

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

California Natural Resources Agency – State of California

CVFPB Office Location  
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## **AGENDA**

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

**Friday, December 16, 2022 – 9:00 a.m.**

**(Items pertaining to the 2022 Central Valley  
Flood Protection Plan will be heard at 10:00 a.m.)**

**Sacramento Area Council of Governments  
1415 L St #300 (Third Floor)  
Sacramento, CA 95814**

**Meeting will be both in person and online.  
In person attendees are encouraged to follow Covid  
and flu season protocols. See page 6 of this agenda for online sign-in information.**

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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*

**1. WELCOME, INTRODUCTIONS, AND ANNOUNCEMENTS**

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

**BOARD MEMBERS**

Jane Dolan, President

Mike Villines, Vice-President

Brian Johnson, Secretary

Keely Bosler

Joe Countryman

Mary Jane Griego

Tim Ramirez

Assembly Member Rebecca Bauer-Kahan, Ex Officio

State Senator Henry Stern, Ex Officio

**3. REVIEW OF AGENDA**

**4. APPROVAL OF MINUTES** (Action)

- September 23, 2022 Minutes
- October 28, 2022 Minutes

**5. CONSENT ITEMS** (Action)

A. Permit No. 19216-4 United States Fish and Wildlife Service – Anadromous Fish Restoration Program (*Nate Kibret, Operations Branch, Board Staff*)

Approval of Permit No. 19216-4 to construct phase four of the Hallwood Side Channel and Floodplain Restoration Project that includes – removing approximately 400,000 cubic yards of sediment from the Middle Training Wall and surrounding floodplains in the lower 1 mile of the project site; enhancing 21 acres of floodplain habitat that consist of grading work to lower the floodplain elevations; installing in-stream woody materials; and planting approximately 3 acres of riparian vegetation (Yuba County).

B. Permit No. 19589 Union Pacific Railroad (UPRR) Bridge Replacement (*Humberto Negrete, Operations Branch, Board Staff*)

Approval of Permit No. 19589 to replace an existing 13span, 286-foot-long timber stringer trestle ballast deck bridge spanning Dry Creek with an 11-span, 304-foot-long prestressed concrete box bridge. Two (2) temporary in-water causeways will be constructed for site access and construction activities. The project is located where the existing UPRR Valley Subdivision rail line spans Dry Creek at Milepost (MP) 129.52, approximately 1.5 miles northwest of the community of Wheatland (Yuba County).

C. Permit No. 19680 California Department of Transportation (*Deb Biswas, Operations Branch, Board Staff*)

Approval of Permit No. 19680 to authorize two existing bridges and retrofit bridge hinges with pipe seat extenders and cable restrainers under the bridge deck to provide additional support length to prevent the span from dropping, strengthening the

overhang with Composite Fiber Polymer trips, replacing bridge rails and sidewalk, and replacing the existing polyester overlay from the top of bridge deck for both the right and left bridges (39-009 R/L) crossing Bear Creek. The proposed bridges (39-009 R/L) are located on State Route 59 crossing Bear Creek at Caltrans Post Mile 15.23 (Merced County).

D. Permit No. 19690 Union Pacific Railroad (UPRR) Bridge Authorization and Repair (*Humberto Negrete, Operations Branch, Board Staff*)

Approval of Permit No. 19690 to authorize an existing multi-segment, 25-span, 735-foot-long, single-track railroad bridge spanning the Kern River Designated Floodway and to retrofit existing bents B10 and B11 within Segment B of the bridge, which consists of a 16-span, 480-foot-long deck plate girder-ballast deck structure located along the left (east) overflow bank of the river. The retrofit consists of eight (8) 10-inch diameter drilled shafts around the existing pier footing, with a driven 9-5/8-in diameter steel casing at the top 6 feet, and filling the shafts with grout. The micropiles will be embedded in a reinforced concrete ground collar surrounding the existing pier footing. A sacrificial micropile and a temporary rockfill causeway will be removed after construction. The project is located where the existing UPRR Fresno Subdivision rail line spans the Kern River at Milepost (MP) 310.35, approximately 2 miles northwest of the City of Bakersfield (Kern County).

E. Application No. 19699, Natomas Cross Canal Channel Enhancement and Levee Berm Project, Reclamation District 1001, Statement of No Objection (*Mike Zelazo, Flood System Improvement Branch, Board Staff*)

Approval of the second Statement of No Objection to be issued to the U.S. Army Corps of Engineers pursuant to 33 USC 408 affirming that the Board supports the proposed alteration to the Sacramento River Flood Control Project (SRFCP) at the Natomas Cross Canal in Sutter County and agrees to assume operation and maintenance responsibilities for the completed work as the non-federal sponsor of the SRFCP. Reclamation District 1001 proposes to lower the existing islands within the channel in order to provide additional habitat for aquatic species and construction of a levee berm/buttress using the excavated channel soil against the landside slope of the north levee (Sutter County).

