

Yolo County Flood Control & Water Conservation District

AGENDA Board Meeting 34274 State Highway 16 Woodland, CA 95695 Tuesday, February 1, 2011 7:00 P.M.

Public documents relating to any open session item listed on this agenda that are distributed to all or a majority of the members of the Board of Directors less than 72 hours before the meeting are available for public inspection in the customer service area of the District's Administrative Office at the address listed above.

In compliance with the Americans with Disabilities Act, if you have a disability and need a disability-related modification or accommodation to participate in this meeting, then please contact Christina Cobey at (530) 662-0265 or (530) 662-4982 fax. Requests must be made as early as possible, and at least one full business day before the start of the meeting.

AGENDA

- 7:00 1. Board Consideration: The Board will consider adoption of the minutes of the January 4, 2011 Regular Board Meeting.
- 7:02 2. Open forum (Limited to five minutes): Guest introductions, unscheduled appearances and opportunity for public comment on non-agenda items.
- 7:07 3. Board Consideration: Adding Items to the Posted Agenda.
In order to add an item to the agenda, it must fit one of the following categories:
a) A majority determination that an emergency (as defined by the Brown Act) exists; or
b) A 4/5ths determination that the need to take action that arose subsequent to the agenda being posted.
- 7:10 4. Board Presentation: Efficient Water Management for Regional Sustainability in the District and the Sacramento Valley.
- 7:50 5. Board Consideration: 2005/2006 Storm Damage Repairs and Mitigation Requirement.
- 8:05 6. Board Consideration: Appointment of District Alternate to the Sites Project Joint Powers Authority.
- 8:10 7. Directors' Reports: Each member of the Board will have the opportunity to report on meetings and conferences attended during the prior month on behalf of the District.

- 8:15 8. Attorney's Report: The District's attorney will report on the following:
a) Current legal and legislative activities.
- 8:20 9. General Manager's Report: The Board will receive a report from the General Manager or designated representatives regarding current general activities and projects of the District.
a) General Activities
b) Operations, Maintenance and Water Conditions
- 8:25 10. General Discussion: Opportunity for Board members to ask questions for clarification, provide information to staff, request staff to report back on a matter, or direct staff to place a matter on a subsequent agenda.
- 8:28 11. Board Consideration: The Board will consider the approval and the payments of bills.
- 8:30 12. Closed Session:
a) Conference with real property negotiator involving APN 025-010-018, and CCF V, Inc. Instructions to the negotiator may include price, terms of payment, or both. (See Government Code sections 54954.5(b) and 54956.8.); and
b) Conference with real property negotiator involving APN 050-010-010. Instructions to the negotiator may include price, terms of payment, or both. (See Government Code sections 54954.5(b) and 54956.8; and
- 8:58 13. Closed Session Report
Report action and vote, if any, taken in Closed Session
- 9:00 14. Adjourn

The public may address the Board concerning an agenda item either before or during the Board's consideration of that agenda item. Public comment on items within the Board's jurisdiction is welcome, subject to reasonable time limits for each speaker. Upon request, agenda items may be moved up to accommodate those in attendance wishing to address that item. Times listed for consideration of agenda items are approximate only. The Board may consider any agenda item at any time during the Board meeting.

I declare that the foregoing agenda was posted at the office of the Yolo County Flood Control and Water Conservation District, 34274 State Highway 16, Woodland, CA on January 28, 2011.

By: _____
Christina Cobey, Administrative Assistant



BOARD MEETING MINUTES
Tuesday, February 1, 2011, 7:00 PM

YCFCWCD Offices
34274 State Highway 16
Woodland, CA 95695

The regular meeting of the Board of Directors of the Yolo County Flood Control and Water Conservation District was held at 7:00 p.m. on February 1, 2011, at its regular place of business, 34274 State Highway 16, Woodland, California. Chair Rominger convened the meeting. In attendance were:

District Board

Bruce Rominger, Chair
 Ann Brice
 Ron Tadlock
 Erik Vink

District Staff

Tim O'Halloran, General Manager
 Christy Barton, Assistant General Manager
 Stefan Lorenzato, Environmental Program Manager
 Jen Reed, Project Manager
 Max Stevenson, Water Resources Associate
 Paul Bartkiewicz, Legal Counsel

Members of the Public

Duane Chamberlain
 Grant Davids
 Don Rominger
 Bob Schneider

1. BOARD CONSIDERATION: Approval of Minutes

M/S/C approved the minutes of the January 4, 2011 Regular Board Meeting as submitted. See Item 13 regarding an action to correct an omission to the minutes.

2. OPEN FORUM

General Manager O'Halloran presented Assistant General Manager Barton with a plaque commemorating 35 years of service to the District.

O'Halloran announced that ACWA had provided the District with two copies of the recently published book commemorating ACWA's first 100 years and presented them to the Board.

