

MINUTES

MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD April 26, 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 April 26, 2019, beginning at 9:08 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. Joe Countryman
Mr. Clyde Macdonald
Mr. Tim Ramirez
Mr. Mike Villines

Board Members absent:

Ms. Emma Suarez, Vice President

Board staff present:

Ms. Leslie Gallagher, Executive Officer
Mr. Kanwarjit (Jit) Dua, General Counsel
Mr. Ryan Jones, Board Clerk
Mr. Ali Porbaha, Senior Engineer
Ms. Itzia Rivera, Senior Environmental Scientist
Mr. Michael Wright, Chief Engineer

Department of Water Resources (DWR) staff present:

Mr. Matt DeGroot, Right of Way Agent
Mr. Mark List, Supervising Engineer
Mr. Dave Moldoff, Environmental Scientist
Mr. John Paasch, Supervising Engineer
Ms. Lori Price, Environmental Scientist
Mr. Dave Wheeldon, Supervising Engineer

Also Present:

Mr. Chris Elias, San Joaquin Area Flood Control Agency
Ms. Kim Floyd
Mr. Dominick Gulli
Mr. Dave Peterson, Peterson Brustad
Mr. Scott Shapiro, San Joaquin Area Flood Control Agency
Mr. Dan Wright, Vice Mayor, City of Stockton

1. WELCOME, INTRODUCTIONS AND ANNOUNCEMENTS

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

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 – February 22, 2019 Meeting

Upon motion by Secretary Dolan, seconded by Board Member Macdonald, the Board unanimously approved the February 22, 2019 Meeting Minutes.

4. REVIEW OF AGENDA

President Edgar reviewed the day's agenda.

Ms. Leslie Gallagher, Board Executive Officer, noted that Consent Item 5 was removed from the Calendar and will be heard.

5. CONSENT ITEMS

A. San Joaquin Area Flood Control Agency, U.S. Army Corps of Engineers Project Design Agreement

Consider approval of Resolution No. 2019-10 for the Project Design Agreement between the Board, U. S. Army Corps of Engineers (USACE) and the San Joaquin Area Flood Control Agency (SJAFC), and approval of the Local Design Agreement between the Board and SJAFC for the San Joaquin River Basin, Lower San Joaquin River California Project.

Mr. Ali Porbaha, Board Senior Engineer, further clarified some of the specifics of the agreement and answered questions.

Mr. Dominick Gulli asked for confirmations on some of the elements of the agreement.

Upon motion by Board Member Countryman, seconded by Board Member Macdonald, the Board unanimously approved Item 5A.

- B. Permit Nos. 15565-1, 15863-1, 12827-1, 1559-A-1, 3112-1, 7019-1, 12074-1, 13930-1, 1398-1, 17977-1, 6016-3, 14420-1, 19239, 1119-1, 13657-1, 19240, and 19241, a total of seventeen encroachments along Feather River West Levee Project**

Consider approval of the above seventeen permits covering twenty-two individual encroachments for pressurized storm drain pipes, raw water pipes, low pressure gravity irrigation pipe, abandoned pipe, fiber optics cable, and electrical conduit related to the encroachments along 14.8 miles of levees in Project Area C of the Feather River West Levee Project located upstream from Shanghai Bend to north of Campbell Road in the City of Live Oak. (Sutter County)

- C. Permit No. 19120 Esperanza Ross and Brian Flaherty**

Consider approval of Permit No. 19120 to construct a new dwelling and boat dock along the left (east) bank of the Sacramento River at 2489 Garden Highway. (Sacramento County)

- D. Permit No. 19324 County of Madera**

Consider approval of Permit No. 19324 to replace seven existing river intake pipes with a single 36-inch diameter intake structure on the right (west) bank of the San Joaquin River. The project is located approximately 0.5 miles from the intersection of Killkelly Road and Killarney Drive, east of the community of Sumner Hill. (Madera County)

Upon motion by Secretary Dolan, seconded by Board Member Countryman, the Board approved Items 5B, 5C and 5D.

6. PUBLIC COMMENTS

Mr. Gulli expressed his concerns about SJAFCA.

