

MINUTES

MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD

August 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 WebEx) on August 23, 2024, beginning at 9:07 a.m.

Board Members present:

Mike Villines, Vice President
Brian Johnson, Secretary
Betty Andrews
Keely Bosler
Joe Countryman
Mary Jane Griego

Board Member absent:

Jane Dolan, President

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
Chavez D'Augustine, Staff Services Analyst
Zubair Dosu, Manager, Deferred Encroachment Compliance Section, Operations Branch
Humberto Negrete, Staff Engineer, Operations Branch
Selva Selvamohan, Manager, Sacramento Levees Section

Department of Water Resources:

Patrick Nolan, Senior Right of Way Agent

Also present:

Jay Chamberlin, Chief, Natural Resources Division, California State Parks
Meghan Hertel, Deputy Secretary for Biodiversity and Habitat, California Natural Resources Agency
Emily Alma, Groundwater for Butte
Greg Brislain
Marty Dunlap
Tom Engler, MBK Engineers, Reclamation District 817
Kathy Faith
Barbara Gardner
Jared Geiser, Altacal Audubon Society
Juan Gonzalez, United States Army Corps of Engineers
Brenda Gustin
Patrizia Hironimus, Butte Environmental Council
Michael Jarred, The Nature Conservancy
Nancy Kniskern, AmericanRiverTrees.org
Patrick Meagher, Reclamation District 784
Emily Morris
John Nock
Julie Rentner, River Partners
Pete Spaulding, AmericanRiverTrees.org
Matt Teague, California State Parks

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

Christopher Lief, Board Executive Officer, called the roll and a quorum was established.

2. WELCOME, INTRODUCTIONS AND ANNOUNCEMENTS

Mike Villines, Board Vice President, welcomed the participants.

Executive Officer Lief announced that Megan Giglini, Board Senior Environmental Scientist, Flood Planning and Programs Branch, will be leaving the Board for a promotional opportunity as Program Manager with DWR's Salton Sea Restoration Office.

He introduced new Board employee Vanessa Najera, Intake Specialist with the Permitting Section.

He also announced that Jamie Silva has been promoted to Environmental Program Manager over the Environmental and Land Management Branch.

3. REVIEW AGENDA

Vice President Villines briefly reviewed the agenda.

4. APPROVE MINUTES of June 28, 2024 and July 26, 2024

Secretary Johnson noted a typo on an incorrect date in the June 28, 2024 Minutes (April 26, 2024 is listed in the third line; it will be stricken and replaced by June 28, 2024).

Upon motion by Secretary Johnson, seconded by Board Member Countryman, the Board unanimously approved, by a 6-0 vote, the June 28, 2024 and July 26, 2024 Minutes, including the typo correction noted above (absent-Dolan).

5. CONSENT ITEMS

- A. Adopt Resolution No. 2024-07 to execute the Quitclaim Deed and direct the Executive Officer to send the Letter to Terminate Right of Entry Permit for Board Parcel 3374, Sacramento County**
- B. Adopt Resolution No. 2024-08 to delegate the Executive Officer to authorize existing, unpermitted bridges impacted by the Governor's Middle-Mile Broadband Initiative Project**
- C. Approve Permit No. 19861, California Department of Transportation – Authorize Existing State Route 58 Bridge, Main Drain Canal, Kern County**

Upon motion by Board Member Griego, seconded by Secretary Johnson, the Board unanimously approved, by a 6-0 vote, Consent Items 5A, 5B and 5C (absent-Dolan).

6. PUBLIC COMMENTS

Pete Spaulding, AmericanRiverTrees.org, commented on the upcoming erosion control projects on the Lower American River.

Brenda Gustin requested that the Board, as the non-federal lead agency for the American River Common Features Project 3B, convey a request to SAFCA that the Bank Protection Working Group meet in person.

Nancy Kniskern, AmericanRiverTrees.org, noted some of the history of construction, operation and maintenance of the Missouri River for navigation, flood control, flow regulation and bank protection.

