



Meeting Summary

Lower Sacramento Regional Conditions Work Group Meeting #7

December 7, 2009, 9:00 am – 1:00 pm

Location: City of West Sacramento City Hall

Room 160

1110 West Capitol Avenue

West Sacramento, CA 95691

WORK GROUP ATTENDANCE:

Name	Organization	Status
Mike Bessette	City of West Sacramento	Member
Ryan Bonea	Sutter County Resource Conservation District	Member
Francis Borcalli	FloodSAFE Yolo; Water Resources Association of Yolo County	Member
Bill Busath	City of Sacramento	Member
Andrea Clark	Three Rivers Levee Improvement Authority	Member
Dan Fua	Central Valley Flood Protection Board	Member
Miki Fujitsubo	U.S. Army Corps of Engineers (USACE)	Member
Mike Hardesty	RD 2068, RD 2098, California Central Valley Flood Control Association	Member
Gena Lasko	California Department of Fish and Game	Member
Ronald Stork	Friends of the River	Member
Helen Swagerty	River Partners	Member
Tim Washburn	Sacramento Area Flood Control Agency	Member
Warren Westrup	Yolo County Department of Parks and Resources	Member
Gary Hester	CA Department of Water Resources	CVFMP* Program Manager
Loren Murray	CA Department of Water Resources	DWR*** Regional Coordinator
Roger Lee	CA Department of Water Resources	CVFPO**
Pierre Stephens	CA Department of Water Resources	DWR Lead
Michele Ng	CA Department of Water Resources	CVFPO**
Vanessa Nishikawa	MWH Americas Inc.	Technical Lead
Craig Wallace	MWH Americas Inc	Team
Mike Harty	Kearns & West	Facilitator
Janet Thomson	Kearns & West	Facilitation Support / Note Taker

*Central Valley Flood Management Planning

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**Central Valley Flood Planning Office

***California Department of Water Resources

Absent:

Bill Center	American River Recreation Association, Planning & Conservation League, CABY (Cosumnes, American, Bear, Yuba) IRWMP	Member
William Edgar	Sutter Butte Flood Control Agency	Member
Tovey Giezentanner	Conaway Preservation Group LLC; RD 2035; Water Resources Association of Yolo County	Member
Tim Miramontes	Yolo County Farm Bureau; California Rice Commission; California Farm Bureau Rice Advisory	Member
Tom Smythe	Lake County	Member
Jeffrey Twitchell	District One of Sutter County; urban and rural interests of Yuba City-Sutter Basin	Member

No observers were in attendance.

WORK GROUP HOMEWORK/ACTION ITEMS

1. Review the Responses to Questions and provide feedback or questions by December 21, 2009.
2. Provide responses to the Feedback Form on the work group process to date, as soon as possible, to Janet Thomson (jthomson@kearnswest.com, 415-391-7900, or fax to 415-391-8223).
3. Provide any comments on the Meeting #6 summary by Thursday, December 10, 2009.
4. Submit comments on Regional Conditions Report (RCR) chapters 4 and 5 (distributed via email on December 7, 2009) by December 21, 2009.

Except where noted, homework assignments should be sent to DWR lead Pierre Stephens, jstephe@water.ca.gov.

ACTION ITEMS: PROGRAM TEAM

1. Gary Hester will explore the possibility of providing a more detailed CVFPP Planning Areas map to work group partners.
2. Pierre Stephens will provide the work group partners with a link to the SharePoint site where the topic work group summaries are located.
3. Vanessa Nishikawa will provide a table of contents with some descriptive text (annotated outline), of the RCR at the next work group meeting.

GROUP RECAP

The following may be edited and used by work group partners in communicating with their constituencies:

The Lower Sacramento Regional Conditions Work Group continued its work on December 7, 2009 with the following actions:

- Reviewed the process roadmap for the remainder of 2009 and 2010.
- Reviewed and provided comments on revised CVFPP potential objectives.
- Provided feedback on the work group process to date.

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FUTURE MEETINGS SCHEDULE

Meeting #8: January 27, 2009
9:00am – 1:00pm
Sacramento Utilities Department
1395 35th Avenue
Sacramento River Room
Sacramento, CA 95821

MEETING OVERVIEW

The purpose of Meeting #7 was to continue developing content for the Regional Conditions Report.

