

MINUTES

MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD June 28, 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 June 28, 2019, beginning at 9:05 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
Mr. James Herota, Senior Environmental Scientist
Mr. Ryan Jones, Board Clerk
Mr. Humberto Negrete, Staff Engineer
Mr. Preston Shopbell, Chief, Inspection Section
Mr. Darren Suen, Policy Advisor
Mr. Michael Wright, Chief Engineer

Department of Water Resources (DWR) staff present:

Ms. Sandy Maxwell, Senior Engineer
Mr. Paul Romero, Supervising Engineer
Mr. Scott Deal, Chief, Maintenance Environmental Support Branch

Also Present:

Mr. Lewis Bair, Reclamation District 108
Mr. Gilbert Cosio, MBK Engineers
Ms. Deirdre Des Jardins, California Water Research

Also Present (continued):

Mr. Chris Elias, San Joaquin Area Flood Control Agency
Mr. Justin Fredrickson, California Farm Bureau Federation
Ms. Janet Hill, Arcadis
Mr. Reggie Hill, Lower San Joaquin Levee District
Ms. Aysha Massell, American Rivers
Mr. Jonas Minton, Planning and Conservation League
Mr. Ric Reinhardt, MBK Engineers
Ms. Jim Stone, San Joaquin County
Mr. Ronald Stork, Friends of The River
Ms. Elizabeth Vasquez, US Bureau of Reclamation
Mr. Tim Washburn, Sacramento Area Flood Control Agency

1. WELCOME, INTRODUCTIONS AND ANNOUNCEMENTS

Mr. Bill Edgar, Board President, welcomed the participants, noting this meeting is held in the Old City Council Chambers.

Ms. Leslie Gallagher, Board Executive Officer, congratulated Mr. Greg Harvey, who was selected as the new Board Plan Implementation Compliance Branch Chief.

Executive Officer Gallagher also welcomed new Board staff Ms. Diana Garafalo, Senior Right-of-Way Agent; Ms. Connie Perkins, Senior Engineer; Ms. Wendy Valdez; and Ms. Michelle Pacheco.

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 – April 26, 2019 Meeting

Upon motion by Vice President Dolan, seconded by Board Member Macdonald, the Board approved the April 26, 2019 Meeting Minutes. (6-0-1 vacant)

4. REVIEW OF AGENDA

President Edgar reviewed the day's agenda. Executive Officer Gallagher noted that Consent Item 5C is to be taken off the Consent Calendar and will be an action item. She also reported that the USACE Letters of Permission for Consent Items 5C and 5D had been received.

5. CONSENT ITEMS

A. Permit No. 2026-1, Charles Dietz

Consider approval of Permit No. 2026-1 to authorize an existing water well, second floor addition to the dwelling, boat dock and other encroachments along the left (east) bank of the Sacramento River at 3031 Garden Highway. (Sacramento County)

B. Permit No. 16149-2, Ryan Friedman

Consider approval of Permit No. 16149-2 to construct an addition to an existing multi-story single family house and construct a new detached garage, raised driveway, and pool. The project is located on the left (east) bank of the Sacramento River at 5445 Garden Highway in the City of Sacramento. (Sacramento County)

C. Permit No. 17063-1, UPRR Bridge Segment Replacement Project

Consider approval of Permit No. 17063-1 to replace Segment B and a small section of Segment A of the existing railroad bridge spanning the Yuba River. The project is located approximately 1.1 miles upstream of the confluence with the Feather River, just east of SR-70, near the City of Marysville. (Yuba County)

Ms. Janet Hill, Arcadis, representing Union Pacific Railroad for this project, clarified some elements of the permit.

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

D. Permit No. 19311, Bear Creek Bridges Project

Consider approval of Permit No. 19311 to construct two new clear span bridges for a new roadway crossing Bear Creek. The project is located approximately 0.5 miles west of the intersection of Kibby Road and E. South Bear Creek Drive, near the community of Bear Creek. (Merced County)

E. Permit No. 19384, Chevron North America

Consider approval of Permit No. 19384 to install a 275-foot segment of 6-inch diameter carbon steel steam pipeline on the right (north) bank of the Kern River Designated Floodway. The project is located approximately 0.4 miles downstream of the China Grade Loop Bridge crossing, northeast of the City of Bakersfield. (Kern County)

F. Permit No. 19386, Union Pacific Railroad

Consider approval of Permit No. 19386 to remove and replace an existing Union Pacific Railroad Bridge at milepost 55.71 over the Cosumnes River Designated Floodway. (Sacramento County)

**G. Marysville Ring Levee Supplemental Environmental Assessment/Initial Study/
Mitigated Negative Declaration (Phases 2B & 3)**

Consider adopting Resolution No. 2019-11 to adopt the Yuba River Basin, California Project – Marysville Ring Levee Phase 2B and 3 Mitigated Negative Declaration, Supplement to the Mitigation and Monitoring and Reporting Plan, approve the design refinements, and delegate authority to the Executive Officer to sign the Notice of Determination

H. Resolution 2019-14, Collaborating on Integrated Water Resources Management

Consider approval of Resolution No. 2019-14 authorizing the Board President to sign the Memorandum of Understanding between the State and the U.S. Army Corps of Engineers for collaborating on integrated water resources management.

