

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

California Natural Resources Agency – State of California

CVFPB Office Location  
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## **AGENDA**

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

**Friday, February 24, 2023 – 9:00 a.m.**

**Sacramento Area Council of Governments  
1415 L St #300 (Third Floor)  
Sacramento, CA 95814**

**Meeting will be both in person and online.  
In person attendees are encouraged to follow Covid  
and flu season protocols. See page 6 of this agenda for online sign-in information.**

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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*

**1. WELCOME, INTRODUCTIONS, AND ANNOUNCEMENTS**

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

**BOARD MEMBERS**

Jane Dolan, President

Mike Villines, Vice-President

Brian Johnson, Secretary

Keely Bosler

Joe Countryman

Mary Jane Griego

Tim Ramirez

Assembly Member Rebecca Bauer-Kahan, Ex Officio

State Senator Henry Stern, Ex Officio

**3. REVIEW OF AGENDA**

**4. APPROVAL OF MINUTES (Action)**

- December 16, 2022

**5. CONSENT ITEMS (Action)**

**A. Reclamation District (RD) 2068 and RD 2098 – Yolano-Cache Slough Letter of Intent  
(Eric Miao, Operations Branch, Board Staff)**

Authorize the Executive Officer to transmit a Letter of Intent to develop and implement a System-Wide Improvement Framework to the USACE, prepared by RD 2068 for the Reclamation District 2068 and RD 2098 – Yolano-Cache Slough Levee System as defined by the USACE's Routine Inspection Report dated February 25, 2022.

**B. Permit No. 19640 Department of Water Resources (Jacqueline Hoang, Operations Branch, Board Staff)**

Approve Permit No. 19640 to drive steel piles and place concrete anchor blocks in the Sacramento River and Georgiana Slough to install a Bio-Acoustic Fish Fence (BAFF) as part of the Georgiana Slough Salmonid Migratory Barrier Project. Project activities include creating a staging area with temporary security fencing, exclusion fencing, and a service pole, removing two dolphin structures, installing monitoring and data collection equipment such as hydrophones, and installing navigational aids (floating buoys/signs). The BAFF barrier components will be constructed, operated, and removed periodically through 2030. The BAFF piles and other supporting infrastructure will remain in place until project completion by November 1st, 2030. The proposed project is located at the confluence of the Georgiana Slough and Sacramento River approximately 406 feet west of the intersection of Depot Lane and Shop Street in Sacramento County, CA (Sacramento County).

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

**7. LEGISLATIVE UPDATE (Information)**

A. An update on pertinent State legislation and federal news will be provided.

**8. UNITED STATES ARMY CORPS OF ENGINEERS (Information)**

A. Public Law (PL) 84-99 Rehabilitation (*Angeles Caliso, Operations Branch, Board Staff; Jonathan Yau, Emergency Readiness Branch, U.S. Army Corps of Engineers*)

Presentation on the Public Law 84-99 Rehabilitation Program covering eligibility requirements and process for non-federal sponsors to receive assistance for repairs of sites damaged during a flood.

B. North Fork Feather River at Chester – East and West Levee Systems (*Eric Miao, Operations Branch, Board Staff; Juan Gonzalez, Chief, Inspection Section, U.S. Army Corps of Engineers*)

Presentation of Levee Inspection Results for the North Fork Feather River at Chester – East and West Levee Systems (Plumas County).

C. SacYolo South Levee System (*Eric Miao, Operations Branch, Board Staff; Juan Gonzalez, Chief, Inspection Section, U.S. Army Corps of Engineers*)

Presentation of Levee Inspection Results for the SacYolo South Levee System (Solano and Yolo Counties).

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

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

Reorganization of the Department of Water Resources' Division of Multibenefit Initiatives and Division of Flood Management resulting in responsibility of Central Valley Flood Protection Plan updates being reassigned from Division of Multibenefit Initiatives to Division of Flood Management, including funding updates for the 2027 Central Valley Flood Protection Plan Update.

## 10. BOARD ITEMS

- A. Adopt Amended Board Policy Regarding Board Member participation on Committees and Liaison Assignments (*Sarah Backus, Executive Officer, Board Staff*) **(Action Item)**

Adopt Amended Board Policy Regarding Board Member Participation on Committees and Liaison Assignments to recognize the update duties of the Board members and approve Charters for the Coordinating Committee and the Advisory Committee.

