MINUTES

MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD
May 24, 2019

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 HEARD IN ANY ORDER. THESE MINUTES ARE PRESENTED IN AGENDA ORDER, BUT ITEMS WERE NOT NECESSARILY HEARD IN THAT ORDER.

A regular meeting of the Central Valley Flood Protection Board was held on May 24, 2019, beginning at 9:00 a.m. in The Sacramento City Hall First Floor Council Chambers, 915 I Street, Sacramento, California.

Board Members present:

Mr. William H. (Bill) Edgar, President
Ms. Jane Dolan, Vice President, Secretary
Mr. Joe Countryman
Mr. Clyde Macdonald
Mr. Tim Ramirez
Mr. Mike Villines

Board staff present:

Ms. Leslie Gallagher, Executive Officer
Mr. Kanwarjit (Jit) Dua, General Counsel
Ms. Andrea Buckley, Chief, Environmental Services and Land Management Branch
Ms. Ruth Darling, Program Manager
Mr. Ryan Jones, Board Clerk
Mr. Darren Suen, Policy Advisor
Mr. Michael Wright, Chief Engineer

Department of Water Resources (DWR) staff present:

Ms. Gina Darin, Senior Environmental Scientist
Mr. Jon Ericson, Chief, Division of Flood Management
Mr. Mary Jimenez, Supervising Engineer
Ms. Lori Price, Environmental Scientist
Mr. Jeff Van Gilder, Program Manager

Also Present:

Mr. Christopher Conlin, City of Sacramento
Ms. Valerie Cook-Fletcher, California Department of Fish and Wildlife

Also Present (continued):

Ms. Catherine Freeman, California Assembly Water, Parks and Wildlife Committee
Mr. Dominick Gulli, Save Dad's Point
Mr. Tim Kerr, American River Flood Control District
Mr. Kevin King, Reclamation District 1000
Mr. Kevin Lee, United States Army Corps of Engineers
Mr. Eric Nagy, Larsen Wurzel & Associates
Mr. Chris Neudeck, Kjeldsen, Sinnock and Neudeck
Mr. Felix Yeung, United States Army Corps of Engineers

1. WELCOME, INTRODUCTIONS AND ANNOUNCEMENTS

Mr. Bill Edgar, Board President, welcomed the participants.

Ms. Leslie Gallagher, Board Executive Officer, introduced Mr. Darren Suen, recently hired as a Board Policy Advisor. She also congratulated Board staff member Ms. Jenna Peterson, who passed the PE exam and is now a registered civil engineer in the State of California.

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

Mr. Ryan Jones, Board Clerk, called the roll and a quorum was established.

3. APPROVAL OF MINUTES – March 29, 2019 Meeting

*Upon **motion** by Secretary Dolan, seconded by Board Member Macdonald, the Board unanimously approved the March 29, 2019 Meeting Minutes.*

4. REVIEW OF AGENDA

President Edgar reviewed the day's agenda.

Executive Officer Gallagher noted that Consent Item 5B was removed from the Consent Calendar for a question.

5. CONSENT ITEMS

A. Permit No. 19381 Penryn Road Bridge Project

Consider approval of Permit No. 19381 to remove an existing culvert and replace the crossing with a single span bridge. The project is located along Penryn Road, approximately 0.25 miles south of the intersection with Interstate 80, near the City of Penryn. (Placer County)

B. American River Watershed Common Features (ARCF) 2016 Supplemental Environmental Assessment/Initial Study/Mitigated Negative Declaration

Consider adoption of Resolution No. 2019-13 to certify the ARCF Beach-Stone Lakes Mitigation Site Project Supplemental Mitigated Negative Declaration and Supplement to the Mitigation Monitoring and Reporting Plan, and delegate authority to the Executive Officer to execute the Notice of Determination.

Ms. Lori Price, DWR Environmental Scientist, clarified the issues related to levee vegetation mitigation.

*Upon **motion** by Board Member Macdonald, seconded by Vice President Dolan, the Board approved Item 5B. (6-0-1 vacant)*

C. Adopt Amended Board Policy Regarding Board Member Participation on Committees and Liaison Assignments, Updated Governance Principles, and Resolution 2019-12 appointing Jane Dolan Vice President of the Board.

*Upon **motion** by Board Member Macdonald, seconded by Board Member Countryman, the Board approved Items 5A and 5C. (6-0-1 vacant)*

6. PUBLIC COMMENTS

Mr. Dominick Gulli, stating he represents *Save Dad's Point*, reported a letter of reconsideration he submitted in response to the recently approved Permit for the Smith Canal Gate Project.