Barbara Gardner commented on the scenic beauty of the American River Parkway and how it appears to be continually at risk by the USACE plans for flood control. She implored the Board to ask for a pause in the proceedings to allow for more public comment and response, and for a redirection of the focus towards preserving both flood protection and the natural environment.

7. LEGISLATIVE UPDATE

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

Vice President Villines noted that the Board did receive the written update.

Board Member Bosler asked about the Federal Flood Risk Management Standards (FFRMS), specifically since it seems likely to have widespread impacts on systems across the country and in California, whether those impacts be addressed in the next plan and if there is any early planning on how we're going to do that. Executive Officer Lief said that staff would follow up on that.

8. UNITED STATES ARMY CORPS OF ENGINEERS (USACE)

A. Presentation of the USACE Levee Inspection Results for Reclamation District (RD) 784, Best Slough and Dry Creek Levee System, Yuba County

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

Juan Gonzalez, USACE Inspection Section Chief, gave the presentation and answered questions.

Tom Engler, MBK Engineers, updated the Board from the perspective of RD 817.

Patrick Meagher, RD 784 General Manager, commented further on the inspection results.

9. BOARD ITEMS

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

Vice President Villines explained the approval process and provided additional background information.

Humberto Negrete, Board Staff Engineer, Operations Branch, gave the presentation and concluded with Board staff's recommendation that the Board 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, provided the Applicant's presentation.

John Nock spoke against project approval and concluded by asking the Board to deny the permit request.

Kanwarjit (Jit) Dua, Board General Counsel, added that the staff's obligation is to review the applicant's submittal along with all the other analysis and reports submitted with the application.

Matt Teague, California Parks Northern District Superintendent, addressed previous permits on the Peterson property.

Patrizia Hironimus, Butte Environmental Council Executive Director; Michael Jarred, The Nature Conservancy Associate Director; Jared Geiser, Altacal Audubon Society Executive Director; Greg Brislain, long-time Chico resident; Emily Alma, Groundwater for Butte Coordinator; Julie Rentner, River Partners President; Marty Dunlap, Chico-area resident and public interest attorney; Emily Morris, Chico-area resident; and Kathy Faith, Butte County community member, all expressed strong support for the project.

Board Members questioned the presenters and deliberated.

Upon motion by Secretary Johnson, seconded by Board Member Countryman, the Board unanimously approved, by a 6-0 vote, Permit No. 19320 (absent-Dolan).

B. Governor’s Middle-Mile Broadband Initiative Project Update

Selva Selvamohan, Board Sacramento Levees Section Manager, updated the Board.

C. Board Staff Activities Report – Property Management of the Sacramento and San Joaquin Drainage District

Andrea Buckley, Deputy Executive Officer, and Patrick Nolan, DWR Senior Right of Way Agent, gave the report 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. Natural Resource Management and Planning Division**

Vice President Villines acknowledged receipt of all the updates.

12. BOARD COMMENTS AND UPCOMING COMMITTEE UPDATES

Board Member Countryman commented that he and Secretary Johnson have met with the DWR staff that are developing the State Plan of Flood Control update, specifically on climate change and how that might be implemented, and noted how it's very complex. Secretary Johnson echoed him and added that he does feel like they are making progress.

13. UPCOMING MEETINGS

- **Board Workshop, September 13, 2024 (SACOG)**
- **Coordinating Committee, September 24, 2024 (West Sacramento City Hall)**
- **Board Meeting, September 27, 2024 (SACOG)**

Vice President Villines 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)**

There was no Closed Session.

15. CLOSED SESSION REPORT

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

16. ADJOURNMENT

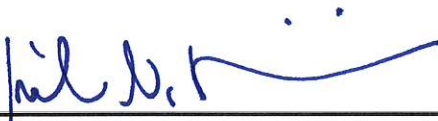
Vice President Villines adjourned the Board Meeting at 12:54 p.m.

Dated: 9/27/2024

The foregoing Minutes were approved:



Brian J. Johnson
Board Secretary



Mike Villines
Board Vice President