

MINUTES

MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD April 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 WebEx) on April 26, 2024, beginning at 9:07 a.m.

Board Members present:

Jane Dolan, President
Mike Villines, Vice President
Brian Johnson, Secretary
Mary Jane Griego

Board Members absent:

Keely Bosler
Joe Countryman
(There is currently one Board Member vacancy)

Board staff present:

Christopher Lief, Executive Officer
Andrea Buckley, Deputy Executive Officer, Land Management Branch, Environmental Services and Flood Planning Programs
Kanwarjit (Jit) Dua, General Counsel
Michael Wright, Chief Engineer
Zubair Dosu, Staff Engineer, Enforcement Section
Jonah Knapp, Board Clerk
Dustin Sanoski, Senior Engineer, Flood System Improvement Branch

Department of Water Resources (DWR) staff present:

Mark List, Manager, Technical Support, Flood Maintenance and Operations Branch
Brian Murphy, Senior Engineer
Hilary Murphy, Manager, Plan Formulation and Communications Section
Christopher Williams, Manager, Flood Planning Branch

Also present:

Jami Aggers
Kristan Culbert, American Rivers (Remote)
Emily Greene, United States Army Corps of Engineers
Brenda Gustin, Preserve the American River
Richard Harriman
Nancy Kniskern
Garry Pearson
Nick Short, Reclamation District 1602 (Remote)
Pete Spaulding

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

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

2. WELCOME, INTRODUCTIONS AND ANNOUNCEMENTS

Jane Dolan, Board President, welcomed the participants.

Executive Officer Christopher Lief welcomed new Board staff: Julie Cager, Staff Services Analyst; Israel Tamiru, an engineer assigned to the Sacramento Levees Section; and Ryan McGhehey, an engineer assigned to the Inspection Section.

Mr. Lief also announced that Andrea Buckley has been selected to be the new Deputy Executive Officer. She will oversee the Board's Land Management Branch, Environmental Services and Flood Planning Programs.

3. REVIEW AGENDA

President Dolan reviewed the agenda. She noted that Item 9A has been postponed.

4. APPROVE MINUTES – March 22, 2024

Upon motion by Secretary Johnson, seconded by Board Member Griego, the Board unanimously approved, by a 4-0 vote, the March 22, 2024 Meeting Minutes.

5. CONSENT ITEMS

A. Approve Fiscal Year 2022-23 Subventions Program Amendment #2 Funding Allocation Plan, Delta Levee Maintenance Subventions Program.

Upon motion by Board Member Griego, seconded by Secretary Johnson, the Board unanimously approved, by a 4-0 vote, Consent Item 5A.

6. PUBLIC COMMENTS

Nancy Kniskern expressed her concerns about the Contract 3B portion of the American River Common Features Project.

Brenda Gustin discussed some of the details of the upcoming American River Common Features Project meetings and added that she continues to respectfully request that a workshop be held by the Board prior to the hearing that Executive Officer Lief has advised will occur.

Pete Spaulding commented on the American River Common Features Project and the Erosion Control Project.

Jami Aggers, a resident of Modesto's unincorporated area, commented on an upcoming local land use decision called River Walk and encouraged the Board to deny an encroachment permit for this project.

Garry Pearson, Riverbank resident, commented on a thousand-acre area currently designated for agriculture that will be rezoned for residential housing. He discussed concerns about difficulties retaining proper flood protection in that area.

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. Presentation of the USACE Levee Inspection Results for the Reclamation District 1602 – Del Puerto Levee System, Stanislaus County.**

Zubair Dosu, Board Staff Engineer, Enforcement Section, introduced the item and provided Board staff's analysis of the results.

Emily Greene, USACE, gave the presentation.

Nick Short, Reclamation District 1602 (speaking remotely), also commented.

9. BOARD ITEMS

- A. Approve Permit No. 19320, California Parks and Recreation Habit Restoration Project, Butte County.**

This item was postponed.