7. PUBLIC SAFETY INFORMATIONAL

A. Informational briefing and public safety discussion of ongoing efforts to address levee system damage from activities in and around homeless encampments

Briefing by and discussion with local maintaining agencies currently dealing with the challenges of damage to the levee system caused by human activity in and around existing homeless encampments.

Mr. Darren Suen, Board Policy Advisor, provided information and introduced the presentation and discussion.

Mr. Kevin King, Reclamation District 1000 General Manager; Mr. Tim Kerr, American River Flood Control District General Manager; Mr. Chris Neudeck, Kjeldsen, Sinnock and Neudeck; Mr. Chris Collins, Sacramento Assistant City Manager; Mr. Dominick Gulli; and Ms. Catherine Freeman, Assembly Water, Parks and Wildlife Committee Consultant (speaking on behalf of Wildlife Committee Chair Eduardo Garcia) presented information and PowerPoint presentations on their concerns of integrity and safety of the State Plan of Flood Control infrastructure. Board Members, along with the presentation and staff had an extensive discussion about the scope of the problem and possible actins to resolve.

Mr. Jit Dua, Board General Counsel, discussed potential legal remedies to address the situation. The Board requested this item be placed future agendas for updates and further discussion.

8. DEPARTMENT OF WATER RESOURCES (DWR) ITEMS

A. Monthly Report of the DWR

DWR Project Updates and Recent Events

Mr. Jon Ericson, DWR Division of Flood Management (DFM) Chief, gave the report and answered questions.

B. Nutria Eradication Program and Infrastructure Plan Update

Informational briefing on California Department of Fish and Wildlife Nutria Eradication Program and DWR Environmental Coordination Committee Nutria Project Work Group's Infrastructure Protection Plan for Nutria.

Dr. Valerie Cook-Fletcher, Department of Fish and Wildlife; and Ms. Gina Darin, DWR Environmental Scientist, briefed the Board and answered questions.

C. Flood Maintenance Assistance Program (FMAP) Progress Report

Informational briefing to provide a progress report on the Flood Maintenance Assistance Program.

Mr. Jeff Van Gilder, DWR Division of Flood Management, provided the report and answered questions.

9. BOARD ITEMS

A. Informational briefing regarding the Inspection Compliance Work Group

Update on the Inspection Compliance Work Group, a collaboration of Central Valley Flood Protection Board (CVFPB), Department of Water Resources (DWR), US Army Corps of Engineers (USACE) and Local Maintaining Agency (LMA) representatives to explore methods for LMAs to be eligible for the PL 84-99 Rehabilitation Program, as well as improve their DWR inspection ratings

Ms. Ruth Darling, Board Program Manager, updated the Board and answered questions.

B. Informational Briefing regarding the Programmatic Section 408 for Yolo Bypass and Cache Slough Partnership

Presentation and discussion of the proposed Programmatic Section 408 permitting process for the Yolo Bypass Cache Slough program.

Program Manager Darling; Ms. Mary Jimenez, DWR Supervising Engineer; Mr. Felix Yeung and Mr. Kevin Lee, USACE Sacramento District; and Mr. Eric Nagy, Larsen, Wurzel and Associates, provided the briefing and answered questions.

10. EXECUTIVE OFFICER'S REPORT
(Documents Submitted for Board Member Review)

A. Update on Board 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

Executive Officer Gallagher briefly commented on aspects of the updates.

11. BOARD COMMENTS AND COMMITTEE UPDATES

Board Member Countryman has been participating in the Sacramento Bypass modification and stated that it seems to be going smoothly and is on schedule.

12. UPCOMING MEETINGS AND TOPICS FOR THE BOARD

- Board Workshop, June 14, 2019 (West Sacramento)
- Board Meeting, June 28, 2019 (Sacramento)
- Board Meeting, July 26, 2019 (Sacramento)
- National Association of Flood and Stormwater Management Agencies Annual Meeting, August 19-22, 2019 (Rancho Palos Verdes, CA)
- Floodplain Management Association Annual Meeting, September 3-6, 2019 (San Diego, CA)

The Board briefly discussed elements of the upcoming schedule.

13. CLOSED SESSION

A. Pursuant to the authority of Government Code Section 11126 (e)(i). To discuss litigation: Friends of Putah Creek v. Central Valley Flood Protection Board, Solano County Superior Court Case No. FCS051040. (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)**

C. **Pursuant to Government Code Section 11126 (a)(I): Public Employee Performance Evaluations (Leslie Gallagher, Board Executive Officer)**

14. CLOSED SESSION REPORT - *None*

15. ADJOURNMENT

The Board unanimously adjourned the Open Session at 2:19 p.m.

Dated: _____

The foregoing Minutes were approved:

_____
Jane Dolan
Vice President/Secretary

_____
William H. Edgar
President