami. The
2 backlog, the yellow section, it just -- those are the
3 permits that had come in, and we didn't act on them within
4 the 180 days. And I think I misunderstood Ben's question
5 about the 50. The 50, they're not backlog. These are
6 scheduled and we're working on them. They're not our peak
7 backlog. These are the active applications we're working
8 on them.

9 BOARD MEMBER EDGAR: Well, I think his question
10 was what is the backlog, and what is your goal for the
11 backlog? What do you define as backlog, is it the 15?

12 SENIOR ENGINEER EMAMI: Well, permits that -- we
13 have permits. Yeah, I'm going to let Eric answer that.

14 PRESIDENT CARTER: And I think, you know, to
15 clarify my perspective is from the applicant's
16 perspective, not from the staff's perspective. So we need
17 to -- our staff needs to focus this from a customer
18 perspective, what do they think the backlog is what do
19 they say the happen which is essentially how long does it
20 take them from the take permit to go through the process
21 once they submitted it to the Board. So it's from the
22 time it comes in our door and we log it in to the time
23 they get an approval and a permit, that's their
24 perspective of what the backlog is, and that's kind of
25 what we should be managing.

1 SUPERVISING ENGINEER BUTLER: Okay. So I'll give
2 you a two-part answer to that question that will also
3 address Mr. Edgar's question.

4 The first part is when I was going through this
5 with you over the last couple of years, and then handed it
6 off to Mitra, we were presented with a large number of
7 problematic permits that had various issues with them.
8 And so we started tracking, what we called, a backlog.
9 And that's what Mitra showed you the section in yellow
10 trending. You know, it's been reduced by about 83
11 percent. It was 90 or so, 80 or so, over a year ago and
12 now we're down to 15.

13 So from an internal perspective of what we
14 consider the backlog, there's 15 permits in that backlog,
15 seven of which remain in Mitra's shop, eight of which have
16 been moved over to Michael Wright's shop. And I think one
17 of the issues that Michael spoke on was one of those eight
18 items. So that's the first part of the answer.

19 The broader perspective that Mr. Carter raises on
20 what are -- what do our applicants perceive as our backlog
21 or our ability to deliver timely reviews of their
22 applications? I think I'll say this, that if we get an
23 application from an applicant that is complete, that has
24 all the proper CEQA determinations and paperwork that has
25 proper specifications, it's filled out properly, it's

1 compliant with Title 23, we can turn it around, now with
2 the Corps, in about three- to four-month period, I would
3 say on average. Certainly some can go quicker, some will
4 take longer.

5 The key is from the applicant is to get a
6 completed application. So throughout this process of
7 reducing our backlog, we have been working with our
8 applicants and working with the Corps, and internally to
9 improve our ability to properly screen applications from
10 the beginning, so that we can quickly, within 10 days,
11 notify an applicant that, yes, we've got your application.
12 We're reviewing it for completeness. And we have 30 days
13 from the time that we get the application to determine
14 whether it's complete or not.

15 If we determine it's incomplete, we're very
16 now -- we're now very quickly able to get that information
17 back to the applicant and tell them what we need
18 explicitly, and then it's on them to deliver and updated
19 and complete application.

20 And that varies from applicant to applicant.
21 Some are very quick, depending upon, you know, their
22 anxious -- their anxiety to get their project completed.
23 Some just take months, and it goes off and just sits
24 there. We don't work on it. And six, seven months later,
25 "oh, hey, we got this application back". So that's really

1 on the applicant's plate to respond to our incomplete
2 request.

3 Once we get it back and we determine it is
4 complete, it's at that point that we assign it to one of
5 our staff engineers and to our environmental scientists to
6 complete our review. It goes to the Corps. They complete
7 their review, and -- so that the time frame for getting
8 the application in, once it's complete, getting it back
9 from the Corps, bringing it to you through a Board meeting
10 process is about three to four months.

11 We also heard that Tier 1B regulations are now in
12 law. They are in effect. And you do have now the option
13 to delegate some of the permitting authority to Executive
14 Director Punia, which we'll be bringing to you in April to
15 formally accomplish that.

16 So that's kind of the long explanation of both
17 the internal perspective of what the backlog is and our
18 ability to deliver to our citizens a timely permitting
19 process that is clear and transparent. And I think, you
20 know, Mitra and I both are continuing to -- I also have
21 the Tier 2 technical revisions on the plate coming up
22 next. And we're going to continue to deliver a permitting
23 program that -- to our applicants that becomes more and
24 more clear as to what our expectations are. I think we
25 can do a lot outside of the formal Title 23 regulations

1 with procedures, that we can post on our web page to tell
2 people, you know, this is what we want from you in an
3 application. I think we can do more of there. So that's
4 really our sort of long-term vision for creating a program
5 that's more easily navigable by the community when they
6 come to us for a permit.

7 PRESIDENT CARTER: Thank you very much Mr. Butler
8 and Ms. Emami.

9 Anything else?

10 EXECUTIVE OFFICER PUNIA: That concludes our
11 briefing to the Board. If you have any other questions,
12 I'll be glad to answer them.

13 PRESIDENT CARTER: Any other questions for Mr.
14 Punia?

15 Mr. Ramirez.

16 BOARD MEMBER RAMIREZ: Thank you. I just want to
17 make a couple of quick observations and maybe a question.
18 First, I know a lot of things have changed in the last
19 several years and you guys are juggling quite a bit. And
20 I just wanted to acknowledge having tracked things from a
21 far how encouraging it is to see dedicated staff
22 especially to permits and encroachments. I've never seen
23 a report like this to the Board. You guys have seen them
24 in the past, I'm sure, but I have not. This is my first
25 time here now.

1 But in the past, I was not able to look at it,
2 and I'm not sure the State was able to look at it this
3 comprehensively and in this much detail. It's very
4 encouraging, I think. I just wanted to thank the staff
5 and recognize them for those efforts. I know there's more
6 to do and there's more things that can be done to improve
7 the process, but it's very encouraging to see this up
8 close now for the first time.

9 And I wanted to also just flag something, Jay,
10 that you mentioned, and maybe piggyback on what Keith was
11 talking about with the Corps, in terms of the vegetation
12 policy, and especially the onsite mitigation issue, which
13 I did not know much about until that was just discussed
14 here. I'm sure you guys know this and I'm stating the
15 obvious, but it's a problem. And it's especially
16 discouraging in the context of what we'll hear about this
17 afternoon for the very ambitious plan. I know folks will
18 be here to comment on the plan, and we're going to hear
19 some folks talk about that, which is going to be great.

20 But if we're not able to implement things on the
21 ground now, it's not super encouraging about making big
22 changes in the future. So whatever I can do to help with
23 your leadership or Ben's, I'm happy to do that. And I
24 know that the staff it sounds like are communicating at
25 one level and getting things done with the Corps, and

1 that's great, but at some other level, someplace, maybe
2 several levels, things are stuck, and we need to try to
3 find a way to work through that. So let me what I can do
4 to help with that.

5 EXECUTIVE OFFICER PUNIA: I think it will be
6 great to get some of the Board members involved. Some of
7 the issues are we are stuck, so I think we'll welcome your
8 help.

9 PRESIDENT CARTER: Any other questions for Mr.
10 Punia?

11 Ms. Suarez.

12 BOARD MEMBER SUAREZ: Thank you. Really quickly,
13 actually, Mr. Swanson, I was wondering if he can comment
14 on this too. The small erosion repair program update.
15 That was an issue that Mr. Hodgkins was -- had taken
16 leadership on behalf of the Board to help resolve. And I
17 was wondering, Mr. Swanson, from your perspective, Mr.
18 Punia reports that some progress is being made. I kind of
19 wanted to get your sense on that.

20 DWR FLOOD MANAGEMENT DIVISION CHIEF SWANSON:

21 Yeah. Keith Swanson. I think progress is being
22 made. I'm not sure where we need to be quite yet, but you
23 know, I think what I've asked our folks to do is to make
24 sure that we work together the best we can, and we
25 document, if we get to the point where we have a

1 disagreement, what the disagreement is, so that we can
2 elevate it.

3 Our contention is that really this should be
4 treated as maintenance. And I think, as we move forward,
5 we're going to continue to push that concept, because I
6 think, you know, they're so small in nature, that we've
7 got to have the flexibility to get on them in a timely
8 fashion. The whole idea is to identify a problem in the
9 spring and get it fixed before flood season while it's a
10 small little tiny scarp as opposed to waiting for it to be
11 a big huge scarp.

12 So we'll continue to work with staff. You know,
13 I'm seeing some encouraging things. And I think if we
14 don't come to agreement, we'll elevate it jointly and
15 identify where our conflicts are and seek your guidance.

16 BOARD MEMBER SUAREZ: Mr. President, just
17 suggesting that we had the benefit of Mr. Hodgkins being
18 involved. I don't know if the rest of the Board wants to
19 consider assigning a Board member to keep an eye on it and
20 also help facilitate it, if the time is right for that.

21 PRESIDENT CARTER: We'll -- let's discuss that
22 under task leader reports and find out if there are any
23 members that are interested in participating in that.

24 Any other questions for Mr. Punia?

25 EXECUTIVE OFFICER PUNIA: Thank you.

1 PRESIDENT CARTER: Thanks very much.

2 Ladies and gentlemen, let's take a 10-minute
3 break, and then we will come back. We'll do our consent
4 and then move on with our agenda and hearings.

5 Thank you.

6 (Thereupon a recess was taken at 10:14 a.m.)

7 (Thereupon the meeting reconvened at 10:31 a.m.)

8 PRESIDENT CARTER: Ladies and gentlemen, if I
9 could ask you to take your seats, we'll continue on with
10 our agenda. And if any of you are Board members, I'd
11 appreciate you coming on up here and joining us here on
12 the dais.

13 Okay. Ladies and gentlemen, we are on Item 8,
14 which is Consent Calendar. And as you recall, per staff's
15 recommendation, we have postponed Items 8A, B, G, and H.
16 So I ask, are there any questions on the consent today?

17 BOARD MEMBER VILLINES: I want to recuse myself
18 from some, so whenever that's appropriate to talk about.

19 PRESIDENT CARTER: Okay. It's appropriate now,
20 if you'd like.

21 BOARD MEMBER VILLINES: I just recuse myself from
22 Item H.

23 PRESIDENT CARTER: And H is postponed, so we
24 won't be acting on that today.

25 BOARD MEMBER VILLINES: On the --

1 PRESIDENT CARTER: On the Consent

2 BOARD MEMBER VILLINES: Oh, okay, great.

3 PRESIDENT CARTER: Yes. Any other questions?

4 I want to announce that I am going to recuse
5 myself from Items 8C, D, and E, given that I was a Board
6 member of the Sacramento River Conservation Area Forum,
7 chairman of the landowners assurances when these projects
8 were being reviewed by the forum, and a landowner rep in
9 Colusa County at the time, and a participant in the
10 advisory work group for this Colusa subreach, which I
11 subsequently resigned from. So I am recusing myself from
12 those three items.

13 Any other questions or comments?

14 BOARD MEMBER SUAREZ: No. I'm ready to move the
15 Consent Calendar.

16 PRESIDENT CARTER: Okay.

17 VICE-PRESIDENT RIE: Second.

18 PRESIDENT CARTER: We have a second.

19 All those in favor indicate by saying aye?

20 (Ayes.)

21 PRESIDENT CARTER: And opposed?

22 The motion carries unanimously.

23 I neglected Mr. Werner and Mr. Smith, you were
24 out there. And the notes on your cards were you wanted to
25 talk if it was off the Consent Calendar, if there are any

1 questions. Are you both comfortable with the Board's
2 action

3 And for the record, they both, Mr. Werner and Mr.
4 Smith are nodding yes.

5 So did you want to make any comments to the
6 Board?

7 MR. SMITH: Thank you. It's always a treat --

8 PRESIDENT CARTER: All right. Very good. If you
9 do want to make a comment, you need to come to the podium,
10 please.

11 MR. SMITH: I'm Thomas Smith with River Smith
12 Engineering. Good morning, President Carter, new members
13 of the Board. It's always an honor to come and present to
14 you. And I did do a very colorful presentation in case
15 there were questions, and always try to be brief. But the
16 Board has been doing a great job. This is a great spot
17 for public input. I'm glad the Governor has saw to it --
18 or seen to it that this Board stays in place, where
19 other's have been on the chopping block.

20 So anyway, we've been before you. Many of you
21 have seen the presentation, so it's a little bit of a
22 repeat in case there were questions, but we were prepared.
23 Thank you very much.

24 PRESIDENT CARTER: Thank you for coming.

25 All right. Ladies and gentlemen, we'll move on

1 to Item 9 on our agenda. This is a hearing. And for
2 those of you who are new to the process, the Board
3 conducts hearings on permits. And the process for the
4 hearings is that we ask staff to present their -- the
5 staff report and their findings as evidence. These are
6 quasi-judicial evidentiary hearings, and the Board makes
7 its decision based on the evidence presented.

8 And then the applicant is invited to present
9 evidence in support of their application. We invite any
10 members of the public to testify and present evidence in
11 support or in opposition to the application. We then
12 close the public testimony portion of the hearing, and the
13 Board deliberates. At that time, the Board is free to ask
14 additional questions of folks that have testified, staff
15 members, other agencies that are involved. And then the
16 Board makes a decision. So that's the process.

17 Any questions there?

18 Okay. Very good. With that, I will call to
19 order the hearing on Permit number 12 -- excuse me 7236-1
20 for Lawrence Cassidy, to consider approval of resolution
21 2012-7 for a variance to levee setback standards for the
22 construction of a residential addition connected to an
23 existing dwelling within the Sacramento River floodway on
24 Garden Highway in Sacramento county.

25 And with that, we'll turn it over to staff. Good

1 morning. Welcome.

2 STAFF ENGINEER JANOLO: Good morning, President
3 Carter, members of the Board. Martin Janolo with Board
4 staff. Today I'm presenting Item 9A, Application Number
5 7236-1

6 (Thereupon an overhead presentation was
7 Presented as follows.)

8 STAFF ENGINEER JANOLO: The applicant's name is
9 Lawrence Cassidy. Property location -- excuse me. The
10 property location is at 1963 Garden Highway in Sacramento.
11 The applicant could not be here. However, his
12 representative is present among the audience.

13 --o0o--

14 STAFF ENGINEER JANOLO: And as President Carter
15 mentioned, the requested Board action is to consider
16 approval of a variance request. And with just a little
17 bit of correction, it's actually to Section 113(b) for
18 Permit Application number 7236-1 via Resolution number
19 2012-07.

20 And the requested action is to grant a variance
21 to Section 113(b) for the construction of a 1,000 square
22 foot addition to the existing and permitted dwelling. The
23 applicant's proposal encroaches in an area of the left
24 bank of the Sacramento River where dwellings are
25 prohibited.

1 --o0o--

2 STAFF ENGINEER JANOLO: Here's a vicinity map.
3 The orange bubble represents the property's location,
4 which is down -- excuse me, which is along Sacramento
5 River on the left bank, downstream of the Sacramento
6 bypass and I-80, upstream of the confluence of the
7 American River and I-5.

8 --o0o--

9 STAFF ENGINEER JANOLO: Here's a bird's-eye view
10 of the property location. Garden Highway on the top,
11 Sacramento River on the bottom, approximate property
12 boundary. And as you can see the existing dwelling. A
13 couple of onsite photos.

14 --o0o--

15 STAFF ENGINEER JANOLO: Here standing on top of
16 the Garden Highway looking towards the Sacramento River,
17 the plantation box -- or the retaining wall represents
18 where the approximate proposed addition will be begin.

19 --o0o--

20 STAFF ENGINEER JANOLO: Here, looking towards the
21 Garden Highway to the left and towards the existing
22 dwelling. Again, in this area is where the proposed
23 addition will be placed.

24 --o0o--

25 STAFF ENGINEER JANOLO: And another short

1 towards -- looking towards the existing dwelling. We have
2 the revetted bank to the right.

3 --o0o--

4 STAFF ENGINEER JANOLO: Regulations are
5 applicable to this application per California Code of
6 Regulations Title 23, pursuant to Section 11(a), an
7 application for an encroachment permit that is not
8 consistent with Board standards will require a variance
9 subject to Board approval.

10 Furthermore, pursuant to Section 11(b), when an
11 approval of encroachment requires a variance, the
12 applicant must state clearly why he or she cannot meet
13 Board standards or is infeasible or not appropriate.

14 The variance requested this is being applied to
15 is Section 113(b)-1 -- excuse me, Section 113(b)(1), where
16 it states, "New dwellings, with the exception of dwellings
17 for seasonal occupancy, are not permitted, except as
18 provided in subdivisions (d) and (e) of this section".

19 Please note that (d) and (e) do not apply to this
20 location.

21 --o0o--

22 STAFF ENGINEER JANOLO: Lastly, Section 133 for
23 the supplemental standards for control of residential
24 encroachments in Reclamation District 1000. And the
25 Section is a bit lengthy, so to help the Board and the

1 audience better understand Section 133, here's a diagram
2 that illustrates the project levee to the left with the
3 center line, low water channel to the right, and here's
4 the waterside berm where you have a typical house standing
5 on pilings.

6 So according to Section 133(c)(1) and (c)(2), at
7 a point 65 feet away from the center line levee,
8 driveways, ramps, openside parallel fences, and walkways
9 are allowed.

10 Furthermore, Section 133(d)(2), (d)(3) states
11 that in an area between 65 feet away from the levee center
12 line and extending all the way to 150 feet towards the
13 river, the following are allowed and permitted:
14 Dwellings, and additions to existing dwellings, so long as
15 these structures have finished floor elevation of two feet
16 above the design floodplain.

17 Lastly, Section 133(e)(1) states that within an
18 area extending beyond 150 feet from the levee center line,
19 dwellings and fences are not allowed.

20 --o0o--

21 STAFF ENGINEER JANOLO: Background on the
22 application. On August 11th, 2011, an encroachment permit
23 application was received by staff. The application was
24 for the construction of a home addition to the existing
25 and permitted dwelling. During the application review

1 process, staff discovered that the addition is not
2 sufficiently setback to 65 feet per Section 133, and is
3 therefore encroaching on an area where the Board prohibits
4 dwellings and similar structures.

5 On December 1 of last year, Board staff met with
6 the applicant at his property to discuss the application.
7 And on December 14, a letter was sent to the applicant
8 notifying him that a variance would be needed to section
9 113(b).

10 On January 3, staff received the applicant's
11 variance request letter. On February 1, the applicant was
12 notified by mail that a variance hearing was scheduled and
13 that Board staff will recommend approval of the
14 application. And finally, on February 16, staff provided
15 a copy of the staff report to the applicant via overnight
16 mail, thus meeting the seven day deadline.

17 --o0o--

18 STAFF ENGINEER JANOLO: Permits that are relevant
19 to this application. On May 22, 1960, Board Order 6529
20 was approved for the construction of a floating boat shed
21 dock and ramp at the property.

22 On January 28, 1972, Board Order 7236 was granted
23 and was -- excuse me, was approved and was granted a
24 variance for the construction of the dwelling, retaining
25 wall, driveway and fill, and septic system. Note that

1 Condition 9 states that dwellings -- that the proposed
2 dwelling was allowed to be built 55 feet from the levee
3 centerline.

4 On January 18, 1973, Board Order 7236-A was
5 approved for the addition of a driveway cover and
6 underground water and electric lines.

7 August 24, 1973, Board Order 7236-B was approved
8 for the addition of landscape groundcover and fence at the
9 property.

10 Finally, May 4, 1994, Permit number 16197-GM was
11 approved for the construction of a room and deck addition
12 to the existing dwelling. This proposed construction is
13 very similar to what is being proposed now, except in the
14 past, the submitted plans showed a 65-foot setback
15 therefore meeting Board requirements. The project never
16 took place, and in 1997, there was a change of ownership.

17 --o0o--

18 STAFF ENGINEER JANOLO: Variance request. Again,
19 pursuant to Title 23 Section 11(a) a variance is required
20 for encroachment applications that does not meet Board
21 standards.

22 Typically, structures used for year round human
23 habitation within the Board's floodways are not allowed,
24 except for the following three areas.

25 RD 1000, which is on -- along Sacramento River

1 extending from the Natomas cross canal to the American
2 River, and that's covered under Section 133 of Title 23;
3 Yuba River from Daguerre Point Dam to the confluence of
4 Feather River covered under Section 134, and; Butte Basin
5 covered under Section 135.

6 Under Section 133, permanent dwellings and
7 additions are allowed in an area 65 feet from the levee
8 centerline extending all the way to 150 feet. The
9 proposed project is only 55 feet set back from the levee
10 centerline, and does not comply with Section 133.

11 Therefore, the proposed work falls in an area
12 where dwellings are not allowed, and a variance to Section
13 113 is necessary.

14 Again, here's a diagram that illustrates Section
15 133, and also states where the dwellings and additions to
16 existing dwellings are allowed.

17 In this case, the proposed addition is
18 encroaching in this area where dwellings are not allowed.
19 Therefore, Section 113 -- a variance to Section 113 is
20 required.

21 --o0o--

22 STAFF ENGINEER JANOLO: To be in compliance, the
23 addition must be set back 10 feet more towards the river
24 bank. However, in doing so, it will place the proposed
25 concrete spread footings supporting the proposed addition

1 on top of the existing and permitted septic tank, which
2 may be unfeasible for the applicant to comply.

3 --o0o--

4 STAFF ENGINEER JANOLO: Here's an on-site photo.
5 To the left, you can see the existing retaining wall,
6 which is approximately where the proposed addition shall
7 begin. If it were to move back -- if it were to be moved
8 back an additional 10 feet or so, it will be placed
9 approximately on top of where the existing septic system
10 is.

11 --o0o--

12 STAFF ENGINEER JANOLO: Now, under normal
13 circumstances, these dwellings and additions would not be
14 allowed to encroach in this area, where the Board
15 prohibits similar structures. However, in this case, the
16 existing dwelling was granted a variance and permitted
17 with a 55-foot setback.

18 The addition is more than two feet above the
19 design floodplain. And, in this case, we used a 200-year
20 water surface elevation as calculated by MBK Engineers for
21 SAFCA's Natomas Levee Improvement Program.

22 And it also meets the requirement under Section
23 133, and as referenced in Section 113, which states that
24 for any structures, especially dwellings, within the
25 floodways, it must be two feet above a design floodplain

1 or the 100-year design flood, whichever is higher.

2 With all this said, Board staff believes that
3 granting a variance is appropriate for the construction of
4 the addition. The proposed addition will add a bedroom
5 and a bathroom at the first level for the applicant who
6 says he has health-related access issues.

7 Currently, the existing dwelling has a bedroom
8 and bathroom located on the top floor, which requires the
9 applicant to use the stairways. Also, approval of this
10 application will include a covenant agreement as specified
11 in Special Condition 13 of the draft permit.

12 --o0o--

13 STAFF ENGINEER JANOLO: Additional staff analysis
14 for the hydraulic portion. The table below summarizes our
15 findings, suggesting that the finished floor elevation of
16 the new addition will be at 36.5 feet using the NGVD29
17 reference datum, or 2.44 feet higher than SAFCA's 200-year
18 water surface elevation.

19 By comparison, the finished floor elevation of
20 the existing dwelling is only at 34.5 feet and a
21 difference of only 0.83 feet when compared to the 200-year
22 water surface.

23 The additional block is less than one percent of
24 the floodway, therefore no hydraulic analysis is
25 required.

1 --o0o--

2 STAFF ENGINEER JANOLO: Geotechnical. No work
3 will be done on the levee section, therefore, a
4 geotechnical analysis is not required.

5 --o0o--

6 STAFF ENGINEER JANOLO: Agency comments. Staff
7 received the U.S. Army Corps of Engineers 208.10 review
8 letter on February 16, 2012 with no objections to the
9 project. This letter will be incorporated into the final
10 permit.

11 --o0o--

12 STAFF ENGINEER JANOLO: Reclamation District 1000
13 initially endorsed the project on June 14, 2011. Upon
14 request from Board staff to clarify District's position on
15 the variance request, the District sent a letter on
16 January 24, 2012 clarifying their position. And the
17 letter states the following:

18 "Reclamation District 1000 appreciates the
19 Board's sensitivity to the opinion of RD 1000, as
20 a local maintaining agency. RD 1000 does not see
21 any negative impact in our ability to operate and
22 maintain the levee should the variance be granted
23 because of the location of the existing structure
24 previously permitted by the State Reclamation
25 Board. Therefore, RD 1000 does not object to the

1 Board granting the requested variance."

2 --o0o--

3 STAFF ENGINEER JANOLO: CEQA findings and Water
4 Code 8610.5 considerations are all stated in the staff
5 report. And in the essence of time, I will skip through
6 this.