- B. Sacramento River East Levee Contract 4, Hearing to Adopt a Permit Revocation and Encroachment Removal Order for Permit Nos. 6292-A GM (Revised), 6292-A, and 6292 (*Dennis Bartolome, Flood System Improvement Branch, Board staff; Peter Thyberg, Department of Water Resources, Senior Staff Counsel*) **(Action Item)**

Adopt the Permit Revocation and Encroachment Removal Order that revokes Permit Nos. 6292-A GM (Revised), 6292-A, and 6292, and orders the removal of associated encroachments to facilitate the U.S Army Corps of Engineers' construction of the Sacramento River East Levee Contract 4 construction. The respondents are Patrick Pham and Anne Nguyen. This case is located at 967 Piedmont Dr, Sacramento, California 95822 (Sacramento County).

- C. North Area Streams Levee Improvement Project, Transfer of Operation and Maintenance Responsibilities, Sacramento County (*Selva Selvamohan, Flood System Improvement Branch, Board Staff*) **(Informational)**

Informational briefing for a future Board action to transfer operation and maintenance responsibilities, supplement to Standard O&M Manual, Unit 118 Part 2, to American River Flood Control District for levee improvement work completed by Sacramento Area Flood Control Agency under a 408 Letter of Permission (Encroachment Permit No 19055). The construction was completed in 2019, and included a slurry cutoff wall, relief wells, and drain trench along the Arcade Creek north and south levees, Natomas East Main Drainage Canal East levees.

- D. Middle-Mile Broadband Network (MMBN) (*Steve Lamb, Operations Branch, Board Staff; Hardeep Takhar, MMBN Program Director and / or Janice Benton, Assistant Deputy Director, Middle-Mile Broadband Initiative; a representative from Caltrans North Region districts*) **(Informational)**

Caltrans will be proposing to Install (3)-2" HDPE conduits, fiber optic cable, vaults and network hub shelters along 10,000 miles of State Highway Right of Way, to provide a statewide open-access middle-mile network to serve unserved and underserved communities as outlined in California Senate Bill 156. Underground installation is at a depth of 24" to 42" and construction methods include trenching, horizontal boring, trench in pavement and plowing. Aboveground installation includes attachment of (1)-5" conduit or (3)-2" conduits to bridges. This project will encroach within the Central

Valley Flood Protection Board's Adopted Plan of Flood Control at potentially 187 locations.

E. Lower San Joaquin River and Tributaries Project, Transfer of Operation and Maintenance Responsibilities (*Dustin Sanoski, Flood System Improvement Branch, Board Staff*) (Action Item)

Adopt Board Resolution 2023-02 that approves the transfer of the revised operation and maintenance responsibility to remove the requirement for operation and maintenance of the levee within Reclamation Districts (RDs) 2099, 2100, and 2102 and delegate the Executive Officer to sign and send a letter informing the three RDs and RD 2101 of the transfer (Stanislaus 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 Flood System Improvement 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 BOARD MEETINGS**

- Board Workshop, March 10, 2023 (SACOG)
- Board Meeting, March 24, 2023 (SACOG)

**14. CLOSED SESSION**

- A. Pursuant to the authority of Government Code section 11126 (e)(i). To discuss litigation: Sierra Northern Railway vs. Central Valley Flood Protection Board, et al., Superior Court of the State of California, County of Yolo Case No. CV-2022-0479. (*Kanwarjit (Jit) Dua, Board Counsel*)
- B. 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., San Joaquin County Superior Court Case No. STK-CV-UED-2019-12115. (*Kanwarjit (Jit) Dua, Board Counsel*)

- C. 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)*
- D. Pursuant to the authority of Government Code section 11126 (e)(i). To discuss litigation: The People of The State vs. Yeung Farms Enterprises, Superior Court of the State of California, County of Yolo CV-2020-330. *(Kanwarjit (Jit) Dua, Board Counsel)*
- E. 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)*
- F. Pursuant to the authority of Government Code section 11126, subdivisions (a)(1) and (b), the Board will meet to consider the appointment of an Executive Officer to the Board. *(Kanwarjit (Jit) Dua, Board Counsel)*

**15. CLOSED SESSION REPORT (Action)**

**16. ADJOURNMENT**

**PUBLIC COMMENTS FOR HYBRID 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://us06web.zoom.us/j/88070030723>*
- 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 888 475 4499*
- b) Enter passcode: 880 7003 0723*
- 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.*

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