

“Celebrating 102 Years of Flood Management”

CENTRAL VALLEY FLOOD PROTECTION BOARD

California Natural Resources Agency – State of California

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BOARD MEMBERS

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Emma Suarez, Vice President
Jane Dolan, Secretary
Mike Villines, Member
Tim Ramirez, Member
Joe Countryman, Member
Clyde Macdonald, Member
Anthony Rendon, Ex Officio Member
Fran Pavley, Ex Officio Member

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Jay Punia, Executive Officer
Len Marino, Chief Engineer
Eric Butler, Supervising Engineer
Amber Woertink, Staff Assistant

BOARD COUNSEL

Nicole Rinke, Legal Counsel
Deborah Smith, Legal Counsel

AGENDA

CENTRAL VALLEY FLOOD PROTECTION BOARD MEETING

August 23, 2013 – 9:00 AM

**Sacramento City Hall, 1st Floor Council Chamber
915 I Street, Sacramento, CA 95814**

**Please visit our website homepage for a link to view the live
webcasting of this meeting.**

NOTE: THE BOARD WILL CONSIDER TIMED ITEMS AS CLOSE AS POSSIBLE TO THE LISTED TIME, BUT NOT BEFORE THE TIME SPECIFIED. UNTIMED ITEMS MAY BE HEARD IN ANY ORDER.

- 1. ROLL CALL**
- 2.* APPROVAL OF MINUTES – June 14, 2013 and June 28, 2013**
- 3.* APPROVAL OF AGENDA**
- 4.* CONSENT**
 - A. Permit No. 18166-4, Sacramento Regional Transit District (*Ali Porbaha*)**

Consider adoption of Resolution No. 2013-19 to approve Permit No. 18166-4 to construct a retaining wall encroaching 8 feet into the south bank of Union House Creek at the Center Parkway Station in the City of Sacramento. (Sacramento County)

***action item**

Anyone may upon request obtain a copy of background or other material on an agenda item that has been distributed to the Members of the Board. A fee covering the cost of the provision of such materials may be charged. If you need reasonable accommodations due to a disability, or need language assistance, please contact the Equal Opportunity Management Investigations Office at (916) 653-6952, or TDD (916) 653-6934 at least a week prior to the meeting.

B. Permit No. 18844, Union Pacific Railroad (*Deb Biswas*)

Consider adoption of Resolution No. 2013-20 to approve Permit No. 18844 to replace an existing timber string portion (Segment A) of Bridge 73.37, Martinez Subdivision along the South Fork of Putah Creek approximately 0.5 miles downstream of Interstate 80. (Solano County)

C. Permit No. 18845, Westervelt Ecological Services (*Steve Dawson*)

Consider approval of Permit No. 18845 to develop a wetland and giant garter snake preserve; de-level portions of the site to create a managed-marsh complex; create interior berms 3 feet above existing grade; and utilize existing and new water control structures to efficiently direct water. (Colusa County)

D. Permit No. 18863, Feather Water District (*Ashley Cousin*)

Consider approval of Permit No. 18863 to construct a barrier across an existing water supply inlet channel; install two (2) 48-inch diameter water conveyance pipes with fish screens; and one (1) 24-inch culvert on the right (west) bank of the Feather River. (Sutter County)

E. Permit No. 18864, Feather Water District (*Ashley Cousin*)

Consider approval of Permit No. 18864 to construct a barrier across an existing water supply inlet channel; install two (2) 48-inch diameter water conveyance pipes with fish screens; and one (1) 24-inch culvert on the right (west) bank of the Feather River. (Sutter County)

F. Permit No. 18872, City of Davis (*Steve Dawson*)

Consider approval of Permit No. 18872 to replace invasive weeds with native vegetation in the Davis Drain. (Yolo County)

G. Permit No. 18875, Farmland Reserve, Inc. (*Angeles Caliso*)

Consider approval of Permit No. 18875 to construct two 7-foot high setback agricultural embankments approximately 1,400-ft and 1,500-ft long; authorize approximately 1.65 miles of existing connected agricultural embankment, for a total of approximately 2.2 miles of agricultural embankment on the east bank within the limits of the Sacramento River Designated Floodway. (Butte County)

H. American River Common Features General Re-Evaluation Report Letter of Intent
(*Ajala M. Ali*)

Consider approval of Resolution No. 2013-18 to:

1. Approve a Letter of Intent to participate as a Non-federal Sponsor with the U.S. Army Corps of Engineers and the Sacramento Area Flood Control Agency in the American River Common Features General Re-evaluation Report; and
2. Delegate to the Executive Officer authority to sign the Letter of Intent.