7 --o0o--

8 STAFF ENGINEER JANOLO: Staff recommendation.

9 Again, under normal circumstances, new dwellings
10 and additions would not be allowed to encroach in an area
11 where Board prohibits dwellings. In this application, the
12 existing dwelling was previously permitted under Board
13 Order 7236, and was granted a variance to be allowed a
14 setback of less than what is now required.

15 The addition is more than two feet above the
16 design floodplain as required by Title 23. Board staff
17 found no evidence indicating the project would cause
18 adverse impact to the State Plan of Flood Control.
19 Therefore, staff recommends the Board adopt Resolution
20 number 2011-07, which includes the following:

21 CEQA findings, finding of fact, approval of
22 Permit Number 7236-1 and to direct the Executive Officer
23 to take necessary actions to prepare and execute the
24 permit and related documents and to follow the Notice
25 Exemption with the State Clearinghouse.

1 --o0o--

2 STAFF ENGINEER JANOLO: And that concludes the
3 presentation. I'd be happy to answer any questions.

4 PRESIDENT CARTER: Let's hold questions for now,
5 ladies and gentlemen, and we'll invite the applicant to
6 come up and present their evidence.

7 MR. AFZAL: Yes. I'm Larry Afzal. I represent
8 Lawrence Cassidy.

9 Yeah, we concur with all the things that have
10 been said. The reason for it, as we, stated we wanted --
11 Mr. Cassidy wanted to build a downstairs master bedroom.
12 And that's what the reason for this whole project was.
13 His bedroom now is on the upstairs level. So with his
14 age, he's considering spending less time trying to -- in
15 the upstairs area, and he wanted to be downstairs. So
16 that's one of our reasons why we started this whole
17 process.

18 But other than that, we concur with all the
19 conditions that have been applied. We were un -- we were
20 unaware of the 10-foot setback when we started this
21 project. And, as you saw in the picture, that we're
22 extending it out along the existing footprint of the
23 building, which is in the 55-foot setback.

24 There hasn't -- I mean, if you have any questions
25 about it, I'll be happy to try and answer them for you.

1 PRESIDENT CARTER: Okay. Thank you very much.

2 Are there any members of the public that wish to
3 testify and present evidence on this particular project,
4 either for or against?

5 Hearing none. We'll go ahead and close the
6 public testimony portion of the hearing. And I'm going to
7 open it up, Board Members, questions of staff, of the
8 applicant.

9 Ms. Suarez.

10 BOARD MEMBER SUAREZ: Thank you, Mr. President.
11 I actually have -- this question is directed to Ms. Smith,
12 as much as it is to the staff.

13 And my question deals with how we're making these
14 sections work. We're -- it's bringing us a variance of
15 section -- to the standards in Section 113, yet Section
16 133 says that when the standards in section 133 are in
17 conflict, with those in 113, the Sections in 133 are the
18 ones to govern, that's what our regulations say.

19 So, if that's the case, it's a variance to that
20 section and not Section 113. So I'm -- because Section
21 113 is a clearout provision for this sort of thing. The
22 only reason we're even considering it is because we're
23 looking at the special regulations under Reclamation
24 District 1000. In there, there's permanent -- dwellings
25 are allowed if certain conditions are met, which is

1 inconsistent and in conflict with 113.

2 So I'm not sure -- I'm getting the feeling that
3 we're asking for a variance on the wrong section of the
4 code, so I'd like to get that clarified.

5 LEGAL COUNSEL SMITH: I did look at this and work
6 with staff on making sure we had the correct sections.
7 And I do believe that there is not a conflict. I believe
8 that 113 applies, in the case -- in this particular case,
9 because Section 133 -- 133(c), which discusses the 65-foot
10 setback area is silent on the issue of dwellings.
11 Dwellings are only raised in (b). So you have to apply
12 Section 113 to the issue of whether a dwelling can be
13 within that 65-foot setback. And that's why -- and 113
14 doesn't allow a dwelling within this area, and that's why
15 that's the section that you need a variance to.

16 BOARD MEMBER SUAREZ: But it only allows a
17 dwelling under two -- it's a provision unless two
18 conditions are met, and he just told us that those
19 conditions are not met.

20 LEGAL COUNSEL SMITH: Correct. That's why the
21 Board is being requested to approve a variance. If you
22 apply the provision, then it would not be allowed.

23 BOARD MEMBER SUAREZ: So you're asking us to
24 approve a variance to a prohibition to allow building in
25 an area?

1 LEGAL COUNSEL SMITH: Correct.

2 PRESIDENT CARTER: Any other questions, staff, or
3 the applicant?

4 Discussion?

5 Mr. Ramirez.

6 BOARD MEMBER RAMIREZ: Just one clarifying
7 question. I think I understood this finally when you made
8 your last comment. Initially the building that's there
9 now was permitted within 55 feet of the centerline. This
10 is just more new building within that same 55 foot
11 setback --

12 STAFF ENGINEER JANOLO: Correct.

13 BOARD MEMBER RAMIREZ: -- but it's not within the
14 65 feet, so we're not going towards the levee. It's just
15 parallel to it.

16 Thank you.

17 PRESIDENT CARTER: Any other questions, comments,
18 discussion?

19 Ladies and gentlemen -- Mr. Villines.

20 BOARD MEMBER VILLINES: Yeah. Just make sure I'm
21 getting this right, because I'm a little bit concerned,
22 and I just want to make sure based on the conversation
23 we're having. If we were to say yes, we're basically
24 saying, okay, this is a variance, and, yes, you can build
25 within the 55 feet, so how many times can this come back

1 to the Board. Again, are we prepared every time it comes
2 back to say yes?

3 BOARD MEMBER SUAREZ: Like it's done six times
4 before.

5 BOARD MEMBER VILLINES: Yeah. I'm just saying --
6 so I'm very apprehensive about supporting, and I just want
7 to kind of throw it out there, because it makes me
8 nervous, even though I understand from the applicant's
9 perspective, it was built before and permitted before, but
10 for us as a Board, we seem to be dealing with lot of
11 issues that are encroachment issues, and we're going back
12 to some people and saying you have to take things out or
13 you have to do something different. So this gives me a
14 lot of concern about saying yes to a project that knowing
15 isn't within the 65 feet, and doesn't have, you know, a
16 specific reason that we could say yes to.

17 PRESIDENT CARTER: Comments?

18 SECRETARY DOLAN: Mr. President.

19 PRESIDENT CARTER: Ms. Dolan.

20 SECRETARY DOLAN: The section dealing with
21 granting variance says that the applicant must clearly
22 State why the standards is infeasible and not appropriate.
23 And I've been giving a lot of things to read and to
24 understand in my last few weeks. Is there somewhere that
25 gives guidance as to what might be a special circumstance

1 to allow the variance or is that really just open each
2 time a request is made?

3 I saw this. It seemed like some of the comments
4 were the personal living needs of the homeowner. It's a
5 Baby Boomer. I can understand that. And then others
6 were, well, the original -- the dwelling itself to which
7 this is to be an addition already was given the allowance
8 within the 65 feet. This is just an extension. But Mr.
9 Villines comment is right on, in my opinion. If everyone
10 else comes forward with an addition, how do we apply our
11 standards?

12 But I guess my question is, is there somewhere it
13 gives me or the Board some more guidance as to what would
14 be a special circumstance for a variance? Did I miss it?
15 I didn't find it.

16 PRESIDENT CARTER: Ms. Smith, do you want to
17 comment on that, please?

18 LEGAL COUNSEL SMITH: There currently is not that
19 I'm aware of, in terms of a written -- either a
20 regulation -- I believe this is one of the areas that we
21 may be clarifying in the Tier 2 regulations.

22 PRESIDENT CARTER: Any other questions or
23 comments?

24 SECRETARY DOLAN: Yes, I do have another one,
25 please. Do I understand correctly that the prior owner,

1 prior to this current applicant, there was a permit
2 request with an addition that did meet the 65 foot, but it
3 was never constructed? Did I get that right? And this is
4 a new design.

5 STAFF ENGINEER JANOLO: Yes, that's correct.
6 That was Permit number 16197. The plans submitted with
7 that application did show that the addition was going to
8 be setback to the required 65-foot setback.

9 SECRETARY DOLAN: So the design, at that time,
10 didn't place that proposed addition over the septic
11 system, but --

12 MR. AFZAL: The previous application that was
13 approved was for this same area that we're working on now.
14 It was in the 55-foot setback. The previous one that was
15 issued to the previous owner.

16 SECRETARY DOLAN: The one in 1994?

17 MR. AFZAL: Yes.

18 SECRETARY DOLAN: I'm hearing you two saying
19 different things.

20 PRESIDENT CARTER: Is it 65 or is it 55?

21 STAFF ENGINEER JANOLO: No. Let me clarify
22 again. The plan submitted with that application for
23 Permit number 16197 showed that the addition was setback
24 properly to the 65-foot setback requirement. Now, I
25 didn't review that application at that time. I don't know

1 if they went out there and verified that there was going
2 to be any impact to the existing septic permit -- or
3 septic system, should it be set back of 65 feet. I can't
4 answer to that.

5 But when staff reviewed that permit and compared
6 it to the new plans submitted for this application, we
7 determined that it was not going to meet the 55-foot
8 setback. Therefore, the Permit number 16197 would not be
9 valid for this application.

10 BOARD MEMBER VILLINES: Because it was within the
11 65?

12 STAFF ENGINEER JANOLO: Yes, Permit 16197 was.
13 And I do believe that under one of the conditions in
14 Permit 16197 states that this permit is only valid with
15 the submitted plans at that time.

16 PRESIDENT CARTER: Ms. Rie.

17 VICE-PRESIDENT RIE: This is a question for
18 staff. What is the basis of the 65 feet? You know, what
19 does that mean? If we approve something at 55 feet, is it
20 going to impact some sort of levee toe or levee drain. I
21 mean, does it impact anything? Does it penetrate the
22 levee or, you know, what does that 65 foot mean, in this
23 case in particular?

24 STAFF ENGINEER JANOLO: I believe the 65-foot
25 setback initially originated from the special encroachment

1 standards for the Reclamation District 1000, which was
2 back in, I believe, '68. When the Board adopted the RD
3 1000 encroachment standards as part of the Board standards
4 in '68, they made a part -- they made it a Section 133.
5 And the purpose of the 65-foot setback is to provide
6 sufficient setback for operation and maintenance for the
7 District, should there be a need to -- for a flood fight
8 or for annual maintenance.

9 VICE-PRESIDENT RIE: And to follow-up on that.
10 So with the current structure at 55 feet is operation,
11 maintenance, flood fighting, is any of that impacted due
12 to the fact the structure is at 55 rather than 65 feet?

13 STAFF ENGINEER JANOLO: RD 1000 wrote a letter to
14 the Board staff clarifying their position should a
15 variance be granted to this addition. And in that letter,
16 they stated that not only do they not have objection to
17 this addition, but they do not see any problems as far as
18 operating and maintaining the levee, should this variance
19 be granted.

20 BOARD MEMBER VILLINES: Mr. President, can I ask
21 a question.

22 PRESIDENT CARTER: Mr. Villines.

23 STAFF ENGINEER JANOLO: Mr. Paul Devereux is here
24 with Reclamation District 1000.

25 BOARD MEMBER VILLINES: Can I ask a quick

1 question as you're coming up, Mr. Devereux?

2 Maybe -- and I don't know how this affects us.
3 It may not change my opinion of my original statement, but
4 if you came back with a recommendation to change your
5 policy that apparently you set in '68 - not you personally
6 obviously - but it was RD 1000 in 1968 that used or talked
7 about this 65-foot setback, I'm sorry. So are you guys
8 willing to say that we'll just go to 55 feet up and down
9 our whole district?

10 MR. DEVEREUX: Mr. Carter, members of the Board,
11 Paul Devereux, General Manager, Reclamation District 1000.

12 Just a couple. To reply to Ms. Rie's first is we
13 say in this instance because there is an existing dwelling
14 that already encroaches in the 55-feet, there wouldn't be
15 an impact to our operations and maintenance of the levee
16 or flood fight capability, because we already have a
17 structure that's 55 feet.

18 If this were a new property, I think the answer
19 from our district would be very different. And that kind
20 of gets to Mr. Villines' question is -- and I don't know
21 where the 65-feet originated. I assume it was some
22 reasonable distance that engineers decided was, you know,
23 if you're at least 65 feet back, you won't be affecting
24 the levee in the operations and maintenance. And then 150
25 feet was, as long as you go past that, you won't be

1 affecting the hydraulics of the river, so I think that was
2 kind of how that section was carved out.

3 But I will say that, for instance, if this
4 application today were to remove this house and build a
5 new house in place, if that was the application, I think
6 our District's recommendation would be different from what
7 you see today. It's specific to this property, because an
8 existing variance was granted to the 55 feet that we don't
9 object to the extension of the structure.

10 PRESIDENT CARTER: Thank you very much, Mr.
11 Devereux.

12 Questions, comments?

13 BOARD MEMBER SUAREZ: Yes.

14 PRESIDENT CARTER: Ms. Suarez.

15 BOARD MEMBER SUAREZ: Is the Corps still here?
16 Ms. Nagy, are you here?

17 Hi. I'm looking at the letter that we received
18 from the Corps, and I'd like to -- and I understand you
19 have some permit conditions that you suggest. But I'm
20 curious towards the end of your letter, you have a
21 paragraph that starts with, "From a human safety, health,
22 and welfare standpoint, the proposed project is located on
23 the waterside of the federal flood risk management levee,
24 and therefore may be subject to flooding and/or flood
25 damage. The Corps of Engineers strongly discourages

1 development within known flood hazard areas. Structures
2 within the floodway increases risk of both property and
3 human life."

4 And I was wondering how you -- if you could
5 reconcile that paragraph with your support of this
6 application?

7 MS. NAGY: Sure. Meegan Nagy, Army Corps of
8 Engineers, Sacramento District. And I would not call our
9 letter support. I would call it no objection, which, in
10 our minds, is very different.

11 But, you know, we have -- building habitable
12 structures on the waterside of the levee is dangerous. It
13 puts people in harm's way. And so generally it's not
14 allowed. We realize that there are sections of the river
15 where the Board has previously allowed certain structures.

16 In this case, the structure is already there. I
17 don't think we're going to require anybody to go remove
18 the structure right now. So it's not adding any people to
19 the floodway than already exist right now.

20 That said, we do want to make it very clear that
21 there are risks. And we want to make sure that an
22 applicant realizes when they live there, there are risks,
23 and they may get flooded. And so it's more of an
24 awareness thing, in this case, for us.

25 Does that answer your question?

1 BOARD MEMBER SUAREZ: Thank you.

2 PRESIDENT CARTER: Any other questions, comments?

3 If I might just make one comment. I think that
4 the lack of guidance on some of the regulations
5 essentially means that it's up to the discretion of the
6 Board as to how it applies the regulations and guidance it
7 has. And that may vary depending on who's sitting up here
8 from time to time.

9 For me, as a Board member, the ultimate
10 considerations are for public safety and protecting the
11 system. To the extent that a project doesn't impact
12 public safety and doesn't impact the system from an
13 operation, maintenance or even a potentially -- a
14 potential improvement perspective, that's a reason for me
15 to support an applicant and to support someone who wants
16 to do something with their private property that happens
17 to be in our jurisdiction. So that's just a perspective
18 for what it's worth.

19 So, ladies and gentlemen, what's your pleasure?
20 Anymore discussion? Anymore questions?

21 If not, we'll entertain a motion.

22 Do you want to recess, deliberate?

23 VICE-PRESIDENT RIE: I'm going to go ahead and
24 give it a shot.

25 PRESIDENT CARTER: Okay.

1 VICE-PRESIDENT RIE: Okay. I move to approve
2 Resolution 2012-07, Encroachment Permit 7236. Wait, I'm
3 sorry, that's the wrong one isn't it. Oh, that's right.
4 Okay. Is that the Permit number 7236-1?

5 EXECUTIVE OFFICER PUNIA: Yes.

6 VICE-PRESIDENT RIE: Yeah. It looks like we have
7 a new numbering system. But anyway, so I move to approve
8 staff's recommendation.

9 PRESIDENT CARTER: Okay. We have a motion to
10 approve staff's recommendation and approve Resolution
11 2012-7 regarding Encroachment Permit number 7236-1.

12 Is there a second?

13 BOARD MEMBER EDGAR: I would second that.

14 PRESIDENT CARTER: There is a second.

15 Any discussion?

16 Does staff have any comment on the Board's
17 proposed motion?

18 STAFF ENGINEER JANOLO: No.

19 PRESIDENT CARTER: Does the applicant have any
20 comment on the Board's proposed motion?

21 MR. AFZAL: No.

22 PRESIDENT CARTER: Okay. No discussion?

23 Mr. Punia, would you call the roll.

24 EXECUTIVE OFFICER PUNIA: Board Member Jane
25 Dolan?

1 SECRETARY DOLAN: Ayes.

2 EXECUTIVE OFFICER PUNIA: Board Member Tim
3 Ramirez?

4 BOARD MEMBER RAMIREZ: Aye.

5 EXECUTIVE OFFICER PUNIA: Board Vice President
6 Teri Rie?

7 VICE-PRESIDENT RIE: Aye.

8 EXECUTIVE OFFICER PUNIA: Board Member Mike
9 Villines?

10 BOARD MEMBER VILLINES: No.

11 EXECUTIVE OFFICER PUNIA: Board Member Emma
12 Suarez?

13 BOARD MEMBER SUAREZ: No.

14 EXECUTIVE OFFICER PUNIA: Board Member Bill
15 Edgar?

16 BOARD MEMBER EDGAR: Aye.

17 EXECUTIVE OFFICER PUNIA: Board President Ben
18 Carter?

19 PRESIDENT CARTER: Aye.

20 So the motion carries. That was 5 to 2, is that
21 correct?

22 Mr. Villines?

23 BOARD MEMBER VILLINES: No.

24 PRESIDENT CARTER: You voted no. 5 to 2.

25 Thank you very much. Thank you, ladies and

1 gentlemen.

2 STAFF ENGINEER JANOLO: Thank you.

3 BOARD MEMBER EDGAR: Mr. Carter, somebody
4 mentioned, I think Ms. Dolan mentioned, that we -- or
5 maybe our attorney did, that we're in the process of these
6 Tier 2 regulations on the Code. And it seems to me that,
7 at least from my experience, I'm used to a more explicit
8 criteria for a variance. You know, just local planning
9 commissions and so on are -- set forth from their code
10 certain specific criteria that you're allowed to have. If
11 you don't meet those or don't come anywhere close, then
12 you can't just do what you do.

13 What we have now, since we don't have those Tier
14 2 regulations in place, we have a regulation, but we can
15 do what we did today, and we can just vote to ignore it or
16 do something else. And that doesn't seem to make a lot of
17 sense. So we're going to have to some sort of a, you
18 know, pretty strict criteria -- legal criteria for those
19 variance procedures, I would think, Debbie.

20 LEGAL COUNSEL SMITH: It would be my
21 recommendation to make some clarifications to that
22 section, indeed.

23 BOARD MEMBER EDGAR: Okay.

24 PRESIDENT CARTER: Thank you. Mr. Ramirez.

25 BOARD MEMBER RAMIREZ: Make it a point just to

1 echo Bill's comments, at least for the moment. I just --
2 that wasn't a motion, but I'll second his comments,
3 because I think that would be very helpful. And I think
4 absent that information, I think -- and you said it well,
5 in terms of the information we have in front of us from
6 both the local reclamation district and the Corps and our
7 staff. And I think for those reasons, at least for me,
8 that was the support, in my mind, for my position.

9 But I think it would be good to flesh these out,
10 so we've got our own guidance that anybody could lean on
11 and use, which would help the applicants as well, I think.

12 PRESIDENT CARTER: Good point. Good point.

13 Thank you very much.

14 All right. Let's move on to Item 10. This is
15 Board sponsored projects and study agreements. This is to
16 recommend selecting the National Economic Development Plan
17 as a tentatively selected plan for the Yuba River Basin
18 Project General Reevaluation Report, or GRR, as it's
19 commonly referred to.

20 (Thereupon an overhead presentation was
21 Presented as follows.)

22 PRESIDENT CARTER: Mr. Escutia, good morning.
23 Welcome.

24 MR. ESCUTIA: Thank you. Good morning, President
25 Carter, Board members. My name is Efrain Escutia. And I

1 am working on behalf of the Board on a Board project,
2 which is the Yuba River Basin Project General Reevaluation
3 Report.

4 With me is Mr. Tom Engler with the Yuba County
5 Water Agency and Mr. Jeremy Goldberg with the Department
6 of Water Resources Legal Office.

7 --o0o--

8 MR. ESCUTIA: I am here to ask the Board to
9 consider approval of Resolution 2012-2, to approve
10 submitting a letter to the U.S. Army Corps of Engineers
11 requesting the national economic development plan be
12 selected as the tentatively selected plan for the Yuba
13 River Basin Project General Reevaluation Report, and to
14 delegate to the Board Executive Officer the authority to
15 execute the letter.

16 --o0o--

17 MR. ESCUTIA: This letter can be found in
18 Attachment B of your board packet, Item 10A. The sponsors
19 are the U.S. Army Corps of Engineers, the Central Valley
20 Flood Protection Board, and the Yuba County Water Agency.

21 --o0o--

22 MR. ESCUTIA: The GRR study area is located in
23 Yuba County along the Yuba, Feather, and Bear Rivers and
24 the Western Pacific Interceptor Canal.

25 --o0o--

1 MR. ESCUTIA: The GRR is an evaluation of what
2 the Corps would have constructed had the State and local
3 partners not constructed the projects within the GRR's
4 area. Initially, the locally preferred plan was being
5 pursued as the tentatively selected plan, but the
6 Assistant Secretary of the Army, Civil Works would not
7 support the plan, because the benefit-cost analysis
8 included portions of the Plumas Lakes development in Yuba
9 County.

10 --o0o--

11 MR. ESCUTIA: The Assistant Secretary of the Army
12 believes that the Plumas Lake development was in a
13 floodplain at the time and should not be part of the
14 benefit-cost analysis. It was this action that
15 necessitated selection of the National Economic
16 Development Plan

17 --o0o--

18 MR. ESCUTIA: The NED is supported by the State,
19 the local sponsors. And the Assistant Secretary of the
20 Army has indicated her support through Corps staff.
21 Selection of the NED will ensure meeting the immediate
22 needs of the non-federal sponsors by providing federal
23 credit from the advanced construction to complete the
24 Marysville Ring Levee project, a separate element of the
25 GRR, and minimize the funds required by the non-federal

1 here.

2 MR. ESCUTIA: That's this one right here.
3 It's the contents of the letter where it's, the second
4 paragraph. It states, "The selection of the NED will
5 ensure...", and it covers all the benefits and why it's
6 supported by the local sponsors, the State, and the Board.

7 SECRETARY DOLAN: Thank you.

8 PRESIDENT CARTER: Any other questions?

9 Ms. Rie.

10 VICE-PRESIDENT RIE: Okay. So after we send the
11 letter to Colonel Leady, are we going to come back later
12 and enter into an agreement?

13 MR. ESCUTIA: No. This is just part of the
14 process of developing the General Reevaluation Report. We
15 were 75 percent complete. It was identifying the locally
16 preferred plan. But then the Secretary of the Army, Civil
17 Works would not support it. So since the report
18 identified two plans, NED and the LPP, we are now -- we
19 would like to pursue the NED.

20 VICE-PRESIDENT RIE: Okay. Thank you.

21 PRESIDENT CARTER: Go ahead, Mr. Ramirez.

22 BOARD MEMBER RAMIREZ: This might be the same
23 question asked a different way. Is that the reason that
24 tentative is in the title of the selected plan?

25 MR. ESCUTIA: Oh, no. That's --

1 BOARD MEMBER RAMIREZ: What makes it tentative
2 and when does it become final?

3 MR. ESCUTIA: That's the Corps terminology. It's
4 in federal law. The standard Corps procedure is the
5 projects -- the reevaluation reports start out -- there's
6 the choices of the Locally Preferred Plan, and the NED
7 which are normally identical, and then those -- once
8 those -- once they're selected, it becomes the tentatively
9 selected plan, and that's how the law identifies which one
10 was selected.

11 BOARD MEMBER RAMIREZ: Okay. I was just in need
12 of a reminder of my old Corps vernacular, which maybe I
13 need a refresher. I wasn't sure if this was unique to
14 that or just part of what otherwise would have happened
15 anyway. It sounds like in the grand scheme of things,
16 there was a plan. It's not supported by the Corps, so we
17 adopted the -- we're proposing to adopt the other version
18 and continue to work through this. But everybody, local,
19 State, federal, at this point, is on the same page.

