

# Meeting Summary | URBAN LEVEL OF FLOOD PROTECTION CRITERIA WORK GROUP MEETING #1

**May 3, 2011, 9:00 am to 3:00 pm**

**Location:** Galleria Rooms 157 and 160, West Sacramento City Hall, 1110 West Capitol Avenue, West Sacramento, CA 95691

## Action Items

1. Members are asked to review the ULOP roster and notify the project team of errors in contact information.
2. DWR will consult their attorneys on legal questions (such as CEQA guidelines).
3. Members with example land use decisions for the work group to use in modeling the criteria should provide them to the project team.
4. A list of specific questions on the criteria will be provided to the group. Members are asked to provide their comments and feedback by Friday, May 20<sup>th</sup>.

## 1. Welcome and Opening Remarks

Rod Mayer, Assistant Deputy Director, FloodSAFE California, Department of Water Resources (DWR), welcomed participants to the first of as many as three Urban Level of Flood Protection Criteria Work Group meetings. He explained that Senate Bill 5 was part of the flood legislation reform package of 2007 which required the development of criteria for urban level of flood protection. The Department is taking a collaborative approach in developing this criteria. He encouraged participants to provide their input, feedback and questions as the document “Criteria for Demonstrating Urban Level of Flood Protection” is in a draft format meant to provide the discussion with a good starting place.

All present members of the work group and staff introduced themselves.

Dorian Fougères, Facilitator with the CSUS, Center for Collaborative Policy, reviewed the agenda and walked through the ground rules.

## 2. Review of the Work Group Context

Ricardo Pineda, Floodplain Management Branch Chief, Division of Flood Management, DWR, provided an overview of the work group context. He explained the Department realized early on there are two ways to go about achieving an urban level of protection for 200-year events: (1) a traditional route of updating levees and structures; (2) the non structural approach (which will be discussed more). He mentioned that these requirements do not apply to every community, it is urban and the group will spend some time discussing how that is defined.

In 2007 Governor Schwarzenegger and Legislature approved a number of flood bills, which together created a new government code. Most of the criteria is embedded in the government code. This code established that the Central Valley Flood Protection Board (Board) which will adopt the Central Valley

Flood Management Plan (CVFMP) and criteria for urban 200-year flood protection. He explained that Section 8 of the draft document contains this government code.

**Urban level of flood protection** - means the level of protection that is necessary to withstand flooding that has a 1-in-200 chance of occurring in any given year using **criteria** consistent with, or developed by, the Department of Water Resources - (California Government Code Section 65007(l))

There are three land use decisions affected by this new code and affect including 33 counties and 85 cities

Communities that are subject to this new requirement must make a finding. All cities and counties within the Sacramento-San Joaquin Valley that are urban or urbanizing will be required to make findings related to an **urban level of flood protection before**:

- Entering into a development agreement for a property
- Approving a discretionary permit/discretionary entitlement/ministerial permit that would result in the construction of a new residence
- Approving a tentative map/parcel map for a subdivision

**Principles used to develop criteria:** The Department leveraged existing documents when developing the draft criteria. For example they used the updated building code which incorporates the international building and FEMA requirements. Another such documents was the Handbook for Local Communities previously developed by DWR to help local communities understand the requirements of the six flood bills passed in 2007.

**Geographic applicability:** The document includes a map displaying the communities within the Sacramento-San Joaquin Valley subject to the new requirement. This 200-year urban level of protection may be mandatory for many communities; however the intention is that the criteria be used statewide on a voluntary basis.

**Urban Levee Design Criteria (ULDC)** (formally referred to as the Interim Levee Design Criteria work group): He explained that this is a separate work group under the CVFMP project. Their work included establishing the hydraulic and engineering design criteria pertaining to levees and floodwalls and providing guidance for hydraulic and flood depth computations, levee and berm design to avoid failure before overtopping, seismic performance evaluation and mitigation, instrumentation and monitoring usage levee vegetation and encroachment evaluations. The fourth version of their document was published in late 2010. It is incorporated by reference into the ULOP criteria. To encourage cross communication, several members are participating in both work groups.

