

MINUTES

MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD January 26, 2024

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 at the Sacramento Area Council of Governments Building, Third Floor, 1415 L Street, Sacramento, California and concurrently online (on Zoom) on January 26, 2024, beginning at 9:07 a.m.

Board Members present:

Jane Dolan, President
Mike Villines, Vice President
Brian Johnson, Secretary
Keely Bosler
Joe Countryman
Mary Jane Griego
(There is currently one vacancy)

Board staff present:

Christopher Lief, Executive Officer
Kanwarjit (Jit) Dua, General Counsel
Michael Wright, Chief Engineer
Zubair Dosu, Staff Engineer, Enforcement Section
Jonah Knapp, Board Clerk
Preston Shopbell, Manager, Inspection Section
Mike Zelazo, Senior Engineer, Flood System Improvement Branch

Department of Water Resources (DWR) staff present:

Kris Tjernell, Deputy Director
Steve Rothert, Chief, Division of Multi-Benefit Initiatives
Wade Wylie, Supervising Engineer, Manager, Flood Project Inspection and Assessment Section
Sterling York, Senior Engineer, Manager, Flood Project Inspection Unit A
Kaveh Zamani, Senior Engineer, Manager, LMA Assessment Unit

Also Present:

Mark Berry, Preserve the American River Association

Also Present (continued):

Bill Brattain
Catherine Creeggan
Tom Engler, California Central Valley Flood Control Association
Leslie Gallagher
Ellen Ganz
Juan Gonzalez, United States Army Corps of Engineers
Brenda Gustin
Cary Hart
Carey Knecht
Clyde Macdonald
Jeff Mount, Public Policy Institute of California
Meegan Nagy
David O'Connor
Tim Ramirez
Pete Spaulding
Darren Suen

1. WELCOME, INTRODUCTIONS AND ANNOUNCEMENTS

Jane Dolan, Board President, welcomed the participants.

Christopher Lief, Board Executive Officer, announced four staff departures:

- Kryslé Montemayor has taken an opportunity with the California Department of Corrections and Rehabilitation.
- Cassandra Bicakci, Permitting Section, will be leaving the Board in February.
- Melissa Roberts, Administrative Section, has taken a promotional opportunity at the California Wildlife Conservation Board.
- Deb Biswas, Water Resource Engineer in the Permitting Unit, has taken a promotional opportunity at DWR.

Mr. Lief welcomed Ian Geocaris as the newest member of the Enforcement Section. Mr. Geocaris holds a Bachelor's Degree in Civil Engineering from the University of Wisconsin-Madison and a Master's Degree in Structural Engineering from UC Davis.

He announced that Jamie Silva, from the Board's Environmental and Land Management Division, has been chosen for the 2024 William R. Gianelli Water Leaders Cohort, the Water Foundation's highly competitive leadership program.

Finally, the Public Review Period for the Draft Supplemental Environmental Impact Statement, subsequent Environmental Impact Report for the American River Common Features 2016 Flood Management Risk Management Project, has been extended and comments will now be accepted until February 23, 2024, at 5:00 p.m.

President Dolan thanked and said farewell to former Board Member Tim Ramirez, who made the decision not to seek reappointment. She noted that Mr. Ramirez, who left the Board as of December 31, 2023, had served the Board as a true public servant for 12 years.

Upon motion by Board Member Bosler, seconded by Secretary Johnson, the Board unanimously adopted Resolution 2024-01 by voice vote, honoring former Board Member Tim Ramirez.

The Board Members, along with DWR Deputy Director Kris Tjernell, Deputy Director, DWR leader of Division of Multi-Benefit Initiatives Steve Rothert, former Board Executive Officer Leslie Gallagher, former Board member Clyde McDonald, Jeff Mount, Tom Engle, Darren Suen, several others, shared how much they enjoyed working with Mr. Ramirez and how much he will be missed. Mr. Ramirez expressed his appreciation for the comments and noted that he really enjoyed being a part of the Board. Mr. Ramirez concluded with three suggestions for future Board efforts: (1) that the Flood Plan be extended to include the Tulare Basin; (2) that the Conservation Strategy be directly in the Flood Plan, rather than an Appendix; and (3) that the Board and its partners account for the new climate change reality in their design standards and targets.

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

Jonah Knapp, Board Clerk, called the roll and a quorum was established.

3. REVIEW OF AGENDA

President Dolan reviewed the agenda.

4. APPROVAL OF MINUTES – October 27, 2023

Upon motion by Secretary Johnson, seconded by Board Member Griego, the Board unanimously approved, by a 6-0 vote, the October 27, 2023 Meeting Minutes.