20 DWR FLOOD PROJECT OFFICE ACTING CHIEF SABBAGHIAN:

21 My name is Michael Sabbaghian. I'm the Acting
22 Flood Project Office Chief. It is -- the term tentative
23 is, is because it's not final. Afterward, there's going
24 to be a Chief's report issued, which will be certified by
25 the Chief Engineers of the Corps, and then it will be

1 given to Congress for authorization. That's when it's
2 considered final. So it is still considered tentative
3 till all that happens.

4 BOARD MEMBER RAMIREZ: I'd ask the Executive
5 Officer for my Corps acronym documents probably about yea
6 thick, but clearly I need a refresher on some of those
7 acronyms.

8 EXECUTIVE OFFICER PUNIA: Okay. Yeah, we will.

9 BOARD MEMBER RAMIREZ: Thank you.

10 PRESIDENT CARTER: It's a steep learning curve.

11 BOARD MEMBER RAMIREZ: I've got 84 acronyms in my
12 head still, but this one, in particular, escaped at some
13 point in time.

14 PRESIDENT CARTER: Any other questions for staff?

15 VICE-PRESIDENT RIE: I move to approve Resolution
16 2012-02.

17 PRESIDENT CARTER: We have a motion to approve
18 Resolution 2012-02. Is there a second?

19 BOARD MEMBER VILLINES: Second.

20 PRESIDENT CARTER: We have a second from Mr.
21 Villines.

22 Any discussion?

23 Mr. Punia, would you call the roll.

24 EXECUTIVE OFFICER PUNIA: Board Member Mike
25 Villines?

1 BOARD MEMBER VILLINES: Aye.

2 EXECUTIVE OFFICER PUNIA: Board Member Emma
3 Suarez?

4 BOARD MEMBER SUAREZ: Aye.

5 EXECUTIVE OFFICER PUNIA: Board Member Bill
6 Edgar?

7 BOARD MEMBER EDGAR: Aye.

8 EXECUTIVE OFFICER PUNIA: Board Member Jane
9 Dolan?

10 SECRETARY DOLAN: Aye.

11 EXECUTIVE OFFICER PUNIA: Board Member Tim
12 Ramirez?

13 BOARD MEMBER RAMIREZ: Aye.

14 EXECUTIVE OFFICER PUNIA: Board Member Teri Rie?

15 VICE-PRESIDENT RIE: Aye.

16 EXECUTIVE OFFICER PUNIA: Board President Ben
17 Carter?

18 PRESIDENT CARTER: Aye.

19 Motion carries unanimously.

20 Thank you very much.

21 All right, ladies and gentlemen, let's see. We
22 have a little bit of time before the lunch break. What I
23 would like to do, what I'd propose to do is try and cover
24 some of the closed session business ahead of lunch.
25 Perhaps we can take care of all of it, and that way we

1 won't be pinched in the afternoon with the comments for
2 the Central Valley Flood Protection Plan. Is that okay
3 with everyone?

4 Okay. So if we may, we would like to excuse the
5 members of the public and staff that are not involved in
6 the closed session discussions. We will reconvene here at
7 one p.m. for our afternoon agenda. So I look forward to
8 seeing you all at one.

9 Thank you very much.

10 And just as an announcement for those of you who
11 can't make it back at one, the afternoon session will be
12 webcast. And information for linking and registering for
13 that is on our website [www.cvfpb](http://www.cvfpb.ca.gov) so forth and so on --
14 [.ca.gov](http://www.cvfpb.ca.gov).

15 Thank you very much.

16 (Thereupon the meeting recessed
17 into closed session at 11:26 a.m.)

18 (Thereupon the meeting reconvened at 12:08 p.m.)

19 PRESIDENT CARTER: Okay. Coming out into open
20 session at this point. I just want to announce that the
21 Board discussed litigation as agendized on today's
22 published agenda, and the Board gave direction to its
23 staff to act accordingly.

24 And with that, we will take our lunch recess and
25 be back here at one o'clock.

1 Thank you.

2 (Thereupon a lunch recess was taken
3 at 12:08 p.m.)

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1 request form, so that we know to acknowledge you and
2 acknowledge you by name. And for those who are on the
3 web, you can submit your comments in writing via the
4 Board's website, which is
5 www.cvfpb.ca.gov/cvfpp/index.cfm. So if you can all
6 remember that.

7 (Laughter.)

8 PRESIDENT CARTER: Forms -- speaker forms are
9 available at the table at the entrance to the auditorium.
10 They're also available down here from Ms. Amber Woertink
11 should you decide at a later time to after you've entered
12 the auditorium to speak, but we do ask that you fill those
13 out.

14 What we'll do this afternoon is I will call
15 people and ask them to address the Board. I'll invite
16 them up. Please come up to the dais. Please introduce
17 yourself for the record, indicate if you're representing a
18 particular organization, which organization that it is.
19 And what I'm going to do to try an expedite the process is
20 I will call two names. There will be a person who is up
21 and one who is on deck.

22 And so if you're on deck, if you can extricate
23 yourself from the auditorium seating and come up, and
24 we'll be able to move through those quicker. We do want
25 everyone to have an opportunity to address the Board on

1 this important effort.

2 Many of you have already submitted detailed
3 comments regarding focus areas via our website. You're
4 invited to summarize your comments today. We will review
5 all of the written comments that are submitted via the
6 website or mailed into the office. So rest assured that
7 that will happen.

8 For those that haven't submitted written
9 comments, we invite you to do that. That serves as a
10 permanent public record that helps us in terms of our
11 review of the plan and determining which areas are most
12 appropriate to focus on.

13 We do ask that you submit your comments prior to
14 April 20th. Let me remind everyone, the Board will
15 hold -- in addition to today's discussions, we'll hold
16 four public hearings in early April to address focal
17 points from the stakeholders, address the CEQA and staff
18 technical findings. The hearings will cover, as required
19 by law, the Sacramento region and the San Joaquin regions.
20 And those will be held on April 5th and April 6th
21 respectively.

22 In addition, we will hold hearings in the Butte
23 Sutter region on April 9th. We'll also hold a fourth
24 hearing, the North Delta Yolo Bypass region, on April
25 11th. So details regarding the times and specific

1 locations are forthcoming. So stay tuned for that.

2 So if there are no questions about process, then
3 we will go ahead and launch. And I will call the first
4 couple speakers.

5 Mr. Greg Zlotnick, and on deck Mr. John Gardner
6 -- John Garner.

7 MR. ZLOTNICK: Thank you, Mr. Chairman, Board
8 members. My name is Greg Zlotnick. I represent the State
9 and Federal Contractors Water Agency, which is basically
10 the State Water Project contractors and federal Central
11 Valley Project contractors that receive their water south
12 of the Delta from the export projects.

13 I'm here today to both commend DWR on the report.
14 It was an excellent start. And we are very interested in
15 engaging with you and with DWR as this moves forward. The
16 issues we're particularly interested in are the bypasses
17 within both north and the southern Delta, and the issue of
18 multipurpose projects related to that.

19 And sort of involved in all that is coordination
20 and potential collaboration on the Bay Delta Conservation
21 Plan, which is also looking at those areas. And then, of
22 course, the Delta plan that the Delta Stewardship Council
23 is working on. While your jurisdiction does not go into
24 the Central Delta as theirs does, they also overlap with
25 you though in the northern and southern parts of the Delta

1 where your jurisdiction does extend. And I know they're
2 looking at these issues as well.

3 And so coordination on that and consistency with
4 the co-equal goals of State policy are the areas that we'd
5 be most interested in having you be sure to cover as you
6 go forward. And, of course, particularly is as the
7 conservation framework, which is now in place, moves into
8 the conservation strategy over the course of, I guess, the
9 next year or so, we'll also be engaged in that and to
10 think how that moves forward with your plan is going to be
11 very important as well.

12 And with that, I thank you for your
13 consideration.

14 PRESIDENT CARTER: Thank you, Mr. Zlotnick.
15 Mr. Garner and then Ms -- Mr. or Ms. Chris
16 Scheuring.

17 MR. GARNER: My name is John Garner. And
18 although I'm a director of the Colusa Basin Flood Control
19 District and the Colusa County Farm Bureau, I'd like to
20 speak today more as a farmer. I grow rice and walnuts.
21 Our farm is in the floodplain. And so many times when we
22 hear about agricultural ground, it's not necessary -- it's
23 not given the same importance in flood protection. And we
24 recognize the value in the urban areas and how important
25 it is to reach that 200-year protection, but we feel a

1 little bit slighted in the rural areas when we look at our
2 farms.

3 And the story I like to tell is our farms -- I
4 look at my farm as no different than a Ford factory that
5 produces cars. You know, ours looks open space. And the
6 reality of it is, it just looks like a piece of ground
7 sitting out there, but we have invested millions of
8 dollars in our infrastructure, irrigation systems to
9 provide the produce out of California that feeds, you
10 know, much of the -- well, it feeds a lot of the United
11 States, but Canada, Mexico, and the Pacific Rim.

12 And I just -- to have it anymore threatened or
13 less protected than another area, just doesn't seem right
14 to me, particularly when you look at what we do for
15 habitat, and wildlife that we support on our farms. And
16 if we happen to lose an acreage on a flood event, then we
17 also lose the habitat, because we don't go ahead and use
18 the irrigation water.

19 The other part of it is, is when we're talking
20 about expanding bypasses and doing that kind of planning,
21 it's taking more agricultural ground out of production.
22 And as any industry is, is we reduce our size, as far as
23 our participants and growers. We also reduce our ability
24 to economically stay viable. You know, if the acreage
25 decreases enough all of a sudden the big equipment dealers

1 leave, the fertilizer people leave, and the service, like
2 airplanes, crop dusters, have to charge more because
3 they're dealing with less.

4 And so it's the ramifications of allowing the
5 urban -- or the ag areas just to be good enough with a
6 hundred year production is just not acceptable. And so
7 we'd like to be considered as equal, in terms of what we
8 receive.

9 The history has shown that we've repaired
10 weaknesses in our levee system. We've also maintained our
11 bypasses. And the system can work pretty well, maybe
12 better than pretty well, if we don't allow jungles to grow
13 up in our bypass system, rather than to just decrease the
14 size of our bypass system and then allow more habitat --
15 or more foliage going in there. I'm not against habitat,
16 but it can be managed to allow for maximum flood flows.

17 And so I heartily hope that you look at the
18 system, maybe return to a time when we maintain the bypass
19 systems to where they're functioning as they were meant to
20 be and we'd reduce some of the more risk on the urban
21 areas.

22 Another thing that we need to -- I would ask you
23 to be more proactive about is some of the retention basins
24 and -- I'm speaking now as the Colusa Basin Flood Control
25 District Director. Some of the retention basins that

1 we've proposed and actually have them on the drawing board
2 in north, in Glenn County, also the Sites Reservoir and
3 all these things would have a dramatic impact on an event
4 like occurred in 1986, when you had these tremendous
5 spring rains and all that water came down and headed out
6 toward the Yolo Bypass. And because of the outflows, at
7 that point in time, it puts more pressure on the Yolo
8 Bypass, and our water then backs up from the ridge cut
9 back up into Colusa county and damages more property.

10 One would say, well, that happened before, and
11 you guys handled it. FEMA came in, at that time, and
12 really helped the counties by offering millions of dollars
13 extra to repair roads, bridges, and all the damage that
14 was done to infrastructure.

15 FEMA informed us, at that time, is that we're not
16 going to keep doing that. And so by allowing more flood
17 waters to back up in the Yolo Bypass and then to back up
18 through our area, you're really putting us in a bad
19 situation.

20 So I would take a look at that history and see
21 what the indirect affects are on our community and our
22 industry. Actually, if you want to know, it's one of the
23 only industries that gives the economy of California a
24 non-deficit. It actually adds to the economy of
25 California.

1 I think that just about covers it, and I
2 appreciate the opportunity to speak in front of you.

3 Those hearings are good. You're having this one
4 in February. The one you're having in April, I'd hope
5 that more farmers would show up today, but not everybody
6 is aware of what's going on and the ramifications that
7 could have on their own farms. But having hearings in
8 April are really tough. I mean, we're farming then.
9 We're out there doing our jobs. And so maybe it would
10 work better if you came into our area, rather than us to
11 have to come down here and pay \$50 for a tank of gas and
12 20 bucks for parking.

13 So at any rate, I don't know how you fix that,
14 but thank you.

15 PRESIDENT CARTER: Thank you, Mr. Garner.

16 Mr. Scheuring. And following Mr. Scheuring will
17 be Mr. Miramontes, Tim Miramontes.

18 Good afternoon, welcome

19 MR. SCHEURING: Thank you, Mr. Chair -- Mr.
20 President, members of the Board. I am Chris Scheuring and
21 I am appearing on behalf of the California Farm Bureau
22 Federation, the State organization. My family also farms
23 in Yolo county.

24 As you know, The Farm Bureau has got thousands of
25 members in your planning area. And I'd like to thank

1 you -- or thank the Board for the opportunity to appear on
2 their behalf and provide you with these focus comments. I
3 want to start by saying that we recognize that the Board
4 has a statutory responsibility of adopting a flood plan by
5 July 1st, and there are constraints within the legislation
6 on what that flood plan has to have inside it. We
7 understand that.

8 We also recognize that the folks at the
9 Department of Water Resources have put a lot of good
10 effort into the draft flood plan that is in front of you.
11 And we also recognize that ag, as much as anybody else,
12 generally benefits from flood protection under general
13 circumstances.

14 That being said, my sort of 30,000-foot level
15 impression of this plan is that there is much good in it
16 for the environmental community in terms of habitat and so
17 forth, there is much good in it for the urban community,
18 in terms of sort of upgraded protection to 200-year level
19 of flood protection.

20 But for ag, we feel like we're holding the bag on
21 this one. We're a little bit worried about it. It seems
22 as if ag is the canvass upon which we are going to paint
23 here. And that's, I think, why you're going to hear from
24 some of us today.

25 I hope I'm wrong about that, but the numbers

1 associated just with the concept of conversion of ag lands
2 here, as part of the levee setbacks and the expanded
3 floodways bypasses are pretty large. Forty thousand
4 acres -- 35,000-40,000 acres are going to be additional
5 acres, probably mostly very prime ground, is going to be
6 burdened at least under the expansive alternative or
7 approach that's in this flood plan.

8 About 10,000 acres of that is going to be
9 permanently converted, as I understand, meaning loss to
10 agricultural production. And those are some pretty big
11 numbers, particularly for prime ground. It's hard for me
12 as the Farm Bureau's lawyer to get really kind of worked
13 up about the next big box project that converts a hundred
14 acres, when we're talking about a magnitude like this.

15 So I think the agricultural community has some
16 really legitimate concerns on a system level about how
17 this flood plan develops.

18 As far as suggestions for the focus -- the draft
19 flood plan, I think you should probably start by looking
20 through the lens of funding, what's achievable in funding
21 terms. I think that's acknowledged as one of the open
22 questions about this very expansive plan, at least the
23 ambitious alternative, but funding is probably going to
24 drive what's achievable, so I would start there.

25 With respect to the conversion of agricultural

1 lands, which are what my folks are worried about, I would
2 want you to take a look at all the issues associated with
3 that. Something like 75 percent of this thirty-five or
4 forty thousand additional acres is going to remain
5 farmable. I'd like to drill into -- on what terms they
6 will remain farmable, by who, what sort of practices? I
7 mean, I would imagine it's similar to what's going on
8 currently within bypasses, but that's an important
9 discussion to have.

10 I think we need a more particularized level of
11 detail too with respect to the lands that are going to
12 be -- the additional lands that are going to be inundated
13 as part of the expanded bypasses and so on. I could take
14 a pretty good guess -- and most farmers could probably, if
15 you asked them, could take a pretty good guess at it.

16 But what we really have, at this point, is just
17 sort of big blue arrows, kind of a large-scaled map. And
18 a lot of farmers, it's difficult for them to respond to
19 kind of an amorphous sort of Sacramento document. But if
20 you sent them something in the mail, and they can go, "Oh,
21 wow, I'm going to be under water", they'll come and see
22 you. So I think it's really important to bring them into
23 the discussion.

24 Also be mindful that April, which is when I think
25 your outreach meetings are being held, April is a pretty

1 tough month for farmers. So extra efforts to get farmers
2 here are going to be important, because I know my dad's --
3 my dad can't even remember my name in the month of April.
4 So farmers are going to be busy at that time. And I think
5 that it's critical to do the outreach to get them here.

6 With respect to -- you know, I'd like you to take
7 a hard look at the alternatives, what reduced impact
8 options do you have, you know, that -- the flood -- the
9 draft plan appears to carve out two other approaches, but
10 it doesn't like them. Kind of the preferred approach is
11 the big, expensive, ambitious approach.

12 If you're inclined in that direction, we should
13 at least discuss some sort of reduced scope thing. So I'm
14 interested in alternatives. I'm interested in a
15 discussion about mitigation. How do we mitigate in CEQA
16 terms or just general terms for the conversion of lots of
17 farm land.

18 And then my members would want me to ask you
19 about the spill-over impacts of habitat protection, 10,000
20 acres of new habitat, probably largely in sort of
21 riparian-type settings. You know, what are the species
22 concerns with that.

23 And there's also -- I'm trying to get my arms
24 around the idea of increased vegetation in some of the
25 floodways, is that consistent with channel capacity?

1 Those are the things I'm interested in.

2 I just have two more. Ag levees and funding and
3 how do the ag levees come out of this? I think you'll
4 probably hear from some folks later on this. I don't
5 totally understand this, but I have heard this concept of
6 ag being a de facto sort of transitory storage for flood
7 waters, and I'm concerned about that as we go forward to
8 July 1st.

9 And then finally, a subject near and dear to my
10 heart, there's some discussion about reservoir reoperation
11 in the document, and how it's possible to kind of
12 reoperate some of these reservoirs to provide increased
13 flood buffers. I think that's great, to the extent that
14 it doesn't have adverse impacts on storage, because
15 usually those two concepts are at odds with each other.

16 I would like further exploration of that. And
17 I'd be interested in to see if you, in the document, in a
18 meaningful sense could call for additional storage, which
19 The Farm Bureau believes is very necessary in California.

20 So with that, I'll end my talk. And I thank you
21 for the opportunity to comment today.

22 PRESIDENT CARTER: Thank you, Mr. Scheuring.

23 Mr. Miramontes and then Mr. Tom Ellis.

24 MR. MIRAMONTES: Thank you. I'm Tim Miramontes
25 Yolo county farmers. And I do farm inside the bypass

1 already, and it is a tough operation to be able to do that
2 by you expanding -- trying to expand the bypasses, where I
3 farm in the bypass, it's going to make it almost
4 impossible. The flood waters are going to stay on longer.
5 We're not going to be able to get crops in.

6 Also, by putting more farm ground into the
7 bypass -- a new bypass expansion, you're going to lower
8 the land values for the counties, which are already
9 hurting for money. I know our county is kind of upset
10 that they weren't brought in on this -- supposedly brought
11 in on this expansion of all the bypasses and the
12 floodways.

13 As California grows, we do need to be able to
14 control these waters and whatnot. But I'm not sure if the
15 expansion is the right way to do it with looking at how
16 these bypasses are maintained. There is a lot of
17 vegetation that is going that is putting pressure back up
18 in the rivers, and not letting the waters flow through
19 like they're supposed to.

20 I farm just south of the Fremont Weir, where you
21 want to widen it a mile, and those trees are 20, 30 feet
22 tall, and all the way across the weir. How is water
23 supposed to flow into this weir -- into this bypass
24 system, if it cannot get in because of trees and sediment
25 buildup.

1 With further expansion, where is the money going
2 to come to keep these bypass systems maintained. Farming
3 is the best way to do it. But as we're seeing, Sutter
4 Bypass, Tisdale Bypass, Yolo Bypass is starting to turn in
5 the same way. The vegetation is overgrown. It's a big
6 concern for anyone that is around the areas further up
7 northward. The water is backing up and putting more
8 pressure on the levees.

9 As Chris said, there's approximately 10,000 acres
10 of habitat that is proposed in this concept, and 30,000
11 acres going inside the bypass. But you have to consider
12 the 17 -- the 20,000 acres that the BDCP is trying to add
13 in for their fisheries projects, which you guys are aware
14 of and communicating back and forth with.

15 So that's bringing the total up to nearly 60,000
16 acres of farm ground that could be lost. That is a huge
17 chunk for the north State. And Yolo county has taken a
18 big brunt of that.

19 I started off going to the forums that were put
20 on for the past couple years. And it was a tough thing to
21 deal with. It was during our busy time. Most farmers
22 that try to go to those are -- the heart's into it, but
23 we're not like everybody that's there and getting paid to
24 be there at these meetings. We're supposed to be out on
25 the farm doing our job, and it makes it very tough,

1 especially for someone young like me, who doesn't have
2 very many employees, and I have to be out there every day.

3 There was four working groups that were
4 established for this -- these forum, the climate change
5 group, levee performance, operation management and
6 environmental stewardship. There was nothing to do with
7 ag until the farmers actually had to complain about it and
8 got one program going for them, but it wasn't till late in
9 the game as the other four stewardship -- other groups had
10 already put in their comments. And that just didn't seem
11 fair for agriculture to be taking the brunt of it again.

12 We appreciate you trying to do more outreach to
13 the rural areas, but like Chris said and others have said,
14 the ag community is not well aware of this. You have put
15 fliers out and whatnot, and local farm dealers have tried
16 to make it even more available, but it's still -- a lot of
17 people do not even know -- have not seen these maps, and
18 do not know anything about it.

19 So getting farmers into the next few months is
20 critical, but it's going to be very difficult with how dry
21 the weather is and us getting out back into the fields. I
22 do appreciate you giving me the opportunity to speak.

23 And I have brought along with me 18 letters from
24 people that were not able to make it to this meeting. I
25 don't know who. I'd give that to --

1 PRESIDENT CARTER: Give that to Ms. Moricz behind
2 you.

3 MR. MIRAMONTES: And there's a copy of my letter
4 in there also for the Board.

5 PRESIDENT CARTER: Okay. And those will be
6 posted on the website with all the other comments, so they
7 can be reviewed by everyone and shared.

8 MR. MIRAMONTES: Thank you.

9 PRESIDENT CARTER: Thank you, Mr. Miramontes.
10 Mr. Ellis, and then Mr. Dan Welsh.

11 MR. ELLIS: Yes. President Carter, Executive
12 officer Punia and members of the Board, I am Tom Ellis.
13 And I'm here today speaking on behalf of my wife and
14 myself as very concerned farmers and land owners in the
15 Colusa basin. We are aware of the development of the
16 Central Valley Flood Protection Plan. And I participated
17 in all of the upper Sacramento region meetings, all of the
18 ag stewardship subcommittee meetings and three of the
19 management action workshops that have been held during the
20 past two years.

21 My first concern is with the two-tier level of
22 flood protection that was mandated by Senate Bill 5. And
23 it requires a 200-year level of flood protection for urban
24 areas, 100-year level for rural communities, and I'm not
25 certain what level for the rural agricultural areas.

1 When the Sacramento River Flood Control Project
2 was built, it is my understanding it was -- there was no
3 differentiation -- or no distinction made between these
4 areas.

5 Later, a memorandum of understanding was executed
6 assuring rural areas of the protection provided by the '57
7 profile. As a result of Senate Bill 5, rural areas have
8 been put in an untenable position uncertain of their
9 future flood protection. The Sacramento River Flood
10 Control Project has kept us relatively free from
11 significant flooding since its completion, and we have
12 become accustomed to that level of protection.

13 Also, it appears to me that the new flood plan is
14 more of an ecosystem restoration plan than a flood
15 protection plan, which brings to the forefront the need
16 for landowner assurances, so we in production agriculture
17 have some recourse when we find ourselves neighboring a
18 restoration project.

19 I think conflicts are inevitable in such a
20 situation, and I believe we should have a grievance
21 procedure and a good neighbor policy -- a good neighbor
22 fund in place to address these conflicts. Discussion of
23 this issue was squelched in the ag stewardship
24 subcommittee by plan leadership, because they maintain the
25 plan was a flood protection plan and not an ecosystem

1 restoration plan.

2 Another area of concern with the plan involves
3 the development of the 90 plus management actions under
4 consideration for inclusion in the 2012 plan. These
5 actions were divided into 11 category-based workshops. I
6 attended three of these workshops where we discussed for
7 about 10 or 12 minutes action items in the two hours
8 allotted.

9 About 10 or 12 minutes per item, which is not
10 much time for a very important issue like transitory
11 storage. Facilitators hustled us along to meet the time
12 limits with the explanation that we would have the
13 opportunity to go into more detailed discussion in Phase 3
14 and Phase 4 of the process. Phase 3 and Phase 4 were
15 cancelled. We never had the opportunity for these
16 in-depth discussions that we were promised.

17 Then when I got the final plan, these management
18 actions appear in Attachment 7, Section 6. I'm sure
19 anyone reading the plan will assume that all of these
20 suggested management actions were fully discussed by the
21 attendees. And I'm telling you this was not the case.

