

Yolo County Flood Control & Water Conservation District

AGENDA Board Meeting 34274 State Highway 16 Woodland, CA 95695 Tuesday, February 3, 2009 7:00 P.M.

Documents and materials relating to an open session item that are provided to the District Board less than 72 hours prior to a regular meeting will be available for public inspection and copying at 34274 State Highway 16, Woodland, CA.

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 6, 2009 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 Introduction: Donn Zea, President and CEO of Northern California Water Association
- 7:20 5. Board Presentation: Safe Harbor Agreement
- 7:35 6. Board Consideration: Capay Dam Stabilization Project
a) Status report on project.
b) Contract for environmental services.
- 7:50 7. Board Review: Appointment of District Representatives to Committees and various groups.
- 8:10 8. Board Discussion: 2009 Water Supply Action/Direction

- 8:30 9. 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.
- 8:35 10. Attorney's Report: The District's attorney will report on the following:
a) Current legal and legislative activities.
- 8:45 11. 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
- 8:55 12. 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.
- 8:58 13. Board Consideration: The Board will consider the approval and the payments of bills.
- 8:30 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 30, 2009.

By: _____
Christina Cobey, Administrative Assistant



Y O L O C O U N T Y

**FLOOD CONTROL &
WATER CONSERVATION
DISTRICT**

BOARD MEETING MINUTES
Tuesday, February 3, 2009, 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 (District) was held at 7:00 p.m. on February 3, 2009, at its regular place of business, 34274 State Highway 16, Woodland, California. Director Bruce Rominger was absent. Chair Tadlock convened the meeting. In attendance were:

District Board

Ron Tadlock, Chair
Ann Brice, Vice Chair
Jim Mayer, Director
Erik Vink, Director

District Staff and Consultants

Tim O'Halloran, General Manager
Christy Barton, Assistant General Manager
Margaret Kralovec, Writer/Editor
Stefan Lorenzato, Environmental Associate
Jen Reed, Project Manager
Paul Bartkiewicz, Legal Counsel
Fran Borcalli, floodSAFE Yolo Program Manager
Paul Garcia, Environmental Science Associates (ESA) Consultant
Gina Hamilton, ESA Consultant
Vance Russell, Director, Audubon California Landowner Stewardship Program

Members of the Public

Dave Pratt
Don Rominger, Former District Chair
Frank Sieferman, Sr.

9.4 1. BOARD CONSIDERATION: Approval of Minutes
M/S/C approved minutes for the January 6, 2009, Regular Board Meeting as amended, and the January 8, 2009, Special Board Meeting as submitted.

2. OPEN FORUM

None.

3. BOARD CONSIDERATION: Adding Items to the Posted Agenda

None.

4. BOARD INTRODUCTION: Donn Zea, President and CEO of Northern California Water Association (NCWA)

General Manager O'Halloran introduced Donn Zea, new President and CEO of NCWA. Zea briefly spoke about his enthusiasm for his position and about the support he has been getting from NCWA and its members, whom he is trying to get to meet in these first weeks on the job. Zea indicated that though he was a political scientist by training, it was his career in forestry that led him an appreciation of natural resources, and he always knew he would ultimately become involved in either water or energy issues.

Zea briefly informed the Board on the important issues he expects to be addressing proactively in his position at NCWA: the difficulties and opportunities presented by both the current drought and state budget crisis; the vital need to update the state's water system; and the need to increase and improve communications and outreach with the public, other agencies, and the science and research communities.

At a recent NCWA strategic planning session, participants discussed how NCWA can be most effective, and whether that might include scaling back or changing its course. The annual meeting of NCWA is scheduled for February 6, 2009, at Yuba City, with keynote speaker Dan Walters, political columnist of the *Sacramento Bee*.

O'Halloran noted that while the District is a good fit for NCWA, it is unique from its other members in several ways, and he looks forward to introducing Zea to the District and its issues. O'Halloran will make arrangements for Directors to receive the weekly NCWA activities update and monthly digest.

5. BOARD PRESENTATION: Safe Harbor Agreement

Environmental Associate Lorenzato explained to the Board that the District has entered into a \$2,000 agreement with the Audubon California Landowner Stewardship Program (LSP) to conduct a district-wide survey of existing stands of elderberry and habitat appropriate for the Giant Garter Snake in District water canals and sloughs. This baseline survey information can help the District protect and enhance endangered species habitats, and avoid costly fines for inadvertently endangering these species in the normal course of District operations and maintenance. Lorenzato introduced Vance Russell, Director of the Audubon

California LSP, who will conduct the survey.

Russell spoke briefly about the existing contract to survey all District canals and sloughs, whereby a two-week assessment will yield information on the size and location of elderberry plants, and note any potential habitat for the Giant Garter Snake that would fall within a five-mile radius of known sightings (probably limited only to the very northernmost portion of the District, closest to the ricelands and wetlands in which this species has been spotted).

