

# ***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**

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### **CENTRAL VALLEY FLOOD PROTECTION BOARD MEETING**

**October 22, 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.**

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*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](mailto: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](mailto: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](mailto: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](mailto: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](mailto:Questions@CVFlood.ca.gov).*

## 1. WELCOME, INTRODUCTIONS, AND ANNOUNCEMENTS

- Flood Week Resolution

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

## 3. APPROVAL OF MINUTES (Action Item)

- August 27, 2021 minutes

## 4. REVIEW OF AGENDA

## 5. CONSENT ITEMS (Action Item)

### A. Permit Nos. 19495-1 & 19496-1 Chevron North America (Nate Kibret, Operations Branch, Board Staff)

Consider approval of Permit Nos. 19495-1 and 19496-1, To construct five (5) oil production wells, related pipelines, and appurtenances on the right (north) bank of the Kern River Designated Floodway, Kern County APN 436-052-22, under Permit No. 19495-1; and to construct eight (8) oil production wells, related pipelines, and appurtenances on the left (south) bank of the Kern River Designated Floodway, Kern County APN 436-052-23, under Permit No. 19496-1, respectively. The projects are located along China Grade Loop, approximately 0.4 miles south west of the intersection of China Grade Loop and Round Mountain Road, north east of the City of Bakersfield (Kern County).

### B. Permit No. 19552 Sanchez-Hoggan Annexation Project (Nate Kibret, Operations Branch, Board Staff)

Consider approval of Permit No. 19552 to install two (2) 18-inch diameter storm drain pipes, approximately 14 feet from the top bank, and outfall structure; installation of a 48-inch diameter storm drain pipe crossing approximately 10 feet below the channel; installation of two (2) 4 feet by 10 feet box culverts at the east entrance from Austin Road; modification of an existing box culvert, and associated channel widening along Austin Road; and removal of two (2) dilapidated farm road crossings and placing riprap along the banks of North Little Johns Creek - South Branch, also known as Weber Slough. The project is located approximately 2 miles east of the intersection of CA Highway 99 and Arch Road, southeast of the City of Stockton (San Joaquin County).

### C. Permit No. 19470 Turlock Irrigation District (Jacqueline Hoang, Operations Branch, Board Staff)

Consider approval of Permit No. 19470 to construct a fish barrier on the right (east) bank of the San Joaquin River. The barrier will be a metal screen with removable panel sections and a reinforced concrete foundation. The project is located 500 feet west from the intersection of West Harding Road and South Carpenter Road, at the Harding Drain Culvert for the Turlock Irrigation District, east from Patterson. (Stanislaus County)

## 6. PUBLIC COMMENT (non-agenda items only)

## **7. LEGISLATIVE UPDATE (Informational)**

- A. Staff will provide an update on State legislation and federal news (*Darren Suen, Policy Advisor, Board Staff*)

## **8. DELTA STEWARDSHIP COUNCIL (Informational)**

- A. Delta Stewardship Council - Delta Plan Update (*Jeff Henderson, Deputy Executive Officer for Planning and Performance, Delta Stewardship Council*)

Overview of the Delta Stewardship Council's proposed amendment to Chapter 4 of the Delta Plan – Protect, Restore, and Enhance the Delta Ecosystem (Ecosystem Amendment). The Ecosystem Amendment aims to achieve a dynamic and resilient restored landscape envisioned in the Delta Reform Act of 2009 through a portfolio including protecting existing ecosystems, restoring ecosystems, and enhancing working or urban landscapes that provide habitat resources to species.

## **9. DEPARTMENT OF WATER RESOURCES ITEMS (Informational)**

- A. Monthly Report of the Department of Water Resources (*Steve Rothert, Manager, Division of Multiple Benefit Initiatives, Department of Water Resources*)

Steve Rothert will summarize the tenth annual California Flood Preparedness Week will be held from October 23-30 to help Californians “Be Aware. Be Prepared. And Take Action”. He will also provide a brief update on the process of developing a San Joaquin River flood strategy in response to Water Resilience Portfolio Action 25.4 and expressed interest of the CVFPB.

- 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 progress developing the 2022 CVFPP Update, including a focus on updates to the State Plan of Flood Control Descriptive Document and Flood System Status Report and recent Tribal engagement for the Working Draft 2022 CVFPP Update.

- C. Department of Water Resources Update on U.S. Army Corps of Engineers Projects within the Central Valley (*Corey Lasso, Manager, Flood Risk Reduction Projects Section, Department of Water Resources*)

Informational briefing on U.S. Army Corps of Engineers Projects in the Central Valley Urban Areas, highlighting program funding, federal appropriations, project initiation requests and obtaining federal study authority, project status overview, and anticipated near-term Board actions.

## 10. BOARD ITEMS

- A. Enforcement Case No. 2019-15529 Tod A. duBois (*Sarah Backus, Staff Counsel; Zubair Dosu, Enforcement Section, Board Staff*) (Action Item)

Consider affirmation of the Cease and Desist Order issued to Mr. Tod A. duBois on September 9, 2021. This enforcement case is located on the right bank of the Sacramento River adjacent to Knights Landing Unit 1 Levee at approximately 38.80214, -121.718716 in Yolo County.

- B. Permit No. 18980 Reclamation District 17 (RD 17), Phase III 100-Year Levee Seepage Repair Project (*Mike Zelazo, Plan Implementation and Compliance Branch, Board Staff; and Christopher Neudeck, KSN Inc.*) (Action Item)

Consider adoption of Resolution 2021-14 to approve Permit No. 18980 for the RD 17 Phase III 100-Year Levee Seepage Repair Project to implement under-seepage, through-seepage, and levee geometry repair/remediation to the remaining sites within Phase III of the repair project. Related Permit No. 18980-1 approved emergency repair work and the construction of chimney drains under a 33 USC Section 408 categorical permission. The Project includes seepage berms, cutoff walls, and the construction of a 1,120-foot setback levee. The Project is located on the right (east) bank of the San Joaquin River south of Stockton in San Joaquin County

- C. American River Watershed Common Features, Water Resources Development Act of 2016 (ARCF 2016) Project, Sacramento River East Levee Contract 3 (*Jennifer Calles, Environmental Services and Land Management Branch, Board Staff*) (Action Item)

Consider adoption of Resolution Number 2021-12 to certify the ARCF 2016 Project, Sacramento River East Levee Contract 3 Supplemental Environmental Impact Report/Environmental Assessment; adopt the Mitigation Monitoring and Reporting Program, Statement of Findings, and Statement of Overriding Considerations; approve the ARCF 2016 Project, Sacramento River East Levee Contract 3; and delegate authority to the Executive Officer to execute the Notice of Determination.

- D. Deauthorization of Federal Levees (*Mike Zelazo, Plan Implementation and Compliance Branch, Board Staff; Ric Reinhardt, Principal Engineer, MBK Engineers*) (Informational)

Discussion of both the Reclamation District 784 levee segment in Yuba County that was recently deauthorized from the federal levee system and an American River North Levee segment along the American River in Sacramento County that is proposed for deauthorization from the federal levee system.

## 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

E. Update on the activities of the Flood Planning and Programs Branch

## **12. BOARD COMMENTS AND COMMITTEE UPDATES**

## **13. UPCOMING MEETINGS AND TOPICS FOR THE BOARD**

- Inspection Compliance Workgroup, November 10, 2021 (WebEx)
- Board Workshop, November 12, 2021 (WebEx)
- Board Meeting, November 19, 2021 (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**