5. CONSENT ITEMS#

A. Permit No. 18197-1, Union Pacific Railroad (UPRR)

Approve Permit 18197-1 to replace a 13-span, 196-foot-long timber stringer trestle dual-track bridge section (Segment A) of an existing 2,442-foot-long railroad bridge spanning the American River with a 7-span, 201-foot-long precast concrete box girder bridge on driven steel pile piers with riprap at the abutment. The project is located at Milepost (MP) 92.12 on UPRR's Martinez Subdivision in the City of Sacramento, where the existing UPRR line spans the American River,

approximately 0.25 miles downstream from the I-80 Business Loop Bridge.
(Sacramento County)

- B. Permit 19618, Humberto Lomeli & Elsa Robles, single family residence in the Yuba River Designated Floodway**

Approve Permit 19618 to construct a new single-family dwelling in an existing subdivision located within the Yuba River Designated Floodway. The project includes construction of utilities, septic tank and “lift station” tank located west of the structure. It also includes the existing concrete foundation slab and under slab plumbing located approximately 18-inches deep. The project is located at 2337 Kayla Court in the City of Marysville, within Area C of the Yuba River Designated Floodway. (Yuba County)

- C. Permit 19710, San Joaquin Regional Rail Commission, Stockton Diamond Grade Separation Project Culvert 84.77, Mormon Slough**

Approve Permit 19710 to construct a grade separation of the two north-south Union Pacific Railroad (UPRR) mainline tracks from the two east-west Burlington Northern Santa Fe Railway (BNSF) mainline tracks over Mormon Slough. The project will include the construction of a flyover structure to provide the vertical clearance required by both railroads. The project includes six 12-foot by 12-foot reinforced concrete box culverts, driving seven rows of 1-foot diameter steel piles with standard wing wall and handrails. Steel trash grate obstructions will be placed on both upstream and downstream ends of the box culverts. Grading of the channel includes a 70-foot-wide channel bottom with 1.5:1 slope at the location of the proposed structure. The abandoned rail bridge to the east of the proposed culverts will be removed. (San Joaquin County)

- D. Permit No. 19721, Pacific Gas and Electric Company**

Approve Permit No. 19721 to implement the expansion of PG&E’s EI Nido distribution circuit that consists of installing two aerial crossings and 24 power poles, 22 of which are within the Board’s Adopted Plan of Flood Control, along the land side of the left bank levee of Eastside Bypass, parallel to the south side of Washington Road. The aerial crossings occur at the Eastside Bypass and Washington Road to the east and near the diversion structure at the San Joaquin River and Eastside Bypass confluence to the west. The proposed project spans both the left (west) and right (east) bank levees of Eastside Bypass along Washington Road, approximately 18 miles west of the City of Chowchilla. (Merced County)

- E. Approval and Adoption of Stipulated Settlement, Decision, and Enforcement Order for Enforcement Case 2022-15450 against Steven and Dawn May**

Approve the stipulated settlement negotiated by Board staff and Respondents, Steven and Dawn May, and adopt it as the Board’s final Case 2022-15450.

Adoption of this Order addresses various violations on the right bank (south) Putah Creek Federal Levee on Respondent's property in Solano County (Assessor's Parcel Number 0110-100-010). Under the terms of the Order, the Respondents are required to pay \$25,000 in penalties and agree to pay a suspended penalty of \$25,000 per the terms of the Order, among other requirements. Respondents have also completed the corrective actions to address the violations of the California Water Code and California Code of Regulations, Title 23, Waters, Division 1, as required in the Board's adopted Cease and Desist Order.

Upon motion by Board Member Griego, seconded by Secretary Johnson, the Board unanimously approved, by a 6-0 vote, Consent Items 5A, 5B, 5C, 5D and 5E.

6. PUBLIC COMMENTS

Mark Berry, Save the American River Association member, expressed his concerns with the proposed Contract 3B project along the American River Parkway. Bill Brattain, California Registered Civil Engineer, echoed and expanded on those concerns, as did Pete Spaulding, Ellen Ganz, Brenda Gustin, Catherine Creegan, Cary Hart, Carey Knecht and David O'Connor, the State Hydrologist for BLM California and a California Registered Hydrologist.

Bianca Vargas, daughter of and representative for Selso Vargas, Jr., a property owner in the Little Pocket area, discussed the Board's Encroachment Order to remove encroachments on Mr. Vargas, Jr.'s property, including a boat dock, pilings, stairways, cement pad, gangway plank, etc., and requested a response from Board staff.