MEETING GOALS

1. Review Roadmap for Remainder of 2009 and Early 2010 (Schedule for Document Review)
2. Continue Discussion of Objectives and Walk Through Chapter 4
3. Request Preliminary Feedback
4. Discuss Next Steps

SUMMARY

Welcome and Greetings

Pierre Stephens, DWR, and facilitator Mike Harty welcomed the meeting participants. Following introductions, Pierre Stephens reviewed the previous meeting's action items.

Review of Meeting #6 Action Items

1. DWR will review input regarding state liability and provide further information to the Work Group at a future meeting.
Status: Information is included in the Meeting #6 Responses to Questions document.
2. Vanessa Nishikawa will add "system-wide" to the RCR glossary.
Status: Still outstanding.
3. Janet Thomson will poll the work group partners to identify the best date (between January 21 and January 27) to hold Meeting #8.
Status: Complete. Meeting #8 will be held on January 27, 2009, from 9:00am-1:00pm.

Opening Remarks and Responses to Questions

Gary Hester, CVFMP Program Manager, reviewed the Responses to Questions from Meetings #5 and #6. The first question and response address the state's potential liability in connection with the CVFPP. The Lower Sacramento Regional Conditions Work Group has been consistent in emphasizing the importance of squarely addressing liability as part of CVFPP development. DWR understands the importance of continuing to discuss this topic, particularly looking forward as management actions are developed.

Comment: It is essential that the Goals and Objectives for the CVFPP be consistent with the State's interests in limiting its liability and clearly defining those limits in anticipation of future legal review.

The second question addresses the requirements for urban levels of flood protection in land use planning by local jurisdictions within the Central Valley. This topic is being addressed as part of the presentations to local jurisdictions. The legislation uses the term "urban level of flood protection" for land use decisions by all cities and counties in the Central Valley. The state's primary obligation as part of the State Plan of Flood Protection is limited to lands protected by the SPFC. Outside the SPFC, local jurisdictions have the

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flood protection obligation. This key distinction extends to activities that include floodplain mapping, developing topography, and updating hydrology. (Note: in addition to considering urban levels of flood protection related to land use decisions throughout the Central Valley, there remains the potential as part of the plan to expand the capacity of the system to either reduce floodflows or convey floodwaters away from urban areas.)

Q: How will DWR determine the criteria used to delineate floodplains? Will DWR use Federal Emergency Management Agency (FEMA) or Army Corps of Engineers characterizations, or another set of criteria?

A: DWR is aware that this is a very important issue and will be seeking guidance from you on the criteria that should be used. Early next year, DWR will be forming work groups to discuss the urban level of flood protection issue. DWR has the responsibility for developing criteria against which local jurisdictions can check their compliance. We will invite you to help with that effort early next year.

Comment: DWR should make it clear in this plan that even though DWR is setting the criteria for urban levels of flood protection, DWR is not taking responsibility for those areas.

A: That is correct. We are using this planning venue because we have the right people at the table, but we need to be clear about what the plan does and does not cover.

The third response addresses how DWR has revised the planning areas for the CVFPP. DWR previously referred to the plan's "focus area" as the area covered by the SPFC. From now on, DWR will be using three different terms to provide greater clarity. The areas encompassed by these three terms are delineated on a map in the Response to Questions document, and they include: areas receiving benefits from the SPFC (the SPFC Planning Area, or SPFPCA); lands that are affected by operation of the Sacramento-San Joaquin flood management system, known as the Systemwide Planning Area (SPA); and the entire area encompassed by the plan, which includes both the Sacramento and San Joaquin River watersheds, known as the Watershed Planning Area (WPA).

Comment: Clarity about the relationship between the SPFPCA and the SPA in the narrative of the plan would be useful. The state should also consider how to handle Modesto, the only urban area at risk of catastrophic flooding outside of the SPFPCA.

Q: Has the state decided how to handle facilities not currently part of the SPFC today, but potentially included in the future?

Q: How will the plan clarify whether the state is assuming liability for entire floodplains that are covered in part by SPFC facilities? Does the state have some obligation to ensure that the floodplain as a whole is properly managed even though the state has not given assurances for every bit that has been protected?

A: The intent of the SPA is to get at that concept. It acknowledges that there are facilities that help the system to function, and that any changes to those facilities that the state has not been involved with will still affect the overall performance of the system. Those areas must be evaluated within the plan.

Comment: That is a crucial distinction that should be made clear in the plan.

The fourth response addresses the revised southern boundary for the Sacramento-San Joaquin Valley. Fresno has been working with DWR to clarify what the southern boundary was intended to be in the legislation.

