

MINUTES
MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD
February 22, 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 February 22, 2019, beginning at 9:07 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, Secretary
Mr. Clyde Macdonald
Mr. Tim Ramirez
Mr. Mike Villines

Board Members absent:

Ms. Emma Suarez, Vice President
Mr. Joe Countryman

Board staff present:

Ms. Leslie Gallagher, Executive Officer
Ms. Kathryn Baines, Board Analyst
Mr. Kanwarjit (Jit) Dua, General Counsel
Mr. Greg Harvey, Acting Chief, Plan Implementation and Compliance Branch
Ms. Itzia Rivera, Acting Chief, Environmental Services and Land Management Branch
Mr. Preston Shopbell, Chief, Inspection Section
Mr. Michael Wright, Chief, Plan Implementation and Compliance Branch

Department of Water Resources (DWR) staff present:

Mr. Todd Bernardy, Chief, Flood Risk Reduction Projects Branch
Ms. Erin Brehmer, Senior Environmental Scientist
Mr. Vance Cave, Staff Engineer
Mr. Miles Claret, Staff Environmental Scientist
Mr. Jon Ericson, Chief, Division of Flood Management
Mr. Wilbur Huang, Chief, Flood Risk Reduction Projects, Section A
Mr. Corey Lasso, Staff Engineer

Also Present:

Ms. Katie Charan, United States Army Corps of Engineers
Mr. Rick Johnson, Sacramento Area Flood Control Agency

1. WELCOME, INTRODUCTIONS AND ANNOUNCEMENTS

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

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

Ms. Kathryn Baines, Board Analyst, called the roll and a quorum was established.

3. APPROVAL OF MINUTES – December 14, 2018 Meeting

Upon motion by Secretary Dolan, seconded by Board Member Macdonald, the Board approved the December 14, 2018 Meeting Minutes 5-0-2 absent.

4. REVIEW OF AGENDA

President Edgar reviewed the day's agenda.

Ms. Leslie Gallagher, Board Executive Officer, noted that Agenda Item 9B has been removed and will be re-agendized at a later date. Also, Corps letters have been received for the two Consent Calendar items.

5. CONSENT ITEMS

A. Permit No. 17841-1 Hickman Road Bridge Replacement Project

Consider approval of Permit No. 17841-1 to remove and replace the existing Hickman Road Bridge over the Tuolumne River. (Stanislaus County)

B. Permit No. 19321 Union Pacific Railroad (UPRR) Bridge Replacement Project

Consider approval of Permit No. 19321 to remove and replace the UPRR railroad bridge over Badger Creek, which is a tributary to the Cosumnes River. The project is located approximately 0.5 miles northwest of the Highway 99 and Arno Road junction just north of Galt. (Sacramento County)

Upon motion by Board Member Macdonald, seconded by Secretary Dolan, the Board adopted the Consent Calendar. 5-0-2 absent

6. PUBLIC COMMENTS - *None*

7. UNITED STATES ARMY CORPS OF ENGINEERS (USACE) ITEMS

A. Success Dam, Tule River, California Spillway Enlargement Project

Informational briefing regarding an upcoming Amendment to the Project Cooperation Agreement for improvements to the Success Dam related to flood control, agricultural water supply storage and dam safety assurance.

Ms. Katie Charan, USACE, gave the briefing and answered questions.

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. Lower Elkhorn Basin Levee Setback Project

Informational briefing to provide an update on the status of the Lower Elkhorn Basin Levee Setback Project.

Mr. Corey Lasso, DWR Staff Engineer, gave the briefing and answered questions.

Mr. Wilbur Huang, DWR Flood Risk Reduction Projects Section A Chief, and Ms. Erin Brehmer, DWR Senior Environmental Scientist, added clarifying comments.

9. BOARD ITEMS

A. American River Common Features 2016 Project Environmental Update

Consider approval of Resolution No. 2019-05 to adopt the Reach D, Contract 1, Front Street Stability Berm (Front Street) Project Supplemental Mitigated Negative Declaration (MND); adopt the Supplement to the Mitigation Monitoring and Reporting Plan; and delegate the Executive Officer to execute the Notice of Determination (NOD) approving the Front Street Project.

Ms. Itzia Rivera, Board Environmental Services and Land Management Acting Branch Chief, introduced the resolution.

Mr. Miles Claret, DWR Staff Environmental Scientist, provided the background, answered questions and concluded with the staff recommendation that the Board adopt the Mitigated Negative Declaration and the associated Mitigation Monitoring Reporting Plan, and execute a Notice of Determination.

*Upon **motion** by Secretary Dolan, seconded by Board Member Macdonald, the Board adopted Resolution No. 2019-05. 5-0-2 absent.*

B. Permit No. 19307 Eastside Bypass Improvement Project -- ITEM REMOVED FROM AGENDA

C. Automatic Board Order Policy

Staff will present the background, effects, and need for an updated policy on Automatic Board Orders. Consider approval of Resolution 2019-04 to update the Board's policy on Automatic Board Orders.

Mr. Preston Shopbell, Board Inspection Section Chief, gave the presentation, answered questions and concluded with the staff recommendation to approve the Resolution.

Board Members discussed elements of the updates.

*Upon **motion** by Board Member Ramirez, seconded by Board Member Macdonald, the Board approved Resolution 2019-04. 5-0-2 absent.*

D. American River Watershed, Folsom Dam Raise Flood Risk Management Project

Informational Briefing to the Board about the Folsom Dam Raise Project status and the upcoming Project Partnership Agreement.

Mr. Greg Harvey, Board Plan Implementation and Compliance Branch Acting Chief, gave the presentation. He, Mr. Vance Cave, DWR Staff Engineer, and Mr. Todd Bernardy, DWR Flood Risk Reduction Projects Branch Chief, answered questions.

E. California Code of Regulations Title 23 update

Informational briefing to the Board on the status of Title 23, Article 8 Standards update to seek adoption of rule - making package for submittal to the Office of Administrative Law.

Mr. Jit Dua, Board General Counsel, gave 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 - *None*

12. UPCOMING MEETINGS AND TOPICS FOR THE BOARD

- Board Meeting, March 29, 2019 (Sacramento)
- Executive Committee Meeting, April 11, 2019 (Sacramento)
- Workshop, April 12, 2019 (TBD)

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 the authority of Government Code section 11126(e)(i). To discuss litigation: Sacramento Area Flood Control Agency v. Ann Sumiko Amioka, et al., Sacramento Superior Court Case No. 34-2018-00245965. (Kanwarjit (Jit) Dua, Board Counsel).**
- D. Pursuant to the authority of Government Code section 11126(e)(i). To discuss litigation: Encore Liberty, LLC v. Sacramento San Joaquin Drainage District, Solano Superior Court Case No. FCS052133. (Kanwarjit (Jit) Dua, Board Counsel).**

E. Pursuant to the authority of Government Code section 11126(e)(i). To discuss litigation: Grass Valley Neighbors v. California State Water Resources Control Board, et al., Sacramento Superior Court Case No. 34-2018-80002957. (Kanwarjit (Jit) Dua, Board Counsel).

F. Pursuant to Government Code Section 11126 (a)(I): Public Employee Performance Evaluations; Titles: Executive Officer and Board Counsel.

14. CLOSED SESSION REPORT - *None*

15. ADJOURNMENT

The Board unanimously adjourned the Open Session at 11:45 a.m.

Dated: _____

The foregoing Minutes were approved:

Jane Dolan
Secretary

William H. Edgar
President