

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

California Natural Resources Agency – State of California

CVFPB Office Location  
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## **BOARD MEMBERS**

Jane Dolan, President  
Mike Villines, Vice-President  
Brian Johnson, Secretary  
Joe Countryman  
Mary Jane Griego  
Tim Ramirez  
Assembly Member Rebecca Bauer-Kahan, 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**

**April 22, 2022 – 9:00 a.m.**

**Hybrid Meeting**

**Zoom & SACOG Board Room, 1415 L Street, Suite 300, Sacramento, CA 95814**

**Due to the COVID-19 outbreak we encourage 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 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/82143126329>*
- 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 877 853-5257*
- b) Enter passcode: 821 4312 6329*
- 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**

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

**3. APPROVAL OF MINUTES** (Action Item)

- February 25, 2022 minutes

**4. REVIEW OF AGENDA**

**5. CONSENT ITEMS** (Action Item)

A. Permit No. 18956-8, California High Speed Rail Authority, Cross Creek Viaduct Project  
(Mike Zelazo, Plan Implementation and Compliance Branch, Board Staff)

Consider approval of Permit No. 18956-8 to construct a portion of the California High Speed Rail (HSR) alignment through the Cross Creek Floodway in Kings County. The Cross Creek Viaduct Project (Project) includes approach embankments, a 2,500-ft-long bridge across Cross Creek, installation of piles and concrete columns, construction of a deck and derailment barriers, and placement of rock slope protection and a concrete apron in the creek bottom for site access. The Project is located approximately six miles north-northwest of Corcoran, bounded to the east by State Route 43 and to the west by the BNSF rail line, which intersect to form the southern boundary. The Board approved other HSR projects at northern alignments in Permit Nos. 18956-1 in 2015, 18956-2 in 2016, 18956-3 in 2020, and 18956-4 and 18956-5 in 2021.

B. Permit No. 19467 River Partners, (Deb Biswas, Operations Branch, Board Staff)

Consider approval of Permit No. 19467 to implement 86 acres of habitat restoration under the Sacramento River Salmonid Stranding Reduction and Floodplain Habitat Restoration Project at the Willow Bend Preserve. The proposed alteration includes grading approximately 86 acres of waterside floodplain creating positive drainage away from the levee, creating a waterside pond and swale in the floodplain; installing a flow control gate structure to regulate the flow quantity and pond water; installing a 1-foot diameter high-density polyethylene drain pipe through the existing riverbank revetment; installing irrigation lines approximately 3 feet below ground surface; and planting approximately 2,506 trees, 4,552 shrubs, and 2,685 herbaceous species. The project site is located approximately 11 miles north of Colusa and 3 miles south of Princeton along the left (east) bank of the Sacramento River between River Mile (RM) 158.4 and RM 159.2. (Colusa County)

C. Permit No. 19627 AMPM Bruce at 32, Inc. (Humberto Negrete, Operations Branch, Board Staff)

Consider approval of Permit No. 19627 to construct a gas station facility consisting of a 3,800 square foot convenience store, nine (9) pump stations under a 5,500 square foot canopy, a 1,200 square foot car wash, parking facilities, trash enclosure, landscaping, site lighting, signage, and utility pole. The proposed facility is located along the left (west) bank of Dead Horse Slough, at the southeast corner of the intersection of State Highway 32 and Bruce Road, approximately 2.5 miles northeast of the City of Chico. (Butte County)

D. Permit No. 19630 San Joaquin County - Mormon Slough Bridge Repairs (Br. No. 29C0235) (*Jacqueline Hoang, Operations Branch, Board Staff*)

Consider approval of Permit No. 19630 to authorize the existing Mormon Slough Bridge (Br. No. 29C0235), constructed in 1957, and to install concreted-rock slope protection on both abutments and piers of the bridge within the Mormon Slough floodway. The project also includes placing methacrylate treatment on the bridge deck to seal cracks and installing partial height steel column casing at bridge columns 1, 2, 4, 5, and 8 of bent 3. The project is located about 700 feet south of the E. Scotts Avenue and S. Aurora Street Intersection in the City of Stockton. (San Joaquin County).