F. Permit No. 19703 County of Fresno Bridge and Box Culvert Replacement (*Jacqueline Hoang, Operations Branch, Board Staff*)

Approval of Permit No. 19703 to remove and replace the existing bridge on Burrough Valley Rd and existing box culvert on Tollhouse Rd over Dry Creek/Dry Creek Tributary. The scope of work includes raising the elevation of the Burrough Valley Road/Tollhouse Road intersection, placing rock slope protection upstream and downstream of the bridge, excavation and pile drilling, roadway approach work on Burrough Valley Rd and Tollhouse Rd, installing temporary creek diversion and on-site detour, and constructing Type 836 concrete barriers (Fresno County).

G. Elder Creek Levee Systems- Letter of Intent (*Eric Miao, Operations Branch, Board Staff*)

Authorize the Executive Officer to transmit a Letter of Intent to develop and implement a System-Wide Improvement Framework to the USACE, prepared by Tehama County Flood Control and Water Conservation District for the Elder Creek Levee Systems as defined by the USACE's Periodic Inspection Report dated June 2011 (Tehama County).

H. Deer Creek Levee Systems- Letter of Intent (*Eric Miao, Operations Branch, Board Staff*)

Authorize the Executive Officer to transmit a Letter of Intent to develop and implement a System-Wide Improvement Framework to the USACE, prepared by Tehama County Flood Control and Water Conservation District for the Deer Creek Levee Systems as defined by the USACE's Periodic Inspection Report dated September 2013 (Tehama County).

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

**7. LEGISLATIVE UPDATE (Information)**

A. An update on pertinent State legislation and federal news will be provided in a written summary.

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

A. Reclamation District 2085- Kasson District Levee System (*Eric Miao, Operations Branch, Board Staff; Emily Greene, Acting Chief, Inspections Section, U.S. Army Corps of Engineers*)

Presentation of Levee Inspection Results for the Reclamation District 2085 Kasson District Levee System (San Joaquin County).

**9. DEPARTMENT OF WATER RESOURCES ITEMS (Information)**

A. Monthly Report of the Department of Water Resources (Written Submittal)

B. 2022 Central Valley Flood Protection Plan Update (*Mary Jimenez, Department of Water Resources, Division of Multibenefit Initiatives*)

Department of Water Resources Staff will present the 2022 Central Valley Flood Protection Plan Update, as revised in response to the Board's direction during the October 28 and November 18, 2022, Board meetings.

## 10. BOARD ITEMS

A. 2022 Central Valley Flood Protection Plan Update (*Ruth Darling, Flood Planning and Programs Branch, Board Staff*) (Action)

Adoption of the 2022 Central Valley Flood Protection Plan Update adoption package (as amended November 2022), pursuant to California Water Code Section 9612. The adoption package includes:

- The 2022 Central Valley Flood Protection Plan Update
  - Appendix A: Resolution of Adoption 2022-29
  - Appendix B: Legislative Reference and Reader's Guide
  - Appendix C: 2022 CVFPP Update Supplemental Recommendations
  - Appendix D: Background: More than 10 years of formulating and implementing the State Systemwide Investment Approach
- The 2022 State Plan of Flood Control Descriptive Document Update and Appendix A
- The 2022 Flood System Status Report Update and associated appendices (A through C)
- The 2022 Conservation Strategy Update and associated appendices (A through H)
- CEQA Addendum Number (No.) 1 and CEQA Errata to the 2012 Program Environmental Impact Report

B. Enforcement Case No. 2022-1055 EAGLE PROPCO 4 LLC et al. (*Peter Thyberg, Department of Water Resources Staff Counsel; Karina Castro and Selva Selvamohan, Flood System Improvement Branch, Board staff*) (Action)

Affirm the Cease and Desist Order issued to EAGLE PROPCO 4 LLC et al. on November 10, 2022. This enforcement case is located on the left bank of the Sacramento River East Levee Unit 01 at 4800 Riverside Blvd., in Sacramento, California (APN's 016-0360-001-0000 and 016-0360-002-0000) (Sacramento County).

C. Board Calendar for 2023 (*Sarah Backus, Executive Officer*) (Action)

Adoption of the Board's proposed calendar for 2023.

**11. 2022 ANNUAL REPORT** (Document Submitted for Board Member review)

**12. BOARD COMMENTS AND COMMITTEE UPDATES**

**13. UPCOMING BOARD MEETINGS**

- Board Meeting, January 27, 2023 (Hybrid/CNRA Auditorium)

**14. CLOSED SESSION**

- A. Pursuant to the authority of Government Code section 11126, subdivisions (a)(1) and (b), the Board will meet to consider the appointment of an Executive Officer to the Board. *(Kanwarjit (Jit) Dua, Board Counsel)*
- B. 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)*
- C. 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)*
- D. 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)*
- E. 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)

**16. ADJOURNMENT**

**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/84754460405>*
- 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: 847 5446 0405*
- 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.*

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