

# MINUTES

## MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD

March 22, 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 WebEx) on March 22, 2024, beginning at 9:07 a.m.

### **Board Members present:**

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

### **Board staff present:**

Kanwarjit (Jit) Dua, General Counsel  
Michael Wright, Chief Engineer  
Andrea Buckley, Manager, Environmental and Land Management Division  
Angeles Caliso, Manager, Enforcement Section  
Zubair Dosu, Staff Engineer, Enforcement Section  
Jonah Knapp, Board Clerk  
Yiguo Liang, Manager, Operations Branch  
Dustin Sanoski, Senior Engineer, Flood System Improvement Branch  
Preston Shopbell, Manager, Inspection Section

### **Department of Water Resources (DWR) staff present:**

Omar Fernandez, Associate Right of Way Agent, Division of Engineering  
Mark List, Supervising Engineering Geologist, Flood Maintenance and Operations Branch  
Rachel Taylor, Attorney

### **Also present:**

Ryan Bogle

**Also present (continued):**

Chris Elias, San Joaquin Area Flood Control Agency  
Juan Gonzalez, United States Army Corps of Engineers  
Dominick Gulli  
Brenda Gustin, Preserve the American River  
Chris Neudeck, Kjeldsen, Sinnock & Neudeck

**1. WELCOME, INTRODUCTIONS AND ANNOUNCEMENTS**

Jane Dolan, Board President, welcomed the participants.

Michael Wright, Board Chief Engineer, announced new Board Senior Environmental Scientist Jordan Robbins, who will work in the Environmental and Land Management Division. Ms. Robbins will also serve as the Board's Designated Tribal Liaison.

Mr. Wright gave a quick slide presentation of a previous Board staff trip up the Sacramento River system to the Fremont Weir and Knights Landing Outfall Gates.

He also noted that staff had requested a postponement of Item 10C and Jit Dua, Board General Counsel, confirmed that the item had been postponed.

**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 – January 26, 2024 and February 23, 2024**

*Upon motion by Secretary Johnson, seconded by Board Member Griego, the Board unanimously approved, by a 6-0 vote, the January 26, 2024 and February 23, 2024 Meeting Minutes.*

**5. CONSENT ITEMS**

**A. Permit 19696, Department of Water Resources**

**Approve Permit 19696 to remove an existing agricultural road crossing the Tule Canal and replace it with an 80-foot-long, 24-foot-wide, 2-span, pre-cast concrete slab agricultural road crossing with rock slope protection. Additional improvements include new approach roads and an 18-inch diameter water line attached to the north side of the new crossing. A temporary cofferdam will be utilized during construction. The proposed crossing will be constructed across Tule Canal,**

approximately 0.4 miles downstream of Sacramento Bypass, northeast of the City of West Sacramento, and within the Yolo Bypass (Yolo County).

**B. Resolution No. 2024-05, New Boundary and Levee Units of Levee District 1 Sutter**

**Adopt Resolution No. 2024-05 to recognize the new levee units within the boundary of Levee District 1 – Sutter, resulting from the dissolution of State Maintenance Area 3 and the annexation of its territory as approved by the Sutter Local Agency Formation Commission (Sutter County).**

*Upon motion by Board Member Bosler, seconded by Board Member Griego, the Board unanimously approved, by a 6-0 vote, Consent Items 5A and 5B.*

**6. PUBLIC COMMENTS**

Dominick Gulli, a civil engineer and land surveyor from Stockton, updated the Board and presented some issues on flooding in the Stockton area.

Ryan Bogle, resident of the Pocket neighborhood in Sacramento, commented on a recently received Notice to Comply from the Board regarding temporary wooden steps that he erected on his property to access the levee. He emphasized that he is working through the notice and intends to fully comply with it.

Brenda Gustin, Preserve the American River, updated the Board discussed aspects of a public hearing that will be heard on the American River Common Features Project.