**Relation to Central Valley Flood Protection Plan (CVFPP):** Mr. Pineda reviewed how the ULOP criteria will relate to the CVFPP, and to the Board. The target date for CVFPP adoption is July 1, 2012 and once the board adopts the plan, various triggers occur. For instance, within 24 months of the CVFPP's adoption, all cities and counties within the Sacramento-San Joaquin Valley shall amend their general plan to contain all of the following: (1) The data and analysis contained in the Central Valley Flood

Protection Plan including, but not limited to, the locations of the facilities of the State Plan of Flood Control, the locations of other flood management facilities, the locations of the real property protected by those facilities, and the locations of flood hazard zones; (2) Goals, policies, and objectives, based on the data and analysis ... for the protection of lives and property that will reduce the risk of flood damage; and (3) Feasible implementation measures designed to carry out the goals, policies, and objectives. The CVFPP will contain the State's strategy to assist cities and counties protected by the State Plan of Flood Control to achieve the urban level of flood protection.

### **Questions/Discussion:**

Dave Peterson, Peterson Brustad Inc., asked if the geographical area shown in the map provided is the same as the jurisdiction of the Board.

- Mr. Pineda responded that no, the map shows the boundary according to the government code. The Board has a distinct jurisdiction which includes the drainage system. Their jurisdiction maps are available on the Board's website.
- Mr. Mayer added that the Board's jurisdiction is more broad, extending throughout the Valley including historic tributaries.
- Mr. Peterson asked if the City of Senora covered by this.
- Ken Kirby, Executive Advisory to DWR, responded that yes all cities and counties within the Sacramento-San Joaquin Valley must go through this process to show they have the urban level of flood protection. However, there is no enforcement mechanism, cities and counties are subjects to be sued if they do not follow the law as it is written.
- Pal Hegedus, Floodplain Management Association, clarified that this is not the watershed boundary this is a political boundary.
- Mr. Kirby responded that the southern boundary is based on the water plan hydrologic region maps used when the legislation passed.

One member asked when 200-year flood maps will be released to the cities and counties.

- Mr. Kirby explained that 200-year floodplain maps are being developed for the Statewide Flood Management Plan but these may not take into account the local drainage issues.

John Maguire, San Joaquin County Public Works, Flood Management Division, asked if the map included all special flood hazard areas.

- Mr. Kirby responded that the definition given is for flood hazard zones. Thus the map includes special flood hazard areas, and goes beyond that to include moderate flood hazard areas.
- Mr. Maguire clarified that is not applicable to areas that are not under FEMA maps.

### **3. Adoption of the Work Group Charter**

Mr. Fougères reviewed the work group charter section by section including:

Charge and focus

Membership and participants

Roles and responsibilities

Remaining charter topics

- Related Projects
- Review Process
- Schedule and Work Plan
- Decision-Making
- Protocols and Round Rules
- Amendments

Mr. Fougères conveyed that this group has been formed to provide focused input; the next step will be to hold public workshops to get broader feedback. These public workshops will likely take place in September.

There were no serious concerns or objections to the work group charter.

**ACTION ITEM: Please review the roster and notify staff if there are errors.** For example there was a mistake in Scott Morgan’s email address; it should read “@ca.gov”.

#### 4. Overview of the Draft Criteria

Mr. Mayer reviewed the administrative draft “Criteria for Demonstrating Urban Level of Flood Protection” document outline.

- Section 1: Background of Criteria Development
- Section 2: Flowchart and Checklist
- Section 3: Supplemental Information on Each Criteria
- Section 4: Guidance for Areas Outside of Urban and Urbanizing Areas
- Section 5: References
- Section 6: Abbreviations and Acronyms
- Section 7: Glossary
- Section 8: Applicable Government Code Sections

He reviewed the flow chart in Section 2 and the checklist, explaining that on a high level cities and counties would need to consider what is the land use decision, where is the location, and if there is a finding that has to be made, if there an existing finding and is it applicable, if there has not been a finding there would be a need to make a new finding.

The Urban Levee Design Criteria (ULDC) is incorporated into the document by reference. As previously mentioned the design criteria which were developed with a stakeholder work group will be in its fifth version by the time the urban level of flood protection criteria is released publicly. The ULDC were written to avoid failure, provides guidance for seepage, seismic, various loaded levees, provide guidance with respect to performance, maintenance, and levee vegetation.