Comment: It might be useful to allow other communities to opt out of the planning area as well. DWR could establish criteria that require local jurisdictions to show that they are meeting FEMA standards; those areas could then be discharged from the state's responsibility and be covered by the National Flood Insurance Program.

Q: Do the orange (SPFPCA) areas on the map come from the levee protection zone maps?

A: Yes.

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Gary Hester informed the work group that he will be leaving DWR at the end of December. He noted that the work group process is important and the continued participation of the partners is critical to its success. Gary's successor has not yet been identified.

Roadmap for Remainder of 2009 and Early 2010

Vanessa Nishikawa, MWH, explained the future meeting schedule for 2009 and early 2010. The milestones over the next few months include:

- Work group partners receive RCR chapters 4 and 5 (covering goals, objectives, principles, and requirements) after Meeting #7 (December 7, 2009)
 - Work group comments on RCR chapters 4 and 5 will be due on December 21, 2009
- Work group partners receive the complete RCR (chapters 1-5) on January 4, 2010
 - Work group comments on RCR chapters 1-4 will be due on January 27, 2010
- Work group partners receive the Regional Conditions Summary (RCS) on January 13, 2010
 - Work group comments on the RCS will be due on January 27, 2010
- Valley-Wide Forum will be on February 3, 2010
- Potential Management Actions Work Groups will begin in February 2010
- The revised RCS and RCR, including public comment and the last round of work group comments, will be distributed in March 2010

During Meeting #8, the work group will review the RCR (chapters 1-5) and the RCS, provide additional feedback on the process, the RCR, and "lessons learned," and recruit for the next Regional and Topic Work Groups that will discuss potential management actions. What was previously chapter 4 of the RCR has now been split into chapters 4 and 5. Chapter 4 covers the goals and principles, which are fairly established, and chapter 5 now includes the objectives, which are in draft form and will be continually updated throughout the iterative process.

All the topic work groups have completed their meetings, with the exception of the agricultural stewardship subcommittee and the interim levee design criteria work group. The operations and maintenance, climate change, and levee performance work groups have completed their summary documents which are available on the SharePoint site. These products will be incorporated into the RCR and RCS as they become available, just as was done with information from the topic work group meeting summaries.

Q: How does the content from the summary reports and the topic work group discussions get incorporated into the formation of objectives?

A: The program team has been incorporating the topic work group content into the chapters of the RCR and has checked back and forth between the objectives, as they are being developed, and the topic work group content to ensure consistency.

Comment: There is inconsistency between the intent of a RCR, which describes the current conditions, and identifying opportunities, which are forward-looking. The opportunities should be informed by the goals, principles, and objectives. Without having a sense of the direction that the program is headed, which comes from the objectives, it is not possible to identify opportunities that fit within the program.

A: The "problems and opportunities" section mostly deals with problems. That content is in chapter 3.

Comment: The content should be renamed to clarify that you are only capturing problems.

Q: What is the role of principles in developing management actions?

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A: The management actions are what we will do to meet the objectives. The principles are the overarching guidance on how to get that done. For example, the liability issue would be a principle because it is an overarching concept guiding all the objectives and management actions.

Comment: The narrative for this document will be extremely important. The narrative must clearly explain why DWR is undertaking the effort and how the state is handling the question of liability. At the end of the narrative, the reader should have a clear understanding of the CVFPP Planning Areas concept that Gary explained this morning. Once the reader understands where the state is giving assurances, the reader can then see how the objectives and management actions will help to achieve the program goals.

Continued Discussion of Objectives (Walk Through Chapter 4)

Vanessa Nishikawa explained that the work group's input on the objectives at Meeting #7 will be included in the revised version of the RCR that is distributed in January. Mike Harty led the group through a discussion of the revised objectives; the content of the discussion is captured in the table below.