22 Also, the finance and revenue workshop included
23 Management Action number 82, which was to compensate rural
24 areas for accepting lesser flood protection than urban
25 areas.

1 And this was deleted in the final plan. Of
2 course, this is a huge issue for us, as we believe flood
3 risk is being shifted to the rural areas, and we firmly
4 believe we should be made whole.

5 On pages 2-12 of the plan, a new bypass along the
6 alignment of the Cherokee Canal into the Butte Basin is
7 discussed. Once again, I attended all the upper
8 Sacramento region meetings, never heard this mentioned.

9 And I've checked with people who attended the
10 lower Sac region meetings, and they never heard it
11 discussed there either. I think it should have been
12 discussed with the local people before it appeared in the
13 plan, as the idea presents significant problems for those
14 of us who live in the area.

15 Another issue for me is that I don't see a
16 history document in the plan. A draft that I was given to
17 read was developed and dated May 15th, 2009. And I read
18 this and I felt it was lacking some very important
19 information. Several of us in the upper Sacramento region
20 group felt quite strongly that there should be a history
21 document accompanying this plan.

22 Unfortunately, I'm speaking ahead of Mr. Bair.
23 But when Mr. Bair comes and speaks to you very shortly, I
24 implore you to listen to him carefully to his comments
25 regarding the shift away from design capacity as a measure

1 of critical need for flood protection in rural
2 agricultural areas. This is very important for us.

3 And so therefore, in conclusion, I will tell you
4 that I cannot support this plan, as I feel the plan and
5 the planning team had a deaf ear when it came to
6 addressing the concerns of rural agricultural areas. It
7 is unreasonable to expect these areas to absorb the risk
8 of major flood events without being compensated.

9 And I thank you for your time.

10 PRESIDENT CARTER: Thank you, Mr. Ellis.

11 Mr. Welsh followed By Mr. Fritz Durst.

12 MR. WELSH: Good afternoon. My name is Dan
13 Welsh. I'm an assistant field supervisor with the U.S.
14 Fish and Wildlife Service in the Sacramento Fish and
15 Wildlife Office.

16 Our office is coordinating the Service's input to
17 the Draft Central Valley Flood Protection Plan. I would
18 like to thank the Board for the opportunity to speak
19 today.

20 The Service also appreciates the opportunities
21 the Department of Water Resources and the Board have
22 provided to coordinate on the development of the draft
23 plan. We are currently reviewing the public draft plan
24 and we appreciate that many of our previous comments have
25 been incorporated into the plan -- into this draft.

1 We also appreciate the opportunity to share with
2 the Board our perspective on aspects of the plan we would
3 like the Board to focus on as the plan proceeds through
4 the adoption process. Specifically, we would like the
5 Board to focus on the sections of the legislation, which
6 require the plan to, one, improve systemwide ecosystem
7 function, and, two, increase and improve the quantity,
8 diversity, and connectivity of riparian, wetland, and
9 flood plain and shaded riverine aquatic habitats.

10 We feel the plan could be stronger. The plan
11 could be strengthened by focusing more on ecosystem
12 restoration goals. The plan relies considerably on
13 restoration projects to address potential adverse effects
14 to fish and wildlife species and their habitat. And while
15 mitigating project impacts is necessary, we recommend that
16 the supporting goal of promoting ecosystem functions, also
17 receive attention as the plan is implemented.

18 Identifying actions to establish connectivity of
19 habitat, improved fish passage, and expand habitat for
20 listed species beyond mitigating for impacts would
21 demonstrate that these are goals the State intends to
22 pursue in conjunction with the primary goal of reducing
23 flood risk.

24 We're also concerned with the timing of
25 implementation of ecosystem restoration actions.

1 Individual flood risk management projects will likely be
2 phased over time, based on funding, creating a lack of
3 assurance that the ecosystem restoration goals will be
4 met. The plan should ensure ecosystem restoration
5 projects and mitigation would occur in conjunction with,
6 or prior to, projects which create adverse effects to
7 species and habitat.

8 In summary, we believe the plan could be
9 strengthened by increasing the focus on ecosystem
10 restoration goals. The Service appreciates the
11 opportunity to address the Board, and we look forward to
12 continuing to work with DWR and the Board on development
13 of this plan and on the conservation strategy.

14 Thank you.

15 PRESIDENT CARTER: Thank you, Mr. Welsh.

16 Mr. Durst followed by Mr. Lewis Bair.

17 Good afternoon. Welcome.

18 MR. DURST: Good afternoon, Mr. Chairman and
19 Board members. My name is Fritz Durst, and I am a
20 landowner, farmer, conservationist with property in the
21 floodplain of the Sacramento River.

22 I serve as president of Reclamation District 108,
23 as well as Commissioner for the Sacramento River Westside
24 Levee District, and for the Knights Landing Ridge Drainage
25 District. I'm responsible for the oversight of over 86

1 miles of project levees.

2 I would like to go on record as opposing the plan
3 as presented. I feel that the planning process was
4 hurried to a great degree, and that agriculture and its
5 interests were not treated fairly in the process. Far too
6 many details with grave consequences for agriculture were
7 brushed aside.

8 The number one issue that I have is that urban
9 folks get better flood protection at the cost to rural
10 folks. The Cherokee Canal is -- the Cherokee Canal
11 Project is one such example.

12 Diverting flood flows from the Feather River into
13 the Butte Basin, without addressing any downstream effects
14 on the bypass system, will seriously jeopardize the
15 Sacramento River levees from above Colusa down to Fremont.

16 Another example is the fortification of urban
17 levees will add additional stress to weaker rural levees,
18 causing them to breach first. This will result in massive
19 transitory storage protecting urban areas with them having
20 to pay -- without them having to pay for it. This plan
21 effectively kills the longstanding flood control policy of
22 *We All Get Better Together*.

23 I'd like you to know that I struggle to accept
24 much of the environmental restoration portion of the plan.
25 I believe that the number one purpose of our levees and

1 bypasses is flood control. The system was managed as such
2 until the late 1960s, when we recognized the need for
3 expanding and improving our region's habitat.

4 Gradually, we valued habitat higher than flood
5 control, and halted many maintenance activities that
6 helped our flood channels handle over 600,000 plus cubic
7 feet per second flows that make their way past Sacramento.

8 Once such example is the Central Valley FLOOD
9 Protection Board's neglect in its duties to allow a forest
10 to become established in the Sutter Bypass by the
11 Sutter -- on the Sutter Wildlife refuge.

12 The habitat was valued more than the surrounding
13 lands, and the Meridian break of 1997 occurred just
14 upstream of this obstruction. We have since convinced the
15 U.S. Fish and Wildlife Service of the problem, and they
16 have removed some of the trees. And your Board is
17 currently working on a two dimensional model of the flows.

18 Why these trees didn't grow on the other side of
19 the levee in the refuge where it would not impede flood
20 flows is beyond me.

21 Please slow down this process and listen to us.
22 I think that we can offer many solutions to our region's
23 flood and habitat problems, but we need to develop them in
24 a way that is equitable all.

25 I thank you for your time.

1 PRESIDENT CARTER: Thank you, Mr. Durst.

2 Mr. Bair, followed by Mr. Jim Giottonini.

3 MR. GIOTTONINI: Close enough.

4 MR. BAIR: President Carter, members of the
5 Board, Executive Officer Jay Punia, thank you for the
6 opportunity to speak today. My name is Lewis Bair. I'm
7 the General Manager for Reclamation District 108, the Sac
8 River Westside Levee District and the Knights Landing
9 Ridge Drainage District.

10 We collectively maintain approximately 90 miles
11 of federal project levees in the Sacramento system, in
12 both Yolo and Colusa County, along both the Sacramento
13 River and the Colusa Basin Drain and have been doing so
14 since the late 1800s. So we have a long history with the
15 system and partnership with the Flood Board.

16 I have appreciated the energy and effort
17 certainly that's been put forward by the Department of
18 Water Resources staff. And I think they even went beyond
19 what was called for them, in many respects. We had
20 several of the staff members up actually visit our area,
21 try to learn and understand our area. And to that effort,
22 I applaud them.

23 My area protects really three rural communities,
24 Colusa, Grimes, and Knights Landing, as well as about a
25 hundred thousand acres of really very amazing farm land

1 and habitat. And so I'm going to focus my points today on
2 that rural area.

3 So these meetings get a little bit dry. And
4 although I put a tie on, I'm going to jeopardize my
5 professionalism, but I think the plan reminds me of song a
6 little bit. And it's Somebody Got the Gold Mine. And,
7 well, I hope the song doesn't finish the same way for the
8 rural area in giving the shaft.

9 And I don't think it was the intent of DWR and
10 the staff in writing this plan. And I hope that over the
11 next four months that we can consider certain things that
12 are in the plan, that I think were listened to by staff,
13 and they heard them, and they included them in the plan.
14 And then it fell short of assuring the rural areas that
15 these are things that are actually going to happen. So
16 I'd like to tick off what I think those issues are, and
17 how they potentially jeopardize the rural areas.

18 You've heard it touched on today, the plan
19 clearly rolls out levels of flood protection for the urban
20 areas, for the small communities of a hundred year flood
21 protection, and then it actually, instead of improving the
22 flood protection in the rural areas, leaves -- departs
23 from the approach which targeted the system design
24 capacity, and has a very ambiguous future.

25 It's one that I actually supported in the

1 planning process. One that focuses on known deficiencies.
2 But I think the plan falls short of describing what that
3 is. And it leaves it very uncertain.

4 And for the rural areas to accept a departure
5 from something, it was actually there and in play, we need
6 better definition on what that future looks like. We are
7 certainly accepting a, what I would call, a de facto
8 transitory flood storage system. The rural areas are
9 going to be improved significantly above the rural areas.

10 Unlike others maybe, I actually believe that's
11 the right thing to do. None of us want to see the urban
12 areas flood. I think though that you are asking a lot of
13 the rural areas to accept that without some sort of
14 exchange of resources.

15 They'll raise their levees to 200-year flood
16 protection, making certain that the rural areas will fail
17 before the urban areas. When that happens, it actually
18 provides them significantly better flood protection than
19 200 year. In fact I would, you know, venture to say that
20 hopefully we'll never see any of the urban areas flood.

21 It then -- in the description of the repair that
22 will take place, this new deficiency repairs for the rural
23 areas, it suggests that those will take place if funding
24 is available and where feasible.

25 So we're walking away from a system that really

1 didn't work very well, but clearly we're walking towards
2 one that has a lower priority on the funding chain. And I
3 think that's especially important, because we know we have
4 about \$2 billion left from Prop 1E and roughly \$2 billion
5 left from Prop 1E and Prop 84. And there is clear
6 directives in the plan that we must get to 200-year flood
7 protection in the urban areas. And that flood protection
8 is something that's mandated and directed. And then you
9 have something that's conditional on the other side. And
10 I see it very difficult for the State, in the future, to
11 somehow divide off some of those funds to the rural areas
12 when they haven't fulfilled a commitment in the urban
13 areas.

14 I think the change from targeting design capacity
15 to something different from rural areas -- for rural areas
16 is a huge paradigm shift in our system that's not kind of
17 declared and boldly stated in the plan. I think if you do
18 that in the plan, if that is very clear that that is the
19 approach in the plan, it makes it a lot easier to talk
20 about how you exchange resources for the folks that are
21 helping provide that, and the folks that are receiving the
22 benefit for that.

23 It's almost as if we don't want to talk about
24 that, because it's a very difficult conversation. And
25 because we can't talk about it, we can't talk about the

1 solutions that need to come out of that, and the burden
2 that's being placed on the rural areas.

3 As part of that, I think we need to talk about
4 the fact that the plan at -- I think it's a principle that
5 I agree with wholeheartedly, we need to have a systemwide
6 approach to this plan. The plan clearly talks about a
7 systemwide approach. And I think, you know, the Flood
8 Control Association made some comments that were
9 incorporated in the final draft plan. I think those were
10 good.

11 What we don't discuss is the reality that the
12 plan talks about federal funding. Federal funding, as you
13 guys are all very familiar with, is on a project by
14 project basis. And repeatedly in the plan, we talk about
15 how important federal funding is for completing our total
16 funding that we need for this project. What we don't say
17 is that the rural areas will have a extremely hard time
18 competing for federal funding.

19 And if that's the reality, what are we going to
20 do about that? Are we going to commit with the systemwide
21 plan -- really a systemwide investment approach that says
22 in those rural areas we recognize we're not going to get
23 federal funding. Yet, we're still willing to commit a
24 certain amount of funding to that effort.

25 I compliment the plan on the National Flood

1 Insurance Program language that's in there, but I also
2 think it falls short. It's very generic and general, and
3 it needs to really be very specific on what the State is
4 willing to commit in supporting that effort.

5 So lastly, I guess, and what I'd like to close
6 with is, you know, we were -- we set out on this venture
7 together. And there was a four-step plan for completing
8 this process. And, you know, all of us have reality and
9 we ended up cutting out steps 3 and 4.

10 Steps 3 and 4 were really going to get into how
11 we generate what the elements of this plan look like. And
12 now we've put them out beyond the plan, but yet in the
13 plan, we still tried to have some sort of tangible vision
14 for what this plan is going to look like, what types of
15 things are we going to do.

16 And a couple of things came into the plan. One
17 is that Cherokee Canal. You've heard others speak about
18 that. I have talked to a few folks in the Butte Basin and
19 how disastrous that type of project could be. It seems
20 early on that putting something in like that without a
21 vetting process, without comforting folks and saying yes
22 we're going to bring that water over, but here's how we're
23 going to do it, and here's how we're going to pass it
24 through system, you've really created a lot of anxiety
25 among folks, and possibly a lot of protests -- obviously,

1 a lot protests from folks with concerns.

2 So in closing, I think the plan is actually very
3 good, and it touches on each one of the things that need
4 to occur for the rural areas. Where it falls short is
5 assuring those rural areas that those things are actually
6 going to happen.

7 And, in fact, you read -- I encourage you to read
8 the plan again, even if it's just chapters 3 and 4, and
9 read it from the perspective of a rural individual, read
10 what's going to happen in the urban areas, and then read
11 what's going to happen in the rural areas, and you'll see
12 that everything that's going to happen in the rural areas
13 is if funding available, where feasible.

14 And if you want to achieve all of the plan goals,
15 you certainly need to have the largest portion of the
16 flood control project on your side supporting the plan and
17 helping you complete your goals.

18 So thank you very much.

19 PRESIDENT CARTER: Thank you Mr. Bair.

20 Mr. Giottonini followed by Dr. Henery.

21 MR. GIOTTONINI: Jim Giottonini with the San
22 Joaquin Area Flood Control Agency, SJAFCA in other words.
23 I'm going to give you a little bit of background.

24 In the mid-1990s FEMA was going to place the
25 Stockton metropolitan area, most of it, into a hundred

1 year floodplain, because of freeboard of deficiencies on
2 the project levees, basically east of I-5

3 I just over three years, we formed the SJAFCA
4 agency. We successfully passed a property assessment,
5 sold bonds, designed and constructed the project. And it
6 precluded FEMA from mapping us into the floodplain. We
7 were basically on hold since then, until the passage of SB
8 5.

9 And then we had a new mission, we had to upgrade
10 to 200-year flood protection. As a result, in 2009, you
11 may recall, we partnered with the Corps, this Board, DWR,
12 about 11 local reclamation districts, the cities of our
13 county, basically Lathrop, Manteca, Stockton, and Lodi,
14 and San Joaquin County on the Lower San Joaquin River
15 Feasibility Study.

16 This feasibility study is necessary for us to
17 achieve 200-year flood protection. I'll talk a little bit
18 about it later.

19 But for the upcoming meetings, the Board's going
20 to have in order to focus the public comment, we have four
21 items we think you should focus on.

22 The first one, I think the highest priority
23 should be flood protection. Our concern is that there's
24 going to be limited funding in the future, and it could be
25 exhausted on maybe some non-life safety improvements,

1 leaving significant populations still at risk. The plan
2 should prioritize flood protection. And then once this is
3 achieved, then do the other improvements included in the
4 plan.

5 The second item we think you should focus on is
6 the plan lacks specific information for SB 5 compliance.
7 It's going to be very difficult for the cities and the
8 counties in the Central Valley to abide by the
9 requirements of SB 5 with this plan. It lacks a lot of
10 detail.

11 The third thing is the Sacramento, I said, versus
12 the San Joaquin. We just want to make sure the Board pays
13 particular attention that both basins are treated
14 equitably and the same level of flood protections are
15 provided for both basins. We feel down in our area, maybe
16 it's like a stepchild sometimes.

17 The fourth issue we'd like you to look at is the
18 completion of our feasibility study. We've been using the
19 work product from the Central Valley Flood Protection
20 Plan, the hydrology and the hydraulic models, the LiDAR,
21 the geotechnical work. It's been excellent. But we're
22 doing that to make sure that our feasibility plan is
23 consistent with the Central Valley Flood Protection Plan.

24 The plan should prioritize the completion of this
25 feasibility study, as well as other feasibility studies.

1 We can't get to 200-year flood protection without it.

2 I'd also like to conclude by commending DWR
3 staff. We said it should be a systemwide approach. The
4 original working draft only included project levees, and
5 you'll hear from other speakers today probably. But they
6 added in our area 65 miles of nonproject levees. That was
7 a major change. And it was very favorable to the locals.

8 In our area, we cannot get 200-year flood
9 protection with just project levees. Our western front is
10 primarily nonproject levees. So that was a very good move
11 and we applaud DWR staff for doing that.

12 That concludes my comments.

13 PRESIDENT CARTER: Thank you, Mr. Giottonini.

14 Dr. Henery followed by Ms. Tatayon.

15 DR. HENERY: Good afternoon. Can you all hear me
16 okay.

17 PRESIDENT CARTER: Yes.

18 DR. HENERY: Good Carter, President Carter,
19 members of the board. My name is Dr. René Henry. I'm the
20 California Science Director for Trout Unlimited.

21 And we have already submitted some comments to
22 you as part of a joint letter along with some other
23 organizations, and we'll be submitting additional specific
24 comments from Trout Unlimited.

25 And my purpose in speaking to you today is really

1 just to highlight a few of those comments and summarize
2 them a little bit to make sure that their intent is clear
3 and just to draw your attention to them a little bit more.

4 We feel that the plan as it stands has done
5 several things really well. The conservation framework
6 has done a great job of laying out the context that we are
7 operating in. And I think the State Systemwide Investment
8 Approach, while I don't necessarily -- I feel like there's
9 room for it to be improved, it also does a good job of
10 talking about how some of the different components of the
11 plan might work together.

12 One of the challenges of the plan -- and I'm
13 going to say this by way of lead in to sort of three
14 things that I want to highlight in terms of opportunity
15 for improvement. One of the big challenges of the plan,
16 as we see it at TU, is that it doesn't layout a clear
17 vision.

18 You've heard a number of people say that this
19 plan really constitutes a paradigm shift. And, in fact, a
20 member of the Board made that same comment at the meeting
21 where the plan was presented. And I think that that's the
22 case, but that it's not articulated clearly. And in our
23 own work outside of this context and even here today in
24 the comments that we've heard, I think you see the absence
25 of that vision in the perspective simultaneously that the

1 plan is not doing what it needs to do for conservation and
2 is not doing what it needs to do for agriculture

3 You know, at TU we believe that there is -- that
4 there are solutions to flood protection that are good for
5 flood safety that are good for agriculture, and that are
6 also good for the environment, and for the aquatic species
7 that a lot of our constituency really care about. But in
8 the absence of the plan laying out a clear vision, it's
9 very difficult to see how we're going to get to those or
10 how we can work together to achieve those.

11 So that's one of the big things that I think is
12 missing from the plan is a clear vision and a vision that
13 incorporates conservation in really specific ways.

14 The second thing that I'd like to draw the
15 Board's attention to is the lack of -- and it's related to
16 the lack of a vision, the lack of specific objectives. So
17 development of the regional plans is going to be really
18 important we've heard for executing projects on the
19 ground, but we haven't heard any specific objectives, or
20 there are not those specific objectives in this plan that
21 are going to get us from goals, from a vision to the
22 regional planning place.

23 So I think right now this plan is sort of a plan
24 to plan. And I think that's just a big missed
25 opportunity. This is an unprecedented step in the history

1 of our State. And it's a very important one for all of
2 these different constituencies that I've mentioned and
3 others. And I think it needs -- there's a real need for
4 some leadership here, and not just leadership, but for a
5 framework that will get us from that vision to its actual
6 implementation on the ground. And we see a lot of the
7 building blocks for that here, but a lot of it is getting
8 pushed off to a later date. So we'd like to see specific
9 objectives in the plan as well

10 And then finally -- and some of this was also
11 discussed at the meeting where the plan was presented to
12 the Board, but there are a lot of projects that are
13 happening right now with a direct potential long-term
14 benefit for flood control. The San Joaquin River
15 Restoration Project is a great example. There are
16 alternatives in the process being developed by these, you
17 know, large groups of agencies and organizations working
18 on the project that include alteration to existing flood
19 control facilities, levee setbacks that could have a huge
20 benefit for flood control in the long term, and even in
21 the medium term. And those projects should be
22 incorporated into the plan from the outset, so that we
23 are, you know, maximizing the energy that we invest in
24 these areas.

25 And so that they -- we don't end up having to

1 redo work and cover old ground later, because we are not
2 lining up all of our parallel directives or potentially
3 parallel directives.

4 So just in summary, we really appreciate the work
5 that's gone into the plan so far. We'd like to see a more
6 clearly articulated vision that incorporates conservation.
7 We would also like to see incorporation of existing
8 projects on the ground that have the potential to benefit
9 flood protection. And we'd also like to see clear
10 objectives that are going to get us from that vision to
11 implementation of some of these specific projects, and the
12 benefits for the ecosystem and for flood protection and
13 flood safety that we're really hoping will come out of
14 this process long term.

15 Thank you.

16 PRESIDENT CARTER: Thank you, Mr. Henry.

17 Ms. Tatayon and Mr. James Sligar.

18 Good afternoon. Welcome.

19 MS. TATAYON: Good afternoon. I'm Susan Tatayon.
20 I am associate director with The Nature Conservancy's
21 California Water Program. And the mission The Nature
22 Conservancy is to conserve the lands and waters on which
23 all life depends.

24 And thank you for the opportunity to offer some
25 suggestions on where and how to focus your review of the

1 Central Valley -- the draft Central Valley Flood
2 Protection Plan.

3 Since Mr. Henry has done such a good job of
4 summarizing the February 15 letter that a number of
5 environmental NGOs sent to the Board, I won't go over
6 those points again, other than to reiterate that we really
7 do wish the Board would develop a very clear and
8 compelling vision that tells all of us, the ag community,
9 urban community, environmental community what the future
10 Central Valley flood management system ought to and will
11 look like.

12 And in developing that vision, and also in
13 reviewing the draft plan, I'd like to offer three criteria
14 or guiding principles, if you will, for you to filter the
15 review, as you review the actions and projects listed and
16 described in the plan.

17 And those three criteria are integration, and
18 resilience, and sustainability. And as you review the
19 plan, I request that you consider does each action, does
20 each project contribute to a systemwide approach that
21 contributes to a very integrated flood management plan
22 that will provide resilience and sustainability for the
23 long term?

24 And I think that there are some projects and
25 actions in the plan that meet that criteria. And others

1 may preclude such an integrated resilient flood management
2 system.

3 In Section 9616(a), there are a number of
4 items -- the legislation -- the Water Code contains
5 that -- that section states wherever feasible these items
6 ought to be including multi-objective projects. And in
7 Section 9616(a)(9) it refers to environmental, ecological
8 values and agricultural lands.

9 And I think if you use the filter of integration,
10 and resilience, and sustainability in the context of both
11 the ecosystem and ag lands, it will help in your review of
12 the plan to filter out items that may preclude that
13 long-term sustainability, and those that actually
14 contribute to the resilience and sustainability.

15 And if the -- in closing, I'd like to say that in
16 that integration and in creating that resilience and
17 sustainability, if the plan -- if your vision for Central
18 Valley flood management in the future incorporates
19 agriculture, I do agree that the agriculture -- the owners
20 of ag lands ought to be compensated as they would be
21 contributing to an integrated flood management system, and
22 thereby contributing to the public safety and public good.

23 And again thank you for the opportunity to offer
24 some suggestions for your review.

25 PRESIDENT CARTER: Thank you, Ms. Tatayon.

1 Mr. Silgar followed by Mr. Scott Smith.

2 MR. SMITH: Pass.

3 MR. SLIGAR: Thank you, Board, for letting me
4 speak. I'm Jim Sligar. I'm a landowner on the Cherokee
5 Canal system. It runs directly through our property.