**Question for Discussion: what are the top issues that members want to discuss through this work group process?**

Members discussed the question with their table and then reported out to the full group. After all the questions were asked Mr. Kirby went through and provided initial responses. The questions and responses have been combined for purposes of this summary.

How will the CVFMP adoption by the Board trigger actions in areas where the Board does not have jurisdiction? What is the applicability of the findings where the Board does not have jurisdiction? What are the consequences for not complying?

This program is of statewide significance interest. The Legislature set these requirements with the intent that the criteria would be applicable throughout the Central Valley. The difference is in the requirements; some communities (depending on location and other factors) have to complete this level of protection by December 31, 2025, while other communities may only need to demonstrate adequate progress. The Board's role is to review and comment, they are not an enforcer. The consequence for not complying will not come from the Board. Communities can be sued, much like over a CEQA document.

Are the findings done on a permit by permit basis?

The Department's interpretation is that every decision is subject to this requirement when it occurs; however, they have added to the criteria that the finding can be valid for 20 years. Mr. Kirby mentioned that the Department recognizes how burdensome this would be to repeat for every decision. He invited the group to discuss the timeframe and decide if they agree that a finding would be valid for 20 years.

Does new residence include remodeled? Does the definition of new residence apply to commercial?

The Department's interpretation is that significant remodel or rebuild does not mean new residence. Parcel and tentative maps covers commercial. DWR will look into these questions and provide a more detailed answer at the following meeting. According to DWR legal, the reference to new residence is only for ministerial permits.

Are existing development agreements exempt?

Mr. Kirby explained that is getting to the legal question, however he mentioned they cannot issue a permit without making (or referencing) a valid finding.

What are the requirements for local drainage?

Mr. Kirby explained that according to FEMA standards the source of water does not matter. He explained that depending on the location, communities will either have to provide the urban level of protection or demonstrate adequate progress.

How will these new requirements affect growth? Will this affect the city's economics and ability to attract business and industry?

The intent of the law is affect growth in the floodplains, and to stop this growth where this level of protection is not provided; it is going to be more expensive to develop within a 200-year floodplain.

How is open space addressed? Will an entire city be subject to the requirement or only certain areas?

Mr. Kirby explained that every city and county will have to go through at least a subset of these criteria to demonstrate either that the urban level of flood protection is provided or that the area is not subject to the requirement. The criteria as it is written states that "urbanizing" areas are areas expecting ten thousand or more residents within the next ten years. This is not a static determination; this is constantly changing whenever the city or county has to make a decision they are expected to use the newest information available. However, when something changes they do not have to revisit past decisions made it is dynamic and will apply to new decisions.

- Mr. Snellings asked for clarification on what is to happen with unincorporated areas that have more than ten thousand residents.
- Mr. Kirby explained that they used the federal definition of density which does not make such a distinction.

Will 200-year flood protection be 100-year protection plus nonstructural improvements?

Mr. Kirby explained that the Department will not specifying how cities and counties achieve this, they are free to achieve the requirements however they decide.

What happens if the Army Corps of Engineers and DWR have different criteria?

The criteria have been written as such that local entities can make a determination. It is up to the local entity to make their own finding even if the State and federal criteria are not in agreement.

What happens if there are no FEMA maps for an area?

Mr. Kirby explained that areas without FEMA maps now are not subject to the requirement, however if FEMA comes out with a map the area will be subject. The Department is working with FEMA to try and gets these maps finished by 2015 and to notify the city or county so that it is not a surprise.

Will there be an effort to amend CEQA guidelines that include 100 year flood protection in the checklist?

Such questions require legal input. **ACTION ITEM: DWR will consult their legal team with questions they cannot answer such as the CEQA questions.** Scott Morgan, Governor's Office of Planning and Research, mentioned that OPR is looking at necessary amendments to CEQA guidelines. Members that have suggestions should email them to Mr. Morgan.

How will the criteria relate to the Delta Plan?

CVFMP is independent of the Delta Plan; there is nothing that the Delta Stewardship Council can do to override this. However, they do have the authority to add additional requirements. Yung-Hsin Sun, MWH, added that these criteria will apply to the Delta as it was included in the Legislation.

As a State mandate, how will it be funded?