7. DEPARTMENT OF WATER RESOURCES (DWR) ITEMS

A. Monthly Report of the DWR

DWR Project Updates and Recent Events

Mr. John Paasch, DWR Supervising Engineer, gave the report. He and Mr. Dave Wheeldon, DWR Supervising Engineer, answered questions.

B. DWR Maintenance Area Budget: FY 2019/20

Consider approval of DWR Maintenance Area Budget for Fiscal Year 2019-20

Mr. Mark List, DWR Supervising Engineer, presented the budget and answered several clarifying questions from Board Members.

*Upon **motion** by Board Member Ramirez, seconded by Board Member Macdonald, the Board unanimously approved the Budget.*

C. Division of Engineering Real Estate Branch Land Acquisition Process

Informational briefing on the DWR real estate land acquisition process

Mr. Matt DeGroot, DWR Right-Of-Way Agent, gave the briefing and answered questions.

8. BOARD ITEMS

A. Marysville Ring Levee Supplemental Environmental Assessment/Initial Study/Mitigated Negative Declaration (Phases 2B and 3)

Informational briefing on events during the public comment period of the Draft Supplemental Environmental Assessment/Initial Study/Mitigated Negative Declaration (SEA/IS/MND); a joint document to comply with the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA). The SEA/IS/MND analyzes impacts to environmental resources and outlines mitigation measures for construction of Phases 2B and 3.

Mr. David Moldoff, DWR Environmental Scientist, gave the briefing and answered questions.

B. American River Watershed Common Features 2016 Project Environmental Update

Informational briefing on the American River Watershed Common Features 2016 Project, Beach-Stone Lakes Mitigation Site SEA/IS/MND

Ms. Lori Price, DWR Environmental Scientist, provided the briefing and answered questions.

9. 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 (Kanwarjit (Jit) Dua, Board Counsel; and Leslie Gallagher, Board Executive Officer)

10. **CLOSED SESSION REPORT - None**

11. **HEARING**

A. **Permit No. 19233, Smith Canal Gate Project**

Consider approval of Permit No. 19233 to construct a fixed dual steel sheet pile floodwall, a steel miter gate structure, seismic stability wall, seepage cutoff wall, single sheet pile floodwall, recreational features and habitat improvements. The project site is located at the confluence of Smith Canal and Atherton Canal, approximately 3.5 miles south of Stockton, extending from the southern bank of Browns Island to the northern tip of Dad's Point. (San Joaquin County)

Mr. Ali Porbaha, Board Senior Engineer, gave the presentation and concluded with the staff recommendation that the Board approve the draft encroachment Permit Number 19233 in substantially the form provided in Attachment A; and that the Board direct the Executive Officer to take the necessary action to execute the permit and to file a Notice of Determination pursuant to CEQA with the State Clearinghouse.

Mr. Chris Elias, SJAFCA Executive Director; Mr. Dan Wright, City of Stockton Vice Mayor; Ms. Kim Floyd, Public Outreach Consultant; Mr. Scott Shapiro, SJAFCA General Counsel; and Mr. Dave Peterson, Peterson Brustad, all spoke in support of permit approval.

Mr. Gulli spoke in opposition to approval.

The Board formally closed the Public Comment portion of the Hearing and deliberated further.

Upon motion by Board Member Macdonald, seconded by Secretary Dolan, the Board unanimously approved the Permit.

12. **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.

13. BOARD COMMENTS AND COMMITTEE UPDATES

14. UPCOMING MEETINGS AND TOPICS FOR THE BOARD

- Workshop, May 10, 2019 (West Sacramento City Hall)
- Board Meeting, May 24, 2019 (Sacramento)
- Workshop, June 14, 2019 (TBD)

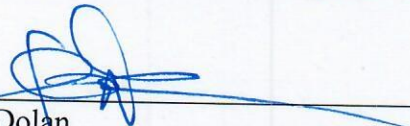
The Board briefly discussed elements of the upcoming schedule.

15. ADJOURNMENT

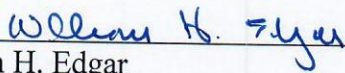
The Board unanimously adjourned the Open Session at 2:19 p.m.

Dated: 6/28/2018

The foregoing Minutes were approved:



Jane Dolan
Secretary



William H. Edgar
President