O'Halloran announced the Steelhead Constructors, Inc. had provided the District with a number of small polished slices of concrete coring from the Capay Dam as Project mementos. He distributed them to the Board and key staff involved with the Project.

3. BOARD CONSIDERATION: Adding Items to the Posted Agenda

None

4. BOARD PRESENTATION: Efficient Water Management for Regional Sustainability in the District and the Sacramento Valley

General Manager O'Halloran reminded the Board of the myriad of water issues causing uncertainty to water supply and reliability in Northern California, noting Bay-Delta issues, recent legislation, and on-going interest of legislators looking at water issues. He reported that the Northern California Water Association (NCWA) is working with its members, engineers and attorneys to develop a strategy for addressing regional sustainability by developing a presentation about water management in the Sacramento Valley. O'Halloran introduced Engineer Grant Davids, who is working with NCWA on the strategy and development of the water efficiency story for the Sacramento Valley.

Davids reviewed some of the problems inherent with trying to address the misconception that "high efficiency" is always good and saves water for other uses. He reviewed the development of California's water policies and legislation leading from voluntary management to mandates, and the risks and opportunities associated with water efficiency.

Davids reported that the overall framework needs to provide defined parameters to evaluate management practices, to address the characteristics of various existing water uses (e.g. irrigation, environment, and recreation) and the specific hydrologic system associated with each those uses. Suggestions were made regarding rephrasing statements and observations to avoid putting people in the audience on the defensive, expanding the concept of managing flow to incorporate timing of

flow, and also defining conservation. It was noted that many of the terms being used mean different things to different people.

Legal Counsel Bartkiewicz mentioned that the Delta Watermaster had recently submitted a report to the State Water Resources Control Board on agricultural water use efficiency. The Delta Watermaster is presenting the same report to the Delta Stewardship Council next week. NCWA has been critical of the Watermaster's report. The NCWA report that Mr. Davids is working on is intended to clarify the role that agricultural water use efficiency in the Sacramento Valley plays in addressing Delta water supply and ecosystem issues.

Davids stated that it is imperative to understand the Sacramento Valley system, the nexus between surface water and groundwater, and the many interconnected and sequential water uses and users within the system before trying to change it.

O'Halloran noted that SBX7-7 mandates activities that will impact the District by requiring all measuring gates to have a specific measured accuracy and volumetric pricing, both of which are presumed by the legislature to increase on-farm efficiency and reduce water use. He noted that in the Sacramento Valley increased farm efficiency does not necessarily equate to more available water. He identified the need to develop a water balance diagram to visually demonstrate the system's values and benefits, and the transport of water in and out of the system.

O'Halloran reported that he and Water Resources Associate Stevenson recently met with Peter Gleick, Pacific Institute, to demonstrate the District's Supervisory Control And Data Acquisition (SCADA) system, including review of the District's website and data links to other website such as the USGS sites. O'Halloran noted that the SCADA system is a business tool for water management, gathering foundational information that will be needed for decision making.

Bob Schneider thanked O'Halloran and Davids for the presentation and suggested using the District as a model that works, showing the importance of the tailwater in the sloughs for the environment and the vital link between surface water and groundwater.

5. BOARD CONSIDERATION: 2005/2006 Storm Damage Repairs and Mitigation Requirement

Assistant General Manager Barton reported the District still has outstanding repairs associated with the winter 2005/06 declared flood disaster. Qualified storm repairs related to those storms are reimbursable by Federal Emergency Management Agency (FEMA) and California Emergency Management (CalEMA). The District had 15 repair projects associated with the storms. In order to repair the canal system and have it ready for the 2006 irrigation season, the District conducted emergency erosion repairs in early spring 2006. The District's erosion repairs were designated as a single project (Project), challenged by FEMA, and appealed. Barton related her frustration regarding the long time lags (at least 6 months) between activities related to the Project. Barton noted that this

changed last spring when Congressman Thompson's field representative Ms. Fairclough got involved. After receiving a copy of a letter from the District to FEMA contesting information within a US Fish and Wildlife Service (USFWS) Biological Opinion, and requesting that a field tour of the sites of concern be scheduled, Fairclough requested a briefing on the matter from the District. Fairclough subsequently initiated a request for a status report from FEMA regarding the District's requested tour. The following day the District received notice that FEMA was in the process of organizing the field tour.

Environmental Program Manager Lorenzato reported on the July 2011 field tour, explaining the nexus between the USFWS and FEMA, and between the USFWS Endangered Species Act Section 7 consultation and the District's erosion repairs. After touring eight sites of concern identified in the Biological Opinion, the USFWS agreed, based on the site visits and additional information supplied by the District that the potential to negatively impact Giant Garter Snake (GGS) or its habitat existed at only two of the sites of concern. Due to the low potential impact at those two sites, the USFWS recommended mitigation compensation of 2:1 instead of the previously proposed 6:1. Lorenzato reported the value of the required mitigation as \$51,300 at one mitigation bank. He is investigating potential alternatives with USFWS. He noted there are three repairs yet to be completed and work on those sites must conform to the Biological Opinion. Independent of the remaining repairs, mitigation must be completed in order to receive payment from FEMA on the damage claim.

