



## Central Valley Flood Protection Plan

### Meeting Summary

### Lower San Joaquin Regional Conditions Work Group Meeting #7

**Time:** December 10<sup>th</sup>, 2009, 9:00 am – 1:00 pm

**Location:** San Joaquin Farm Bureau  
3290 N Ad Art Rd  
Stockton, CA 95215

#### MEETING ATTENDANCE:

##### Present:

Name	Organization	Status
Susan Dell'Osso	Reclamation District 2062	Member
Mary Hildebrand	San Joaquin Farm Bureau, South Delta Water Agency, California Central Valley Flood Association	Member
Kevin Kauffman	Stockton East Water District	Member
James Nelson	Stormwater Consulting	Member
Dave Peterson	San Joaquin Area Flood Control Agency	Member
Jesse Roseman	Tuolumne River Trust	Member
Steve Winkler	San Joaquin County	Member
Joe Bartlett	DWR, Central Valley Flood Protection Office (CVFPO)	CVFPO Representative
Gary Hester	DWR	CVFPP Program Manager
Carolyn Lott	Center for Collaborative Policy (CCP)	Facilitator
Sam Magill	Center For Collaborative Policy	Facilitation Support
Mark Nordberg	DWR	DWR Lead
Keith Wallace	MWH	Technical Lead
Scott Woodland	DWR	Regional Coordinator

##### Absent:

Deedee Antypas	RD 2074	Member
Jim Giottonini	City of Stockton, SJAFCA	Member
Roger Churchwell	San Joaquin Area Flood Control Agency (SJAFCA)	Member
Koosun Kim	City of Manteca	Member
Tony Refuerzo	Stanislaus County Planning Department	Member
John Shelton	California Department of Fish and Game (DFG)	Member
David Zezulak	California Department of Fish and Game	Member
Wes Fujitani	City of Lodi	Member
Julie Retner	River Partners	Member

## WORK GROUP ACTION ITEMS/HOMEWORK

1. Keith Wallace will send out the process graphic from page 3 of the "Meeting #7 Response to Questions" document
2. Lower San Joaquin Regional Work Group (Work Group) participants will send comments on chapters 4 and 5 of the Regional Conditions Report (RCR) to Mr. Wallace by December 21<sup>st</sup>.
3. Work Group participants will review and comment on the complete RCR by January 4<sup>th</sup>.
4. Work Group participants will review the Regional Conditions Summary (RCS) and provide comments by January 13<sup>th</sup>.
5. Mr. Wallace will investigate and report back to the Work Group on the issue of whether the 200 year protection requirement in objective #1 is:
  - a. Required by the legislation
  - b. Applies to existing *and* new developments
6. Scott Woodland will identify whether the current levee inspection applies to project, non-project, and private levees alike.
7. Work Group participants will review the objectives document and submit all comments to Keith by December 14<sup>th</sup>.

### **GROUP RECAP** (meeting highlights for use by Work Group partners in their communications)

The Work Group continued its work on December 10<sup>th</sup> by continuing its development of draft CVFPP objectives statements.

The Work Group's purpose is the development of content for the RCR and RCS, key components for developing the 2012 Central Valley Flood Protection Plan (CVFPP). The RCS and RCR will identify resources, conditions within the Central Valley, flood management and related problems and opportunities, and goals and objectives for use in preparing the CVFPP. The Work Group is one of five regional work groups in the Central Valley.

### **MEETING OBJECTIVES:**

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

## **SUMMARY:**

**\*\*ALL PRESENTATIONS AND MATERIALS AVAILABLE ONLINE AT  
[www.water.ca.gov/cvfmp](http://www.water.ca.gov/cvfmp)\*\***

### **Welcome**

Carolyn Lott opened the meeting, noting that this would be the second to last meeting. She announced that the main goal of the meeting was to finalize the draft objectives as much as possible before moving into the next phase of CVFPP preparation. Joe Bartlett thanked participants for attending.