Category of Objectives	Objectives to be Explored	Work Group Comments
Flood risk	Provide 200-year (or greater) level of flood protection to all urban and urbanizing areas in the Sacramento - San Joaquin Valley by December 31, 2025, and to provide interim 100-year protection by 2015.	<ul style="list-style-type: none"> • DWR should clarify whether the state's intent is to make sure that these standards are met, or whether the state is saying it will be responsible for reaching the standard. • Including this as an objective in the plan implies that DWR will be responsible for reaching the standard. If DWR is stating that it will be responsible for reaching the standard, this objective is infeasible. • Funding this activity by 2025 may not be possible. • If levees are deficient, having an interim 100-year standard does not make sense. If there are levee improvements, you might as well get the levees up to the 200-year standard. • The legislation requires that this objective apply to the SPFCPA. • This objective should be separated to apply as appropriate to each planning area: the SPFCPA, the SPA, and the WPA. • This objective should make clear that it can be achieved by either structural flood protection or by floodplain management.
Flood risk	Develop a set of guidelines for providing flood protection to rural communities and agricultural areas in the Sacramento – San Joaquin Valley by December 31, 2025.	<ul style="list-style-type: none"> • The guidelines should be included in the CVFPP. The minimum standards for the guidelines should be consistent with the historic/original design standards of the project. • The objective should apply to urban areas outside the SPFC. • The proposed language results in a timeframe that is too distant (10-15 years to develop a set of guidelines). Furthermore, guidelines are not stringent

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		<p>enough; the objective should contain standards. Ideally those guidelines would be standards that are consistent with system design, and they would be identified by 2015 and implemented by 2025. This way you could have a window of opportunity to identify deficiencies from the initial project design and then a timeframe in which to cure the deficiencies.</p> <ul style="list-style-type: none"> • As with the previous flood control objective, the objective should be more clearly defined to relate to each of the CVFPP planning areas (SPF CPA, SPA, WPA). • The state should consider providing assistance to legacy communities such as Clarksburg that are not urban but might be able to develop protection. DWR could develop a grant program to assist rural communities capable of defining a perimeter around themselves and providing at least 100-year flood protection. This would not mean the state is legally committed to providing that protection.
Ecosystem Restoration	<p>Increase shaded riverine aquatic habitat by XXX acres, in a manner consistent with risk reduction and flood capacity goals, with a focus on areas of habitat discontinuity, by 2025.</p> <p>Increase floodplain habitat by XXX acres, in a manner consistent with risk reduction and flood capacity goals, with a focus on areas of habitat discontinuity and where wetlands can be restored, by 2025.</p>	<ul style="list-style-type: none"> • These objectives are not flood control objectives; they should be recognized as objectives to be met once flood control objectives are achieved, or as a byproduct of meeting flood control objectives. • Including a specific number of acres for this objective sets up a standard that the state will not be able to meet. • If the standards are tied to water surface elevations, the issue of how vegetation affects water surface elevation has to be considered. We will have to analyze where we have the capacity to put vegetation between levees in a way that does not harm or detract from the flood protection standards. • This objective is linked to the “streamlined permitting” objective below. • This objective could best be achieved in the context of joint flood management and habitat restoration projects. We should be capitalizing on opportunities to have the flood control system be more ecosystem-friendly. • This objective should seek to maximize

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		<p>acreage preserved for habitat restoration, consistent with flood risk reduction, system capacity requirements, and available funding required for multi-objective projects.</p> <p>This requires attention to issues associated with the Army Corps of Engineers (USACE) Engineer Technical Letter (ETL). In particular, the state should be clear that the ETL has to be reconsidered at least with respect to non-urban levees. It would be helpful for the USACE to conclude that standards should not be applied without differentiation into the rural areas.</p> <ul style="list-style-type: none"> • A future management action for this proposed objective should focus on the Sacramento River and Yolo Bypass Systems.
Ecosystem Restoration	Increase the area (by TBD acres) and frequency of inundated floodplain habitat within the flood management system that provides conditions suitable for spawning and rearing native fish by 20XX.	<ul style="list-style-type: none"> • See above.
Streamlined Permitting	Establish a system-wide /streamlined permitting process to reduce the cost and duration of obtaining permits for design and construction, maintenance, and recovery by 2015.	<ul style="list-style-type: none"> • This objective might work better in some cases as project-specific or regional streamlining, rather than system-wide. • If restoration will be part of this objective, a safe harbor clause should be included.
Flood Preparedness and Response	Develop and implement an emergency preparedness plan for all areas covered by the CVFPP that includes elements to incorporate interagency communications to address flood risk, warning and notification, and hazard communication elements by 20XX.	
Operation and Maintenance	Achieve 90% annual pass rate for urban levees in the Central Valley when inspected according to Federal and State levee standards (e.g., maintenance, encroachment, etc.) by 2025.	<ul style="list-style-type: none"> • This objective should be drafted in a way that the state can meet it. There should not be an operations and maintenance standard established that the state cannot achieve 100%. The state should consider what a reasonable standard for levee maintenance might be and write it into the plan.