7. LEGISLATIVE UPDATE

A. A written update on pertinent State legislation and federal news will be provided.

Executive Officer Lief noted that, after publication of the update, a deal at the federal government to pass another Continuing Resolution had been completed and the new deadlines are in March.

8. UNITED STATES ARMY CORPS OF ENGINEERS (USACE)

A. Maintenance Area 9 – City of Sacramento, America River Left Bank Levee System

Presentation of the U.S. Army Corps of Engineers' Levee Inspection Results for the Maintenance Area 9 – City of Sacramento, American River Left Bank Levee System (Sacramento County).

Zubair Dosu, Board Water Resources Engineer, introduced the item. He and Juan Gonzalez, USACE, gave the presentation and answered questions.

Mark List, DWR Supervising Engineering Geologist, provided additional information and answered questions.

B. Public Law 84-99 Rehabilitation

Presentation on the current status and strategy of the Public Law 84-99 Rehabilitation Program to address repairs of sites damaged during the 2019 and 2023 storms.

Jonathan Yau, USACE Emergency Management Chief, Sacramento District, gave the presentation and answered questions.

Angeles Caliso, Board Enforcement Section Chief, and Meegan Nagy provided additional comments.

9. DEPARTMENT OF WATER RESOURCES (DWR) ITEMS

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

The written report was submitted.

B. 2023 Inspection and Local Maintaining Agency Report of the Central Valley State-Federal Flood Protection System

This presentation by DWR-FPIAS will provide the Board a summary of the findings of the annual Levee Maintenance Inspection Report as well as an overview of the results from the following programs: Channel Maintenance Inspections, Structure Maintenance Inspections, San Joaquin River Erosion Survey, LMA Reporting Requirements, Designated Floodway Inspections, Utility Crossing Inspections, and other activities.

Preston Shopbell, Board Inspection Section Chief, introduced the item.

Wade Wylie, DWR Supervising Engineer, provided the initial overview and concluding remarks and answered questions. Sterling York, DWR Senior Engineer, and Kaveh Zamani, DWR Senior Engineer, gave the presentation.

Board Enforcement Section Chief Caliso updated the Board on Enforcement Section activities and progress related to turning unacceptable pipes to acceptable status.

10. BOARD ITEMS

A. Reorganization of Reclamation Districts in Yolo and Sacramento Counties

Board staff will lead a briefing on the reorganization of Reclamation Districts (RD) 537, 785 and 827 (collectively, the Lower Elkhorn Reclamation Districts) and RD 900 in Yolo County near West Sacramento. Additionally, the dissolution of RD 755 and the annexation of its service area into RD 551 in Sacramento County near

Courtland will be discussed. Adoption of new boundaries by the Board for both of these areas will be presented at a future meeting.

Mike Zelazo, Board Senior Engineer, Flood System Improvement Branch, provided the briefing and answered questions.

B. Board Calendar for 2024

Adoption of the Board's proposed calendar for 2024.

Executive Officer Lief gave a quick overview and answered questions.

11. EXECUTIVE OFFICER'S REPORT

- 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 Division**
- E. Update on the activities of the Flood Planning and Programs Branch**

President Dolan acknowledged receipt of all the updates.

12. BOARD COMMENTS AND COMMITTEE UPDATES

Board Member Bosler commented that she had attended the recent Coordinating Committee meeting with the Chair and further noted that it was a really energizing group of people, with a lot of good collaboration and discussion. President Dolan echoed her remarks.

13. UPCOMING MEETINGS AND TOPICS FOR THE BOARD

- Board Workshop, February 9, 2024 (SACOG)**
- Board Meeting, February 23, 2024 (SACOG)**
- Board Workshop, March 8 (SACOG)**
- Coordinating Committee, March 19 (City of West Sacramento City Hall)**
- Board Meeting, March 22, 2024 (SACOG)**

President Dolan briefly discussed the upcoming Board Meetings and Workshops.

14. CLOSED SESSION

- A. 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)
- 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)
- E. Pursuant to the authority of Government Code section 11126, subdivisions (a)(1), the Board will meet in Closed Session to consider personnel matters. (Kanwarjit (Jit) Dua, Board Counsel)

The Board did not meet in Closed Session.

15. CLOSED SESSION REPORT

President Dolan noted that, as there was no Closed Session, there was no Closed Session Report.

16. ADJOURNMENT

President Dolan adjourned the Board Meeting at 12:58 p.m.

Dated: 3/22/2024

The foregoing Minutes were approved:



Brian J. Johnson
Board Secretary



Jane Dolan
Board President