### **Opening Remarks**

Merritt Rice delivered opening remarks on behalf of DWR. Mr. Rice started by responding to a number of comments from the Work Group and other participants in the Central Valley Flood Management Planning Program (CVFMP) and CVFPP process. He noted that Alex Hildebrand, Work Group participant and South Delta Water Agency member, recently submitted a letter to DWR stating he was resigning from the Work Group process due to concerns about action implementation at the local level. Mr. Rice noted implementing action items is a critical step, but without first developing solid goals and objectives, the CVFPP will not be successful. The product the Work Group and the other regional conditions groups have produced will end up in the RCR/RCS and will form the foundation of the CVFPP. The authorizing legislation for the CVFPP (SB5, Machado, 2007) includes authorization for a series of early implementation projects, which DWR hopes to include in the 2012 CVFPP. Other concerns outlined in the letter included:

- A comment that there is an inherent conflict between the state's requirement to maintain channel capacity and the local Reclamation Districts' (RD) requirement to maintain levees. When erosion begins, it often begins in the channel and then erodes the levees. Mr. Hester remarked that although it will be difficult to address since it is primarily a legal conflict, this issue must be included in the CVFPP.
- The concern that water supply is being included in the CVFPP, instead of maintaining a narrower focus on flood control only. Mr. Rice responded this was required by the legislation.
- New conveyance will take precedence over the CVFMP and CVFPP process. Mr. Rice noted that in a planning process, you have to consider all possibilities (i.e., a new conveyance system; no new conveyance, etc). In the baseline, DWR has identified that there are many potential future scenarios.
- A comment on flows vs. stages. The concern was that DWR is focusing too much on levee repair and not enough on reducing stage (through reservoir reoperation). Mr. Rice commented that while opportunities for reservoir reoperation exist, they may not yield the types of results some people believe (from either a flood control or water supply perspective).

Speaking on behalf of Mr. Hildebrand, Mary Hildebrand commented that the biggest concern is that this or something like the CVFPP process should have been completed back in 1998 after the 1997 flood. A promise was made that it would be completed immediately, but it's still in its initial stages. Mr. Rice agreed, and that the process started in 1998 was the Comprehensive Study but that difficulties arose when it got to the point of determining the compromises and tradeoffs needed for success.. He added that it is his hope that some initial management actions can be implemented upon completion of the 2012 CVFPP regardless of the overall emphasis in the CVFPP. He noted that the only way to create mutually acceptable solutions are through discussions with a broad group of interests such as this Regional Conditions Work Group.

Mr. Rice announced that Gary Hester, CVFMP Program Manager, will be leaving DWR at the end of December. He speculated that it might take some time to confirm a replacement. Mr. Rice then moved into responses for questions raised by all regional conditions work groups at meeting #6.

### Question 1: How the liability is addressed in the CVFPP document?

A concern has arose primarily in the Lower Sacramento Regional Conditions Work Group that the CVFPP should focus more on clarifying state liability issues, noting that the *Paterno* decision never clearly defined the state flood system. The draft "State Plan of Flood Control Descriptive Document" recently released to all work groups for comment and review illustrates what is and is not part of the system. The public review draft is scheduled for January 2010. Additionally, the state is working on the Flood Control System Status Report (FCSSR) that is to define what deficiencies likely exist in the State Plan of Flood Control. The FCSSR is also to identify potential elements of the State Plan of Flood Control that could be eliminated from the system. A participant asked about an example of what parts of the system that could be a candidate for eliminated. Mr. Rice responded one example is several features of the Sacramento River "Majors and Minors" Project constructed by the US Army Corps of Engineers in the 1940s-60s that is no longer effected by the Sacramento River.

### Question 2: Clarification of requirements for urban protection in land use planning

Mr. Rice remarked that Ken Kirby and Gary Hester have recently made a number of presentations to local government representatives on the CVFPP and other elements of the 2007 legislation that may be of interest to them. He directed participant's attention to the graphic on page three of the "Responses to Questions" from Meetings #5 and #6 for more information. In addition to his explanation, the following comments were recorded:

- A participant asked for a higher resolution copy of the graphic. Mr. Wallace will send this out to the Work Group (**see Action Item #1**). He also asked who Mr. Kirby and Mr. Hester have been speaking to at the county level. Mr. Rice responded that they have been speaking primarily to county boards of supervisors and public works directors.
- Mr. Woodland acknowledged the concern that people have about the definition for 200 year protection and the 200 year flood maps. DWR will continue to work on the correct definition and has a separate process set up to develop these maps. He added that this and things like climate change estimates will continue to be an issue for local government officials. Until more exact data is produced, DWR has developed some simplified assumptions for its early implementation program (EIP).
- A participant noted that that the simplified assumptions could cause significant concern for locals. In a flat landscape, assuming one foot for sea level rise could triple the size of the affected area.