6 I want to talk a little bit about transparency.
7 I didn't hear anything about this project as being a
8 landowner that's going to be potentially directly
9 impacted. It's going to be hard to talk intelligently
10 about this project, because I have no information about
11 its size, its scope, how it pertains to my property and
12 what it will do.

13 And my first information that was given to me on
14 the topic of transparency was from the California Farm
15 Bureau in a letter dated January 17th. The only reason I
16 got it is because I have a friend who's on Reclamation
17 833, who happened to give it to me a week after he'd
18 received it.

19 So I thought it imperative that I talk to people
20 that I knew it could have a direct impact. Although, we
21 don't know the parameters of how big this canal system is
22 going to be up there. So I contacted my State senator in
23 my area. He knew nothing about it. I contacted the Farm
24 Bureau president in my area. He knew nothing bit. I
25 talked to numerous growers up and down the Cherokee Canal

1 system. None of them knew anything about it. I talked to
2 the California Rice Experimental Station that borders the
3 Cherokee Canal system. They hadn't been informed. I
4 talked to no one who had been informed of it.

5 So now I finally know about this project, and
6 that's why I came to this meeting. I hope in the future
7 that we're brought into the discussion. I think that
8 we're a major part of the discussion. We would like to
9 know how it's going to impact us and what it's going to do
10 or what you're proposing to do so that we can make impacts
11 or voice our opinion on it.

12 So that's what brought me here. I will say that
13 the Cherokee Canal system now that runs through our
14 property is an easement that was granted. And it has no
15 longer been maintained. In the past, it was maintained.
16 It can't move water the way it should. Maybe some
17 people -- maybe you should look at improvements to the
18 system as it exists now, so it could function as it is.

19 I envision, if you do decide to build a bigger
20 bypass that moves the levees out in which direction you
21 have -- I can't get any information on. The map that I
22 got off of your website just vaguely shows the yellow line
23 on each side. It doesn't delineate the size of the
24 property.

25 But is this project just going to be a bigger

1 system than what we have right now that's not well
2 maintained, and that's overgrown with habitat?

3 I thought another thing that was interesting that
4 I noted in this meeting is the different parties who have
5 been able to speak somewhat intelligently on the topic
6 that have been brought into the planning process, where
7 the people that are being asked, I assume in the future,
8 to give up their property and their farming livelihood,
9 haven't been brought into the project. You talk about
10 40,000 acres of farm land. That could very well -- on an
11 average rice farming size, that could be in the
12 neighborhood of 50 to 60 rice farmers you're going to put
13 of work.

14 You talk about 10,000 acres of habitat. Where is
15 that habitat going to go. That's land that will never be
16 in production. I think you need to include this. And I
17 hope it's not too late for us to make our opinions, and to
18 maybe have some influence on the scope of this project.

19 And I thank you for listening to me, and I would
20 hope that we hear from you, and that we're included in the
21 process in the future.

22 Thank you.

23 PRESIDENT CARTER: Thank you, Mr. Sligar.

24 Mr. Smith, and then --

25 MR. SMITH: Pass.

1 PRESIDENT CARTER: You pass?

2 MR. SMITH: Yes, please.

3 PRESIDENT CARTER: Then Ms. Sherry LaMalfa Smith.

4 MS. SMITH: I'd like to pass too. Thank you.

5 PRESIDENT CARTER: Okay. Ms. Tara Booker
6 followed by Ashley Indrieri.

7 PRESIDENT CARTER: Good after noon. Welcome.

8 MS. BROCKER: Thank you. It must be hard sitting
9 here all day listening to these comments, but I want to
10 thank you for your attention to a matter that I personally
11 think is very important to agriculture and to myself as a
12 farmer.

13 My name is Tara Brocker. I live in South Sutter
14 County. I live in the town of Nicolaus, at the bottom of
15 the basin at Verona, which is the confluence of the
16 Sacramento and Feather Rivers. It's also directly north
17 of the SAFCA Levee Improvement Project, so I've had an
18 opportunity to see what some of the levee improvement
19 projects do look like.

20 But I'm here today to explain why I can't support
21 this plan. I think the number one reason is that the
22 agricultural community and rural communities have not had
23 an opportunity to be informed about the plan, haven't had
24 an opportunity to participate in the development of the
25 plan, and, quite frankly, I think there's a large number

1 of people, such as the gentleman before myself, who just
2 do not have any information about what this plan is
3 proposing, and they're going to be significantly impacted.

4 The second reason is because I don't believe that
5 ecosystem restoration has any place in flood protection.
6 I feel that a flood protection plan should be designed to
7 protect life and property. And I think all you have to do
8 is look at the existing bypass systems that we have, and
9 you can see how that habitat and vegetation have caused a
10 negative impact to the system functioning at full
11 capacity.

12 I think it's more important that we spend the
13 time to focus on the system that we have, improving those
14 flows, improving those systems by removing the excess
15 vegetation, instead of creating a larger system, and then
16 going ahead and introducing more habitat in that system.

17 The third reason I feel that there's a problem
18 with this plan, is because there are not any assurances
19 for rural agricultural communities. We should not be
20 sacrificed for the greater good. We have a right to
21 receive equal treatment. Eminent domain should not be
22 used as a result of lack of ability or desire to improve
23 our levee systems.

24 I stand before you today to say we desperately
25 need an improved flood protection in rural California, but

1 I don't believe this plan is the solution. I feel that
2 this plan is flawed, and I'm disappointed by how much
3 money has been spent to develop a plan that did not
4 adequately include the major stakeholders, which I believe
5 are farmers and rural America, in the process.

6 So just to recap, the three reasons why I can't
7 support the plan today is because I don't believe
8 agriculture got to participate in the process, I don't
9 believe ecosystem restoration should be included in flood
10 protection, and I believe that agriculture should not be
11 the relief valve for flood protection in urban areas.

12 Thank you very much for your time and for
13 listening to my concerns.

14 PRESIDENT CARTER: Thank you, Ms. Brocker.

15 Ms. Indrieri and then Ms. Kim Vann.

16 MS. INDRIERI: Good afternoon, President Carter
17 and members of the Board. I am Ashley Indrieri
18 representing the Family Water Alliance. We are a
19 nonprofit in the Sacramento valley dedicated to addressing
20 issues that impact rural communities and the
21 sustainability of agriculture. As such, we represent
22 thousands of family farmer, ranchers, private property
23 owners, and businesses.

24 I was a member of the upper Sacramento work
25 group. I was also asked to participate in the

1 environmental stewardship group to give an agricultural
2 perspective.

3 For nearly a century when flood improvements were
4 made, urban and rural communities got better together.
5 This plan now shifts flood risk to rural communities in an
6 effort to reduce the State's liability. We oppose massive
7 setback levees and taking ag land out of production. And
8 I think we saw this when the comp study came out many
9 years ago.

10 The fact that this plan proposes over 35,000
11 acres of land to be flooded, will only further hurt our
12 economies. The vitality of agriculture in rural
13 communities is paramount. Furthermore, the private
14 property owners who would be impacted by the widening of
15 bypasses and setback levees were not consulted by DWR
16 prior to this plan being released. This plan impacts
17 their way of life, their ability to make a living, and
18 support their families.

19 I think there is assumption that since there was
20 a two-year public process that went into developing this
21 plan, that all these issues were thoroughly discussed.
22 And as somebody who's donated a tremendous amount of my
23 time towards this planning effort, I can assure you that
24 was not the case.

25 The Cherokee Canal and other bypass expansions

1 are a primary example of projects that were not fully
2 vetted during the public process.

3 Over the last couple of months, I have been in
4 discussions with many property owners who are now
5 realizing that they would be negatively impacted by these
6 projects, and they don't know what the future holds for
7 their private property. I have the following
8 recommendations on the plan:

9 Thoroughly analyze the impacts to rural and
10 agricultural communities; assure these communities are
11 compensated for accepting a lower level of flood
12 protection; assure rural communities and ag lands receive
13 increased flood protection by eliminating phrases such as,
14 "to the extent feasible", and "when funding is available".

15 The majority of the appendices of this plan were
16 not developed with public input, and should not be adopted
17 as part of this plan. No project should be included in
18 this plan that impacts private property without the
19 consent of those landowners.

20 I recognize the development of this plan was a
21 huge undertaking by the Department of Water Resources. I
22 look forward to working with the Department and the Board
23 in the future to address these issues.

24 PRESIDENT CARTER: Thank you Ms. Indrieri.

25 In for Ms. Vann is Ms. Denise Carter.

1 MS. CARTER: Thank you, President Carter, Board
2 members. I'm Colusa County Supervisor Denise Carter.
3 Today, I would like to offer the following three areas of
4 concern for the residents and businesses of Colusa county.

5 Number one, ag sustainability. Agriculture is
6 critically important to the long-term economic viability
7 of our county. As the plan points out, agriculture is a
8 million dollar contributor to the California economy.

9 In our county, between the Cherokee Canal
10 expansion, the weir lowerings, the lack of funding to
11 upgrade rural levees, FEMA remapping and the resulting
12 National Flood Insurance Program implications, it's going
13 to be difficult for our producers to remain competitive.

14 Number two, small community funding guarantee.
15 The City of Colusa along with the small communities of
16 Grimes and Princeton have existed along the Sacramento
17 River for over 150 years. These communities support our
18 agricultural producers and have survived and thrived due
19 to the understanding that the State Plan of Flood Control
20 was providing protection.

21 The funding required to attain 100 year
22 protection for these small communities should be born
23 largely by the State and federal governments, and not be
24 conditioned on again where economically feasible.

25 Number three, public outreach and involvement.

1 Colusa County opposes the Cherokee Canal expansion. As
2 you've heard before, there was no public vetting of this
3 idea nor discussion for our county the implications to the
4 Butte Sink of nearly tripling the design capacity.

5 In conclusion, Colusa County and other rural
6 areas are bearing the burden to provide 200-year
7 protection to the urban areas. Assurances and funding for
8 our rural county is very important to us. And we actually
9 would love to work with you to hopefully revise this plan
10 and make it work for all of us.

11 Thank you.

12 PRESIDENT CARTER: Thank you, Ms. Carter.

13 Val Toppenberg followed by Mr. Scott Shapiro.

14 MR. TOPPENBERG: Thank you for the opportunity to
15 speak with you today, President Carter and members of the
16 Board, in particular member Bill Edgar.

17 BOARD MEMBER EDGAR: Good to see you, Val.

18 MR. TOPPENBERG: Good to see you.

19 I represent Sierra Northern Railway. Sierra
20 Northern is a common carrier that operates short-line
21 service in Yolo county as well as other parts of northern
22 California.

23 Sierra Northern owns the Fremont trestle. The
24 Fremont trestle is a mile long railroad trestle that spans
25 the Yolo Bypass at its narrowest point in the -- in that

1 area. In the event of flooding, the Yolo Bypass and the
2 Fremont bypasses -- or Fremont Weir is opened and flood
3 waters come down the bypass and provide pressure against
4 the trestle. And the more water that comes down the
5 trestle -- the bypass, the more damage there is to the
6 trestle.

7 The State of California has declined to repair
8 that damage. And so the railroad has to repair that
9 damage every time there's a flood event.

10 There is a plan -- or as part of your plan, your
11 draft plan, the repairs to the UP trestle that parallels
12 Interstate 80 is recognized, but the plan does not
13 recognize the Fremont trestle, and the repairs that need
14 to be done to that trestle. That trestle is a big
15 obstacle.

16 There was a report that was commissioned by the
17 cities in Yolo County, West Sacramento, Davis, Woodland,
18 the Port of West Sacramento, and the Yolo County. And in
19 that report, MBK Engineering Company identified that the
20 flood waters when they are created -- when they come up
21 against the obstacle at the Yolo Bypass, there's almost a
22 food differential between the northern -- the flood water
23 on the north side of the trestle and the flood water on
24 the south side of the trestle, because of all the debris
25 that collects during the course of these events and piles

1 against the trestle.

2 That trestle was built in the early 1990s -- or
3 there early 1900s. And as 100-year old trestle it has
4 issues that are exacerbated by the flood waters.

5 When the flood waters are creating pressure
6 against the trestle, that means that we can't take
7 trainings across the trestle. The trestle is instable and
8 unsafe for trains to go across. And so during flood
9 events, we can't deliver cargo and freight to our
10 customers.

11 There is a solution to that, and it's to relocate
12 the rail line that serves that as opposed to rebuilding
13 the trestle, which is obviously another solution. There's
14 a lot of benefits in relocating the rail service to
15 minimize damage, plus it provides some other public
16 safety. Those public safety advantages are detailed in a
17 report that was done here, that I'm prepared to provide
18 you a copy of.

19 The railroad is ready to work with you all to
20 provide that -- find that solution, to investigate that
21 solution. I have two copies of materials including a map
22 of the bypass showing where the trestle is, a letter dated
23 a year ago, actually January 31st of 2011, offering to
24 assist in solutions, a copy of the MBK engineering report,
25 and a copy of a project description, which was prepared to

1 identify the alternative alignment for the rail lines.

2 So thank you very much for allowing me to speak
3 today.

4 PRESIDENT CARTER: Thank you, Mr. Toppenberg.

5 Mr. Shapiro, I know you are all psyched up to
6 give your comments, but if you wouldn't mind, let's take a
7 comfort break, 10 minutes, and that will allow you some
8 more time to address the Board and you can kick off the
9 next portion of our session. So we'll take 10 minutes,
10 stretch, and whatnot.

11 (Thereupon a recess was taken at 2:26 p.m.)

12 (Thereupon the meeting reconvened at 2:36 p.m.)

13 PRESIDENT CARTER: Ladies and gentlemen, if you
14 could please take your seats, we'll go ahead and continue
15 with our meeting.

16 As you recall, we had Mr. Shapiro queued, so
17 we'll have Mr. Shapiro kick off the public comment for the
18 next session, and that would be followed by Mr. McCamman.

19 Good afternoon, Mr. Shapiro, welcome.

20 MR. SHAPIRO: Good afternoon, President Carter
21 Thank you.

22 My name is Scott Shapiro, and I'm general counsel
23 of the California Central Valley Flood Control
24 Association. I also represent some other clients in the
25 valley, and will be speaking to you a little later today

1 for a different client. But at this moment, I want to
2 emphasize the values and theories that are being put
3 forward by the Central Valley Flood Control Association.
4 It's a joint powers agency -- excuse me, it's a nonprofit
5 association made up of over 80 local agencies, including
6 levee districts, reclamation districts, joint powers
7 agencies, cities and counties that have a significant
8 interest in flood protection and flood management in the
9 Central Valley in an area almost identical to that which
10 this plan covers.

11 And just as we've had internal conflicts and
12 debates over deciding our view on the plan, we think
13 you'll be facing those same internal conflicts from
14 comments from this audience and others. And we wish you
15 luck in resolving those. And we think we have developed a
16 path for trying to resolve them as we have done within our
17 own community.

18 I have six comments for you today. The first is
19 the past, the next three are substantive, and then the
20 last two are process issues going forward.

21 On the past, we wanted to note that we had been
22 very pleased to have a continuing role in the development
23 of this plan, as many of other people, who spoke before
24 you, have. And we had an opportunity to provide comments
25 based on a cursory review of the admin draft in November.

1 We were able to provide a number of comments to the
2 Department of Water Resources at that time. We were very
3 pleased that the Department addressed many of those
4 comments.

5 We wanted to speak today just about two that were
6 addressed to share with you where we think the plan was
7 and where it's going, and we think it's a very positive
8 development.

9 The first is that we think the admin draft of the
10 plan did not make sufficiently clear that this needs to be
11 a flood protection plan first. This is not an ecosystem
12 restoration plan. Having said that, our members are
13 absolutely committed to integrating ecosystem restoration
14 into this flood protection plan. And we think it can be
15 done.

16 We do note, however, that we don't think that you
17 can balance ecosystem restoration flood protection in a
18 flood protection plan. It has to be a plan, as indicated
19 by the Legislature. And then we must do everything we can
20 to properly integrate the ecosystem restoration within it.

21 Our mission, the Flood Control Association's
22 mission, our members' mission, and this Board's mission is
23 one of flood protection, and we think that needs to be the
24 paramount focus. We think the plan is reflecting that
25 now. We look forward to it continuing to do so.

1 Secondly, the administrative draft of the plan we
2 thought focused too exclusively on facilities of the State
3 Plan of Flood Control, which is a legal fiction, a list of
4 facilities that the State has provided assurances on, when
5 the Legislature's instruction was to develop a flood plan
6 for the valley. And we think that this revised plan, as
7 opposed to the admin draft, does that.

8 It is -- it now has a systemwide focus. It
9 includes facilities of the State Plan of Flood Control and
10 facilities of the -- that are not part of the State Plan
11 of Flood Control, as testified by Mr. Jim Giottonini of
12 SJAFCA. We think it's a very positive improvement.

13 So these are two examples of the kinds of changes
14 which have been made of the plan, and the kinds of changes
15 which we supported.

16 So three concrete comments about the plan. And
17 we understand the purpose of this hearing in many parts is
18 for you to hear testimony on what people are concerned
19 about, and then for you to hold hearings about this. So
20 we'd like to offer three concrete items for your thought
21 and for hearings.

22 The first is funding. You heard comments about
23 funding today. And we think the plan provides a very
24 helpful framework. But at the end of the day
25 implementation is subject to funding. Now, the Department

1 of Water Resources is supposed to develop a funding plan
2 following the adoption of this plan. And there are many
3 elements in this plan we will support, but that support is
4 obviously contingent or tempered by not knowing what the
5 funding plan is.

6 For example, the draft plan notes that local
7 agencies would be required to provide a cost share for
8 erosion repairs, that the State would take over erosion
9 repair responsibilities in many cases.

10 Now, from the perspective of local agencies,
11 ensuring that erosion does not threaten the integrity of
12 the levee, at least on the Sacramento system, is the
13 responsibility of the Corps and the State under current
14 law. And so we have significant concerns about a new
15 program, which would shift those costs to local agencies.
16 We have limited dollars to spend.

17 However, we may be able to support a local cost
18 share on erosion, if erosion is approached in a way and at
19 a time which lowers our operation and maintenance costs,
20 and thus we all save money. And so our support for the
21 plan and the State taking over erosion control is strong.
22 But if the funding plan ultimately increases our cost
23 share, and State law currently provides it's a State
24 responsibility, our support would obviously be tempered.
25 So we think funding is a key issue, which you can

1 investigate, you can make a topic of workshops, and you
2 can take testimony on and incorporate concrete proposals
3 on funding in the plan to create a framework for the
4 future funding plan.

5 Second concrete proposal, the question of
6 implementation. You heard a lot of comments today on
7 implementation. You hear the rural communities' concern
8 that urban will get fixed first. You hear the
9 environmental concern that ecosystem restoration will come
10 last. And since the beginning of this plan, the
11 Association members have worked with DWR to try to make
12 the plan effective, specific, and implementable. And we
13 had hoped the plan would have very specific projects in
14 it.

15 Unfortunately, we understand with a lot of
16 competing interests and limited time that didn't happen.
17 And with only four months left till adoption, we recognize
18 the time has passed to make the plan more specific. We do
19 think it's imperative that some questions about how it
20 will be implemented will be addressed.

21 For example, how will the regional work groups
22 work? Who will convene them? Who's going to be a member
23 in them? How do we make sure environmental groups and
24 other NGOs have a seat at the table in those regional work
25 groups? Will DWR fund the work? How will DWR fund the

1 work? Will each region be asked to prioritize projects
2 within the region? How will this Board or DWR examine the
3 different priorities in the different regions and try to
4 figure out what the systemwide priorities are?

5 We think these questions are very important, and
6 the Board should take testimony on this, should hold a
7 workshop to talk about what specifics can go in the plan
8 to provide assurances to people who say there's no
9 specifics that we know we're going to be able to live with
10 and support the eventual plan when it comes out.

11 We think this effort would be most successful if
12 local agencies partner were the State to lead this effort.
13 This is ground-up planning. It has worked effectively for
14 projects in the past. And top-down planning has not
15 worked effectively, in many cases, in the past.

16 If you hold such a workshop, if you're looking
17 for testimony, we will be prepared to come with concrete
18 suggestions on how this Board could include implementation
19 into the plan.

20 Third and final suggestion on what might go into
21 the plan is the concept of getting better together. It's
22 the view of the association we must all get better
23 together. We have members who from around the valley who
24 straddle every interest group that has come before you
25 today.

1 (Thereupon a cell phone rang.)

2 BOARD MEMBER VILLINES: I don't know how to turn
3 this off. I'm sorry. I was trying to go to silent.

4 (Laughter.)

5 MR. SHAPIRO: Can you put it near the microphone
6 so we can all hear it.

7 BOARD MEMBER VILLINES: My kids can do it.

8 PRESIDENT CARTER: Just take it outside.

9 (Laughter.)

10 MR. SHAPIRO: So it is our view we just all get
11 better together. And that includes systemwide
12 improvements, as well as specific improvement actions for
13 the urban and small communities, the ecosystem and the
14 rural areas.

15 While the draft plan offers very specific vision
16 for what will happen in the urban and small communities
17 area, and a programmatic level view of what will happen
18 systemwide and for the ecosystem. There's very little
19 detail and commitment on how our rural stakeholders will
20 benefit from some of the near-term actions in the draft
21 plan.

22 The draft plan would codify the legislative
23 policy of SB 5, that there will be different levels of
24 flood protection in urban and rural areas. And, of
25 course, the logical extension of that is that the rural

1 areas will remain at risk, at a high risk, of flooding,
2 and become a de facto pressure relief valve for our
3 system.

4 And we think that our rural members accept that
5 this is likely to happen in very large flood events. The
6 question becomes is it reasonable for it to happen in much
7 lower level flood events, and should they be taking that
8 relief pressure without some sort of acknowledgement of
9 the exchange that is being made here.

10 What is the appropriate minimum level standard
11 for rural areas? And what do these rural districts and
12 landowners get in exchange for serving as that de facto
13 relief valve in large events? The plan does not offer
14 specific answers. We think the plan needs to. It should
15 offer greater specificity for what the rural levee
16 standard is. It should commit to a rural levee program.
17 It should commit to funding for the program, and it should
18 commit to the State supporting changes to the National
19 Flood Insurance Program, much as Lewis Bair spoke to you
20 about today.

21 So now moving past those, let me offer two
22 procedural or process comments. The first is we recognize
23 that the Legislature has given this task to you to adopt
24 the plan by the end of June. I think most of us in the
25 room wish you had more time. Those of you up there may

1 wish you had more time too.

2 However, that's the deadline. And if you're
3 going to meet that deadline, we respect that you'll meet
4 the deadline. But we are very concerned that there are
5 multiple technological -- technically complex appendices
6 to the plan, which -- some of which we don't even think
7 are out officially yet, where there probably isn't a
8 single stakeholder in this room that's actually read
9 everyone of those documents.

10 And therefore, we really question whether all of
11 those appendices are ready for adoption by this Board. We
12 think that maybe you should consider bifurcating the plan
13 and all of the appendices or including with the plan the
14 appendices that have had thorough review and comment, and
15 delaying the appendices which need more time. Those
16 appendices become the framework, the foundation, the
17 Constitution for what's going to happen over the next five
18 years. We think it's important they have the proper
19 review time.

20 This is particularly true in light of the fact
21 that the EIR for the plan won't even be released until
22 March, and it itself is going to be thousands of pages of
23 documentation to review by the stakeholders. Therefore,
24 procedurally, you might consider bifurcating what's
25 adopted in June with what's adopted later when the review

1 can occur.

2 Last procedural comment. I want to inform you
3 that the leadership of the Association has, in the past
4 month, twice met with some members from an environmental
5 coalition with a goal of trying to seek common ground in
6 making recommendations on how the plan could be modified.
7 We found the meetings very helpful, in not only educating
8 each other on what our issues and concerns are, but also
9 in beginning to outline a strategy for issues where we may
10 actually be in close alignment.

11 And hopefully, if this goes where I at least hope
12 it will, we can come back and jointly speak to you on
13 issues related to the plan. So we'll keep you updated on
14 that.

15 In closing, we very much appreciate the efforts
16 of DWR on what was a very difficult document to draft. We
17 have been committed partners on flood control for decades.
18 In fact, many of our members existed before this Board
19 even existed. We believe in order to move forward, you
20 must focus your attention and efforts on the details for
21 implementation. How will the regional plans work? What
22 will rural areas get in exchange for it being a relief
23 valve in the system? And how will the plan be funded?

24 We commit to you our promise to actively
25 participate in assisting you in your efforts and

1 developing answers to these questions.

2 Thank you for your time.

3 PRESIDENT CARTER: Thank you, Mr. Shapiro.

4 Mr. McCamman followed by Mr. Dan Gorfain.

5 MR. McCAMMAN: President Carter and members of
6 the Board, thank you very much for the opportunity to
7 speak with you today. I wanted to -- I'm John McCamman.
8 I'm here representing the California Waterfowl
9 Association.

