

# MINUTES

## MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD

May 17, 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 May 17, 2024, beginning at 9:08 a.m.

### **Board Members present:**

Jane Dolan, President  
Mike Villines, Vice President  
Brian Johnson, Secretary (Remote)  
Joe Countryman  
Mary Jane Griego  
Keely Bosler  
(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  
Greg Harvey, Manager, Flood System Improvement Branch  
Jonah Knapp, Board Clerk  
Humberto Negrete, Engineer  
Selva Selvamohan, Manager, Sacramento Levees Section

### **Also present:**

Austin Berryman, River Partners  
Jay Chamberlin, California State Parks  
Tom Engler, Central Valley Flood Control Association  
Jared Geiser, Altacal Audubon Society  
Gay Jones, Butterfield Riviera East Community Association  
Trish Ladd-Shute, California State Parks  
John Nock

**Also present:**

Pete Spaulding, American River Trees  
Matt Teague, California State Parks

**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 announced that Sagun Bhattarai, Permitting Section Engineer, is moving to DWR's Operations, Maintenance and Dam Safety Services Division.

He introduced Diana Chen, a Professional Engineer who has joined the Permitting Section, and Sandy Chou, who has joined the Board as a Budget Manager.

Mr. Lief also announced that Zubair Dosu, Board Engineer, has been selected to manage the Board's new Deferred Encroachment Compliance Section.

**3. REVIEW AGENDA**

President Dolan reviewed the agenda.

**4. APPROVE MINUTES**

Approval of the Minutes was postponed.

**5. CONSENT ITEMS**

- A. Approve Permit No. 19776, Merced Irrigation District, Merced River Agricultural Diversion and Fish Habitat Enhancement Project, Cowell 2 Diversion Site, Merced River, Merced County**
- B. Approve staff's findings on a Letter of Intent (LOI) for two levee systems: the American River Flood Control District (ARFCD) – American River Right Bank, Natomas East Main Drain Canal (NEMDC) Levee System; and the ARFCD – Dry Creek, NEMDC, Arcade Creek Levee System, and authorize the Executive Officer to transmit the LOI to the United States Army Corps of Engineers, Sacramento County**

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

## 6. PUBLIC COMMENTS

Tom Engler, MBK Engineers and speaking on behalf of the Central Valley Flood Control Association, commented on the drilling program and permit timelines that are taking two years to get through Section 408 approvals at the USACE. He also discussed the recently received Denial Letters for many PL 84-99 projects and the concerns those denials raised.

Pete Spaulding, American River Trees, commented on the USACE Erosion Control Contracts 3B and 4B on the Lower American River.

Gay Jones, Butterfield Riviera East Community Association, commented on the proposed USACE launchable rock bench design for Contracts 3B and 4B.

Board Member Bosler discussed the recent across-the-board reduction in State operations that has occurred, in addition to the elimination of vacant positions, and the big impact that will have.

## 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)

There were no presentations.

## 9. BOARD ITEMS

**A. Approve Permit No. 19320, California Department of Parks and Recreation Habitat Restoration Project, Butte County**

Humberto Negrete, Board Operations Branch Permitting Engineer, gave the presentation, answered questions, and made the staff recommendation that the Board take the following actions: adopt the CEQA findings, approve the permit as provided in the staff report, and direct the Executive Officer to file the Notice of Determination with the State Clearinghouse.

Jay Chamberlin, California State Parks Natural Resources Division Chief, spoke in support of the staff report and recommendation for adoption.

John Nock, private landowner adjacent to the habitat and also speaking for the absent Larry Mendonca, provided some additional background information on the project area and requested a denial of the permit.

Jared Geiser, Altacal Audubon Society Executive Director, discussed some of the benefits of the restoration and expressed support for the project.

Austin Berryman, River Partners Project Coordinator, also spoke in support of the project.

Matt Teague, California State Parks District Superintendent, and Trish Ladd-Shute, California State Parks, provided additional information and answered questions.

Board Members discussed their reasons for support/denial of the restoration.

Secretary Johnson moved approval of the project and Board Member Countryman seconded the motion.

Board Member Griego moved that action be delayed until the August Board Meeting to allow additional time for the parties involved to interact further and hopefully reach agreement. Vice President Villines seconded her motion.

*Upon motion by Board Member Griego, seconded by Vice President Villines, the Board voted to delay action until the August 2024 Board meeting. The vote was 4-2 (Against-Countryman, Johnson).*

**B. Board Staff Activities Report – Flood System Improvement Branch**

Greg Harvey, Flood System Improvement Branch Manager, and Selva Selvamohan, Sacramento Levees Section Manager, provided the overview and answered questions.

**10. DEPARTMENT OF WATER RESOURCES (DWR) ITEMS**

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

The written report was submitted.

**11. STAFF ACTIVITY 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. Board Members briefly commented on aspects of the reports.

## **12. BOARD COMMENTS AND UPCOMING COMMITTEE UPDATES**

Board Member Bosler commented on the strong advocacy that Representative Matsui provides in Congress. Board Member Countryman echoed her remark.

Board Member Countryman stated that he participated in a Zoom meeting that explored how to update the 1955 and '57 design profiles that the USACE provided and how to incorporate the design changes that have taken place since then.

Secretary Johnson noted that he had participated in a panel discussion at the recent ACWA Conference with Karla Nemeth, the Director of DWR, and Eric Oppenheimer, the Executive Officer of the State Water Resources Control Board. The discussion was moderated by Kristin Peer, a former Deputy Secretary for Water at CalEPA. The topic was Weather Whiplash.

## **13. UPCOMING MEETINGS**

- **Coordinating Committee, May 28, 2024 (West Sacramento City Hall)**
- **Board Workshop, June 14, 2024 (Onsite at the Lookout Slough and Little Egbert Tract Restoration Projects, Solano County)**
- **Board Meeting, June 28, 2024 (SACOG)**

President Dolan briefly discussed the upcoming meetings.

## **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**

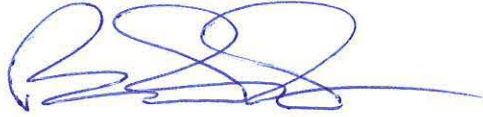
As there was no Closed Session, there was no Closed Session Report.

#### **16. ADJOURNMENT**

President Dolan adjourned the Board Meeting at 12:57 p.m.

Dated: 7/26/2024

The foregoing Minutes were approved:



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Brian J. Johnson  
Board Secretary



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Jane Dolan  
Board President