

MINUTES

MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD

September 27, 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 Zoom) on September 27, 2024, beginning at 9:06 a.m.

Board Members present:

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

Board staff present:

Chris Lief, Executive Officer
Andrea Buckley, Deputy Executive Officer, Natural Resource Management and Planning Division
Kanwarjit (Jit) Dua, General Counsel
Michael Wright, Chief Engineer
Zubair Dosu, Manager, Deferred Encroachment Compliance Section, Operations Branch
Greg Harvey, Manager, Flood System Improvement Branch
Jonah Knapp, Board Clerk
Humberto Negrete, Staff Engineer, Operations Branch
Selva Selvamohan, Manager, Sacramento Levees Section
Jamie Silva, Manager, Environmental Services and Land Management Division
Mike Zelazo, Senior Engineer, Flood System Improvement Branch

Also present:

Mark Berry, Tiffany Farms Homeowners Association
Chris Carlino
Grant Davenport
Juan Gonzalez, United States Army Corps of Engineers

Also present (continued):

Brenda Gustin

Nancy Kniskern, AmericanRiverTrees.org

Maggie Lu

Meegan Nagy, California Central Valley Flood Control Association, Reclamation District (RD)
108, Knights Landing Ridge Cut Drainage District

Christine Olsen

Nicole Ortega-Jewell, MBK Engineers

Joseph Prescott, Kjeldsen, Sinnock & Neudeck Inc., RD 1, RD 2089

Pete Spaulding, AmericanRiverTrees.org

Patrick Tully, Garden Highway Community Association

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

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

2. WELCOME, INTRODUCTIONS AND ANNOUNCEMENTS

Jane Dolan, Board President, welcomed the participants.

Executive Officer Lief announced that today is the celebration event for the 57th Annual California Native American Day, in recognition of one hundred years of citizenship and the fight for the right to vote. The event is free and open to the public.

He announced that Kaushal Sharma, Staff Engineer in the Sacramento Levees Section, has left the Board and is now with DWR's Operation and Maintenance Division. Also, Israel Tamiru, Staff Engineer in the Sacramento Levees Section, left the Board to pursue graduate studies.

He welcomed two new Water Resource Engineers in the Deferred Enforcement Compliance Section, Jeremiah Peek and Richard Brutski.

President Dolan entered the following statement into the record, which was given on behalf of the Flood Board regarding the American River Common Features projects:

“The United States Army Corps of Engineers and its non-federal sponsors, of which the Central Valley Flood Protection Board and the Sacramento Area Flood Control Association are the non-federal sponsors, are collectively addressing the extensive comments on the Draft Environmental Impact Statement and Report, the SEISR, that came out in December 2023. These are to cover the Sacramento River Erosion Contract 3 and the Lower American River Contract 3B, among others.

Many thousands of public comments were received during the period, which ended in February 2024. The work is continuing and ongoing to address those concerns. The certification of the final document for these projects is subject to approval of this Board and the timing for the public consideration of that has not yet been determined.

Construction cannot begin before the Board certifies the final document and this process will not be completed in time for any construction in 2024-2025, as originally anticipated in the draft document. As such, construction start will be delayed by at least one year.

As always, the Flood Protection Board provides an opportunity for public discussion and comment when it is appropriate and on the agenda. And the final document that will be before us will have consideration and allowing of Public Comment at a publicly noticed meeting, but timing of that is yet to be determined.”

3. REVIEW AGENDA

President Dolan briefly reviewed the agenda.

4. APPROVE MINUTES OF AUGUST 23, 2024

Upon motion by Secretary Johnson, seconded by Board Member Griego, the Board unanimously approved, by a vote of 6-0, the August 23, 2024 Minutes (Abstained – Dolan).

5. CONSENT ITEMS

- A. Approve Permit No. 19734, to construct the Yuba River North Training Wall Project – Phase 2 (High Ground Tie In) proposed by the Three Rivers Levee Improvement Authority in Yuba County**
- B. Approve Permit No. 19848, City of Bakersfield Water Resources Department, Kern River Backup Weir Replacement Project, Kern County**
- C. Approve staff’s findings on a Letter of Intent (LOI) for Reclamation District (RD) 2091 and RD 2063 – Chase and Crows Landing Levee System and authorize the Executive Officer to transmit the LOI to the United States Army Corps of Engineers, Stanislaus County and Merced County.**

Upon motion by Board Member Griego, seconded by Secretary Johnson, the Board unanimously approved Consent Items 5A, 5B and 5C.

6. PUBLIC COMMENTS

Christine Olsen, Garden Highway resident, expressed concerns regarding the Board’s enforcement actions against Garden Highway property owners.

Pete Spaulding, AmericanRiverTrees.org, commented on the Lower American River Erosion Control Project and the postponement of construction until at least 2026.

Nancy Kniskern, AmericanRiverTrees.org, discussed points she had learned from the Port of Baltimore as well as quotes from retired Coast Guard Admiral Richard Timme regarding unique differences between various ports.

Brenda Gustin, Garden Highway resident, commented on Trumark Development's proposal to build year-round residences in the Central Valley Flood Protection Board American Rivers Designated Floodway and urged the Board to deny any variance to build structures for year-round human habitation through the input of fill in the Designated Floodway.