10 And I want to kind of start by saying that the
11 California Waterfowl Association began looking at this
12 plan as -- with the notion that I think you're charged
13 with, which is providing safety first. And so we
14 acknowledge upfront the safety -- public safety is of
15 paramount importance in concluding this plan.

16 However, there is nothing in the plan that we see
17 that imposes a conflict between public safety, habitat
18 restoration, agriculture and all the other interests that
19 you're going to hear from today. It's a question of
20 working out the conflicts, not acknowledging the
21 conflicts, or there's no apparent conflict at first.

22 I wanted to talk a bit about today funding, which
23 you've heard quite a few concerns about, the goals and
24 objectives in the plan, and then some outreach issues.

25 The Flood Board should be concerned with the

1 first part of the spending called for in this plan, the
2 approximately \$3 billion to be spent between now and 2017,
3 the next iteration of the plan. The plan acknowledges the
4 State obligation to take a leadership role in investing
5 State resources in systemwide improvements, the systemwide
6 investment approach, including bypasses, setbacks,
7 floodplain acquisition and other measures which will
8 undoubtedly improve public safety overall, and will
9 enhance ecosystem restoration of the all-important Central
10 Valley habitat.

11 By prioritizing local investments through an
12 exclusively regional planning process, the next step in
13 the process, the opportunity for investment in these
14 systemwide improvements that will enhance habitat for
15 waterfowl will be diminished. And so it's a concern about
16 how you go about the next step here in making sure some of
17 those existing resources get dedicated for systemwide
18 improvements early.

19 Secondly, the Flood Board should make sure to
20 solicit and incorporate existing documented numerical
21 goals and objectives, to the degree that they are
22 relevant, and that this planning process can reinforce
23 those objectives through the investments called for in the
24 plan.

25 One important example of that are the land-use

1 goals and objectives from the Central Valley Joint
2 Ventures Implementation Plan. That plan calls for habitat
3 improvements, which would help to restore some of the
4 seasonal and managed wetlands which waterfowl and shore
5 birds thrive on, and for which we are finding anadromous
6 fish also rely on. So those two core constituencies can,
7 in part, be helped with actions that you take through this
8 plan.

9 Finally, there are futures of the flood plan that
10 have caused some concerns for some of our membership,
11 specifically adding more flood waters to already highly
12 impacted areas, such as the Butte Basin, that you've heard
13 about a lot today, may have an adverse impact on hunters,
14 some local hunt clubs, and existing public access wildlife
15 areas.

16 We will be working with you and your staff to
17 ensure that the appropriate outreach occurs to engage
18 those constituents to minimize the disruption on their
19 operations, and where unavoidable - and I think there are
20 some unavoidable impacts - to mitigate those impacts.

21 There are many details in this planning process
22 for which -- which warrant the continued interest and
23 engagement of the hunting community and of California
24 Waterfowl specifically, and other conservation
25 organizations. And we look forward to continuing that

1 engagement to work out those issues going forward.

2 Thank you very much.

3 PRESIDENT CARTER: Thank you, Mr. McCamman.

4 Mr. Gorfain followed by Mr. John Cain.

5 Good afternoon, welcome.

6 MR. GORFAIN: Good afternoon, Mr. President and
7 honorable members of the Board. My name is Dan Gorfain
8 and I'm representing today the Friends of the Sacramento
9 River Greenway. Our group is dedicated to seeing the
10 completion of the Sacramento River greenway in
11 multi-use -- including a multi-use trail on both sides of
12 the Sacramento River between the Pioneer Bridge and
13 Freeport -- the town of Freeport.

14 More immediately, however, we're working toward
15 the completion of the Sacramento River Parkway, the
16 multi-use trail planned by the City of Sacramento for each
17 side of the levee.

18 We appear today to urge the Board to consider
19 enhanced regard for so-called bicycle trails atop levees
20 as a means of multiple -- of serving multiple goals and
21 interests expressed in the Central Valley Flood Protection
22 Plan.

23 Our group will soon submit specific comments on
24 the working draft of the proposed regulations. These
25 comments are consistent with our message today and will

1 also be embodied in our written comments on the plan.

2 First, let me explain why I call these so-called
3 bicycle trails. In reality, these are multiple use trails
4 for the benefit of walkers, joggers, and runners in
5 addition to bicyclists. The Friends group has expressed
6 our concern to your current regulations allowing -- to
7 allow bicycle trails, but urges the trails -- the current
8 regulations urge that the trails be off levees when
9 feasible.

10 We believe that the trails on the levees serve
11 the plan stated goals of fostering multiple use of
12 floodplain protection -- of flood protection assets. More
13 importantly, for flood protection purposes, they provide a
14 paved roadway that is far superior to the existing gravel
15 roadways on most levees.

16 While a maintenance road built to the Board's
17 highest standards for such roads must be -- might be
18 preferable, a paved bike trail is preferable to gravel,
19 which limits the speed and safety for workers surveying
20 the levees during routine, as well as maintenance of flood
21 fighting.

22 Because the funds for these trails are available
23 from local, State, and federal transportation, recreation
24 funds, even private sources -- even private sources they
25 serve the plan goal of encouraging cost sharing. Because

1 these trails required paved access roads, they also serve
2 the planned goals to increase all-weather access to roads
3 on the levees.

4 Under the current regulations, bike trails are to
5 be located off levees when feasible. As a result,
6 planners -- as a result, planners more often fail to
7 consider the levee crown as a better placement for bike
8 trails. As we say in our written comments to the working
9 draft of amendments to Title 23, we urge the Board to drop
10 the presumption against bicycle trails on levees and take
11 at least a neutral stand, so that the issue can be
12 addressed on a case-by-case basis.

13 But we also urge the Board to consider a more
14 positive approach and maybe active encouragement of bike
15 trails on levees because of multiple advantages that they
16 create. This may also serve another -- this may also
17 serve another project, the legislatively mandated Great
18 Delta Trail currently in planning and development by the
19 California Delta Protection Commission.

20 In addition to serving the paramount goals of
21 enhancing flood protection, bike trails enhance societal
22 needs. It will grow even larger as populations increase,
23 including the need for alternative means of transportation
24 and their desire to provide recreational alternatives for
25 health of its citizenry -- sorry. I have a bit of a cold,

1 so I'm having a little trouble.

2 As I said, we will be submitting comments on this
3 issue, but we hope that our comments today will at least
4 spur the Board to consider the synergistic opportunity
5 before you.

6 Thank you.

7 PRESIDENT CARTER: Thank you, Mr. Gorfain.

8 Mr. Cain followed by Ms. Tiffany Ryan.

9 Good afternoon. Welcome.

10 MR. CAIN: Hello, President Carter, members of
11 the Board. Thanks for providing the opportunity for me to
12 present comments. My name is John Cain. I am the
13 Conservation Director for Flood Management at American
14 Rivers.

15 American Rivers is a national nonprofit
16 conservation organization that works to protect rivers for
17 fish, wildlife, and people. And flood management is one
18 of our highest priorities at American Rivers, and we have
19 an internal understanding that when it comes to flood
20 management, protecting public safety is and should be the
21 number one priority.

22 We work on flood management all around the
23 country. And what we find in other parts of the country
24 and here as well is that the most effective way to protect
25 public safety is to give the rivers more room, so that

1 they can safely convey flood flows, particularly near
2 urban areas.

3 I was -- very much appreciated the opportunity to
4 attend the 100th -- the Centennial Celebration. And thank
5 you, President Carter, for the pin, which I'm wearing
6 today. It prominently states public safety right at the
7 top of the crest, which I am aware of and proudly wear.

8 I thought the centennial was a really fantastic
9 presentation from Mr. Downey -- or, excuse me, George
10 Basye. And what he talked about was how lucky we are to
11 have a flood bypass system, and how lucky that we are that
12 it's big enough to have provided flood protection for so
13 many people, farmers and cities, over a hundred years. He
14 also talked a lot about the history of the system.

15 We later heard from Colonel Leady who was -- also
16 talked about how instrumental the flood bypass system has
17 been both in California and on the Mississippi River. I
18 had the opportunity to visit with experts from the
19 Mississippi River Basin, who informed me that because of
20 the flood bypasses on the Mississippi River that were
21 adopted based on the model in California, over two million
22 acres of farm land were saved from unexpected, unplanned
23 inundation. And even the farm land that was flooded, much
24 of it got a good drop in -- during the last summer.

25 The thing is, is from the very beginning flood

1 bypasses were not particularly popular among landowners.
2 As you can imagine, if you're a landowner living along the
3 river, you may be reluctant to give up land to expand the
4 flood bypass, but they do protect public safety. And
5 American Rivers has heard loud and clearly today the
6 concerns of agriculture we very much want to work with
7 agricultural interests to make sure that we can advance
8 both public safety, agriculture protection, and
9 environmental conservation.

10 We've also been working -- had a couple meetings
11 with the Central Valley Flood Management Association that
12 Mr. Shapiro referred to. And our -- I am personally very
13 optimistic that we can identify some common ground that we
14 can bring forward to you as the planning processing goes
15 forward.

16 And to all of you who wonder about why
17 environmental organizations are involved in the flood
18 planning process, I ask you to just consider it -- us as a
19 partner and a friend. And if we can identify a common
20 vision, we think it will be much easier to marshall the
21 resources that will be necessary from State and federal
22 taxpayers to implement a plan that gets us all better
23 together.

24 I want to talk specifically about some points
25 that were -- that we raised in a joint letter with 15

1 other conservation organizations sent on February 15th to
2 the Board. I believe it's posted on your website. These
3 are things that we think are procedural -- are aspects of
4 the plan, and the plan development that you should focus
5 on in the months ago to make the plan better.

6 Number one, we think the plan needs to have, what
7 we call, smart objectives, specific measurable,
8 achievable, relevant to the goal and time-bound
9 objectives. I first learned about smart objectives in the
10 planning process of the Central Valley Flood Management
11 Plan. Some of the -- and I think it's an excellent idea.
12 Unfortunately, DWR staff was unable to come up with
13 specific objectives. And so, as a result, the plan is
14 lacking in that area.

15 One example is the overall goal is simply to
16 improve flood risk management. That's not something
17 that's measurable. We need to more specifically
18 articulate what we mean by that. Let me restate that,
19 it's to improve -- yeah, flood risk management. We don't
20 know how you measure that. We don't know what kind of
21 time frame they want to improve that on. And if we don't
22 know how to measure something, how are we going to
23 actually measure whether we're making progress over time
24 or not. We think we can make some fairly significant
25 progress on developing specific objectives in the next

1 five months, both for ecosystem restoration and flood
2 protection and also perhaps agricultural conservation.

3 The second point that we make in the letter is
4 that the plan needs to provide more specific guidance on
5 how and when it's going to develop flood bypasses and
6 other cost effective measures for reducing flood risks,
7 such as levee setbacks and transitory storage. I'd like
8 to see more specifics on that point.

9 Thirdly, we think the plan needs to clearly
10 describe key physical changes in policy initiatives
11 necessary to achieve the objectives of the plan. First,
12 we need to -- the plan needs to more stately -- more
13 clearly state what the objectives are, and then it needs
14 to tie the measures proposed in the plan to those
15 objectives, and explain how they're going to achieve those
16 objectives.

17 How can we ask the voters of California to pony
18 up more money for flood protection in the Central Valley
19 if the Central Valley Flood Protection Board or the
20 Department of Water Resources can't articulate what the
21 objectives of the plan are.

22 Number four, we think that the plan must
23 prioritize how and when various portions of the planning
24 area will be improved. Without priorities, it's not a
25 very good plan. Setting priorities is a tough thing to

1 do, but it's a necessary thing to do for a good plan.

2 Number five, we think the plan needs to provide
3 much more specific guidance to local jurisdictions
4 regarding the nature of the plan, so that local
5 jurisdictions can amend their land-use plans accordingly
6 to be in compliance with the plan. We know that this is a
7 concern that was raised by the local governments here
8 today, and we think the plan can do more on that front.

9 And lastly, and perhaps most importantly, somehow
10 we need your leadership to articulate a much clearer
11 version about what it is the plan is going to do, who it's
12 going to benefit, and why the taxpayers should help
13 support it.

14 If we can work together to have a common vision,
15 it will be much easier to marshall the resources necessary
16 to actually make the Central Valley and its rivers
17 healthier and safer.

18 Thank you very much.

19 PRESIDENT CARTER: Thank you, Mr. Cain.

20 Ms. Ryan followed by Mr. Richard Johnson.

21 MS. RYAN: Thank you, President Carter and Board
22 members. My name is Tiffany Ryan, and I'm here on behalf
23 of Senator Doug LaMalfa.

24 According to the current plans, the Draft Flood
25 Plan proposes to expand and create new habitat in

1 floodways on prime agricultural land. Not only are these
2 lands in the -- the best in the nation for farming, the
3 plan also does not include a proper maintenance plan.

4 If approved, this plan would jeopardize thousands
5 of acres of existing agricultural lands. Furthermore, the
6 likely eminent domain seizure of productive private
7 agricultural land for conversion to habitat is highly
8 objectionable and takes them out of the property tax base.

9 The Draft Flood Plan would also displace family
10 homes, farming operations, processing facilities and
11 businesses that have been in place for generations. These
12 private landowners would either willingly sell or be
13 forced out through other circumstances, such as eminent
14 domain. How on earth in this budget crisis is the State
15 going to pay each of these private landowners for their
16 property?

17 The Department of Water Resources and/or the
18 Central Valley Flood Protection Board has done an
19 inadequate job of making residents aware of the Draft
20 Flood Plan, thus most owners aren't even aware that
21 property may be jeopardized.

22 The Draft Flood Plan purports to achieve 200
23 years of flood protection for urban areas, as well as
24 habitat restoration Where is the evidence that this plan
25 will actually achieve a flood protection goal and how has

1 that been demonstrated to those whose private property
2 would be affected? Where is the benefit for the farmers
3 and residents of the north Sacramento valley.

4 It is one thing to build flood control. It is
5 quite another to create special habitat areas in lands
6 designated for flood control conveyance.

7 In conclusion, I encourage this Board to take the
8 comments of the private landowners very seriously and
9 revise the plan to something that will continue to
10 encourage agricultural while maintaining a viable flood
11 plan for the Sacramento and San Joaquin Valleys with
12 clear, easy-to-understand detail, so the farmers know
13 which of their parcels will be affected. Anything less is
14 a disservice to the hard working individuals that place
15 food on our tables and pay taxes.

16 Thank you.

17 PRESIDENT CARTER: Thank you, Ms. Ryan.

18 Mr. Johnson followed by Ms. Petrea Marchand.

19 MR. JOHNSON: Mr. Carter -- President Carter, Mr.
20 Punia, and members of the Board, Rick Johnson, Executive
21 Director of the Sacramento Area Flood Control Agency.
22 Thank you for the opportunity to speak today.

23 I noticed a number of you taking notes with all
24 the speakers. You can rest your hand for a moment. I
25 don't have any specific comments you need to write down.

1 I wanted to take a moment just to express SAFCA's support
2 for the plan and congratulate Department of Water
3 Resources for getting the plan completed on time and out.
4 We recognize that was a difficult task. It was the first
5 really comprehensive update of the State Plan of Flood
6 Control in over 50 years, very controversial, and I know
7 it was very difficult.

8 On March of 2010, the SAFCA Board passed a policy
9 framework that served as guidance for SAFCA as we
10 participated in the processes. And the plan is very
11 consistent with that guidance that we have. In addition,
12 SAFCA was formed under State law giving certain
13 principles. And as we have moved forward with our flood
14 protection projects, many of the principles that we adhere
15 to are also in the plan. And so we find the plan is very
16 consistent with how we've been proceeding with our
17 process.

18 I know you've heard many issues and concerns, and
19 SAFCA will be submitting comments of its own. We hope
20 that we look at those comments as opportunities to improve
21 the plan as it's further formulated, and not as reasons
22 for delaying proceeding on those. Again, SAFCA supports
23 the plan. We look forward to working with DWR, the Board,
24 and all of our partners in the system to finding equitable
25 solutions to many of these issues and concerns, so that we

1 can reach a very implementable plan.

2 Thank you very much.

3 PRESIDENT CARTER: Thank you, Mr. Johnson

4 Ms. Marchand followed by Ms. Nicky Suard.

5 Good afternoon.

6 MS. MARCHAND: Good afternoon, President Carter
7 and members of the Board. I'm Petrea Marchand. I'm the
8 Manager of Intergovernmental Affairs for Yolo County.

9 And on behalf of the Yolo County Board of
10 Supervisors, I know you've heard this at a previous
11 meeting, you're aware that the Board of Supervisors is
12 opposed to the widening of the Fremont Weir, expanding of
13 the bypass and the associated measures.

14 We have, since we testified last, met with the
15 Department of Water Resources and the Resources Agency and
16 proposed a means through which Yolo County could
17 participate in a study of that bypass expansion during the
18 2012 to 2017 period proposed by the plan.

19 And we encourage you, during your review in the
20 next six months, to make those bypass expansions,
21 including the Yolo Bypass expansion, a focus of your
22 review efforts, and specifically to develop an approach to
23 include local government and other stakeholders in not
24 only the discussions during your review period, but also
25 in the discussions that follow.

1 And specifically, we have a proposal for you
2 related to public outreach. We believe, and it's kind of
3 amazing that a representative from Yolo County would be
4 here to say -- today to say this, but we believe that you
5 should follow in the example of the Bay Delta Conservation
6 Plan.

7 There's a -- it's a -- it is an unusual thing for
8 local government to say at this point. But you should
9 also learn from the mistakes that the Bay Delta
10 Conservation Plan made early in the process. Specifically
11 when they started, they had -- they included the Yolo
12 Bypass Conservation Measure, which, as you may know, is a
13 project to modify the weir to allow additional flooding
14 for fish habitat. They included that as part of the
15 larger Bay Delta Conservation Plan process.

16 As a result, stakeholders who were interested in
17 that specific process had to attend multiple-day meetings,
18 and found it very difficult to both receive the
19 information and to participate in a specific process.

20 The State did not start making progress on that
21 conservation measure until they created with the new
22 Administration a technical working group that focused
23 specifically on the Yolo Bypass Conservation Measure.
24 They invited all of the stakeholders in the bypass,
25 including individual landowners and farmers, who are two

1 separate interests in the bypass, as well as local
2 government and nonprofit organizations, to participate.

3 The amount of information that has been
4 transferred as a result, is, I think, a model for other
5 such projects that you may be considering in the Central
6 Valley Flood Protection Plan process.

7 It essentially allowed for more sophisticated
8 interaction by stakeholders, and it also - and this is
9 probably as important - resulted in new locally-supported
10 ideas to address some of the key issues that were brought
11 up. And those ideas, I believe, are under serious
12 consideration by the State.

13 The County does not believe that the development
14 of these regional plans is enough, in terms of public
15 outreach. They are still big areas that you're covering.
16 And the people who are affected by these projects don't
17 have the time or the resources to participate in long,
18 in-depth regional planning processes that don't cover --
19 that cover issues that aren't related to the issue at
20 hand.

21 So I urge you to consider a different approach as
22 you move forward, and to really spend some time during the
23 six-month review period, similar to some of the comments
24 you heard from other speakers, on specifying what that
25 process is going to look like and providing the funding to

1 make sure that it happens. I truly believe, from our
2 experience at the Bay Delta Conservation Plan, that it's
3 going to make a huge difference in the ability to achieve
4 positive outcomes for flood protection in California.

5 And lastly, I just wanted to say that as you've
6 heard from other speakers, again, we urge you to focus on
7 the bypass expansion and the other rural issues that were
8 expressed by other speakers. Those are also of concern to
9 Yolo County. But right now, our major focus is the bypass
10 expansion as well as the public outreach process.

11 Yolo County, as many of you may know, is
12 committed to helping the State achieve goals. We've done
13 it in the past, when it comes to ag land preservation and
14 habitat conservation, greenhouse gas emissions reductions.
15 You name it, Yolo County has been there as a partner, but
16 we are incredibly frustrated by the process thus far, that
17 has excluded Yolo County and also our other local
18 organizations and hope that you'll consider a better
19 process in the future for working with us.

20 Thank you.

21 PRESIDENT CARTER: Thank you, Ms. Marchand.

22 Ms. Suard followed by Mr. Shapiro.

23 MS. SUARD: Hi. My name is Nicky Suard. And I
24 thank you very much for this opportunity to talk to you as
25 a Board.

1 Hearing that the plan was coming out on December
2 30th, I sent a document to you guys dated the 27th, hoping
3 it might be the first one you get, so that you would pay
4 attention. So hopefully you got it. And if not, I will
5 resend again.

6 I am from Steamboat Slough, a place called Snug
7 Harbor. Steamboat Slough is middle of the Delta, north
8 Delta region. It's the original waterway that the
9 steamboats went up and down. That's where it got its
10 name.

11 And I am requesting that -- I know that you're
12 just going -- just starting to go through this, but I'm
13 going to talk about a very specific area of the Delta, and
14 as an effected party that we're being affected right now.
15 This is not some plan down the road. I want to tell you
16 what's going on right now, and -- but you have to
17 understand where Steamboat Slough is. It's adjacent to
18 Ryer Island.

19 When there is extra flow on Yolo Bypass, it backs
20 up into Steamboat Slough, so we're right in that area
21 where flow is really important.

22 The map and the flow calculations that are in
23 this plan, the Central Valley flood control plan, those
24 are -- those match the 1945 map for the plan from 1945.
25 Only that plan talked about dredging and maintaining a

1 much deeper depth in the sloughs. And I can tell you that
2 Steamboat Slough has not been dredged since the 1970s, and
3 it is a lot more shallow or certain areas of it are a lot
4 more shallow, and that is causing problems for us.

5 And so now I'm going to -- what I'd like to talk
6 about, I'm going to -- if you look at what I sent you
7 guys. Very specific, look at the conflicts between flood
8 control and restoration, because it's impacting us right
9 now. By us I mean Steamboat Slough has 29 residential
10 parcels and a 10-acre resort. I represent the resort.
11 I'm the owner of the resort, and so -- but I also have one
12 of the residential parcels, so kind of covering both of
13 those.

14 We are waterfront. And, you know, when you're
15 waterfront and in the Delta, you know that approximately,
16 well, about every 10 years, you know, there's going to be
17 some flooding in the Delta, and we can get high water on
18 Snug Harbor. Snug Harbor is above sea level, so only when
19 the whole Delta maybe is flooding there's a lot of water
20 in the Delta, we might experience it.

21 And over time, all the neighbors that have been
22 there for so many years, it would happen about once every
23 10 years. And by -- we don't flood. We don't have this
24 rushing water. We have this rising bathtub water. It's
25 cold water, but it just rises and kind of covers the land

1 and makes a mess, and then when tide goes out, it goes
2 away.

3 Well, in the last 10 years with restoration
4 practice areas that are happening on Steamboat Slough just
5 below us, there's one on Grand Island and now they did one
6 a couple years ago on the Ryer Island side, that created a
7 bottleneck on Steamboat Slough. And every time they put a
8 lot of water down Steamboat Slough for the fish test or
9 whatever, it just stops right at that bottleneck. That is
10 probably at about river mile 16 or 17, and then it makes
11 the water backup onto Snug Harbor.

12 So where it used to be there was high water at
13 Snug Harbor once every 10 years, in the last 10 years,
14 it's about once every two and a half years now. I mean,
15 we have so increased the times we get high water just
16 right on the road or on the properties. And that's a mess
17 to clean up and it's, you know, kind of a pain to deal
18 with. It definitely affects my business during that time,
19 but, you know, you live on the river.

20 Well, the last two years we have seen it a couple
21 times a year. And the excessive high and low, so now the
22 State is going -- DWR and for the fish tests or whatever,
23 they're making really high tide, really low tide,
24 artificially high and low is what we're seeing. And I
25 know it's a dry year, but it is our -- they appear to be

1 artificial high and lows. And that is making the banks
2 corrode. And the lows are lower than even the rocks
3 covering Steamboat Slough -- sorry, Grand Island and Ryer
4 Island. There are areas where the low gets below the
5 rocks that are supposed to protect those levees, and there
6 corrosion -- erosion going on underneath those levees now.

7 You can -- so that's going to impact this area.
8 If we get a whole bunch of water later on, there are
9 certain areas of Steamboat Slough that are -- and both
10 those islands that are at risk, because of this excessive
11 high and low. So I guess I'm here complaining that
12 Steamboat Slough does not have the capacity for a flood
13 event that is written in this document the way it is right
14 now, and it has to do with the depth of the waterway.

15 And, at the same time, the restoration action
16 that's happening right now is impacting everybody on --
17 that has property on Steamboat Slough. And there's other
18 properties besides ours, but -- so I'm just asking that
19 you consider the people down there, and in the Delta and
20 in these waterways. Creating excessive incidences of
21 flooding is just -- you know, if you -- if there's funding
22 to do the repairs, you know, to the roads and everything
23 that are being damaged by this practicing up and down,
24 that might be one mitigation, but consider us, please.