### **Roadmap for 2009**

Mr. Wallace provided a review of the CVFPP process roadmap for 2009. He noted that chapters 4 and 5 of the RCR had been sent to Work Group members on Monday. The primary focus of Meeting #8 on January 26<sup>th</sup> will be to review the completed RCR and RCS. They will be sent out in the first week of January after this initial review. He also noted that while all comments on the RCR/RCS will not be incorporated by the time the Valley-wide forum take place in February, a general description of the comments will be available. Staff emphasized during the next phase of CVFPP work groups will develop specific management actions. Although staff does not know what the work group format/composition will be, everyone in the existing work groups will be invited to participate.

After discussing the roadmap, Mr. Wallace provided a series of deadlines for Work Group comments on the RCR and RCS. These deadlines are reflected in **Action Items 2-4**.

### **Continued Discussion of Objectives**

Mr. Wallace opened the objectives discussion by reminding the Work Group that this is an iterative process. The objectives in the RCR will continue to be revised throughout the CVFPP process as more information becomes available. Ms. Lott then instructed participants to review the objectives list and discuss each one. In addition to the 14 main objectives in the document, "Objectives to be Explored," an additional list of new, partially developed objectives was provided for Work Group consideration outside of the meeting.

### Discussion:

- A participant raised the overarching concern that water management systems were built with priorities in mind. Chief among these has always been flood safety. The next priority is water supply, and a distant third is power generation. The most important thing for ALL of the objectives is recognizing that flood safety is the most important, authorized purpose for water system improvements. Ms. Lott acknowledged this concern, and suggested that it be included as an overall principle; Mr. Wallace agreed to take the idea to staff as well.
- A participant commented that objectives must be designed in such a way that they don't "cannibalize" other projects. Reservoir reoperation will take away from water supply. Building new reservoirs may be the only solution that addresses water supply and flood concerns.

### Objective 1: Provide 200 year protection to urban and urbanizing areas

- A participant asked if the legislation asks for the 100 year interim target in objective 1. Mr. Wallace confirmed it was not; this was included in the objective as a marker for success.
- Another member stated that based on the table in the document, it appears that many of the work groups had similar significant concerns that were not addressed. They said that this suggests that DWR is not using work group input. Mr. Wallace responded that in many cases, comments can be conflicting. Additionally, at the end of the day DWR has a number of things based on statutory responsibility and department policy that it must do. The participant added that there should be a clear delineation between what is required by the legislation and what internal DWR policy is. Work Group participants generally agreed; Ms. Lott agreed that staff must find a way to address this concern.
- One Work Group member commented objective 1 should include a statement that 200 year protection should be "required" for all new development as soon as possible. The word "provide" suggests that all work will be done and levees will be retrofitted by 2025; a simplified version could say "200 year protection is required to be in place by 2025." As currently written, it could go beyond the scope of the legislation. Mr. Wallace will investigate these issues and report back at the final Work Group meeting (**see Action Item #5**).

### Objective 2: Provide guidelines for 100 year protection to rural areas

- A participant noted that *guidelines* should be developed by 2012 or as soon thereafter as possible. If the objective is requiring 100 year protection for all rural areas, it should be 2025. Work Group members agreed.
- Participants said creating 100 year protection in some areas and 200 year protection in others could have significant Section 408 compliance issues. Raising/strengthening levees in different areas will invariably have effects downstream. It can only be achieved through setback levees, overflow areas, or reoperation of reservoirs. If overflow areas are created on agricultural lands, land owners must agree to it before hand and be completely compensated for the use of their land.
- Work Group participants had a high degree of concern with the objective due to section 408 issues. One participant noted the 200 year requirement could end up creating *less* protection for rural downstream communities. Instead, the Work Group suggested a new objective of restoring original design *standards* using new hydraulic and geo morphological data by 2025. Creating guidelines would be a management action to achieve that objective. 200 year data is being developed for this purpose by the US Army Corps of Engineers (Corps) and the Federal Emergency Management Agency (FEMA).

### Objective 3: Increase shaded riverine aquatic habitat

- Participants generally agreed that an exact acreage target is not appropriate here. One member suggested that a percentage of total shore miles may be more appropriate. Another commented that due to Corps levee vegetation policies, shaded habitat can only occur where setback levees are feasible. Providing landowners with incentives to create habitat would also be beneficial.
- The Work Group commented that increasing habitat alone will not reverse species decline. The habitat must be carefully placed, water quality must be improved, and levee maintenance

constraints must be taken into account. Creating a careful survey identifying appropriate areas for new shaded aquatic habitat could be a good first step.

Objective 4: Increase inundated flood plain

- A participant questioned the efficacy of spawning and rearing fish in floodplains, noting that they could pose substantial stranding issues for juvenile fish.

