

CENTRAL VALLEY FLOOD PROTECTION BOARD

California Natural Resources Agency – State of California

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Executive Officer

Kanwarjit (Jit) Dua
Board Counsel

AGENDA

CENTRAL VALLEY FLOOD PROTECTION BOARD MEETING

February 23, 2018 – 9:00 am

**Sacramento City Hall Building, 1st Floor Council Chambers
915 I Street, Sacramento, CA 95814**

To view the webcast portion on this meeting, please join us here:

http://centralvalleyflood.granicus.com/ViewPublisher.php?view_id=2

NOTE: The Board will consider timed items as close as possible to the listed time, but not before the time specified. Untimed items may be considered in a different order upon determination by the Board President. All items appearing on this agenda may be subject to Board action, whether or not expressly listed as an action item.

Members of the public shall be provided an opportunity to address the Board on any agenda item except closed session items. Comments made during the public comment period should be limited to matters within the Board's jurisdiction. Reasonable time limits may be established for public comments (Government Code Section 11125.7).

Background for agenda items is available on the Board website at www.cvfpb.ca.gov

Anyone may request a printed copy of background or other material on an agenda item that has been distributed to the Members of the Board. A fee covering the cost of the provision of such materials may be charged. If reasonable accommodation due to a disability or language assistance is needed, please contact the Equal Opportunity Management Investigations Office at (916) 653-6952, or TDD (916) 653-6934 at least a week prior to the meeting.

1. **WELCOME, INTRODUCTIONS, AND ANNOUNCEMENTS**
2. **ROLL CALL/ESTABLISH A QUORUM** (Water Code § 8560)
3. **APPROVAL OF MINUTES** (Action Item)
 - December 15, 2017 Minutes
4. **REVIEW OF AGENDA**
5. **CONSENT ITEMS** (Action Item)

A. Permit No. 19201 Owl Hollow Park Improvement (*Sungho Lee, Operations Branch, Board Staff*)

Consider approval of Permit No. 19201 to improve the 5.93-acre Owl Hollow Park along the San Joaquin River Designated Floodway to include grading, construction of an access road for launching boats, installation of a floating deck, planting of landscape trees, and construction/ installation of a picnic shelter, vault restroom, storage building, automatic gate, 5000-gallon water storage tank, and new water well. (Fresno County)

B. California Department of Transportation, Simmerly Slough Levee Setback Project (*Greg Harvey, Plan Implementation and Compliance Branch, Board Staff*)

Consider approval of a letter to the U.S. Army Corps of Engineers (USACE) pursuant to federal Title 33, USC Section 408 requesting that USACE initiate, in cooperation with the Department of Transportation and other federal agencies, a joint review of a possible setback levee along the east side of State Route (SR) 70 approximately 0.1 miles north of Binney Junction in the City of Marysville, and the replacement of Simmerly Slough Bridge (No. 16-0019) on SR 70. (Yuba County).

6. **PUBLIC COMMENT** (non-agenda items only)
7. **U.S. ARMY CORPS OF ENGINEERS ITEMS** (Information)

A. 408 Guidance Review (*Ryan Larson, U.S. Army Corps of Engineers Sacramento District*)

US Army Corps of Engineers (USACE) will brief the Board on the new draft procedures published in the Federal Register on February 5 announcing the availability of revisions to the USACE draft EC for the Policy and Procedural Guidance for Processing Requests to Alter USACE Civil Works Projects Pursuant to 33 USC 408 and initiating a 30-day comment period through March 7, 2018.

B. Sacramento River General Reevaluation Report Update (*Alicia Kirchner, Chief of Planning, U.S. Army Corps of Engineers Sacramento District*)

An update on the Sacramento River Bank Protection Project Phase III and General Reevaluation Report will be provided.

8. **DEPARTMENT OF WATER RESOURCES ITEMS** (Information)

A. Monthly Report of the Department of Water Resources (*Jeremy Arrich, Acting Division Chief, Division of Flood Management, Department of Water Resources*)

Department of Water Resources Project Updates and Recent Events

B. MA-9 Easements (Michael Sabbaghian, Flood Management Office, Chief, DWR)

DWR Flood Maintenance Office will brief the Board regarding the City of Sacramento's request to dedicate a property easement in MA09's area to the Sacramento San Joaquin Drainage District (SSJDD). The new easement will allow MA09 the ability to properly maintain this section of levee, which has had historical seepage issues.

C. Lower Elkhorn Basin Levee Setback (LEBLS) Update (*Ruth Darling, Senior Environmental Scientist, Board staff, Shelly Amrhein, Senior Environmental Scientist, Division of Flood Management, Department of Water Resources*)

DWR staff will provide a status update on the Lower Elkhorn Basin Levee Setback Project Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR), and brief the Board on the public review and comment period, and ongoing environmental permitting effort.

D. Delta Emergency Response Tool (*Laurence Sanati, Hydrology and Flood Operations Office, DWR*)

DWR and Board staff will provide an informational briefing on the Delta Emergency Response Tool that gives DWR the ability to quickly assess potential impacts of flooding in the Delta and optimize response actions.

9. BOARD ITEMS (Information)

A. CVFPP Implementation Update (*Michael C. Wright, Chief, Plan, Implementation and Compliance Branch*)

Staff will provide an update on efforts made to implement the Board priorities of proper operations and maintenance and funding for existing SPFC facilities.

TIMED ITEM

10. ENFORCEMENT HEARING - 11:30AM (Action Item)

(The Board will consider timed items as close as possible to the listed time, but not before the time specified).

A. Enforcement Action, Case No. 5838 (*Lori Brock, Office of the Chief Counsel, DWR, Michael Sabbaghian, Flood Management Office, Chief, DWR, Mark List, Division of Flood Management, DWR, Kelly Soule, Enforcement Section Chief, and Jon Tice, Board Staff*)

Consider approval of proposed Enforcement Orders for JW Sutton and Glenn Marler, related to Enforcement Case No. 5838, which resulted in adoption of a Cease and Desist Order by the Board on September 23, 2016. These Proposed Enforcement Orders find that Mr. Sutton and Mr. Marler violated several flood protection statutes and regulations, caused damage to the Sutter Bypass East Levee, and are responsible for the costs of emergency-repairs performed by the Department of Water Resources. (Sutter County)

11. EXECUTIVE OFFICER'S REPORT (Documents Submitted for Board Member review)

A. Update on the Board's Administration

B. Update on the activities of the Operations Branch

C. Update on the activities of the Plan Implementation and Compliance Branch

D. Update on the activities of the Environmental Services and Land Management Branch

12. BOARD COMMENTS AND COMMITTEE UPDATES

13. UPCOMING MEETINGS AND TOPICS FOR THE BOARD

- Coordinating Committee meeting, February 28, 2018 (West Sacramento)
- Board Meeting – March 23, 2018 (Sacramento)
- Workshop – April 13, 2018 (TBD)
- Board Meeting – April 27, 2018 (Sacramento)

14. CLOSED SESSION

A. To discuss litigation (Central Valley Flood Protection Board v. Lino Catabran, Sacramento Superior Court Case No. 34-2013-142003) pursuant to Govt. Code section 11126(e)(1) (Kanwarjit (Jit) Dua, Board Counsel).

B. Pursuant to the authority of Government Code section 11126, subdivisions (e)(1), (e)(2)(B)(i), and (e)(2)(C)(i), the Board will meet in Closed Session to consider potential litigation involving the Board (Kanwarjit (Jit) Dua, Board Counsel).

15. CLOSED SESSION REPORT (Action Item)

16. ADJOURNMENT