25 Thank you.

1 PRESIDENT CARTER: Thank you, Ms. Suard.

2 Mr. Shapiro followed by Ms. Melinda Terry.

3 MR. SHAPIRO: Thank you again, President Carter,
4 members of the Board. My name is Scott Shapiro, and I am
5 also general counsel for the Sutter Butte Flood Control
6 Agency. I have just a few comments for you in regard to
7 this client. If you're not familiar with the Sutter Butte
8 Flood Control Agency, it is a joint powers agency. It's
9 about three and a half years old, and it's bounded on the
10 east by the Feather River, on the southwest by the Sutter
11 Bypass, on the west side by the Sutter Buttes and the
12 Butte Sink, and at the north end touches Thermalito
13 Afterbay. The often maligned Cherokee Canal, you keep
14 hearing about today, flows right through the northern
15 portion of our agencies.

16 Our member agencies are Levee District 1, Levee
17 District 9, Sutter and Butte Counties, and the Cities of
18 Yuba City, Live Oak, Gridley, and Biggs. And in addition
19 to general counsel, Mike Inamine is our Acting Executive
20 Director who recently took over the position from your own
21 Bill Edgar who resigned from our agency to be able to sit
22 on your board.

23 Our views on the plan are developing. We have
24 not yet had a chance to talk with our Board about the plan
25 and get guidance from our Board as to what those views

1 would be, but we still thought it was worth putting a few
2 things on the table. As you might expect, our plan -- our
3 view of the plan is significantly shaped by our project
4 that we're pursuing right now.

5 We have an EIP, early implementation project,
6 which your Executive Officer spoke about during the
7 Executive Officer's report this morning. We're going to
8 be coming back to you in April or May and giving you an
9 introduction to that. And we've been working with your
10 staff and appreciated that.

11 But our view is going to be, obviously, very much
12 influenced by our project, which will improve levees along
13 the Feather River to provide urban levels of protection to
14 the four cities in our area. Our schedule is to try to
15 get under construction next year and be done by 2015.

16 So, as I indicated, our views are preliminary,
17 but we do have a few things we wanted to put on the table.
18 One is, is we have a proposed bypass potentially in our
19 area, and we're adjacent to another bypass, which may be
20 expanded. So clearly bypasses and setback levees are
21 issues that are going to be important to us. We have not
22 taken a position on any of these, but we do think it's an
23 appropriate topic for you to have a work group to take
24 testimony. We'll come back and speak with you about the
25 agency's views on it, and how we'll be affected by it once

1 we have that position.

2 We do strongly support the remarks made earlier
3 today by members of the community who spoke about rural
4 levee improvement programs, as well as changes that might
5 be made to the Federal Emergency Management Act program in
6 rural areas. The southern half of our basin is not going
7 to receive benefits that will take it out of a flood zone
8 from our EIP. It will receive benefits, but it will not
9 receive remapping benefits.

10 And so that area, which is part of our assessment
11 district, a district that passed with 70 percent success
12 rate is very much at risk, and would receive tremendous
13 benefits from any sort of rural program you offered.

14 Finally, funding is obviously going to be key to
15 us as we are embarking upon an EIP. And to the extent
16 that the plan can provide a framework for how funding
17 should occur, and can make a commitment to finish those
18 projects already underway, we think that would be
19 excellent.

20 We do look forward to working with you and
21 attending your future workshops and providing testimony.
22 And thank you again.

23 PRESIDENT CARTER: Thank you Mr. Shapiro.

24 Ms. Terry followed by Mr. Matt Williams.

25 MS. TERRY: Good afternoon. Melinda Terry,

1 Central Valley Flood Control Association.

2 And after listening to all these speakers, I
3 thought I would add a little context, in particular since
4 there are new members to this Board. But when I started
5 this job as executive director of the Association is
6 right -- it was beginning in 2008 right when the planning
7 process was supposed to begin after the legislation had
8 passed.

9 And as you can imagine, it was a real priority.
10 My members, every time we met, were asking, you know, when
11 are we going to start these meetings. So I literally
12 spent probably the first 10 months of my job emailing the
13 DWR staff person who was in charge of the plan at that
14 time. It's somebody different now. I think they've
15 changed a couple times. And emailed him every month
16 saying okay my folks are really ready because they really,
17 really want to make sure to avoid having the comp study
18 done again. I don't even really know what that was.
19 That's way before my time. But it was clear to me every
20 time that my members did not want to see that happen
21 again.

22 So as I said, 10 months I kept emailing. The
23 response that I kept getting was we are working internally
24 with our staff and our consultants on trying to come up
25 with a plan for moving forward with the plan, and doing

1 public outreach. And I wish I would have brought it with
2 me today, but about the same time a Dilbert cartoon came
3 out. And, you know, they sit around a conference table
4 like they do in all their cartoons. And the one guy says,
5 "We need a plan". And the guy next to him goes, "Yeah,
6 but you know, we need a plan for coming up with a plan".
7 And then the third guy is like, "Yeah, we need a plan for
8 planning the planning plan".

9 And I guess my point is unfortunately we kind of
10 lost about a year, and it might even be longer, but I
11 think I remember going to at least three of my board
12 member meetings, which are quarterly, and reporting to
13 them sorry they're not ready to get started yet. They're
14 still trying to figure out how to get started.

15 But I think that's important to you, because now
16 you've, you know, got a truncated amount of time to try to
17 deal with these issues. And then in addition, at the back
18 end of the planning -- the planning plan process, as you
19 heard many people say, we ended up skipping over Phase 3
20 and Phase 4, which is the point, I think, that these
21 individual projects that you've heard so much about really
22 would be -- would have been able to be talked about.

23 So, as I said at the last meeting, no one goes to
24 jail for missing a statutory deadline. But it is maybe
25 really critical that we really do think about sharing with

1 the Legislature that, you know, DWR has come up with a
2 good start here, and a good plan for us to move forward
3 on, but that maybe the Board itself deserves a little bit
4 more time and the public that you've heard from today
5 deserves a little bit more time at this point.

6 As mentioned, there's 30 appendices. There are
7 thousands of pages long. Not all of them -- most -- I
8 think 26 of them were released in January. I think -- I
9 believe there's still four more to be released and then
10 thousands of pages of the EIR. And as I said at the last
11 meeting of the Delta Stewardship Council, when they
12 release their 2000 page EIR, that's when they decided,
13 wow, we've -- you know, we need more time. We're not
14 going to meet our statutory deadline. But, you know,
15 we're going to need to go to the Legislature though and
16 advise them why, and really be sincere about a deadline,
17 because deadlines need to be given so that this doesn't go
18 on and on and on and nobody -- and by the way, my members
19 don't want this to go on and on and on either. I have
20 enough meetings to go to. So that's my suggestion there.

21 The final thing I would say in just listening to
22 the April hearings, you heard our problem for farmers.
23 And I don't recall the exact dates or times and the
24 locations. But maybe one suggestion is maybe look at,
25 particularly the northern one, but maybe the others, but

1 certainly the northern one is maybe the evening hours
2 might be better. I know it's hard on staff for the State,
3 but I know in the Delta, when we've had those evening
4 meetings, and I talked to a couple of the farmers that are
5 up north of the Delta, they said the same thing, they tend
6 to get really good turn outs at those.

7 So if we could maybe change it to like a three to
8 eight or something like that. As you know, farmers start
9 really early in the day. And I think by that late
10 afternoon, they might be ready. And so, I'll just leave
11 you with that thought.

12 Thank you.

13 PRESIDENT CARTER: Thank you, Ms. Terry.

14 Mr. Williams and do Ms. Sherry LaMalfa Smith, do
15 you still want to pass?

16 MS. SMITH: Pass, yes.

17 PRESIDENT CARTER: And Mr. Smith -- Mr. Scott
18 Smith do you want to --

19 MR. SMITH: Yes.

20 PRESIDENT CARTER: You want to pass. Okay.
21 So, Mr. Williams, I think you're our last
22 commenter.

23 MR. WILLIAMS: I'm the anchor?

24 PRESIDENT CARTER: Yes. Welcome. Good
25 afternoon.

1 MR. WILLIAMS: Thank you, President Carter, and
2 members of the Board. I'm here as a citizen, because what
3 you are considering today and all the work you're doing
4 affects me as a resident outside Davis, who, in the first
5 pass of the revised FEMA maps, was placed in the flood
6 zone. Since then, we've been moved out of the flood zone
7 when we provided primary data. But I'm one of the
8 beneficiaries of what you're doing to project the members
9 of the urban community.

10 My concern is, is that I shouldn't benefit, and
11 the people who like me shouldn't benefit on the backs of
12 the farmers of this State. We need to do everything we
13 can to be making the farming industry, the farming
14 economy, and the -- as vibrant as possible.

15 I worked in information technology, and often we
16 would end up solving a problem which was created by the
17 solution for a problem before it. What I've heard today
18 is, is that we have existing structures, which are not
19 being maintained to their optimum level, that habitat is
20 being allowed to grow in them. And I would like to make
21 sure that before we eminent domain or ask the farmers to
22 sell productive farm land and take it out of our economy,
23 that we do everything we can to maintain the system that
24 we have.

25 I hate to think that we are predicting the future

1 of more growth of flood impingements in what we add, but
2 the reality is if we now have a system that isn't working
3 to optimal, there's a real good chance that that's a
4 predictor that we're going to expand the system and then
5 repeat that error.

6 So I would encourage you to make sure that we are
7 maintaining and bringing back up to standard the systems
8 that we have and not burdening the farmers in order that
9 people like myself, part of the urban portion of this
10 State, can benefit. We need to benefit together, and we
11 don't need to throw out the baby with the bath water.

12 Thank you.

13 PRESIDENT CARTER: Thank you, Mr. Williams.

14 Well, ladies and gentlemen, we have our work cut
15 out for us. And by we, I mean us and the we out there. I
16 want to thank everyone, one and all, for coming and
17 sharing your thoughts, your ideas with the Board this
18 afternoon. We ask that you please stay engaged in the
19 process, help us work through the plan, help us resolve
20 issues, help us develop solutions for the challenges
21 ahead.

22 Also, we heard a lot about there are folks that
23 aren't aware of this. We ask you to help us spread the
24 word amongst all of your colleagues and friends,
25 neighbors, what is going on and what the potential

1 implications are, so that they are aware and aren't caught
2 by surprise of this effort. This is a monumental effort.
3 DWR has -- and many, many stakeholders have put a
4 tremendous amount of time and resources against this
5 effort. It is a good effort, and -- but it is not without
6 challenges. And we have, at this point, a short time to
7 try and resolve those things. So we really do need your
8 help to please stay engaged and help us through this
9 process.

10 So with that, I open it up to other Board members
11 if you -- if any of you want to make any comments, we do
12 have more time in the future at future meetings dedicated
13 to addressing many of the issues that were raised this
14 afternoon. So again, stay tuned.

15 Maybe go down the table. Ms. Dolan, do you want
16 to share anything?

17 SECRETARY DOLAN: I'm curious how the themes that
18 have been brought forward here today for us to focus on,
19 clearly, the bypass is one, outreach, and knowledge, and
20 some more specificity to agriculture concerns, rural
21 community concerns, how will the addressing of those
22 things be organized for us?

23 PRESIDENT CARTER: Well, the --

24 SECRETARY DOLAN: It's pretty hard to figure that
25 out today. We heard all of that. Someone has got to

1 absorb it, and then get some organization to it. I know
2 we're having four -- is it four or five full Board
3 meetings, but they seem to have a regional aspect to them.

4 PRESIDENT CARTER: We currently have planned four
5 hearings. We're required to hold two hearings. We have
6 four planned. But the idea on -- and those will be held
7 in different regions of the State. There's one in the
8 Sacramento Valley, one here in the Sacramento area, San
9 Joaquin or Stockton area, and then one in the Yolo, North
10 Delta area. That's the current vision.

11 The task between now and then is to take the plan
12 and the public comments that we receive between now and
13 early April and try and organize the discussion at each of
14 those four hearings, so that we have a robust discussion
15 on the technical, the policy, aspects of the issues that
16 are raised by the plan.

17 In addition to that, between now and then, the
18 Environmental Impact Report -- or the -- will be issued by
19 DWR. And that will also be an element of the discussions
20 in those four public hearings.

21 So we have -- the Board has two Board members,
22 Ms. Suarez and Mr. Villines, who are working with staff.
23 And they will take the point as far as trying to organize
24 the comments that we've received so far, try and identify
25 the themes to structure the discussions that we have in

1 those four meetings.

2 And if there are Board members, staff or public,
3 that want -- have input in that, they're, by all means,
4 welcome. With respect to Board participation, we have to
5 be careful and mindful of the Bagley-Keene issues, where
6 if we have more than two Board members meeting together to
7 discuss Board business, it has to be publicly noticed and
8 agendized. And that's one of the reasons why we just have
9 two Board members doing that.

10 BOARD MEMBER EDGAR: Mr. Carter, can we talk a
11 little bit about the hours. There were some suggestions
12 today about whether we ought to do like mid-afternoon to
13 early evening to accommodate the public. What do you
14 think about that?

15 PRESIDENT CARTER: I think that -- my personal
16 perspective is that we, the Board, and our staff and DWR
17 staff are here to serve the people. And so what works
18 best for them, for the people, is what we ought to respond
19 to. I think that, yes, our schedules are important, but I
20 think they -- we need to arrange our schedules, cognizant
21 of -- because the most important thing is that we have
22 robust and complete engagement in the stakeholders, the
23 people who are really going to truly be affected by this
24 plan. That's my perspective, personal perspective. I'm
25 willing to meet at night, and it sounds like other folks

1 are as well.

2 BOARD MEMBER VILLINES: Yeah I think that point
3 was made consistently by those in agriculture about the
4 timing. And if we can do, you know, a later afternoon
5 into evening, that kind of gives, you know, people getting
6 out of school or picking up their kids, and they come in.
7 And then also those who are just coming out of the fields
8 working, but -- that makes sense. I mean, that's our
9 whole focus, so we should talk about it and then kind --

10 PRESIDENT CARTER: We can have a pizza party.

11 (Laughter.)

12 PRESIDENT CARTER: So, I guess, Mr. Villines and
13 Mr. Suarez, if you can take -- I'm sure you'll also take
14 that into consideration as well.

15 Okay. Any other questions, comments?

16 Ms. Rie.

17 VICE-PRESIDENT RIE: Mr. Ramirez, would you like
18 to comment first.

19 BOARD MEMBER RAMIREZ: I think you guys have
20 covered things I wanted to ask about. It sounds like we
21 have some folks on point to digest what we've heard, help
22 shape the agendas for April. I'm more than happy to meet
23 at whatever time makes the most sense on those days to get
24 the best attendance we can. That makes a lot of sense.

25 And it sounds like as far the planning goes for

1 the March meeting, we'll hear about the Programmatic EIR
2 from DWR. Maybe as part of that, we can describe, at
3 least, how the schedule is going to be played out, at that
4 point in time, and integrated with the EIR timeframe, as
5 well. So all that makes a lot of sense to me.

6 I also just wanted to thank all the folks that
7 have stayed here all afternoon, or all day in some cases.
8 I know that it's a lot to digest. And as a person who
9 lived the comprehensive study as a staff person for the
10 State then, I remember what happened. And we certainly
11 don't want to go down that track again. I want people to
12 be well-informed and engaged.

13 And so I know we're on a tight deadline, and we
14 have to respect that, but we should do what we can to
15 accommodate people's interest and their schedules and
16 their time. And I think our President described, you
17 know, we're here to do what we can for everybody else as
18 best we can as a group.

19 Thank you for your thoughts.

20 PRESIDENT CARTER: Ms. Rie.

21 VICE-PRESIDENT RIE: We heard a lot today from
22 various folks that there's concern about changing the
23 paradigm. We have the '57 profile, and we have a proposed
24 200-year level of protection for the urban areas. I think
25 we need to have a focused discussion on the hydraulics.

1 And I know Ms. Suarez or Mr. Punia someone mentioned
2 earlier that at a future meeting, we would have the
3 opportunity to have focused discussions. And I would like
4 to suggest as a very focused discussion that we have a
5 conversation regarding the '57 profile and the 200-year
6 level of protection, and how that's going to impact the
7 non-urban areas, and, in particular, the Delta.

8 When we widen these bypasses, we're going to be
9 sending a lot more water out to the Delta. And I think
10 folks need to know how are these changes in the bypasses
11 and this increased potential capacity, how is that going
12 to get funneled through the Delta and how is that going to
13 impact the Delta? I think we really need to have a
14 focused discussion on those hydraulics for a future
15 meeting.

16 BOARD MEMBER SUAREZ: Mr. President.

17 PRESIDENT CARTER: Okay. Mr. Edgar.

18 BOARD MEMBER EDGAR: No.

19 PRESIDENT CARTER: Ms. Suarez.

20 BOARD MEMBER SUAREZ: Yes. Actually, it's a
21 question for Mr. Butler. Mr. Butler, the discussion that
22 Ms. Rie suggests, is that something that your technical
23 team that will be prepared to address.

24 SUPERVISING ENGINEER BUTLER: What I would
25 suggest the best way to do that, having just had the

1 benefit of hearing three days of workshops with DWR, is to
2 request their contractors, their consultants MWH, who
3 provide a similar discussion of that for us, to do the
4 same, because once you hear how they formulated the plan,
5 went through the various -- you know, sort of the
6 different bookend approaches to ultimately get to the
7 SSIA, it gives a much -- a lot of insight into the
8 hydraulic considerations of the different -- you know, the
9 different what am I trying to say, alternatives, I guess,
10 that were looked at. So that would be, in my opinion, the
11 best way to answer directly those types of concerns.

12 BOARD MEMBER SUAREZ: Mr. President, can you hear
13 me at all?

14 Okay. Can you hear me now?

15 PRESIDENT CARTER: Yes.

16 BOARD MEMBER SUAREZ: Is the Board interested in
17 having a separate briefing apart from the public hearings
18 on the technical analysis and discussion. Right now, we
19 have them as the beginning of all our public hearings
20 includes the technical briefing, but perhaps it sounds
21 like a more detail briefing is what the Board members
22 desire. And if that's the case, we might want to schedule
23 a separate time for that.

24 PRESIDENT CARTER: I'll put in my two cents. I
25 think that's a good idea. There's a lot in this plan, and

1 there are -- particularly with respect to the management
2 actions, but there's not a lot of backup there. And it
3 would be nice to know some of the detail behind some of
4 those management actions.

5 BOARD MEMBER SUAREZ: Would you be -- it would
6 probably be before our April public hearings. Would you
7 be interested in doing, the afternoon prior to our next
8 March meeting, as an afternoon workshop on the technical
9 documents? Is that a possibility for folks?

10 BOARD MEMBER RAMIREZ: Just a question, on just
11 this part of it or all the technical documents? I'm happy
12 to go as deep as we possibly can in the time that we have.
13 I think a lot folks here also want that information. And
14 I'm just trying to think of the best way to get it to as
15 many people as possible. And I'm not sure what that is.
16 We might want to have staff consult with some people who,
17 you know, have the capability to really get into the
18 technical issues and provide some kind of forum for them
19 to have that. If it's the Board meeting, that's great.
20 I'm happy to do it myself.

21 BOARD MEMBER SUAREZ: Well, for the rest of the
22 public, they'll be part of our public hearings.

23 BOARD MEMBER RAMIREZ: No, I understand, but
24 there's -- it sounds like there's so much information that
25 you guys just got in three days from the people that were,

1 you know, knee deep in the material, all of us probably
2 would like to have that. But I'm not sure we're all going
3 to have the capacity in time to get it. And this is one
4 of those topics. I'm just wondering how to best get all
5 that out for people in a way that addresses the comments
6 we heard today. I'm not trying to belittle this one, but I
7 heard lots. And, you know, I'm just trying to be
8 respectful of people's time and the volume of material
9 that we have.

10 You know, having them on the website is great.
11 It's not going to help people understand the issue.
12 Obviously, having people walk you through it who have done
13 the work makes a big difference and is really helpful.
14 And personally I'm happy to part out my time to do that.
15 But if the folks that ask the question today can be here
16 for it, that's not going to help them.

17 One option may be to think about for the staff
18 is, you know, having come in recently, the webcast really
19 helps. I wasn't here in January, but I got to partake
20 retrospectively in the meeting. So maybe that's another
21 way for people to track this, if they can. If we're going
22 to present it in any forum, if it can be recorded in a way
23 that makes it accessible to people -- you know, it helped
24 me just to hear people's comments as they were recorded in
25 January. Just another thought.

1 PRESIDENT CARTER: Well, if we get together as a
2 Board, it will be a public hearing.

3 BOARD MEMBER RAMIREZ: Understood.

4 PRESIDENT CARTER: Mr. Punia.

5 EXECUTIVE OFFICER PUNIA: One of the options can
6 be that the March 23rd meeting, our regularly schedule
7 meeting, we can dedicate the afternoon to go over the
8 technical -- a synopsis of the technical documents, so
9 that the general public is aware, and we can include our
10 staff and the Department of Water Resources consultant who
11 worked on those technical aspects.

12 We won't give you the total briefing, but at
13 least can give you a quick synopsis what those technical
14 areas are and what those documents are, if the Board
15 desire is to go into the detail of technical aspects.

16 Although, we have a pretty full agenda for April,
17 but I think we can drop some of the items and dedicate
18 some time, if the Board chooses to go in that direction.

19 PRESIDENT CARTER: Another concept that we were
20 thinking about earlier on in terms of how to handle the
21 Board's review of the plan, given that it is such a broad
22 and massive document, was to try and form specific work
23 groups of Board members of no more than two, to focus on
24 specific areas. And they would be focused around areas
25 that are of interest to those particular Board members,

1 and they would essentially become well-informed on those
2 elements of the plan, and help other members of the Board
3 and the public come up to speed on those as we review the
4 document and as we go through our hearing process.

5 We decided against that, but that is still a
6 possibility, considering there seems to be some level of
7 interest in perhaps delving into some of the details.

8 So, I mean, I offer that out again as a potential
9 approach. It would have to -- that would have to be set
10 up in the next five weeks really, so that we are up -- we
11 have held those things prior to the four April hearings
12 that we have coming up.

13 So it would -- we'd have to set that up in fairly
14 short order and make it happen, but that's a possibility.

15 Ms. Dolan.

16 SECRETARY DOLAN: I'm very interested in, at
17 least a little bit of time, something less than three days
18 of a briefing --

19 (Laughter.)

20 SECRETARY DOLAN: -- on the technical aspects of
21 this, because I've been aware of that, in hearing these
22 comments at the two sessions that we've had, where people
23 have talked, they say, gee, there's a lot of appendices.
24 There's a lot of attachments. There's a lot of background
25 that maybe you don't have. There's a whole number of

1 documents that are put in by reference. I think it would
2 be very helpful to me, I'm hoping to the Board, that we
3 have something. If it needs to be the day before our
4 March meeting, so that we have adequate time for that,
5 absolutely. It seems like our agendas are full with what
6 needs to be done with business to sort of truncate that to
7 the morning down, to have the afternoon night -- I'm
8 thinking that might be a little difficult.

9 But the day before is something I would be
10 interested in. So some kind of overview of the technical
11 aspects, so we can get just a sense when these documents
12 are talked about what that means.

13 People are calling us - I'm not the only one
14 they're calling, I hope, what does this mean. I mean, I
15 live in Butte County. That's where the Cherokee Canal is,
16 so I can't go to the grocery store without someone asking
17 me what happened. It's buzzing in that community. And
18 I'd like a little bit more than I've got this page of
19 eight and a half by 10 map with a yellow line on it, and a
20 paragraph. So I need some more. Otherwise, I don't know
21 how to make a decision on what's in this book.

22 VICE-PRESIDENT RIE: Ms. Suarez, I would be
23 interested in like maybe the Thursday before the March
24 meeting, you know, a few hours dedicated to technical
25 briefings. It would be good to have DWR or their

1 consultants come and, you know, get into a little bit more
2 detail on some of the technical aspects, especially the
3 hydraulics.

4 PRESIDENT CARTER: Ms. Suarez, Mr. Villines, do
5 you -- is it perfectly clear what the expectations are
6 from you guys at this point?

7 (Laughter.)

8 BOARD MEMBER SUAREZ: Well, let me speak
9 really -- and then I'll let Mr. Villines. The one thing
10 Ms. Villines and I have endeavored through all this
11 process is to make sure that it was clear understanding to
12 everybody this is not our process. This is our process.
13 So it's not what Mike and I want. It's, you know, what
14 the Board feels comfortable with, especially after what
15 they -- all the testimony they -- or comments they heard
16 today.

