

MINUTES

MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD

July 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 July 26, 2024, beginning at 9:06 a.m.

Board Members present:

Jane Dolan, President
Mike Villines, Vice President
Brian Johnson, Secretary
Betty Andrews (Remote)
Keely Bosler
Joe Countryman

Board Member absent:

Mary Jane Griego

Board staff present:

Christopher Lief, Executive Officer
Andrea Buckley, Deputy Executive Officer, Natural Resource Management and Planning Division
Kanwarjit (Jit) Dua, General Counsel
Michael Wright, Chief Engineer
Jennifer Calles, Senior Environmental Scientist, Environmental Services Section
Zubair Dosu, Manager, Deferred Encroachment Compliance Section, Operations Branch
Jonah Knapp, Board Clerk
Jordan Robbins, Senior Environmental Scientist, Environmental Services Section
Selva Selvamohan, Manager, Sacramento Levees Section
Angeles Nguyen-Tan, Senior Environmental Scientist, Environmental Services Section
Jamie Silva, Senior Environmental Scientist, Environmental Services Section

Department of Water Resources:

Christopher Williams, Manager, Flood Planning Branch

Also present:

Jim Bermudez, City of Suisun City
Emily Greene, United States Army Corps of Engineers
Brenda Gustin, Preserve the American River
Richard Harriman, Tulare Basin Wildlife Partners
Nancy Kniskern, AmericanRiverTrees.org
Mike Moncrief, California Central Valley Flood Control Association,
Reclamation District 349
Nick Prichard, Reclamation District 2058
Pete Spaulding, AmericanRiverTrees.org
Patrick Tully, Garden Highway Community Association

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 noted that Andrea Buckley, recently chosen as Deputy Executive Director, is also leading the newly formed Natural Resource Management and Planning Division, which includes two branches: the Environmental and Land Management Branch and the Flood Planning and Programs Branch.

The Deferred Encroachment Compliance Section, led by Zubair Dosu, is now within the Flood System Improvement Branch, led by Greg Harvey. The Deferred Encroachment Compliance Section will handle a mix of inspection, enforcement and permitting activities.

Wendy Wang has left the Board and returned to DWR Division of Flood Management's Plan Formulation and Communications Section.

Ruth Darling, Board Flood Planning and Programs Branch, will be leaving the Board at the end of July and going to Larsen, Wurzel and Associates.

Secretary Johnson expressed his appreciation and gratitude for Ms. Wang's and Ms. Darling's service to the Board. Board Member Countryman echoed those sentiments.

3. REVIEW AGENDA

President Dolan reviewed the agenda.

4. APPROVE MINUTES of May 17, 2024

Secretary Johnson noted a typo on an incorrect date in the Minutes (April 26th is listed on the first sentence below the notes; it will be stricken and replaced by May 17th).

Upon motion by Secretary Johnson, seconded by Board Member Countryman, the Board unanimously approved, by a 5-0 vote, the May 17, 2024 Minutes (abstained-Andrews), including the typo correction noted above.

5. CONSENT ITEMS

- A. Approve Permit No. 19731, Lucky Shot LLC – new clubhouse and authorize existing Wells Project, Butte County**
- B. Approve Permit No. 19859, City of Stockton Public Works Department – Authorize existing Airport Way Bridge, Mormon Slough, San Joaquin County**
- C. Approve Permit No. 19871, City of Roseville – 30-inch Reclaimed Water Main Repair and Relocation Project, Woodcreek Oaks Blvd./Pleasant Grove Creek Bridge, Placer County**

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

6. PUBLIC COMMENTS

Mike Moncrief, MBK Engineers and on behalf of the Central Valley Flood Control Association, commented on the concerns of their member agencies related to processing, timing and costs associated with the development of projects in order to meet their OMRR&R responsibilities. He also addressed State Plan of Flood Control issues, and going through the 408 processes.

Pete Spaulding, AmericanRiverTrees.org, commented on upcoming Erosion Control Contracts 3B and 4B and urged the Board to invite those with concerns about the contracts and their modeling to come to the Board workshop before they vote to approve the environmental statements.

Nancy Kniskern, AmericanRiverTrees.org, discussed best practices for vegetation management on levees, a compendium to the National Levee Safety Guidelines written by United States Army Corps of Engineers (USACE) and the Federal Emergency Management Act (FEMA), which is now out for public review. Further, she asked that the Board include a strategy that promotes considerations enhancing the natural environment whenever possible.

Brenda Gustin, Preserve the American River, discussed her concerns regarding USACE's response to comments submitted during the Supplemental Environmental Impact

Statement/Subsequent Environmental Impact Report (SEIS/SEIR) public comment period. She asked for clarification on whether or not the public discussion and comment will occur before the public comment period is considered and acted upon by the Board. She also requested that the Bank Protection Working Group meet more often.

Jim Bermudez, Suisun City Development Services Director, asked about the method for engaging someone to talk about the drainage facility that runs through portions of Suisun City.