Objective 5: Streamlined permitting

- Work Group members asked what “recovery” means in the objective, and asked that “improvements” also be included in the wording. Mr. Woodland responded that recovery speaks to work needed after a flood to repair. Participants agreed that better definition of “recovery” is needed in the objective.

Objective 6: Implement and emergency preparedness plan for the Central Valley

- Participants agreed this is already underway, and that most jurisdictions either have or are developing this type of plan. The wording can be altered to read, “...develop and implement and emergency preparedness *coordination* plan...”

Objective 7: Achieve 90% annual pass rate

- All Work Group participants noted the comments of every group were abandoned with the exception of Upper Sacramento. Mr. Wallace will continue to bring this concern back to staff.
- A member noted that pass rates will lead to agencies only meeting the standards while not actually improving safety. One example is the requirement for steps in levees to be no deeper than 12 inches. 13 inch steps have no effect on safety, but do not meet standards. Agencies could spend too much time correcting minor defects and not enough time dealing with major structural issues.
- Participants raised the previous concern that pass rate standards may lead to unrealistic expectations by certifying agencies. The example was brought up that if rodent burrows are found in numerous sections of levees, a local RD could be required to fix far more than the amount of levee it owns.
- Ms. Lott noted Work Group comments apply to objective 8 as well. This objective was shelved for further consideration.

Objective 8: Improve the annual pass rate for non-urban levees (see Objective 7 comments)

- A participant asked if objective 8 is meant to apply to non-project, private levees as well as project levees in rural areas. Mr. Woodland will investigate the issue and provide clarification at the final Work Group meeting (**see Action Item #6**).

Objective 9: Implement a focused outreach program

- The Work Group suggested alternate wording to read, “By 2014, implement a focused outreach program...to support local agencies for their 2014 General Plan Update.”

Objective 10: Divert 50% of current overdraft...

- A participant suggested revising the objective to read, “By 2050, divert 50% of current overdraft...Also allow for xxxx acre feet per year of unallocated flood flow...”

Objective 11: Establish guidance, standards, and policies

- Work Group participants noted all work group comments were rejected except for Lower Sacramento’s.
- One participant commented the objective should focus on identifying funding sources, not developing additional policies for funding allocation. Mr. Woodland suggested that identifying funding sources could be one critical management action under the objective.
- Another member said the statement “system-wide approach to integrated flood management” is inappropriate in this objective, as requiring all projects to have a system-wide approach could

delay funding for important local projects that may not affect other areas. Striking this statement and including, “consistent with the CVFPP” may be more appropriate.

- Mr. Rice suggested and the Work Group agreed pushing the deadline back to 2013 or 2014 is appropriate. The CVFPP is going to make recommendations for *achieving* the objectives, not completing them outright.
- A participant commented that a better objective could be to develop a stable funding strategy by 2014.

#### Objective 12: Develop consistent guidelines for land management

- Work Group members revised the objective to read, “Develop local policies for flood protection to achieve the goals in the CVFPP.” Additionally, “to reduce flood damages” should be included at the end of the objective.
- Work Group members raised concerns that the objective focuses too much on land use. Mr. Rice responded that the goal here (as required by the legislation) is to provide guidance on land use. Participants expressed concern about the objective over all, and reminded staff that creating guidelines could open local jurisdictions and the state up to additional liability.

#### Objective 13: Contribute to the maintenance of a viable agricultural industry

- No comments received

#### Objective 14: Implement a long-term conservation strategy by 2017

- A participant commented that Section 408 permitting must be revised. The CVFPP must be a programmatic compliance document. This should be core function of the entire document.

After the objectives discussion, Ms. Lott instructed Work Group members to submit any additional comments on the objectives to Mr. Wallace by December 14<sup>th</sup> (**see Action Item #7**).

#### **Preliminary Feedback**

Ms. Lott discussed as part of the partner assessment staff would like to receive Work Group input to help determine what has worked in the RCR/RCS process and what hasn't. She asked participants to fill out the “Process Goals Discussion” worksheet and hand it in to the facilitation team. She added that no comments will be attributed to individual members; the goal is to craft the most appropriate approach for a successful next phase by understanding what has worked well within the current process and the “lessons learned.” She closed by saying that after the meeting, staff will contact individual Work Group members for one-on-one interviews. Participants were instructed to contact the facilitators if they would like to be interviewed. It was also noted facilitation team leads were available for personal interviews if desired by workgroup members.