- Items on the Consent Calendar may be removed at the request of any Board member or person.

5. PUBLIC COMMENTS (non-agendized items only)

6. U.S. ARMY CORPS OF ENGINEERS BRIEFING

- U.S. Army Corps of Engineers Levee Inspection Results (*Ryan Larson*)
 - RD 2031 (Stanislaus County)
 - RD 1602 (Stanislaus & San Joaquin Counties)

7.* REQUESTED ACTIONS

A. Central Valley Integrated Flood Management Study (CVIFMS) Feasibility Cost Share Agreement (FCSA) Amendment No. 1 (*Christopher Williams*)

Consider approval of Resolution No. 2013-17 to approve Amendment No. 1 to the FCSA between the U.S. Army Corps of Engineers and the Central Valley Flood Protection Board and the State of California Department of Water Resources for the CVIFMS.

B. Senate Bill 753, An Act to Amend the Water Code Relating to Flood Protection (*Board member Clyde Macdonald and Board Counsel Nicole Rinke*)

Consider the status of modifications to, and other actions related to legislation approved by the Board for the legislature's consideration to broaden the Board's authority, primarily related to encroachment permitting and enforcement including the authority to issue administrative fines for uncorrected code violations.

C. Employment of Board Legal Counsel (*Board Staff and Board Members*)

1. Discussion of the status of the hiring process for employment of Board Legal Counsel.
2. Discussion and decision to continue with or modify the current hiring process.

LUNCH BREAK

8. INFORMATIONAL BRIEFINGS/DISCUSSIONS

A. Implementation of the Board's Strategic Plan (*Board Staff*)

1. Overview of the final Strategic Plan and release hard copies for the Board members
2. Preparation of the work program for implementation of the Strategic Plan
3. Next steps

B. Briefing on draft Sacramento Area Flood Control Association (SAFCA) encroachment white paper to support FEMA certification and Urban Levee Design Criteria (ULDC) compliance for the levees protecting the City and County of Sacramento. (*Ric Reinhardt and Pete Ghelfi*)

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9. CLOSED SESSION

- To discuss the evaluation, selection, employment, and other personnel matters related to the Board’s interviewing of candidates and hiring for the position of Board Counsel pursuant to Govt. Code section 11126(a)(1). *(Nicole Rinke, Deputy Attorney General)*
- To discuss litigation (Hardesty et. al. v. Sacramento Metropolitan Air Quality Management District et. al; United States District Court, Eastern District of California - Sacramento Division Case No. 2:10-cv-02414-GEB-JFM) pursuant to Govt. Code section 11126(e)(1). *(Nicole Rinke, Deputy Attorney General)*.
- To discuss litigation (Central Valley Flood Protection Board v. Lino Catabran, Sacramento Superior Court Case No. 34-2013-142003) pursuant to Govt. Code section 11126(e)(1). *(Nicole Rinke, Deputy Attorney General)*
- To discuss litigation (Fay Island Reclamation District v. California Department Fish and Game, et. al; California Superior Court, County of San Joaquin, Case No. 39-2009-00228660-CU-BC-STK) pursuant to Govt. Code section 11126(e)(1). *(Nicole Rinke, Deputy Attorney General)*
- To discuss litigation (Ward v. State, et al., Sacramento Superior Court Case No. 34-2013-00144886) pursuant to Govt. Code section 11126(e)(1)). *(Nicole Rinke, Deputy Attorney General)*
- Pursuant to the authority of Government Code section 11126, subdivisions (e)(1), (e)(2)(B)(i), and (e)(2)(C)(i), the Board will meet in Closed Session to consider potential litigation involving the Board. *(Nicole Rinke, Deputy Attorney General)*

10. BOARD COMMENTS AND TASK LEADER REPORTS

11. FUTURE AGENDA

12. ADJOURN

- Items on the Consent Calendar may be removed at the request of any Board member or person.