Patrick Tully, Garden Highway Community Association President, commented on the eight enforcement actions taken by the Board against association members and neighbors living on Garden Highway.

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 Reclamation District (RD) 349, Sutter Island Levee System, Sacramento County

Zubair Dosu, Board Deferred Encroachment Compliance Section Manager, introduced the item and provided Board staff's analysis.

Emily Greene, USACE Inspection Section Senior Engineer, gave the presentation and answered questions.

Mike Moncrief, California Central Valley Flood Control Association and RD 349 District Engineer, provided additional information.

B. Presentation of the USACE levee inspection results for RD 2058 and RD 2095 – Paradise Cut Levee System, San Joaquin County

Zubair Dosu, Board Deferred Encroachment Compliance Section Manager, introduced the item and provided Board staff's analysis.

Emily Greene, USACE Inspection Section Senior Engineer, gave the presentation and answered questions.

Mike Prichard, RD 2058, discussed specific encroachment and levee penetration issues.

9. BOARD ITEMS

A. Approve Board Member Assignments

Upon motion by Board Member Bosler, seconded by Board Member Countryman, the Board unanimously approved, by a 6-0 vote, the Board Member Assignments.

B. Governor's Middle-Mile Broadband Initiative Project and Encroachment Permit Applications

Selva Selvamohan, Board Sacramento Levees Section Manager, gave the presentation.

C. Board Staff Activities Report – Environmental Services Section

Andrea Buckley, Board Deputy Executive Officer, introduced the item.

Andrea Nguyen-Tan, Board Senior Environmental Scientist, discussed the Section's goals, staffing and operations.

Jennifer Calles, Board Senior Environmental Scientist, provided an overview of actions taken this year for Board-sponsored projects.

Jordan Robbins, Board Senior Environmental Scientist and Board Tribal Liaison, gave a brief overview of actions taken so far this year with tribal consultations and requests.

Jamie Silva, Board Senior Environmental Scientist, discussed some of the special projects the Section is working on.

Board Members asked questions and commented on the information presented.

10. DEPARTMENT OF WATER RESOURCES (DWR) ITEMS

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

The written report was submitted.

Christopher Williams, DWR Flood Planning Branch Manager, honored Jason Sidley, a member of the flood risk management community who recently passed on.

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.

12. BOARD COMMENTS AND UPCOMING COMMITTEE UPDATES

Board Member Countryman commented on a recent article in the monthly American Society of Civil Engineers (ASCE) magazine that examines how climate change affects database management and analysis. He and Secretary Johnson will be attending a virtual meeting with DWR staff on how they are preparing the climate change analyses for the Central Valley Flood Protection Plan update.

Secretary Johnson also commented on the ASCE article.

Board Member Andrews reflected on the importance of the climate change issue and how she is looking forward to further conversations about it, as well as working together with DWR on the challenge.

Board Member Bosler spoke about the challenging nature of science and modeling capabilities and the importance of helping to disseminate that updated information to the locals so all may benefit from it.

Secretary Johnson also discussed Public Comment (Agenda Item 6) and wondered if there might be a system that could be put in place to publicly answer the questions raised during Public Comment.

Jit Dua, Board General Counsel, noted that it is the Board's practice to take notes of questions raised during Public Comment, and that he and/or Board Chief Engineer Michael Wright usually will follow up and respond to those questions.

Secretary Johnson recommended that Executive Officer Lief consider adding staff member names in the staff reports.

President Dolan commented that she and Executive Officer Lief had an interesting discussion, one that is ongoing, with USACE Senior Engineer Nguyen about inspections of what the Board refers to as "unnecessary" levees like Honcut, Bear Creek and others.

13. UPCOMING MEETINGS

- Board Workshop, August 9, 2024 (SACOG)**
- Board Meeting, August 23, 2024 (SACOG)**

- **Board Workshop, September 13, 2024 (SACOG)**

President Dolan briefly discussed the upcoming meetings and noted that the Coordinating Committee now meets every other month on a Tuesday.

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 met in Closed Session. General Counsel Dua noted that the session was pursuant to Government Code Section 11126, subdivision (e)(2)(B)(i), which authorizes the Board to hold Closed Session to confer with its legal counsel relative to pending, anticipated or potential litigation involving the Board.

15. CLOSED SESSION REPORT

There was no Closed Session Report. President Dolan remarked that the Board took no action and thus have nothing to report other than that the meeting took place.

16. ADJOURNMENT

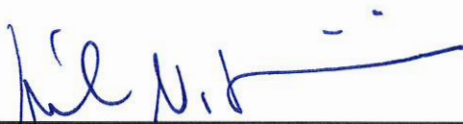
President Dolan adjourned the Board Meeting at 1:03 p.m.

Dated: 8/23/2024

The foregoing Minutes were approved:



Brian J. Johnson
Board Secretary



Mike Villines
Board Vice President