17 One option is to have a detailed briefing, a
18 couple of hours, separate from the public hearings. We're
19 just not going to have enough time during the public
20 hearings to spend a lot of time on the technical
21 discussion.

22 If the Thursday before our next meeting in the
23 afternoon is something that this Board desires, I'm sure
24 we can work -- I can work with -- we can work with staff
25 and get it organized, work with DWR and get their team

1 here.

2 If that's the direction of the Board, then we'll
3 be happy to work on that.

4 BOARD MEMBER VILLINES: It seems very subtle what
5 people want.

6 So I think, first of all, it's no problem to do
7 what we need -- what everyone is talking about. And I
8 think it's warranted and I think everybody would like
9 that. And I hesitate to sort of on the fly throw this out
10 there, but I'm going to do it anyways with a lot of
11 caveats.

12 And maybe -- you know, Mr. Butler, you'd
13 mentioned sitting through a couple of either meetings or
14 webcasts. I mean, if we meet before, I assume it's
15 public. It would be something that could be webcast,
16 because really there's two audiences. There's us that
17 want to understand even better and represent to our
18 constituents, but then there's everybody that was here
19 today and everybody that would be watching on the webcast
20 that wants to gets more information.

21 Maybe there's a way to do the meeting we're
22 talking about, and then -- this is where, you know, I'm
23 putting DWR on the spot, and it's not fair of me. And so
24 this is the caveat that if it can't be done, it can't be
25 done.

1 But maybe DWR can even do a webcast, not
2 something for us, but, you know, a half day briefing that
3 they -- like a tutorial, so that people can watch it,
4 download it and go to it, because I think what we're
5 hearing from, you know, people visiting today is that they
6 just need to be able to, you know, hear a little bit more
7 information and they want to get a little more into the
8 weeds, at least a lot of groups. They're not going to get
9 that in a couple of hours with us only.

10 You know, I think we need to find a way to sort
11 of try to get that information out there more. And so
12 that's unfair to do with DWR, and, you know, just say
13 let's do it. But I'd like to explore this and talk a
14 little bit more about this to find a way to do -- number
15 one, have us do the pre-briefing or, you know, the day
16 before. It makes sense, and we should do it. And then
17 find a way to have some type of -- you know, tutorial is
18 the wrong word, but way to get information out there on
19 the Internet for people more on the appendices, what they
20 mean, and what the process was.

21 Because I think Mr. Butler said it well, that
22 will explain a lot of information. People may take away a
23 lot of misconceptions, may take away a lot of fear, and it
24 may drive a lot of conservation and questions that we need
25 to address anyways.

1 PRESIDENT CARTER: Okay.

2 BOARD MEMBER VILLINES: Well, it's easy for me.
3 They have to do the work. That's why I feel bad with DWR.
4 It's putting them on the spot, but they've been fantastic
5 and our staff has been fantastic too.

6 BOARD MEMBER EDGAR: One of the questions, Mr.
7 Carter, that came up this afternoon is the amount of time
8 that it's taking to assimilate all this information,
9 especially for the agricultural community, who can't --
10 don't have the time to come to all these workshop meetings
11 and so.

12 And the issue was raised about people in certain
13 areas having interest in certain subject matters, but not
14 in other areas, and would not rather sit through a whole
15 day of hearing just to listen to problems in the San
16 Joaquin Valley, if you're interested in the Colusa
17 problems.

18 So is the point here of having these hearings in
19 geographically different locations to kind of focus on the
20 issues in those areas, so that people in those communities
21 could testify on those issues, particularly even though
22 it's a public hearing on the whole plan?

23 PRESIDENT CARTER: That's the concept.

24 BOARD MEMBER EDGAR: Is that the concept?

25 PRESIDENT CARTER: Yes.

1 BOARD MEMBER EDGAR: Okay. All right. Well, one
2 thing we might do, just to hear some of the testimony that
3 went on today, maybe if we're going to start the meetings
4 like in mid-afternoon and go into early evening, or
5 whatever Emma and Michael recommend, maybe we could have a
6 couple of hours before that just for some briefings on
7 focused issues in those geographic areas. I don't know.
8 May that would be helpful.

9 PRESIDENT CARTER: Prior to each --

10 BOARD MEMBER EDGAR: Prior to each.

11 PRESIDENT CARTER: -- hearing

12 BOARD MEMBER EDGAR: -- hearing, yeah. Right.

13 So if somebody wants to know a little bit more
14 about the Cherokee Canal, they can come to Marysville and
15 comment about it, or if there's problems in the Delta, I
16 would think that they would want to have maybe a little
17 more detailed briefing in the Stockton meeting. I don't
18 know. Something like that.

19 PRESIDENT CARTER: Okay. So geographically
20 focused briefings prior to the hearings.

21 BOARD MEMBER EDGAR: Yeah.

22 PRESIDENT CARTER: The geographic hearings.
23 Okay. Any other thoughts?

24 Okay. So we will -- I guess the best way to
25 resolve this would be to -- I'll work with Emma and Mike.

1 We'll set up the agendas. At a minimum, we will have a
2 briefing prior to the March meeting. And, Mr. Edgar, I
3 think your idea of perhaps some focused discussions --
4 geographic focused discussions prior to the hearings,
5 briefings on those.

6 We do have kind of a draft agenda for the four
7 hearings here. And, you know, staff technical findings,
8 would be -- could be focused specifically on those
9 technical areas for that particular geography. So we
10 could follow kind of your model and your suggestion in
11 that way.

12 So are people comfortable with that?

13 SECRETARY DOLAN: Yes.

14 BOARD MEMBER VILLINES: Is Eric comfortable with
15 that?

16 PRESIDENT CARTER: Is staff comfortable with
17 that?

18 SUPERVISING ENGINEER BUTLER: I don't want to
19 knee-jerk this. The briefings that we were given were --
20 covered each of the technical documents, each of the
21 appendices specifically. So there was individual briefing
22 on each. And as I mentioned, they gave us a lot of
23 insight into the whole thought process as to how the plan
24 was developed.

25 So I'm thinking how we might tailor those to be

1 geographically focused. And, at this point, that's not
2 the intent of what we're going to provide you. I'm not
3 saying we couldn't do that. But certainly each of the
4 technical documents don't necessarily have an individual
5 geographic focus. You know, one is river hydraulics. One
6 is groundwater. One is cost estimating. One is risk
7 analysis. So some of them are general and broad, and some
8 of them are more focused. Where we could focus our
9 points, we certainly would endeavor to do that.

10 But, you know, we will be taking pretty much the
11 full remaining time between now and then to prepare the
12 report for you. So if we were to have -- just to do the
13 March half day, and I'm going to have to work with Emma
14 and Mike to have some discussions with DWR as to how we
15 can pull that off, I think -- and so those discussions
16 will have to continue before I say too much more. I don't
17 want to commit anybody to anything yet.

18 But certainly, I hear what you're asking for, and
19 I think we can find some solution that generally meets
20 everyone's desires.

21 PRESIDENT CARTER: I just -- I mean, what could
22 happen with respect to the geographically focused
23 technical briefings prior to the April hearings is that we
24 take the information we got today, which are the hot
25 buttons for all of the stakeholders. And perhaps some of

1 those appendices are not on that list, and so we -- and
2 yet, from a geographic perspective, we can focus on the
3 hot buttons and take the technical -- extract the
4 technical information for those areas, and share that and
5 relay that and discuss it.

6 So I'm hoping that through the input we've gotten
7 today, we'll be able to filter the list and distill the
8 issues down to hopefully some manageable number. We've
9 got to, in order to structure the hearings. And so the
10 technical briefings will be focused on those issues at
11 that time.

12 SUPERVISING ENGINEER BUTLER: And I'll add that,
13 you know, we had the benefit of essentially from one
14 o'clock Wednesday, all day Thursday, until about 2:30 in
15 the afternoon Friday. And you're asking for a synopsis of
16 that in a half a day. So quite necessarily, there's going
17 to be a reduced level of detail. But I think even so, an
18 overview of how those documents support the entire
19 planning process and the plan itself would, I think, give
20 you a better understanding of what it is that's in front
21 of you.

22 PRESIDENT CARTER: At least it will --

23 SUPERVISING ENGINEER BUTLER: And maybe where
24 many of the focus points that the public is suggesting,
25 you know, why they're concerned with certain things.

1 PRESIDENT CARTER: At a minimum, it will help us
2 focus our -- where our thought process and questions. And
3 the Board will reserve the right to schedule additional
4 meetings between now and whenever the plan is adopted. We
5 always have that option.

6 So any other questions or comments?

7 Mr. Punia.

8 EXECUTIVE OFFICER PUNIA: I just want to make it
9 clear that rather than taxing all our staff on this task,
10 we will engage the consultants who prepared the technical
11 documents, so that they can provide you a briefing also.
12 So I think our staff will be there and will be able to
13 provide you the independent -- their comments and
14 opinions. But I will -- I think it will be much more
15 efficient, because they prepared the technical documents,
16 they're knowledgeable and they can give you a quick
17 synopsis. And then our -- you can ask our staff's
18 feedback, if you have any questions.

19 PRESIDENT CARTER: Okay. And by all means, I
20 mean it's in -- I noticed that many of them have already
21 left. Hopefully, they've logged into the webinar or it's
22 still going. I don't know.

23 But it's in their best interests to bring the
24 Board up to the level of speed that it wants to be to --
25 in order to make an informed decision, so they should be

1 wanting to jump at that opportunity.

2 EXECUTIVE OFFICER PUNIA: Yeah, I think Erick
3 Koch is here, so I can see that he's nodding that DWR is
4 making a commitment to provide their consultant and staff.

5 (Laughter.)

6 SUPERVISING ENGINEER BUTLER: President Carter,
7 if I may add one more comment. DWR was very gracious, and
8 said, you know, anything they can do to help us have a
9 better understanding of the materials, please let them
10 know. They'll do everything they can to help us. So I'm
11 going to assume that this falls into that -- you know,
12 into that statement and in that spirit.

13 FloodSAFE PROGRAM MANAGEMENT OFFICE CHIEF KOCH:
14 Eric Koch with DWR. And I'm glad you're not
15 assuming, and I'm glad you're not committing us, but we're
16 more than happy to work with you and bring something
17 together that meets your needs, you know, in the amount of
18 time that we have. So I'll have to go back. I'll talk to
19 Jeremy. I'll talk to the consultant staff. We'll get
20 with Jay and Mike and Emma, and, you know, we'll see what
21 we can work out for you guys.

22 PRESIDENT CARTER: Thank you.

23 Okay.

24 BOARD MEMBER VILLINES: Can I just say.

25 PRESIDENT CARTER: Mr. Villines.

1 BOARD MEMBER VILLINES: Focusing just on the
2 subject, I want to say a couple things. First, I want to
3 commend a couple of folks, Eric Butler, Nancy Moricz, who
4 have been sort of staffing this -- not sort of, they have
5 been directly staffing this. We all have a document here
6 that has a spreadsheet, and then comments that are in
7 here. So this is for the Board and for the public -
8 whoever is watching and who's still here - please get your
9 comments into the website, submit your comments in the way
10 that we have talked about, through the -- you know,
11 through the website, so that we can get those comments,
12 because all the discussions, all the notes we're talking,
13 don't get into the report. We need people's comments.
14 That's what I want to stress

15 And I really want to commend the work that you
16 too and your team have done to get this going and get that
17 up to speed, and the coordination with DWR. So it's
18 important to point that out, because I think that if we
19 don't entourage, in every meeting, for people all across
20 this area that's affected to put in their comments, then
21 it won't be as robust a document. And we want to make
22 sure that we do that, so please make sure that they do
23 that.

24 And as you'll see, there's a lot of comments.
25 And our friend who came up from -- I'm forgetting the

1 resort -- but her report was one of the very first ones.
2 Her letter actually is the first letter in the packet, so
3 her wish was achieved. She submitted early and got it in.
4 So it really works if you submit all your information.

5 Thank you.

6 PRESIDENT CARTER: Thank you. All right, ladies
7 and gentlemen, we're going to move on. We still have a
8 couple items on your agenda to finish up our meeting.

9 Item 13, Board Comments and Task Leader Reports.
10 Traditionally, we kind of just go down the dais here and
11 people share information that they want to share with the
12 Board and with the public.

13 So with that, Ms. Dolan, is there anything you'd
14 like to share?

15 SECRETARY DOLAN: Yeah. I can't think of
16 anything I want.

17 PRESIDENT CARTER: Okay. Mr. Ramirez.

18 BOARD MEMBER RAMIREZ: No. I think we covered
19 most of the things that would have just pertained to me.
20 Thanks to DWR for the very quick overview of everything.
21 I'm sure I'll get a couple more of those, hopefully,
22 between now and July 1st. I think we covered everything
23 else that I was involved with.

24 Thank you.

25 PRESIDENT CARTER: Okay. Ms. Rie.

1 VICE-PRESIDENT RIE: I just want to mention that
2 I participated in the Army Corps of Engineers webinar
3 yesterday on the vegetation research efforts. And there
4 was a PowerPoint presentation. The Corps said that they
5 would email that. They haven't done that yet. As soon as
6 I get that, I'll give it to Mr. Punia and he can share
7 with all the Board members. And I also want to mention
8 that DWR invited me to participate in their urban level of
9 flood protection work group meeting on March 7th. And the
10 urban level of flood protection is going to be, I think,
11 an appendix to the plan, but it hasn't been released yet.
12 That's coming maybe in March.

13 So I'll be participating in that meeting, and
14 I'll brief everyone at our March meeting how that went.
15 And that's it.

16 PRESIDENT CARTER: Thank you.

17 Mr. Edgar.

18 BOARD MEMBER EDGAR: Nothing to add, Mr. Chair.
19 I'm just very thankful for your patience of those of us
20 that are new, and glad to be aboard and we'll do the best
21 we can to catch up

22 PRESIDENT CARTER: Ms. Suarez.

23 BOARD MEMBER SUAREZ: I don't have anything else.

24 PRESIDENT CARTER: Nothing else.

25 Mr. Villines.

1 BOARD MEMBER VILLINES: Nothing really. Just
2 this. Just what we've been discussing in the plan and
3 rolling that out. I would add that I did talk to Senator
4 Nielsen based on our issue from before, and I think I
5 shared an Email with a few folks that Mr. Marino talked
6 about. But he was very pleased about handling that issue
7 up in their district, and I think was going to reach out
8 to you, Mr. Carter. So anyways, that was a good thing.

9 PRESIDENT CARTER: Thank you.

10 And other than coordinating with the staff and
11 DWR at the executive level and staying engaged with the --
12 or just keeping apprised of what's happening with The
13 Roundtable, which is not much, other than the steering
14 committee, of which I'm a member of, is continuing to
15 postpone meetings until we have critical mass around the
16 table on that.

17 I also have been kind of on the side -- or the
18 periphery of -- there's a vegetation workshop that's
19 being -- or symposium actually that's being organized by
20 folks from California. The project manager is Peter Buck
21 from SAFCA. It will -- it's turning out to be an
22 international event with international representation.
23 Experts coming from all over the world. I think that we
24 all ought to stay tuned to that. I believe it is
25 happening sometime next fall. They are looking for

1 sponsorships, and I know they've contacted you, Mr. Punia,
2 with respect to whether or not the Board would be willing
3 to do some sponsorships, and perhaps we can do some
4 in-kind things, since we don't have any money, but
5 something that we all ought to be engaged in and
6 participate in.

7 So they are in the process of trying to define
8 the keynote speaker list, and panelists at this point. So
9 it's looking very interesting.

10 SECRETARY DOLAN: And that's related to - excuse
11 me - levees, vegetation?

12 PRESIDENT CARTER: It's -- yeah, it's
13 basically -- yes, levee vegetation. Mr. Buck is the
14 project manager on the California Levee Vegetation
15 Research Project. They've been working on specific things
16 and trying to dovetail with the work that the Corps has
17 been doing on their levee vegetation research as well.

18 And the California program, there -- they were
19 planning to finish up their efforts and issue their
20 findings prior to the adoption of the Central Valley Flood
21 Protection Plan. So we should be hearing, and probably
22 seeing more, specifically on that effort.

23 But one of the outcomes is that there's still
24 more that we have to learn. And the symposium is designed
25 to share what knowledge exists and where the gaps are and

1 identify steps, in terms of moving forward on that effort.

2 So we had a -- the other thing I wanted to talk
3 about, we had some interest and we've had some turnover on
4 the Board. We have a list of task teams. This list is a
5 fairly lengthy list. Not all of these task teams have
6 Board member participation, but -- does everybody have a
7 copy of this at this point?

8 EXECUTIVE OFFICER PUNIA: Yes. It's not a final
9 copy, but it's a working copy. We thought maybe the Board
10 may be interested in discussing this. We just distributed
11 a working copy, and it will show where the Board member
12 Butch Hodgkins and John Brown participated, so that
13 President Ben Carter can consider and see if the new
14 members want to replace them.

15 PRESIDENT CARTER: So what I would ask, and in
16 the interests of time, is if you all have an opportunity
17 to go ahead and review this list. Some of these
18 committees have gone dormant or are -- there's not a need
19 for them anymore. If you see something on here that
20 piques your interests, you'd like participate in, contact
21 me. Let me know what your interest is at the next Board
22 meeting under this item. We'll go over this, and we'll
23 kind of finalize Board member participation on all these.

24 So there are no exclusions, other than on these
25 we can only have two Board members at a time serving. But

1 if you have an interest in one, and there are already two
2 Board members, express the interest, and maybe we can make
3 some transitions.

4 So don't be stifled by the fact that there's
5 already two sitting Board members on something. If you
6 have an interest maybe one of them wasn't really a
7 volunteer and wants to get off.

8 (Laughter.)

9 PRESIDENT CARTER: So some of them have been
10 pressed into service.

11 So all right, I'd appreciate if you'd do that.

12 Next item on the agenda, if there's nothing else
13 on this, or no questions, Future Agenda -- Ms. Rie.

14 VICE-PRESIDENT RIE: I just wanted to make a
15 comment that there's a flier circulating on that
16 vegetation conference, and I believe it's scheduled for
17 late August. And I have a copy at home. And I'm
18 wondering, Mr. Punia, if you wouldn't mind forwarding the
19 notice to all the Board members, because I would imagine
20 Mr. Ramirez and maybe Ms. Dolan don't have the notice.

21 EXECUTIVE OFFICER PUNIA: I will do that.

22 VICE-PRESIDENT RIE: Or perhaps you have it and
23 you can just forward it to everyone.

24 PRESIDENT CARTER: Yeah, just send it to
25 everyone.

1 EXECUTIVE OFFICER PUNIA: I will.

2 PRESIDENT CARTER: Okay. Future Agenda. There's
3 a draft future agenda in your portfolio. It has a fair
4 amount of boilerplate, in addition to the standard DWR
5 Report of Activities. There's a discussion of levee
6 inspection criteria and the annual LMA report. This is
7 basically the LMA report card that we review at least once
8 a year.

9 There are a number of items on consent. I assume
10 that the ones that were postponed from today will appear
11 again either next month or the following month as noted --
12 as per our discussion this morning.

13 We have the Programmatic -- program Environmental
14 Impact Report for the plan.

15 Let's see, we've got a couple American River
16 watershed items, an informational briefing on the Regional
17 Water Quality Control Board for the mercury and methyl
18 mercury issue.

19 Are there any -- is there anything on here that
20 you would like to -- and, of course, we talked about
21 having a -- potentially a half day prior to this on the
22 Thursday. So if you all would please protect your
23 calendars for March 22nd in the afternoon, if you could,
24 please.

25 Is there anything that you'd like to see on the

1 agenda that's not here?

2 BOARD MEMBER SUAREZ: Yes, Mr. President.

3 PRESIDENT CARTER: Ms. Suarez.

4 BOARD MEMBER SUAREZ: Draft comments on the veg
5 variance.

6 PRESIDENT CARTER: Thank you. I had that in my
7 notes. Thank you.

8 Anything else?

9 Okay. Well, we will endeavor to -- Mr. Punia,
10 did you have something else.

11 EXECUTIVE OFFICER PUNIA: I think on that
12 subject, Board Member Teri Rie previously engaged with the
13 staff, and Board Member Tim Ramirez has expressed an
14 interest, so staff will coordinate with both of the Board
15 members to prepare the draft comments.

16 PRESIDENT CARTER: Is that good with you too?

17 BOARD MEMBER RAMIREZ: Um-hmm.

18 VICE-PRESIDENT RIE: Um-hmm.

19 PRESIDENT CARTER: All right. Anything else?

20 Okay. We will try and firm up that agenda for
21 March 22nd and 23rd.

22 And if there is nothing else --

23 BOARD MEMBER SUAREZ: I have one item, non-agenda
24 item -- not related to the agenda, I should say.

25 PRESIDENT CARTER: Please, go ahead, Ms. Suarez.

1 BOARD MEMBER SUAREZ: We will be meeting in
2 Marysville next Friday. And I was wondering if there's a
3 possibility that as a discussion item, we can finalize the
4 dates -- or the times for the public hearings, because we
5 need to get that information out to the public. So I was
6 hoping that next Friday we can -- Mr. Villines and I can
7 come back with proposed times. I don't believe the dates
8 will change. I think we're talking about times. And I
9 think we're talking about the times outside of Sacramento.
10 We're talking about what we do in Stockton and in
11 Marysville and in Yolo, is that correct?

12 PRESIDENT CARTER: Yeah, I think that's
13 reasonable. Why don't we just decide now.

14 BOARD MEMBER SUAREZ: Well, we need to check
15 availability. That's going to be a problem. Any
16 afternoon and evening meeting means we won't likely be
17 able to use the administrative buildings, some public
18 buildings, so we'll have to deal with that issue.

19 BOARD MEMBER VILLINES: Yeah, we'd like to work
20 on that.

21 BOARD MEMBER SUAREZ: Yeah, we'd like to.

22 PRESIDENT CARTER: So what we should -- I guess,
23 we should work out those details, but the plan is to have
24 those three meetings outside of Sacramento --

25 BOARD MEMBER SUAREZ: From three to --

1 PRESIDENT CARTER: -- starting late afternoon and
2 into the evening.

3 BOARD MEMBER SUAREZ: Yes, from three to nine or
4 something like that.

5 PRESIDENT CARTER: Okay.

6 BOARD MEMBER SUAREZ: Would that sound -- and
7 then keep the Sacramento one here at the Resources Agency
8 from nine to five.

9 PRESIDENT CARTER: Right.

10 BOARD MEMBER EDGAR: And maybe a little time
11 before the public hearing for that technical thing, if
12 Eric can work that out.

13 PRESIDENT CARTER: Could you turn on your mic,
14 please, for the record.

15 BOARD MEMBER EDGAR: And maybe a little time
16 before the three o'clock for the technical briefing that
17 we talked about, focused on those geographic issues.

18 BOARD MEMBER SUAREZ: What we can work with DWR
19 is they might do an early CEQA/technical setup.

20 BOARD MEMBER EDGAR: Something like that.

21 BOARD MEMBER SUAREZ: Because they were going to
22 prepare background information in the CEQA documents and
23 have, you know, displays and things like that. And maybe
24 we can do the same for the technical stuff, and they can
25 look at them in open house sort of scenario. So we'll

1 discuss that with them next week.

2 Okay. So direction I will not -- we will not
3 mess around with the times in our -- the meeting here in
4 Sacramento. That will remain a day meeting. We'll work
5 on finding new locations for afternoon meetings in the
6 other three sites.

7 And hopefully we can get all that okayed by next
8 Friday so we can get a press release out and all that.

9 PRESIDENT CARTER: Terrific.

10 VICE-PRESIDENT RIE: Ms. Suarez, I just want to
11 let you know right now that on April 11th, I wouldn't be
12 able stay until like eight or nine o'clock at night. I
13 have to go to the airport that night.

14 BOARD MEMBER SUAREZ: 11th?

15 VICE-PRESIDENT RIE: The April 11th one. I have
16 to pick up my daughter from the airport that night.

17 PRESIDENT CARTER: At the Sacramento Airport or
18 the --

19 VICE-PRESIDENT RIE: San Francisco.

20 PRESIDENT CARTER: Okay, because that one is in
21 Yolo.

22 Okay. Mr. Punia.

23 EXECUTIVE OFFICER PUNIA: I just want to inform
24 the Board that for the March 2nd agenda, we -- when we
25 mailed you the items, we didn't include Item 8e. It has

1 been posted on the web. We'd appreciate it if you can
2 download it on the web. And then for Mr. Edgar the hard
3 copy is given to you. So all the items are complete and
4 the reports were mailed.

5 PRESIDENT CARTER: Okay. Well, with that, ladies
6 and gentlemen, we are adjourned.

7 Thank you.

8 (Thereupon the Central Valley Flood Protection
9 Board open session meeting adjourned at
10 4:23 p.m.)

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