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Category of Objectives	Objectives to be Explored	Work Group Comments
Operation and Maintenance	Achieve XX% annual pass rate for non-urban levees in the Central Valley when inspected according to Federal and State levee standards (e.g., maintenance, encroachment, etc.) by 2025.	
Education and Outreach	Implement a focused and continuous outreach program to educate public and political officials on potential flood risk, and to support local agencies on revising their General Plans by 2014.	<ul style="list-style-type: none"> This objective needs to include notice to the public about residual risk. <i>(Note that residual risk is included in the list of potential new objectives, below.)</i>
Groundwater Recharge	Divert 50% of the current overdraft, as defined by the state water plan, acre-feet per year (average annual) flood flows to provide conjunctive use benefits by 2050.	<ul style="list-style-type: none"> This objective is not applicable within the Sacramento River Valley. This objective is infeasible.
Funding	Establish statutory guidance, standards, policies, and procedures to fund and implement projects and activities that contribute to a system-wide approach to integrated flood management by 2012.	<ul style="list-style-type: none"> Is this realistic given Prop 218 limits on local funding?
Land Use	Develop consistent guidelines for conforming to policies specified in the CVFPP for land management within floodplains and floodways by 20XX.	<ul style="list-style-type: none"> It is not clear what this objective adds, since the legislature has already mandated what can be done in urban and urbanizing areas, and the National Flood Insurance Program governs what can be done outside of urban areas. This objective could pertain to management actions such as: developed areas can release no more than 90% of incoming water. Consider developing a proposal to FEMA that would allow some relief from its policies, perhaps in the SPFCPA, in return for certain state assurances.
Land Use	Maintain the viability of agriculture in the flood management system by creating compensation and safe harbor agreements for flood easements.	<ul style="list-style-type: none"> The language should reference “agricultural open space or conservation easements” rather than, or in addition to, “flood easements.” That works especially well if those paying for the agricultural easements are those paying to develop in urban areas. It is not clear how safe harbor applies here. In practice, achieving this objective may be problematic if there is not enough money available to provide easements at

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		<p>market value.</p> <ul style="list-style-type: none"> Another way to preserve agriculture is to reduce the likelihood that agricultural lands flood. We need a robust enforcement mechanism so that flood managers do not continue to release runoff onto their downstream neighbors. This could be a separate objective, either under land use or land preservation.
Other Potential Objectives to Explore	Develop a long-term conservation strategy by 2017 that provides effective and efficient sustainable environmental mitigation for flood management activities on a system-wide basis, and results in lasting environmental benefits. (Maybe move to Ecosystem Restoration)	

Preliminary Feedback

Mike Harty explained that the program team is seeking feedback from the work group partners on the work group process to date. In addition to the worksheet that work group partners are asked to fill out during the meeting, the program team will be conducting several more detailed phone interviews with work group partners. The program team will be using this feedback to determine how to adjust the existing work group process to best meet the needs of the partners in the next phase (potential management actions work groups).

Comment: It seems as though the RCR has turned into a different document than it was originally intended to be. It was supposed to be describing existing conditions, but now it appears that the RCR is reaching beyond that with the objectives and opportunities.

A: The plan has evolved since the beginning of the process although the general scope is similar. The program team has been responsive to the input from the work groups, which has resulted in a slightly different approach than originally envisioned.

Comment: The changes in approach have not been clearly conveyed to the group. The group has not had a clear sense of all the pieces of the CVFPP, how they fit together, and what their purposes are.

Comment: The narrative being developed needs to clearly describe how all the pieces fit together.

A: The RCR will be a technical reference document that the larger CVFPP will refer to and incorporate where appropriate.

Comment: The sections of the RCR that explain why and how the plan is being developed, especially regarding the state's liability, should not be referenced but should be fully incorporated into the CVFPP.

Comment: The CVFPP narrative is the opportunity for the state to articulate to the courts the purpose of the plan.

Q: Can we see a table of contents of the plan that includes paragraphs explaining what the purpose of each section is?

A: Yes, we will provide that to you.

Q: How do we handle irreconcilable differences between the regional conditions work groups?

A: The Valley-Wide Forum will be an opportunity to articulate what the differences are. Since this is not a consensus process, the program team will be acknowledging the range of perspectives in the plan.

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Next Steps, Action Item Review, Meeting Recap

Pierre Stephens and Janet Thomson reviewed the action items from Meeting #7. Pierre Stephens and Mike Harty thanked the work group members for their participation and adjourned the meeting.