Mr. Kirby explained that while the Department is sympathetic to this matter, this is an unfunded mandate and that the Department was instructed to establish the criteria but given no authority to help fund any aspects of implementation. He suggested that local entities take it up with the Legislature to investigate State funding opportunities.

How does this relate to General Plan updates and what happens if cities adopt general plans that are not consistent? What if a city's General Plan is already consistent; will they still have to amend it?

Mr. Kirby responded that again this is a legal question; his understanding is that General Plans must still be amended and local ordinances must be modified. He flagged that this is an area that may require clean up legislation. The code currently says "shall amend." It does not include exceptions.

How is infill developments addressed?

Mr. Kirby responded that whether it is infill or not it is still subject to the requirements.

Clarification on the State Plan for Flood Control

The State Plan of Flood Control includes a number of flood control facilities that are owned by the federal government and maintained by the State. The State gave assurance to the federal government that they would operate and maintain these facilities which are under more stringent requirements than those outside of areas protected by the project.

**Additional Discussion**

Ellen Powell, League of Cities, asked if DWR considers suggesting clean up legislation as part of its mission.

- Mr. Kirby explained DWR has historically been willing to take forward changes to legislation. With a new administration, the Department does not know if it is in the position to do so. However, they would support, or at the very least not oppose such recommendations.
- Mr. Mayer mentioned that it is not DWR who makes decisions about legislation; it goes through the Governor's Office. The Department can provide technical advice.
- Mr. Snellings mentioned that if the group agrees on recommendations cities and counties would be willing to move them forward to the Legislature.

Rebecca Willis, City of Oakdale, asked if centers that use a lot of land such as churches would be exempt as commercial. She asked if this criteria might have the unintended consequence of discouraging mixed use development.

- Mr. Kirby explained that DWR does not see commercial as exempt to the requirement, there is only one provision, approval of ministerial permits, that would exempt commercial.

Glenn Gebhardt, City of Lathrop, mentioned that the legislation specifies that best available data be used. He asked if the Department has updated their floodplain maps since October 2008.

- Mr. Pineda responded that yes the Department has made updates as new data has become available from FEMA and from the Army Corps. of Engineers' Comprehensive Study.
- Mr. Gebhardt voiced his concern that without good hydrology data local entities cannot make good determinations.
- Mr. Kirby explained that while the Department appreciates this concern, they are not in the position to make guarantees of better data as they have no funding to provide it. He explained that if a local entity uses the best available data (such as currently the Corps. Comprehensive Study) when it makes its finding that finding will be valid for 20 years. When they have to update the finding they are expected to use the best available data.

## 5. Detailed Criteria: Pending Land Use Decision and Location

Mr. Kirby explained he will walk through each section of the document in more detail.

1. Pending Land Use Decision: 3 types of decisions that are affected by these criteria as were previously explained.
2. Location: takes into location (Sacramento-San Joaquin Valley), accounts for flood hazard zones and current/projected population for the area under consideration
3. Finding: Two paths depending on if a previous finding has been made or not
4. Review of Finding: Ensure that the finding is still valid (less than 20 years, periodic reviews have been performed, no significant changes)
5. Substantial Evidence: 3 ways to prove that it is okay to approve development
  - Flood management facilities
  - Located outside 200-year floodplain, imposed conditions
  - Adequate progress

Criteria are designed to be evaluated in a conditional sequence starting from the beginning as noted in Figure 2-1 within the draft document. Mr. Kirby asked if Figure 2-1, Flowchart for making findings related to demonstrating an urban level of flood protection, makes sense how it is organized. Is it intuitive?

### Detailed Criteria

#### **Pending Land Use Decisions**

Mr. Snellings explained the local entities want to make this as simple as possible. He explained that parcel owners have the right to build on that parcel as long as they meet the code. The city has to give

owners a permit if they meet the code. Mr. Kirby responded he appreciated the input, but this is a legal question.

Members explained that under current zoning requirements commercial permits are approved by the local planning commission. Mr. Kirby responded that the intent is to include commercial. David Shpak, City of West Sacramento, mentioned that the way the criteria are written provides primary attention to new residential developments and relatively no attention to non-residential development. He mentioned that to the extent this theme is retained, there will be less push back from the local entities.

Paul Henson, City of Woodland, suggested the document look into different uses such as permanent vs. seasonal, attached units, etc.