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

**7. LEGISLATIVE UPDATE (Informational)**

A. An update on pertinent State legislation and federal news will be included in the Executive Officer Report.

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

A. Mormon Slough 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 four (4) Mormon Slough Levee Systems. The four systems are: 1. Mormon Slough - Calaveras River right bank - RD 2074, 2. Mormon Slough - Diverting Canal right bank, 3. Mormon Slough left bank along RR tracks - Unit 16, and 4. Mormon Slough right bank - Unit 15 east. (San Joaquin County).

**9. DEPARTMENT OF WATER RESOURCES ITEMS**

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

Steve Rothert will provide a brief update on the public review draft of the CVFPP 2022 Update.

B. Department of Water Resources Maintenance Area Budget Hearing for Fiscal Year 2022-2023 (*Mark List, FMO, Department of Water Resources*) **(Action Item)**

The Central Valley Flood Protection Board will hold a hearing to consider approval of the Department of Water Resources Fiscal Year 2022-2023 Maintenance Area Budget.

## 10. BOARD ITEMS (Action Items)

A. Statement of No Objection, Merced County, Black Rascal Creek Flood Control Project  
*(Mike Zelazo, Plan Implementation and Compliance Branch, Board Staff)*

Consider approval of a Statement of No Objection to be issued to the U.S. Army Corps of Engineers (USACE) pursuant to 33 USC 408 (Section 408) requesting that USACE evaluate the Section 408 request to alter levees of the Merced County Stream Group in the unincorporated area of eastern Merced County. Merced County proposes to construct a flood detention basin and realign Black Rascal Creek within the Black Rascal Diversion Unit Nos. 1 and 2 approximately five miles east-northeast of Merced.

B. Statement of No Objection, Yolo County Service Area No. 6, Mid-Valley Area Phase III Levee Reconstruction Project, Site 11  
*(Mike Zelazo, Plan Implementation and Compliance Branch, Board Staff)*

Consider approval of a Statement of No Objection to be issued to the U.S. Army Corps of Engineers (USACE) pursuant to 33 USC 408 (Section 408) requesting that USACE evaluate the Section 408 request to alter levees of the Sacramento River Flood Control Project (SRFCP) in the vicinity of Knights Landing. Yolo County Service Area No. 6 proposes to construct a stability berm and a seepage berm at Site 11 on the right (west) levee of the Sacramento River within Unit 127 of the SRFCP approximately three miles east-southeast of Knights Landing. The project is funded by a grant through the California Department of Water Resources Small Community Flood Risk Reduction Program.

C. Statement of No Objection, Sacramento River West Side Levee District, Grimes Floodplain Restoration and Levee Resiliency Project  
*(Mike Zelazo, Plan Implementation and Compliance Branch, Board Staff)*

Consider approval of a Statement of No Objection to be issued to the U.S. Army Corps of Engineers (USACE) pursuant to 33 USC 408 (Section 408) requesting that USACE evaluate the Section 408 request to alter levees of the Sacramento River Flood Control Project (SRFCP) in the vicinity of Grimes in Colusa County. The Sacramento River West Side Levee District proposes to construct 1.8 miles of a seepage slurry cutoff wall along the right (west) levee of the Sacramento River within Unit 131 of the SRFCP. The project is funded by a grant through the California Department of Water Resources Small Community Flood Risk Reduction Program.

D. Resolution 2022-06, Project Partnership Agreement and Local Project Partnership Agreement, West Sacramento Project (*Mike Zelazo, Plan Implementation and Compliance Branch, Board Staff, and Vance Cave, Department of Water Resources*)

Consider adopting Resolution 2022-06, which approves the Project Partnership Agreement, between the Federal Government, represented by the U.S. Army Corps of Engineers, the State of California, represented by the Central Valley Flood Protection Board (Board), and the local sponsor represented by the West Sacramento Area Flood Control Agency (WSAFCA); and the Local Project Partnership Agreement, between the Board and WSAFCA; which describes the obligations of the federal and non-federal sponsors to complete construction activities and the cost share of the West Sacramento Project.

**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**

- Board Workshop, May 13, 2022 (TBD)
- Coordinating Committee, May 25, 2022 (TBD)
- Board Meeting, May 27, 2022 (Hybrid/CNRA)

**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., San Joaquin County Superior Court Case No. 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 (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*)

D. 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**