**7. LEGISLATIVE UPDATE**

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

President Dolan noted that the Board did receive the written update.

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

**A. Middle Creek Levee Systems**

**Presentation of the USACE Levee Inspection Results for the six (6) Middle Creek Levee Systems (Lake County).**

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

Juan Gonzalez, USACE, gave the presentation and answered questions.

Mark List, DWR Supervising Engineering Geologist, provided additional information.

There was an exchange with Board Member Countryman about the appropriate number of pictures and other information to include in the written briefings, and staff indicated that they would follow up.

## **9. DEPARTMENT OF WATER RESOURCES (DWR) ITEMS**

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

The written report was submitted.

## **10. BOARD ITEMS**

### **A. San Joaquin Area Flood Control Agency**

**Briefing on the status of key San Joaquin Area Flood Control Agency projects, to include progress updates for the Smith Canal Gate Project, the Lower San Joaquin River Project Phase I, the Lower San Joaquin River Project Phase II Feasibility Study; and the Paradise Cut Bypass Expansion and Multi-Benefit Project.**

Dustin Sanoski, Board Senior Engineer, introduced the item.

Chris Elias, San Joaquin Area Flood Control Agency (SJAFCA), briefed the Board on some of the historical background of the projects. He and Chris Neudeck, Kjeldsen, Sinnock and Neudeck, discussed the current status of the projects and answered questions.

Dominick Gulli commented on some of the projects and on SJAFCA staff.

### **B. Resolution of Necessity – Pacific Gas and Electric Company**

**Adopt Resolution of Necessity 2024-06 authorizing the use of eminent domain to acquire, for the American River Common Features 2016 Flood Risk Management Project, Sacramento River Erosion Contract 2, the following property: Pacific Gas and Electric Company, APN 009-0012-018 (Sacramento County).**

Andrea Buckley, Board Environmental and Land Management Division Manager, introduced the item.

Omar Fernandez, DWR Associate Right of Way Agent, and Rachel Taylor, DWR Attorney, gave the presentation and answered questions.

*Upon motion by Board Member Griego, seconded by Board Member Countryman, the Board unanimously adopted, by a vote of 6-0, Resolution of Necessity 2024-06.*

### **C. Permit 19320, California Department of Parks and Recreation - Postponed**

**Approve Permit 19320 to remove two existing berms, non-native vegetation, and walnut orchard; plant riparian vegetation and native grasses; and create trails and vehicle barriers along a 43-acre parcel adjacent to the Sacramento River, west of the City of Chico. The project is a component of the Bidwell-Sacramento River State Park Habitat Restoration and Outdoor Recreation Facilities Development Project. The project is located along River Road approximately 5.65 miles southwest of Chico, near River Mile 193.9 (Butte County).**

Item 10C was postponed.

**D. Board Staff Activities Report – Operations Branch**

**Informational briefing on the activities of the Operations Branch.**

Yiguo Liang, Board Operations Branch Manager, introduced the item and discussed some special topics, including creation of a new Deferred Encroachment Compliance Section.

Steve Lamb, Permitting Section Manager; Angeles Caliso, Enforcement Section Manager; and Preston Shopbell, Inspection Section Manager, provided the briefing 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**

President Dolan commented that this week’s Coordinating Committee meeting was very informative.

**13. UPCOMING MEETINGS AND TOPICS FOR THE BOARD**

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

President Dolan briefly discussed the upcoming Board Meeting and Workshop.

#### **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**

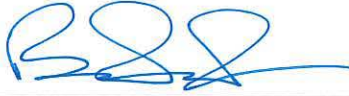
As there was no Closed Session, there was no Closed Session Report.

#### **16. ADJOURNMENT**

President Dolan adjourned the Board Meeting at 12:32 p.m.

Dated: 4/26/2024

The foregoing Minutes were approved:



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Brian J. Johnson  
Board Secretary



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Jane Dolan  
Board President