### **Location Criteria**

Mr. Kirby reviewed the location criteria beginning on page 3-9 in the document. Page 3-10 included a map outlining the Sacramento-San Joaquin valley as defined by Government Code as well as those city and county boundaries required to meet FEMA 100 and 500 year flood zone standards.

### **Flood Zones**

The group discussed what types of flood hazard zones are included. Special flood hazard zones are included, while zones C and X are minimal hazard and thus not included (as explained on page 3-14).

### **Urban/Urbanizing**

Beginning on page 3-15 under Location 3, Mr. Kirby reviewed the definitions of urban and urbanizing areas. He explained they used FEMA's longstanding definition of urbanizing areas meaning a developed area or an area outside a developed area that is planned or anticipated to have 10 thousand residences within the next 10 years (from the decision). Mr. Kirby explained the 10 year timeframe was established by the legislation.

Mr. Snellings mentioned this seemed like a loophole to push development outside of existing urban areas. Mr. Kirby pointed out it is up to local planning offices to approve or not approve such proposals.

Questions about how much of a city or county would need to compile with the requirements under this directive arose. Cynthia McKenzie, FEMA Region 9, explained that this standard is broad enough that for example the entire City of Sacramento is considered developed.

One member mentioned that islands in the Delta will not meet the 10 thousand population criteria independently. Mr. Kirby responded that the definition includes "adjacent" developments. So while the islands would not be required independently they will as adjacent developments.

One member commented that on page 3-16 it would be good to highlight that under definition of developed area the “sphere of influence goes beyond the city and county.”

Paul McDougall, California Department of Housing and Community Development (HCD), explained that he can help provide DWR with more detailed population information and data. He pointed out that the Census 2010 data coming out will help with unincorporated areas.

Mr. Kirby asked the group to comment on whether the sequence (outlined in the flow chart) makes sense?

Mr. Morgan commented that the finding is the meat of the criteria. Mr. Kirby responded that yes, however he felt the other steps were necessary to come before the finding.

Mr. McDougall commented that while he thinks that pending land use decision questions are easier than location, he still wondered why location did not come first.

Mr. Fougères asked the group how many people agreed that the land use should come first. Most people preferred it to come second as it was presented.

#### **“Must comply with FEMA 100-year standard for non-urban areas”**

Mr. Mayer pointed out (the night before the meeting) that a city or county need not comply with the FEMA 100-year standard if they either impose conditions that meet the FEMA 100-year standard or find that they are making adequate progress toward achieving the FEMA 100-year standard. For the purpose of making the adequate progress finding, there is no deadline by which the project for FEMA 100-year protection must be completed. The current draft is not consistent with this interpretation.

Mr. Kirby explained the current draft is written so after answering “no” to the location requirements the local entity would not have any new requirements. However, as Mr. Mayer pointed out even non-urban areas have to demonstrate they meet, or demonstrate adequate progress to meet the FEMA level of protection. Mr. Kirby encourages the group to look at this for themselves and to provide comments.

#### **Finding of Urban Level of Flood Protection**

Pages 3-19 and on describe steps for land use decisions subject to the requirement. There are different actions for decisions where previous findings have been made than for those where new findings have to be made. If a finding has been made for the area before, the next steps are procedural. If a finding exists one would move to review 1 (on page 3-21) whereas if a finding does not exist one would move to evidence 1 (beginning on page 3-29).

#### **Substantial Evidence**

Beginning on page 3-29 is an outline of what is considered substantial evidence in the record. The section reviews the FEMA definition of flood, and mentioned that State Plan of Flood Control facilities

inside the requirement zones must comply by 2025, while if they are outside must demonstrate adequate progress but have no required deadline to meet the requirements. This section also discusses the 200-year floodplain maps and that DWR will produce as many of these maps as their budget allows, however, those maps will not necessarily cover all the local sources of flooding.

Table 3-1 (page 3-32) provides an example list of acceptable supporting documentation for making land use decisions. The criteria suggested that local agency make all information publicly available, and allow for public comment on documents such as facilities review reports, as well as undergo peer review. Mr. Kirby mentioned a lot of this procedural work was done as part of the Urban Levee Design Criteria work group.

