

MINUTES

MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD February 23, 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 February 26, 2024, beginning at 9:06 a.m.

Board Members present:

Jane Dolan, President
Brian Johnson, Secretary
Keely Bosler
Joe Countryman
Mary Jane Griego

Board Members absent:

Mike Villines, Vice President
(There is currently one Board Member vacancy)

Board staff present:

Christopher Lief, Executive Officer
Kanwarjit (Jit) Dua, General Counsel
Michael Wright, Chief Engineer
Ruth Darling, Manager, Flood Planning and Programs Branch
Zubair Dosu, Staff Engineer, Enforcement Section
Jonah Knapp, Board Clerk
Humberto Negrete, Staff Engineer, Operations Branch

Department of Water Resources (DWR) staff present:

Kris Tjernell, Deputy Director
Steve Rothert, Chief, Division of Multi-Benefit Initiatives

Also present:

Steve Cheney, Union Pacific Railroad

Also present (continued):

Deirdre Des Jardins, California Water Research, Climate Action California
Tom Engler, MBK Engineers
Kim Floyd, Kim Floyd Communications
Emily Greene, United States Army Corps of Engineers
Brenda Gustin
Abby Korte, Union Pacific Railroad
Pete Spaulding
Melinda Terry, California Central Valley Flood Control Association

1. WELCOME, INTRODUCTIONS AND ANNOUNCEMENTS

Jane Dolan, Board President, welcomed the participants.

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 – November 17, 2023

Upon motion by Secretary Johnson, seconded by Board Member Griego, the Board unanimously approved, by a 5-0 vote, the November 17, 2023 Meeting Minutes.

5. CONSENT ITEMS#

A. Resolution No. 2024-02, New Boundary and Levee Units of Reclamation District 537

Adopt Resolution No. 2024-02 to recognize the new boundary of Reclamation District 537 as approved by the Yolo Local Agency Formation Commission. Identify new levee units resulting from the reorganization (Yolo County).

B. Resolution No. 2024-03, New Boundary and Levee Units of Reclamation District 900

Adopt Resolution No. 2024-03 to recognize the new boundary of Reclamation District 900 as approved by the Yolo Local Agency Formation Commission. Identify new levee units resulting from the reorganization (Yolo County).

C. Resolution No. 2024-04, New Boundary and Levee Units of Reclamation District 551

Adopt Resolution No. 2024-04 to recognize the new boundary of Reclamation District 551 as approved by the Sacramento Local Agency Formation Commission. Identify new levee units resulting from the reorganization (Sacramento County).

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

6. PUBLIC COMMENTS

Melinda Terry, Central Valley Flood Control Association Executive Director, discussed the recently released Annual Report to the Delta Stewardship Council – Investments in Delta Levees, Fiscal Years 2019 through 2023, and encouraged Board Members to read it. She also commented on the Contra Costa Water District settlement agreement with DWR in 2023 over the Delta Conveyance Project.

Brenda Gustin, commenting as a volunteer of Preserve the American River and regarding the American River Common Features Project, implored the Board to facilitate a partnership wherein the Corps (USACE) provides a clear proposal with specific information to evaluate whether more suitable efforts are appropriate. She asked that the Board visit the American River Trees website for research, information and better ways to accomplish erosion and flood protection through nature-based solutions.

Pete Spaulding also discussed the upcoming American River Common Features Project erosion control project, especially Contract 3B.

President Dolan remarked that all public comments will be addressed and will receive a response. She noted that certification of the final document is subject to approval of the Board and that the public process is important.

7. LEGISLATIVE UPDATE

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

Executive Officer Lief noted that the U.S. Army Corps of Engineers rulemaking for principles, requirements, and guidelines referenced in the written report has been promulgated and the comment period ends April 15th.

Board Member Bosler commented that it is important that people speak up and put together feedback so that the agency can take that in.

8. UNITED STATES ARMY CORPS OF ENGINEERS (USACE)

A. Honcut Creek Area – Eastern Levee System

Presentation of the USACE Levee Inspection Results for the Honcut Creek Area – Eastern Levee System (Yuba County).

Zubair Dosu, Board Staff Engineer, introduced the item and provided the Board's staff analysis on the inspection.

Emily Greene, USACE Inspection Section, gave the presentation. She and Mr. Dosu answered questions.

Staff and Board members noted a desire to have a good process to deauthorize levees that should be deauthorized.

9. DEPARTMENT OF WATER RESOURCES (DWR) ITEMS

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

The written report was submitted.

B. Multi-Benefit Flood Projects Progress Update

DWR will provide a progress update on several multi-benefit flood projects, including Lower Elkhorn Basin Levee Setback Project (LEBLS), the Lookout Slough Project, the Little Egbert Multi-Benefit Project, and others.

Steve Rothert, DWR Division of Multi-Benefit Initiatives Manager, provided the update and answered questions.

10. BOARD ITEMS

A. Permit 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 the 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).

Humberto Negrete, Board Staff Engineer, gave the presentation.

Deirdre Des Jardins, California Water Research and Climate Action California, expressed her concerns about finding a way, as the upgrades are done, to incorporate estimates of climate change caused by the extreme flooding all over the world last year.

Board Members Johnson and Countryman expressed their interest in having the Board and our partners evaluate our design standards that make sense in light of climate change so as to be able to provide the best guidance to our constituents.

President Dolan reiterated that the motion is to adopt the CEQA findings, with all of the aspects that are attached to that, and to approve Encroachment Permit 18197-1 in substantially the form submitted and direct the Executive Director to take the required action to follow up.

Upon motion by Board Member Countryman, seconded by Board Member Bosler, the Board unanimously approved, by a vote of 5-0, Encroachment Permit 18197-1.

B. Sacramento and San Joaquin Drainage District Assessment District Feasibility Study

The team will provide a briefing on the Administrative Draft of the Sacramento and San Joaquin Drainage District Assessment District Feasibility Study Report of Findings, including report highlights and a summary of input from interested parties.

Ruth Darling, Board Flood Planning and Programs Branch Manager, and Kim Floyd, Kim Floyd Communications, briefed the Board.

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

There were no comments or updates.

13. UPCOMING MEETINGS AND TOPICS FOR THE BOARD

- **Board Workshop, March 8, 2024 (Location TBD)**
- **Coordinating Committee, March 19, 2024 (City of West Sacramento City Hall)**

- Board Meeting, March 22, 2024 (SACOG)
- Board Workshop, April 12 (SACOG)
- Board Meeting, April 26, 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

Before adjournment, President Dolan remarked on the passing of two former Board Members: Maureen "Lady Bug" Doherty and Burt Bundy. Their loss is felt and noticed but their legacy goes on.

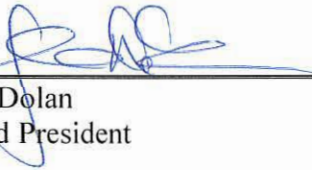
President Dolan adjourned the Board Meeting at 11:44 a.m.

Dated: 3/22/2024

The foregoing Minutes were approved:



Brian J. Johnson
Board Secretary



Jane Dolan
Board President