Upon motion by Board Member Countryman, seconded by Board Member Macdonald, the Board approved Items 5A, 5B, 5D, 5F, 5G and 5H. (6-0-1 vacant) and approved Item 5E (5-0-1 vacant-1 abstain, Villines)

6. PUBLIC COMMENTS- None

7. PUBLIC SAFETY

A. Unauthorized Encampments

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

Mr. Darren Suen, Board Policy Advisor, briefed the Board and answered questions; Mr. Jit Dua, Board General Counsel, made clarifying comments; Board Members, along with Mr. Jim Stone, San Joaquin County Department of Public Works; and Mr. Ronald Stork, Friends of the River, discussed some of the issues involved.

8. U.S. BUREAU OF RECLAMATION

A. San Joaquin River Restoration Program Update

Informational briefing on the status of the San Joaquin River Restoration Program below Friant Dam to the confluence of the Merced River including the establishment of self-sustaining populations of salmon and habitat restoration. The briefing will include the status the entire project, including the significant construction features; and planned operations and maintenance (O&M) of the flood system, as it relates to the Lower San Joaquin Levee District.

Mr. James Herota, Board Senior Environmental Scientist, introduced the item. Ms. Elizabeth Vasquez, U.S. Bureau of Reclamation San Joaquin River Restoration Program; and Mr. Paul Romero, DWR Supervising Engineer, gave the presentation and answered questions.

Board Members commented on the program, as did Mr. Reggie Hill, Lower San Joaquin Levee District General Manager.

9. DEPARTMENT OF WATER RESOURCES (DWR) ITEMS

A. Monthly Report of the DWR

DWR Project Updates and Recent Events

Mr. Scott Deal, DWR Maintenance Environmental Support Branch Chief, gave the report and answered questions.

B. Conversion of River Stage Measuring Stations' Datum to NAVD88 - *POSTPONED*

Informational briefing on Division of Flood Management's plan to implement an elevation datum reference update to North American Vertical Datum of 1988 (NAVD88) for DWR - operated gages.

10. BOARD ITEMS

A. Permit and Inspection Fees

Informational update on the upcoming permit and inspection fees for applications received after July 1, 2019. The briefing will include an overview of the new regulations that were codified in California Code of Regulations, Title 23, Division 1 on April 29, 2019, and discuss implementation highlights.

Mr. Preston Shopbell, Board Inspection Section Chief, provided the update of the implementation of the permit and inspection fee program.

B. 2019-20 Delta Levees Maintenance Subventions Program

Delta Levees Maintenance Subventions Program Update and FY2019-20 Funding Request

Ms. Sandy Maxwell, DWR Senior Engineer, provided the update, answered questions and concluded with the staff recommendation that the Board approve the 2017-18 allocated reimbursements and the Subventions Funding Plan for \$10 million for Fiscal Year 19-20.

Mr. Gilbert Cosio, MBK Engineers, commented on budget allocation for projects.

Upon motion by Board Member Villines, seconded by Board Member Countryman, the Board approved the staff recommendation. (6-0-1 vacant)

C. Listening Session to receive public input on the development of the Board response to Governor Executive Order.

Governor Newsom issued Executive Order N-10-19 on April 29, 2019 that directs the California Natural Resources Agency to reassess priorities contained in the 2016 California Water Action Plan and to prepare a water resilience portfolio that meets the needs of California's communities, economy and environment through the 21st Century. The Board will take public comment on these ideas, and discuss how they align with the seven principles identified in the Executive Order and listed below:

- 1. Prioritize multi-benefit approaches that meet multiple needs at once;**
- 2. Utilize natural infrastructure such as forests and floodplains;**
- 3. Embrace innovation and new technologies;**
- 4. Encourage regional approaches among water users sharing watersheds;**
- 5. Incorporate successful approaches from other parts of the world;**
- 6. Integrate investments, policies, and programs across state government;**
- 7. Strengthen partnerships with local, federal, and tribal governments, water agencies, and irrigation districts, and other stakeholders.**

The Board deliberated, asked questions, and received comments from several members of the public: Mr. Lewis Bair, Reclamation District 108, who represented three local maintaining agencies in the Sacramento Valley; Mr. Cosio, MBK Engineers; Mr. Chris Elias, San Joaquin Area Flood Control Agency (FCA); Ms. Aysha Massell, American Rivers; Mr. Tim Washburn, Sacramento Area FCA retired annuitant; Mr. Ron Stork, Friends of the River; Ms. Deirdre Des Jardins, California Water Research; Mr. Jonas Minton, Planning and Conservation League; and Mr. Justin Frederickson, California Farm Bureau Federation.

D. Memorandum of Understanding

Signing Ceremony for a Memorandum of Understanding between the State and the U.S. Army Corps of Engineers for collaborating on integrated water resources management.

The signing ceremony took place at approximately 2:00 p.m.

**11. 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

12. BOARD COMMENTS AND COMMITTEE UPDATES - *None*

13. UPCOMING MEETINGS AND TOPICS FOR THE BOARD

- 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)

14. CLOSED SESSION - *None*

- 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)

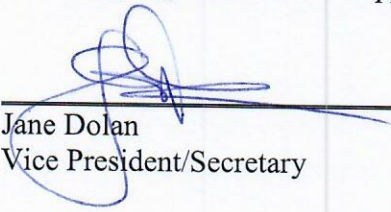
15. CLOSED SESSION REPORT - *None*

16. ADJOURNMENT

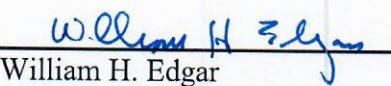
The Board unanimously adjourned the Open Session at 2:50 p.m.

Dated: 8/30/2019

The foregoing Minutes were approved:



Jane Dolan
Vice President/Secretary



William H. Edgar
President