Mr. McDougall asked if there are other examples to demonstrate substantial evidence. Mr. Kirby responded that the Department has put together examples, and that it is up to the local agency to determine that they have demonstrated sustainable evidence whether they follow the criteria exactly or not. As a member of the Urban Levee Design Criteria work group Mr. Maguire encouraged members to review these procedures as they might have a different perspective that should be discussed.

Mr. McDougall suggested that DWR consider as many local government tools as possible. Mr. Kirby agreed and asked that the group to provide any suggestions for this consideration.

Mr. Morgan cautioned the Department about using language such as “shall,” and “must” to describe actions not included in the statute. Mr. Mayer welcomed the suggestion, and pointed out that it was a conscious decision to use the stronger language.

#### Evidence 1

##### Peer Review Panel

Mr. Snellings asked if the independent peer review panel is outlined in the law. Mr. Kirby responded that no, it is a criteria for providing evidence (the need for providing evidence was spelled out in the law). Mr. Snellings commented that setting up a new peer review panel is difficult and takes a lot of time. While Mr. Mayer agreed that setting up such a panel will be time consuming, it is necessary to prevent communities from relying on the judgment of one engineer. He pointed out that while FEMA currently does not undergo a peer review for levee accreditation, however, the National Committee on Levees recommended that they change their process to include a peer review.

One member voiced concern that the criteria require a minimum of three panelists, as it is difficult to find three qualified individuals. He also mentioned it will benefit those firms with such individuals.

Ms. Wills asked if city or reclamation district engineers would qualify. Mr. Mayer responded that no, they would not be considered independent.

#### Evidence 2

Mr. Hegedus asked if pump stations are being considered as property outside of the 200-year floodplain that requires protection. Mr. Mayer responded that while they have not considered this specifically he felt it should fall under this.

One member pointed out that on page 3-42 under definition five, the local flood management agency is directed to provide DWR and the Board with specified information. He asked if requirements like this are expanding the jurisdiction of the Board. Mr. Kirby explained that this definition is from the code directly. The information will go to the Board for their review; they do not have approval authority.

Mr. Shpak asked along the same lines on the previous page (page 3-41 definition 2B), the language specifies that the Board may find that a local flood management agency is making adequate progress in working toward the completion of the flood protection system. He asked what happens if the Board does not find this. He explained this reads like the Board has approval authority. Mr. Kirby responded that section B holds the space of a situation where if the State is somehow delaying the process the Board can make this specification. Mr. Shpak suggested that at some point there will need to be a process for petitioning a finding by the Board by a local authority.

Mr. Shpak asked what the criteria is for “substantial completion” (page 3-42). Mr. Mayer mentioned he wondered the same thing, however, upon further review of the code substantial completion is not used anywhere else.

### Evidence 3

Mr. Kirby explained there is a lot of guidance provided from the code on what constitutes adequate progress. The section proposes an annual progress report to assess the adequate progress made. Mr. Kirby called out a question embedded in the text of the document on page 3-44. He asked what the appropriate level of peer review is for a project design and reporting progress. For example is it one engineer, or more?

### Review of Finding

Beginning on page 3-21, Mr. Kirby explained that in general a finding is valid for 20 years, however, there is a provision this does not change the State requirement that in an emergency the State may decide a finding is no longer valid. He pointed out that this is highlighted on page 3-21 “What constitutes a ‘reasonable timeframe’ and ‘emergency’ validating a pervious finding (before the 20 year finding expiration)? He explained that unless these are defined he would rather not use the terms. He explained they think it needs to be reviewed every 5 years.

Mr. Mayer commented that the periodic review could identify things that would affect a finding and that the Department recommends that cities and counties have a plan for review and how to take action on such findings.

### Review 2

On page 3-24 there is a highlighted question on partial invalidation, should provisions for partial invalidation of findings by area, based on area jeopardized by damage or maintenance deficiency be included?

Aaron Bush, Yuba City, asked who cities and counties have to report problems with their findings to. Mr. Kirby explained that findings are reported to the public. This is why the Department feels it is so important to valid the finding and provide that documentation to the public.

Mr. Gebhardt asked if a local agency discovers an erosion issue 4 years into a finding review cycle would that mean they would have 1 year to make the necessary repairs before the finding is considered invalid. Mr. Kirby responded that as it is written, the agency would have 5 years from when the issue was discovered and documented to fix it.