General Manager O'Halloran reported that this year, before the December storms, that District staff photo documented the condition of potentially vulnerable sites throughout the entire canal system.

Barton explained the District is still awaiting FEMA's revised Project Worksheet (PW) that will provide the requirements for the Project including parameters to be incorporated into the three remaining repairs to avoid any potentially negatively impacts on GGS during the repairs. It is presumed that the PW will include requirements as provided in the USFWS Biological Opinion.

M/S/C approved the expenditure of up to \$52,000 for compensatory mitigation associated with the District's erosion repair project.

6. BOARD CONSIDERATION: Appointment of District Alternate to the Sites Project Joint Powers Authority

Director Tadlock reported that the Sites Project Joint Powers Authority (JPA) had requested each member to provide the JPA with the names of alternate representative, in addition to the primary representative. Tadlock reported that General Manager O'Halloran has been attending the JPA meeting with him regularly and suggested that O'Halloran be appointed as the Alternate.

M/S/C appointed General Manager O'Halloran to the Sites Project Joint Powers Authority as the Alternate for Director Tadlock.

7. DIRECTORS' REPORTS

None

8. ATTORNEY'S REPORT

Legal Counsel Bartkiewicz provided an update on various Delta-related issues. He noted that a number of Bay Area conservation groups had submitted a letter to the Delta Stewardship Council that recommends (among other things) that the State Water Resources Control Board (SWRCB) Delta flow criteria report proposals be implemented. He noted that Sacramento Valley water agencies are investigating the impact of these proposed flow criteria on their operations and are concluding that implementing the flow criteria would have significant adverse impacts on the upstream habitat in which salmon spawn and rear, as well as significant water-supply impacts. He expressed a concern that there appears to be a false perception developing that these proposed flow criteria can be implemented consistent with the coequal objectives of the recent Delta legislation.

Bartkiewicz reported that NCWA and the Central Valley Project Association had contested the legality of the SWRCB's water right fees. The case had proceeded from Sacramento County Superior Court to the Court of Appeals to the State Supreme Court. The Supreme Court said the fee was not unconstitutional, but there was not enough evidence to demonstrate a nexus between the amount of the fees and the SWRCB's programs that would be funded by the fees. The case was remanded back to the Superior Court for reconsideration. The District has been paying these fees under protest and has been a party to this litigation.

9. GENERAL MANAGER'S REPORT

General Manager O'Halloran reviewed the status of the District's current water supply and compared it to the 2010 season supply. He reported the Field Supervisor Espinoza has been keeping his crews busy, taking advantage of the dry weather, to do infrastructure repairs and improvements.

10. GENERAL DISCUSSION

None

11. BOARD CONSIDERATION: Payment of Bills

M/S/C approval for the following claim(s) for payment:

Yolo County Flood Control Checks: # 45150-45160

12. CLOSED SESSION:

The meeting was adjourned to Closed Session under:

- a) Government Code sections 54954.5(b) and 54956.8. Conference with real property negotiator involving APN 025 – 010 – 018, and CCF V, Inc. Instructions to negotiator may include price, terms of payment, or both. Persons attending were Board members Brice, Rominger, Tadlock and Vink, Attorney Bartkiewicz, General Manager O'Halloran and Assistant General Manager Barton.
- b) Government Code sections 54954.5(b) and 54956.8. Conference with real property negotiator involving APN 050-010-010. Instructions to negotiator may include price, terms of payment, or both. Director Rominger recused himself due to a potential conflict of interest and left the meeting during this item. Persons attending were Directors Brice, Tadlock and Vink, Attorney Bartkiewicz, General Manager O'Halloran and Assistant General Manager Barton.

13. CLOSED SESSION REPORT

Chair Rominger returned to the meeting and reconvened the regular meeting. Legal Counsel Bartkiewicz reported there was no action to report from Closed Session.

Bartkiewicz also noted for the Board an omission in the January 2011 Regular Board meeting minutes, in that they do not reflect who attended the Closed Session items nor that Chair Rominger recused himself and left the meeting during Item 13b.

M/S/C approved correcting the January 4, 2011 Regular Board meeting minutes to record the persons present during Closed Session and to indicate that Chair Rominger recused himself and left the meeting during Item 13b.

14. ADJOURN

There being no further business to come before the Board, the meeting was adjourned.

Bruce Rominger, Chair

ATTEST:

Tim O'Halloran, Secretary