

CENTRAL VALLEY FLOOD PROTECTION BOARD

California Natural Resources Agency – State of California

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BOARD MEMBERS

Vacant, President

Jane Dolan, Board Vice-President and Secretary

Joe Countryman

Mary Jane Griego

Brian Johnson

Tim Ramirez

Mike Villines

Assembly Member Rebecca Bauer-Kahan, Ex Officio

State Senator Henry Stern, Ex Officio

Leslie Gallagher
Executive Officer

Kanwarjit (Jit) Dua
Board Counsel

AGENDA

CENTRAL VALLEY FLOOD PROTECTION BOARD MEETING

February 25, 2022 – 9:00 a.m.

Virtual Meeting

Due to the COVID-19 outbreak we ask that the public attend the meeting virtually and view the webcast of this meeting via the link provided on the event page.

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.

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 VIRTUAL 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://cadwr.webex.com/meet/CVFPB>*
- 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 1-844-517-1271*
- b) *Enter passcode: 132 803 8260*
- 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. 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. 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 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.

1. WELCOME, INTRODUCTIONS, AND ANNOUNCEMENTS

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

3. APPROVAL OF MINUTES (Action Item)

- December 17, 2021 minutes

4. REVIEW OF AGENDA

5. CONSENT ITEMS (Action Item)

A. Permit No. 19484 Todd Wilson (*Deb Biswas, Operations Branch, Board Staff*)

Consider approval of Permit No. 19484 to install 40 feet wide by 49 feet long non-living metal building with a 4 inches thick concrete driveway access to the metal building from the property entrance along with a concrete sitting area. The project also involves the installation of 45 feet long by 22 feet wide boat dock on 3 steel pilings, a metal gangway along with a deck along with the metal roof. The proposed project site is located at 5721 Garden Highway, Sacramento. (Sacramento County)

6. PUBLIC COMMENT (non-agenda items only)

7. LEGISLATIVE UPDATE (Informational)

A. Receive an update on pertinent State legislation and federal news (*Darren Suen, Policy Advisor, Board Staff*)

8. UNITED STATES ARMY CORPS OF ENGINEERS (Informational)

A. Sacramento River West Bank Levee System (*Eric Miao, Board Staff; Juan Gonzalez, Chief, Inspection Section, U.S. Army Corps of Engineers*)

Presentation of Levee Inspection Results for the Sacramento River West Bank Levee System including Reclamation District 108, 787, Levee Districts 1 and 2, Maintenance Areas 1 and 12, Sacramento River West Levee District from Colusa Bridge to Tisdale Bypass and Below Tisdale Bypass.

9. DEPARTMENT OF WATER RESOURCES ITEMS (Informational)

A. Monthly Report of the Department of Water Resources (*Steve Rothert, Manager, Division of Multi-Benefit Initiatives, Department of Water Resources*)

Written Submittal

- B. 2022 Central Valley Flood Protection Plan Update (*Mary Jimenez, Manager, Systemwide Multibenefit Initiatives Branch, Department of Water Resources; Jason Sidley, Manager, CVFPP and Project Feasibility Section, Department of Water Resources; Ruth Darling, Central Valley Flood Protection Board*)

Department of Water Resources (DWR) staff will provide an update on development of the 2022 CVFPP Update, with focus on providing a status update on development of the Public Draft considering broad feedback received during review of the Working Draft by actively involved partners and public interests in late 2021. CVFPP staff will provide an overview of the Board's Public Hearing process.

10. BOARD ITEMS

- A. Adoption of Resolution for California Code of Regulations (CCR), Title 23, Division, Chapter 1, Articles 2 and 8 Rulemaking (*Jit Dua, Board Counsel*) (Action Item)

Consider adoption of Resolution 2022-01, authorizing the Executive Officer or Board Counsel to submit the Final Rulemaking Package to the Office of Administrative Law for adoption of revisions to CCR, Title 23, Division 1, Chapter 1, Articles 2 and 8, which updates technical standards for the construction flood control facilities and encroachments thereto and respective definitions and drawings.

- B. Permit No. 19486, Reclamation District 817, Bear River Setback Levee Project (*Mike Zelazo, Plan Implementation and Compliance Branch, Board Staff*)

Consider adoption of Resolution 2022-03 to approve Permit No. 19486 for the Bear River Setback Levee Project (Project) proposed by Reclamation District 817 and a variance to the standard levee inspection trench width of twelve feet [23 CCR § 120(a)(9)(B)]. The Project will mitigate an ongoing erosion site, provide protection from under and through seepage, and add resiliency to the existing federal levee embankment. It consists of a 2,800-foot-long setback levee and cutoff wall along with a 7,500-foot-long landside levee buttress connected by a seepage berm. The Project is located on the north (right) bank of the Bear River within Unit 146 of the Sacramento River Flood Control Project about two miles west-southwest of the City of Wheatland in Sutter County.

- C. Amendments to Project Partnership Agreements (PPA) and Local Project Partnership Agreements (LPPA): American River Watershed Common Features - Natomas Basin and American River Common Features 2016 - ARCF 2016 Projects (*Selva Selvamohan, Sacramento Levees Section, Board Staff; Kyle Bickler and Corey Lasso, Flood Projects Branch, Department of Water Resources*) (Action Item)

Consider adoption of Resolution Number 2022-04 to amend four agreements: two PPA's and two LPPA's for both the Natomas Basin and ARCF-2016 Projects. In the proposed amendments, Natomas Basin will be the "donor project" providing up to \$101,564,000 in excess credits to the ARCF-2016 Project, the "receiving project".

D. TRLIA 500 Year Briefing (*Darren Suen, Policy Advisor, Board Staff; Ric Reinhardt, MBK Engineers*) **(Informational)**

Three Rivers Levee Improvement Authority (TRLIA) representatives will provide an informational briefing on a proposed project to improve the RD 784 urban levee system to pass a 500-year event when the Yuba Water Agency's (YWA) New Bullard's Atmospheric River Control (ARC) Spillway project is completed.

E. Enforcement Case 2019-15529 (*Tod A. duBois*) Compliance with Cease and Desist Order (*Angeles Caliso and Zubair Dosu, Board Enforcement Staff*) **(Informational)**

Presentation on the compliance status for Cease and Desist Order issued to Mr. Tod A. duBois on September 9, 2021, adopted by the Board on October 22, 2021.

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

- Executive Committee Meeting, March 10, 2022 (WebEx)
- Board Workshop, March 11, 2022 (WebEx)
- Coordinating Committee, March 23, 2022 (WebEx)
- Board Meeting, March 25, 2022 (WebEx)

14. CLOSED SESSION (TO BE HEARD AT 8:30AM)

- 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