### Review 3

Beginning on page 3-27 this section outlines what is to happen when there is a significant change such as a significant engineering standards or practice, hydrology changes or system configurations. Mr. Kirby explained that in the current draft the Department decided that if the change would result in a level of protection 20 percent or more below the requirement the finding out need to be revisited. He asked the group for their initial thoughts on the 20 percent threshold.

- One member suggested using 50-year protection increments (as 20% would be 160-year).
- One member pointed out that if an area without a FEMA map was suddenly mapped that would constitute a 100% change. Mr. Pineda responded that FEMA is nearly done with completing the paper map process; he mentioned that it will not be common that new areas will be mapped where there was not one before.
- One member suggested that rather than using the phrasing the finding would no longer be valid that they use the word expire.

## 6. Recap of Action Items and Next Steps

Claire-Marie Turner, Army Corps of Engineers, asked what the Department's role is after the criteria is set. Mr. Kirby explained that DWR has a small role, for instance it can review and comment on peer review. Mr. Morgan pointed out that the statue specifies that DWR will provide technical assistance. Mr. Kirby agreed that the Department will provide assistance as long as they have it.

Mr. Kirby explained that the Department will consider all the comments made by the work group at the meeting. The Department will hold two additional meetings for the work group. They will also hold a public workshop and public comment period. Next the criteria will go through the formal rule making process early next year so it would be done by 2014. He explained that it has to go to the Office of Administrative Law as otherwise it would be an underground regulation.

Mr. Sherry asked if the comments made during the meeting have been captured or if people should resend them. Mr. Fougères suggested that if they were detailed, specific or technical people should try and send them in as the meeting summary will be a high level summary.

Mr. Snellings suggested that in a future meeting the group runs some real examples through the criteria to compare results. Mr. Kirby agreed and **asked that the group think of examples they could provide (action item).**

Mr. Kirby explained that he asked many specific questions through the discussion on the criteria. The questions will be put into a one pager and sent out the group. **Action Item: Members are asked to provide their comments and feedback by Friday, May 20<sup>th</sup> to be considered by the next meeting.** (Comments submitted after the deadline will still be considered, however, not guaranteed by the second meeting).

Mr. Mayer made the closing remarks, thanking the participants for their input and feedback.

## 7. Attendance

1. Jeremy Arrich, Department of Water Resources (DWR)
2. George Booth, Sacramento County
3. Aaron Busch, Yuba City
4. Charlotte Chorneau, Center for Collaborative Policy (CCP)
5. Ryan DeVore, City of Sacramento
6. Taro Echiburu, City of Elk Grove
7. Chris Erias, City of Galt
8. Paula Fitzgerald, City of Los Banos
9. Dorian Fougères, CCP
10. Angela Freitas, Stanislaus County
11. Glenn Gebhardt, City of Lathrop
12. Rebecca Guo, MWH
13. Paul Hanson, City of Woodland
14. Pal Hegedus, Floodplain Management Association
15. Butch Hodgkins, DWR
16. Mike Inamine, DWR
17. Ken Kirby, DWR
18. Steve Lindbeck, City of Roseville
19. Maria Lorenzo-Lee, DWR
20. Hoa Ly, DWR
21. John Maguire, San Joaquin County Public Works, Flood Management Division
22. Rod Mayer, DWR
23. Jim McDonald, City of Sacramento (alternate)
24. Paul McDougall, California Department of Housing and Community Development
25. Mike McDowell, City of Stockton (alternate)
26. Cynthia McKenzie, FEMA Region 9
27. Gregg Meissner, City of Stockton
28. Scott Morgan, Governor's Office of Planning and Research
29. Allan Oto, DWR
30. Dave Peterson, Peterson Brustad Inc.
31. Ricardo Pineda, DWR
32. Erin Powell, League of Cities
33. Robert Sherry, CA County Planning Directors Association
34. Dave Shpak, City of West Sacramento
35. Tim Snellings, Butte County
36. Yung-Hsin Sun, MWH
37. Keith Swanson, DWR
38. Jim Stone, City of Manteca
39. Claire-Marie Turner, USACE Sacramento District
40. Michael Webb, City of Davis
41. Rebecca Wills, City of Oakdale
42. Darren Wilson, City of Elk Grove
43. Lisa Wilson, Sutter County

