

CENTRAL VALLEY FLOOD PROTECTION BOARD MEETING



Meeting Date & Time
Friday, August 25, 2023
9:00 AM

Location

Sacramento City Hall, 915 I St
Sacramento, CA 95814

Remote Attendance

Please click this URL to join. <https://cityofsacramento-org.zoom.us/j/94975920325?pwd=eXM2MldMbmJ2QzhDL2hWc1JPdmRyZz09>

Passcode: 276307

To join by phone: +16699006833, 94975920325# *276307#
The meeting will be archived on the Board's YouTube channel.

Agenda Items

1. WELCOME, INTRODUCTIONS, AND ANNOUNCEMENTS
2. ROLL CALL/ESTABLISH A QUORUM (Water Code § 8560)

3. REVIEW OF AGENDA

4. APPROVAL OF MINUTES (Action)

- May 26, 2023
- June 23, 2023
- July 28, 2023

5. CONSENT ITEMS (Action)

- A. Permit No. 19723 Resource Conservation District of Tehama County (Deb Biswas, Operations Branch, Board Staff)

Approve Permit No. 19723 to modify a low water crossing that is a barrier to salmon and steelhead migration under most flows by removing the existing structure and installing a new box culvert crossing and recontouring the stream bed to improve fish passage conditions. The proposed project is located at the intersection of Shasta Boulevard and Dye Creek, located 0.52 miles east of State Route 99 and 0.46 miles north of 8th Avenue (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.

8. UNITED STATES ARMY CORPS OF ENGINEERS (Information)

9. DEPARTMENT OF WATER RESOURCES ITEMS (Information)

- A. DWR Monthly Report (Jeremy Arrich, Manager, Division of Flood Management, Department of Water Resources)

An update on DWR's post-early 2023 storm activities will be presented.

10. BOARD ITEMS

- A. Public Hearing for Enforcement Order against Steven May and Dawn May (Enforcement Case No. 2022-15450) (Peter Thyberg, Enforcement Counsel; Jenny Tu, Enforcement Section, Board Staff) (Action) (Postponed)

The purpose of this hearing is for the Central Valley Flood Protection Board to receive evidence relevant to a proposed Enforcement Order 2023-01 against Steven May and Dawn May (Respondents). The proposed Enforcement Order finds that Respondents failed to correct violations of several flood protection statutes and regulations as set forth in the July 2021 Cease and Desist Order, orders the Respondents to correct the violations, imposes administrative penalties, authorizes the board to remove the encroachments and seek costs

to cover the labor if the violations are not corrected, and directs Board staff to record a copy of the Enforcement Order with the Solano County Recorder's Office.

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 Flood System Improvement 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 BOARD MEETINGS

- Coordinating Committee, Wednesday September 27, 2023 (TBD/Hybrid)
- Board Meeting, September 22, 2023 (Sacramento City Hall/Zoom)

14. CLOSED SESSION

- A. Pursuant to the authority of Government Code section 11126 (e)(i). To discuss litigation: United States of America vs. 331.46 Acres of Land, More or Less, Situated in Madera County, State of California; Sacramento and San Joaquin Drainage District, et al., USDC, Eastern District of California, Fresno Division Case No. 1:23-CV-735-ADA-BAM. (*Kanwarjit (Jit) Dua, Board Counsel*)
- B. Pursuant to the authority of Government Code section 11126 (e)(i). To discuss litigation: Sierra Northern Railway vs. Central Valley Flood Protection Board, et al., Superior Court of the State of California, County of Yolo Case No. CV-2022-0479. (*Kanwarjit (Jit) Dua, Board Counsel*)
- C. 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*)
- D. 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*)
- E. 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*)
- F. 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*)
- G. 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 personnel matters. (*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://cityofsacramento-org.zoom.us/j/94975920325?pwd=eXM2MldMbmJ2QzhDL2hWc1JPdmRyZz09>
Passcode: 276307*
- 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*
- b) Enter passcode:*
- 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.