

CENTRAL VALLEY FLOOD PROTECTION BOARD

California Natural Resources Agency – State of California

CVFPB Office Location
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BOARD MEMBERS

Bill Edgar, President
Jane Dolan, Board Vice-President and Secretary
Joe Countryman
Mary Jane Griego
Brian Johnson
Tim Ramirez
Mike Villines
Assembly Member Eduardo Garcia, Ex Officio
State Senator Henry Stern, Ex Officio

Leslie Gallagher
Executive Officer

Kanwarjit (Jit) Dua
Board Counsel

AGENDA

CENTRAL VALLEY FLOOD PROTECTION BOARD MEETING

December 17, 2021 – 9:00 a.m.

Virtual Meeting

Due to the COVID-19 outbreak we ask that the public attend the meeting virtually and view the webcast of this meeting via the link provided on the event page.

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 upon request through ryan.jones@cvflood.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 Office of Work Force Equality at (323) 848-9801 at least one week prior to the meeting

PUBLIC COMMENTS FOR VIRTUAL BOARD MEETINGS:

These instructions outline how members of the public can access the virtual meeting and provide public comment. You can join the meeting from a desktop computer, laptop, mobile device, or telephone.

How to join the meeting by webinar:

- a) Go to the Central Valley Flood Protection Board website*
- b) Navigate to the "Meetings" page*
- c) Identify the current meeting, and click on the link to the meeting
webcast: <https://cadwr.webex.com/meet/CVFPB>*
- d) We recommend that you test out your device and internet connection well before attempting to join the meeting*
- e) You will automatically be muted when joining as an attendee*

How to join the meeting by telephone:

- a) Dial 1-844-517-1271*
- b) Enter passcode: 132 803 8260*
- c) Please press mute until you are called upon to speak (*6 to mute/unmute *3 to raise/lower hand)*

How to provide public comment:

Members of the public who wish to provide public comment on a particular agenda item are encouraged to submit those comments prior to the meeting by emailing the Board Clerk at Ryan.Jones@CVFlood.ca.gov. In the email subject line, indicate the meeting date and agenda item number. You can find the agenda item number below. In the body of the email, please include your name and who you represent (e.g., self, another person, an organization). Comments received prior to the meeting will be provided to the Board Members.

During the meeting, members of the public may provide comments on a particular matter (at or before the time the item is called) by emailing the Clerk at Ryan.Jones@CVFlood.ca.gov. In the email subject line, include the words "public comment" and the agenda item number. In the body of the email, please include your name and who you represent (e.g., self, another person, an organization). All written materials received by the Board in advance of or during the meeting are part of the public record and are kept by the Board.

For those members of the public who choose to participate by phone, an opportunity for comment on each item will be given during the Board meeting. Please unmute yourself before providing your comments and mute yourself after concluding your comments. A speaker's time allotment is generally 3 minutes but is ultimately at the discretion of the Board.

Background for agenda items is available electronically. Please email the Clerk at Ryan.Jones@CVFlood.ca.gov to request an electronic copy of any agenda item. 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 Office of Work Force Equality at (323) 848-9801 at least one week prior to the meeting.

For technical support during the meeting, please send your question to Questions@CVFlood.ca.gov.

1. WELCOME, INTRODUCTIONS, AND ANNOUNCEMENTS

- Resolution of Appreciation honoring Paul Brunner on his retirement from the Three Rivers Levee Improvement Authority
- President Edgar Retirement Resolution

2. ROLL CALL/ESTABLISH A QUORUM (Water Code § 8560)

3. APPROVAL OF MINUTES (Action Item)

- October 22, 2021 minutes

4. REVIEW OF AGENDA

5. CONSENT ITEMS (Action Item)

A. Permit No. 19216-3 United States Fish and Wildlife Service – Anadromous Fish Restoration Program (Nate Kibret, Operations Branch, Board Staff)

Consider approval of Permit No. 19216-3 to construct the phase three of the Hallwood Side Channel and Floodplain Restoration Project that includes – removing approximately 815,000 cubic yards of sediment from the Middle Training Wall and surrounding floodplains in the lower one mile of the project site; enhancing 13 acres of floodplain habitat that consist of grading work to lower the floodplain elevations; installing large wood structures; and planting approximately eight acres of riparian vegetation. The project is located along the Lower Yuba River downstream of Daguerre Point Dam, more than seven miles upstream of Marysville (Yuba County).

B. Permit No. 19610 City of Lodi (Deb Biswas, Operations Branch, Board Staff)

Consider approval of Permit No. 19610 to repair approximately 1,600 linear feet of riverbank of the Mokelumne River. Work will involve removing concrete rubble and non-native vegetation, stabilizing the banks with quarry stone, restoring near-shore areas with emergent wetland species, and planting native trees along the banks. The proposed project includes two areas of eroded riverbank along the left (south) bank of the Mokelumne River within the Lodi Lake Municipal Park. (San Joaquin County)

6. PUBLIC COMMENT (non-agenda items only)

7. LEGISLATIVE UPDATE (Informational)

8. UNITED STATES ARMY CORPS OF ENGINEERS (Informational)

9. DEPARTMENT OF WATER RESOURCES ITEMS (Informational)

A. Monthly Report of the Department of Water Resources (Steve Rothert, Manager, Division of Multibenefit Initiatives, Department of Water Resources)

Steve Rothert will provide a brief update on the funding status of the San Joaquin flood strategy effort and plans for seeking input from participants in that process for moving that work forward.