Russell introduced Safe Harbor, an agreement between Audubon California and US Fish and Wildlife Service and the California Department of Fish & Game developed for landowners, and into which the District is exploring entering as a cooperator. The Safe Harbor Agreement allows cooperators incidental "take" permits for necessary habitat disturbances for the Valley Elderberry Beetle and the Giant Garter Snake in exchange for implementing certain environmental practices that expand the endangered species habitat for these two species beyond the current baseline. Safe Harbor provides cooperators protection from fines and other penalties for disturbing protected habitats if they develop and enhance protected habitats beyond current levels. Russell indicated that if non-participating landowners disturb protected habitats, they are subject to penalties even if those habitats have increased by natural means beyond their current extent, making Safe Harbor a worthwhile, no-cost insurance program for all its participants. While the District has not yet entered into a sub-agreement to participate in Safe Harbor, it is exploring that possibility with California Audubon.

General Manager O'Halloran noted that the fact-based approach of the Safe Harbor Program was consistent with the District's interest in pursuing actions that are based on knowledge, not assumptions. Though he is not ready to present a recommendation to the Board regarding Safe Harbor participation, he will be looking closely at this opportunity and will be sharing his findings with the Board.

6. BOARD CONSIDERATION: Capay Dam Stabilization Project

a. Status Report

General Manager O'Halloran reported on the District efforts to present the District's Capay Dam Stabilization Project to the Technical Advisory Committee (TAC), formed under the Yolo County Cache Creek Regional Management Plan (CCRMP).

O'Halloran, Stantec Consultant George Sabol, and NHC Consultant Bob MacArthur introduced the project in a two-hour informational presentation to TAC that was also attended by Director Rominger and Environmental Science Associates, the District's Consultants for permitting on the project.

O'Halloran noted that the District is exploring with County staff possible project funding from the CCRMP aggregate funds.

No specific funding proposal or request was made at this meeting. O'Halloran tried to emphasize to the TAC members the urgency of the Capay Dam project because of the essential nature of the dam, and the significance of regional consequences in the event of its failure, points that were

supported by Tuleyome's Bob Schneider. O'Halloran will be meeting with the District's Infrastructure Committee, consisting of Director Rominger and Chair Tadlock to continue to explore potential funding opportunities for this project.

b. Contract for Environmental Services

Legal Counsel Bartkiewicz explained that though the Capay Dam Stabilization Project was arguably exempt from CEQA exceptions (e.g. maintenance of an existing facility without increasing its capacity), the extension of the apron downstream and its potential impact on the streambed provided adequate reasons for the District to submit a CEQA document rather than file a notice of exemption.

ESA Consultant Paul Garcia reported that ESA could provide permitting services to the District on this project, and they have provided the District with a scope of work and budget. An in-depth tour of the site did not reveal problematic issues that would impact the historical significance of the dam structure, nor have enough impact on biological resources to trigger an environmental impact report (EIR).

General Manager O'Halloran explained that the likelihood of no water deliveries this coming season made this the perfect year to accomplish the repair work on the dam, and though it would present an aggressive permitting schedule, ESA had given them indications that the permitting could be processed in time to expect work to be completed this summer. Garcia added that good lines of communications between their office and the U.S. Army Corps of Engineers, Yolo County, and the California state offices bode well for prompt processing of permitting documents. Though Directors have been provided with the ESA Scope of Work Proposal and Budget, they requested staff resumes that were included with the submitted proposal.

O'Halloran requested the Board give him authority to enter into a \$105,000 contract with ESA to provide permitting services on the Capay Dam Stabilization Project.

- 9.5 **M/S/C** authorization for the District General Manager to enter into a contract not to exceed \$105,001 with Environmental Science Associates to provide environmental compliance and permitting services for the District's Capay Dam Stabilization Project.

7. BOARD REVIEW: Appointment of District Representatives to Committees/Groups

Chair Tadlock presented a list of 2009 District Board of Directors committee appointments. The main change to appointments was to make Director Mayer the District's primary representative to the Water Resource Association of Yolo County (WRA). Directors in attendance provided general consensus on the appointment list. Chair Tadlock asked Directors to bring any future appointment requests to him or to District staff.

8. BOARD DISCUSSION: 2009 Water Supply Action/Direction

General Manager O'Halloran reported that he had been engaged in

considerable outreach to the public through media events, letters to the Yolo County Farm Bureau and to the Chamber of Commerce, and a farmer meeting. O'Halloran noted that farmers who attended discussion meetings are preparing and planning for a non-delivery season, and seem accepting of the probability there will be charges for covering District maintenance costs, even when no water is being delivered. Input from meeting attendees consistently supported the view that landowners must be notified regarding costs and water accessibility because these issues have a direct impact on rental charges they can expect from tenant farmers. Legal Counsel Bartkiewicz confirmed that it was reasonable for the District to consider applying charges to system users, should the District decide to impose wheeling rates that have already been approved and communicated to water users and landowners. O'Halloran noted that several options remained under consideration to cover District costs for canal maintenance over a non-delivery season, including wheeling rates, pump fees, daily use fees, and water availability fees. He indicated that the pump incentive program would not be worth energizing this season.