Grant Davenport, Licensed California Engineer, addressed the Kassis development and submittal of 2023, which he referenced as having misstatements and omissions.

Mark Berry, Tiffany Farms Homeowners Association President, commented on the Kassis site Designated Floodway that requires variance from prohibitions of building in the Floodway.

Patrick Tully, Garden Highway Community Association President, commented on a recent meeting between CVFPB, USACE, RD 1000 and his association.

Maggie Lu, Garden Highway resident, commented on a code enforcement letter she received.

Chris Carlino, Garden Highway resident, expressed concerns regarding enforcement action related to his property.

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.

Executive Officer Lief noted that the Governor has acted on both bills referenced in the written update by vetoing AB 828 and signing AB 2975. Also, a continuing resolution to keep the federal government open through December 20, 2024 has passed the Congress.

8. UNITED STATES ARMY CORPS OF ENGINEERS (USACE)

A. Presentation of the USACE Levee Inspection Results for Reclamation District (RD) 1 and RD 2089 – Union Island Levee System, San Joaquin County

Zubair Dosu, Board Deferred Encroachment Compliance Section Manager, introduced the item and provided Board staff's analysis. He and Juan Gonzalez, USACE, gave the presentation and answered questions.

Joseph Prescott, Kjeldsen, Sinnock & Neudeck Inc., Reclamation 1 and Reclamation 2089, added pertinent information.

9. BOARD ITEMS

A. Approve Permit No. 19740, Union Pacific Railroad Pixley Slough Bridge Replacement Project, San Joaquin County

Humberto Negrete, Board Staff Engineer, gave the presentation and concluded with the staff recommendation that the Board adopt the CEQA findings; approve the variance to Board standard 128(a)(16) and the permit as provided in the staff report; and direct the Executive Officer to file the Notice of Exemption with the State Clearinghouse.

Upon motion by Board Member Griego, seconded by Board Member Bosler, the Board unanimously approved Permit No. 19740.

B. Informational briefing update on the permit application progress for the Governor's Middle-Mile Broadband Initiative

Selva Selvamohan, Board Sacramento Levees Section Manager, provided the briefing and answered questions.

C. Informational briefing on the Mid-Valley Area Phase III Project near Knights Landing, focusing on Permit Application 19689 to construct levee improvements at Reconstruction Site 11, proposed by Yolo County

Mike Zelazo, Board Senior Engineer, and Nicole Ortega-Jewell, MBK Engineers, gave the presentation and answered questions.

Meegan Nagy, RD 108, Knights Landing Ridge Cut Drainage District, and California Central Valley Flood Control Association Vice President, expressed her thanks to the Board and Board staff for taking those recommendations that they have all worked on over the past couple of years in this pilot program to move these permits forward, ahead of the USACE permit. She stated that it makes a big difference in ensuring that construction will be moving forward in a timely manner.

10. DEPARTMENT OF WATER RESOURCES (DWR) ITEMS

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

President Dolan noted that 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**

President Dolan acknowledged receipt of all the updates.

12. BOARD COMMENTS AND UPCOMING COMMITTEE UPDATES

Board Member Andrews, Secretary Johnson, Board Member Countryman and Board staff all shared their experiences after visiting and observing the Lookout Slough levee breach. They thanked Board staff for their efforts moving this important project along and noted that project partners had nice things to say about their work.

Board Member Griego noted that she had contacted Yuba County and TRLIA personnel, who are separately putting together ordinances related to activities in the setback area on the Feather River.

Board Member Countryman commented that off-road vehicles are a major problem for the levee system. Board Member Griego echoed his remarks.

Board Member Andrews commented that she and Mr. Dosu had attended the Floodplain Management Association Conference at the beginning of September.

Board Member Bosler noted that, at the recent Coordinating Committee meeting, the topic was science and specifically science that DWR has been funding around weather modeling and climate change. She expressed her excitement at seeing the State invest in this public science that will benefit all.

President Dolan noted that the Yolo Bypass-Cache Slough Executive Committee has been meeting to try and move that process forward and Board staff has been working proactively with the two counties involved, Yolo and Solano.

13. UPCOMING MEETINGS

- **Board Workshop, October 11, 2024 (SACOG)**
- **Board Meeting, October 25, 2024 (SACOG)**
- **Board Meeting, November 15, 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 met briefly in Closed Session to consider potential litigation.

15. CLOSED SESSION REPORT

President Dolan reported that no decisions were made in Closed Session Report.

16. ADJOURNMENT

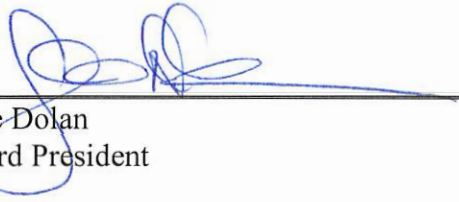
President Dolan adjourned the Board Meeting at 12:55 p.m.

Dated: October 28, 2024

The foregoing Minutes were approved:



Brian J. Johnson
Board Secretary



Jane Dolan
Board President