B. Approve Amended Assurance Agreement with the Lower San Joaquin Levee District as directed by Board Resolution 2020-10 for the Great Valley Grasslands Floodplain Restoration Project, Merced County.

Dustin Sanoski, Board Senior Engineer, Flood System Improvement Branch, gave the presentation, answered questions, and concluded with the Board staff recommendation that the Board approve the amended assurance agreement in its current form and delegate the Board President and Secretary the authority to sign the agreement.

Kristan Culbert, California River Conservation at American Rivers Associate Director (speaking remotely), spoke in favor of the agreement.

Upon motion by Secretary Johnson, seconded by Board Member Griego, the Board unanimously approved, by a vote of 4-0, the Amended Assurance Agreement.

C. Approve Board Member Assignments

Upon motion by Secretary Johnson, seconded by Board Member Griego, the Board unanimously approved, by a vote of 4-0, the Board Member Assignments as presented by Executive Officer Lief. These include for Mid and Upper Sacramento, President Dolan and Secretary Johnson; for Feather River, President Dolan and Board Member Griego; for Lower Sacramento – Delta North, Secretary Johnson and Board Member Countryman; for Lower San Joaquin – Delta South, Board Members Countryman and Bosler; for Mid San Joaquin, Secretary Johnson and Board Member Villines; and for Upper San Joaquin, President Dolan and Board Member Bosler.

10. DEPARTMENT OF WATER RESOURCES (DWR) ITEMS

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

The written report was submitted.

B. Update on the development of the 2027 Central Valley Flood Protection Plan

Christopher Williams, DWR Flood Planning Branch Manager, and Hilary Murphy, DWR Plan Formulation and Communications Section Manager, provided the update and answered questions.

Richard Harriman, Chico attorney, commented on the Tulare Basin area and its integrated possibilities with the long-range plan.

C. Department of Water Resources (DWR) Maintenance Area Budget for Fiscal Year 2024-25

Mark List, DWR Flood Maintenance Office Technical Support Section Manager, and Brian Murphy, DWR Senior Engineer, gave the presentation. Mr. Murphy concluded by formally asking the Board to adopt the Fiscal Year 2024-25 Maintenance Area Budget and to fix the amount of the estimate as presented pursuant to California Water Code 2087.

Upon motion by Board Member Griego, seconded by Secretary Johnson, the Board unanimously approved, by a vote of 4-0, the Fiscal Year 2024-25 Maintenance Area Budget.

11. STAFF REPORTS

Written updates regarding the activities of the Board's staff:

- A. Executive Staff and Administrative Division**
- B. Operations Branch**
- C. Flood System Improvement Branch**
- D. Environmental Services and Land Management Division**
- E. Flood Planning and Programs Branch**

President Dolan acknowledged receipt of all the updates.

12. BOARD COMMENTS AND UPCOMING COMMITTEE UPDATES

President Dolan commented that she, along with Executive Officer Lief, had attended the Delta Plan Interagency Implementation Committee.

President Dolan said that she also attended the State Water Resources Control Board hearing on the probation recommendation for GSAs in the San Joaquin Valley.

President Dolan said that she also attended, along with many other Board and DWR staff, the USACE Sacramento Area Flood Protection Showcase.

Board Member Griego expressed her thanks to Executive Officer Lief and Deputy Executive Officer Buckley for coming out to Yuba County, at the request of Supervisor Messick, to spend part of the day there regarding a specific project and then meeting with some of the County staff on potential future projects.

13. UPCOMING MEETINGS

- Board Meeting, May 17, 2024 (SACOG)**
- Coordinating Committee, May 28, 2024 (West Sacramento City Hall)**

- **Board Workshop, June 14, 2024 (SACOG)**
- **Board Meeting, June 28, 2024 (SACOG)**

President Dolan briefly discussed the upcoming Board Meetings 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 11:45 a.m.

Dated: 6.28.2024

The foregoing Minutes were approved:



Brian J. Johnson
Board Secretary



Jane Dolan
Board President