Director Vink received confirmation from Bartkiewicz that the 2008 rate structure letter that presented a range of optional charges related to different water supply scenarios kept the District in compliance with Proposition 218.

Director Tadlock noted that groundwater monitoring would be particularly critical this season, since growers will be pumping unknown volumes of water. O'Halloran informed the Board that he and Water Resources Associate Max Stevenson were already exploring increased groundwater monitoring.

9. DIRECTORS' REPORTS

Director Vink reported he had attended the most recent NCWA meeting in Chair Tadlock's absence. He also indicated that Director Rominger, General Manager O'Halloran, and he had attended a meeting at Cache Creek Casino with the Lake County Watershed Protection District representatives during the prior week, and that they had had the opportunity to meet Rob Brown, a new Board member. Vink indicated that one topic of conversation was a Middle Creek Project that raises some water rights issues.

O'Halloran reported he would be arranging a Board presentation on that topic.

Director Mayer attended the most recent WRA meeting at which Legal Counsel Bartkiewicz made a presentation on Delta issues. Mayer also reported on his attendance at the first Yolo County Water Committee meeting, facilitated by Jeff Loux on behalf of Yolo County. The subject of the meeting did not specifically address the possibility of a county water agency, but focused instead on the more general topic of crafting a water plan and process that would address governance issues. This is an ad hoc committee that will meet approximately six times, and give advice to the Yolo County Board of Supervisors.

10. ATTORNEY'S REPORT

Legal Counsel Bartkiewicz reported that there was no further news on action by the Governor on the Delta Vision strategic plan. He noted that there were a couple of spot bills in the legislature that were being monitored, and there was an expectation that there would be conservation legislation regarding municipal and agricultural water use.

Bartkiewicz informed the Board that the Governor will likely make a preliminary drought emergency declaration in the near future if the water situation does not improve. Under an emergency declaration, the Governor has broad authority for water decision-making, including mandatory rationing and reallocations of water in the public interest. Bartkiewicz noted that this would be an extremely challenging year for statewide water issues, given both the drought and budget crisis.

11. GENERAL MANAGER'S REPORT

a. General Activities

Once state funding of Proposition 84 is reinstated, General Manager O'Halloran expects that the new regional approach of the California Department of Water Resources (DWR) to Integrated Regional Water Management Plans (IRWMP) will mean that Lake, Napa, Solano and Yolo Counties will be working more closely to develop a regional plan that involves both their regions.

O'Halloran attended a multi-agency meeting on the Bay-Delta Conservation Plan, which addresses fish and aquatic habitat mitigation. He described the approach it takes as addressing individual species rather than taking an ecosystem approach.

O'Halloran taught Yolo Water 101, a presentation he regularly gives as part of a Yolo County series of programs for community members on water and flood issues.

b. Operations, Maintenance, and Water Conditions

No information was offered in addition to the February 3, 2009, Water Conditions Report made available to Board members and meeting attendees.

12. GENERAL DISCUSSION

Don Rominger asked about the cost of the Safe Harbor agreement. O'Halloran responded that entering into a sub-agreement on Safe Harbor would not have a cost to the District, but that the survey cost of \$2,000 had already been committed to California Audubon.

Rominger also requested an update on the invasive weed he brought to a previous meeting. Environmental Associate Lorenzato responded that the plant was a Night-Blooming Primrose that grows on a bi-annual cycle, and is not a direct threat to agriculture lands that are cultivated yearly. He indicated that there was a need to contain the plant, however, and that hand removal was

being explored.

In response to Don Rominger's question about whether the Capay Dam discussion might lead some to suggest removal of the dam, O'Halloran responded that there has been no suggestion by anyone of dam removal. Questions about fish passage around the dam came up at the TAC meeting, however, and O'Halloran was able to report to that group that while the Capay Dam Stabilization Project did not include a fish passage structure, the District had taken care to make sure that nothing in the project would prevent or preclude installation of a fish passage structure at the dam at a later time.

O'Halloran expected that the terms, conditions, and rates for wheeling charges, if any, would likely be presented to the Board at the March meeting.

13. BOARD CONSIDERATION: Payment of Bills

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

Yolo Flood Control Checks: #42002-42019

13. ADJOURN

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

Ron Tadlock, Chair

ATTEST:

Tim O'Halloran, Secretary