- B. 2022 Central Valley Flood Protection Plan Update (*Mary Jimenez, Manager, Systemwide Multibenefit Initiatives Branch, Department of Water Resources*)

Department of Water Resources staff will provide an update on development of the 2022 Central Valley Flood Protection Plan Update, with focus on providing a status update on review of the Working Draft that was released on October 1 to the Board and actively involved partners and public interests. Department of Water Resources' staff will also summarize status of ongoing engagement activities related to the Working Draft being conducted in partnership with the Board.

10. BOARD ITEMS

- A. Adoption of Resolution for California Code of Regulations Title 23, Waters, Division 1, Chapter 1, Article 4 Rulemaking (*Sarah Backus, Staff Attorney, Board Staff*)
(Action Item)

Consider adoption of Resolution 2021-16 authorizing the Executive Officer or Board Counsel to submit the Final Rulemaking Package to the Office of Administrative Law for adoption of simplified regulations in California Code of Regulations, Title 23, Waters, Division 1 for revocation of encroachment permits in uncontested and noncontroversial situations.

- B. Adoption of Resolution for California Code of Regulations Title 23, Waters, Division 1, Chapter 1, Articles 2 and 8 Rulemaking (*Jit Dua, Board Counsel*) (Action Item)

Consider adoption of Resolution 2021-17, authorizing the Executive Officer or Board Counsel to submit the Final Rulemaking Package to the Office of Administrative Law for adoption of revisions to California Code of Regulations, Title 23, Waters, Division 1, Chapter 1, Articles 2 and 8, which updates technical standards for the construction flood control facilities and encroachments thereto and respective definitions and drawings.

- C. Board Calendar for 2022 (*Leslie Gallagher, Executive Officer*) (Action Item)

Consider adoption of the Board's proposed calendar for 2022.

- D. Sacramento and San Joaquin Drainage District Assessment District Feasibility Study (*Ruth Darling, Planning and Programs Branch Acting Chief, Board Staff; Scott Brown, Larsen Wurzel & Associates, Inc.*) (Informational)

Informational briefing on the status of the Sacramento and San Joaquin Drainage District Assessment District Feasibility Study. The consultant team will provide an update on progress and an overview of the beneficiary analysis for funding Operations and Maintenance of the Sacramento River Bypass system. The presentation will focus on the revised approach of the analysis for Category 1 services, as well as a schedule update.

- E. Sacramento River Basin, West Sacramento Project – Yolo Bypass East Levee (Mike Zelazo, *Plan Implementation and Compliance Branch, Board Staff*; Vance Cave, *Department of Water Resources*) **(Informational)**

Informational briefing on the West Sacramento Project – Yolo Bypass East Levee Project (Project), in which the USACE plans to construct improvements along portions of the east bank of the Yolo Bypass East Levee from the Sacramento Bypass south to the Deep Water Ship Channel West Levee. The Project will involve construction of a seepage management system, including a pump station, a landside seepage/stability berm, and placement of riprap revetment along the levee. The Project is anticipated to receive federal funding that will advance the Project Partnership Agreement among the Central Valley Protection Board, USACE, and WSAFCA, and the Local Project Partnership Agreement between the Board and WSAFCA.

- F. Lower Elkhorn Basin Levee Setback Project (Andrea Buckley, *Environmental Services and Land Management Branch Chief, Board Staff*; David Pesavento, *Systemwide Multibenefit Initiatives, Department of Water Resources*) **(Informational)**

Department of Water Resources staff from the Lower Elkhorn Basin Levee Setback project will provide an update on the status of the project and anticipated actions next year including needed Real Estate rights for project components.

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

- A. Update on the Board's activities during the 2021 calendar year.

12. BOARD COMMENTS AND COMMITTEE UPDATES

13. UPCOMING MEETINGS AND TOPICS FOR THE BOARD

- Board Meeting, January 28, 2022 (WebEx)
- Board Workshop, February 11, 2022 (WebEx)
- Board Meeting, February 25, 2022 (WebEx)

14. CLOSED SESSION

- A. Pursuant to the authority of Government Code section 11126 (e)(i). To discuss litigation:
Security National Insurance Co. vs. Central Valley Flood Protection Board, et al., STK-CV-UED-2019-12115. (Kanwarjit (Jit) Dua, *Board Counsel*)
- B. Pursuant to the authority of Government Code section 11126 (e)(i). To discuss litigation:
Liam Meyer v. Central Valley Flood Protection Board, et al., Sacramento County Superior Court Case No. 34-2020-00276397. (Kanwarjit (Jit) Dua, *Board Counsel*)

C. 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

The December 17, 2021 Central Valley Flood Protection Board meeting will be adjourned in honor and memory of Francis Kenneth Silva, the “Lion of the Levees”.