

CENTRAL VALLEY FLOOD PROTECTION BOARD

California Natural Resources Agency – State of California

CVFPB Office Location
3310 El Camino Avenue, Suite 170
Sacramento, California 95821
Phone (916) 574-0609 – Fax (916) 574-0682
<https://www.cvfpb.ca.gov>

AGENDA

CENTRAL VALLEY FLOOD PROTECTION BOARD MEETING

Friday, January 26, 2024 – 9:00 a.m.

**Sacramento Area Council of Governments
1415 L St #300 (Third Floor) Sacramento, CA 95814**

**Meetings will be both in person and online.
In person attendees are encouraged to follow Covid
and flu season protocols. See page 6 of this
agenda for online sign-in information.**

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 considered in a different order upon determination by the Board President. All items appearing on this agenda may be subject to Board action, whether or not expressly listed as an action item.

Members of the public shall be provided with an opportunity to address the Board on any agenda item except closed session items. Comments made during the public comment period should be limited to matters within the Board's jurisdiction. Reasonable time limits may be established for public comments (Government Code Section 11125.7).

Background for agenda items is available upon request through Jonah.knapp@cvflood.ca.gov

Anyone may request a printed copy of background or other material on an agenda item that has been distributed to the Members of the Board. A fee covering the cost of the provision of such materials may be charged. If reasonable accommodation due to a disability or language assistance is needed, please contact the Office of Work Force Equality at (323) 848-9801 at least one week prior to the meeting.

1. WELCOME, INTRODUCTIONS, AND ANNOUNCEMENTS

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

BOARD MEMBERS

Jane Dolan, President

Mike Villines, Vice-President

Brian Johnson, Secretary

Keely Bosler

Joe Countryman

Mary Jane Griego

Assembly Member Diane Papan, Ex Officio

State Senator Dave Min, Ex Officio

3. REVIEW OF AGENDA

4. APPROVAL OF MINUTES (Action)

- October 27, 2023

5. CONSENT ITEMS (Action)

- A. Permit No. 18197-1 Union Pacific Railroad (UPRR) (Humberto Negrete, Operations Branch, Board Staff)

Approve permit 18197-1 to replace a 13-span, 196-foot-long timber stringer trestle dual-track bridge section (Segment A) of an existing 2,442-foot-long railroad bridge spanning the American River with a 7-span, 201-foot-long precast concrete box girder bridge on driven steel pile piers with riprap at the abutment. The project is located at Milepost (MP) 92.12 on UPRR's Martinez Subdivision in the City of Sacramento, where the existing UPRR line spans the American River, approximately 0.25 miles downstream from the I-80 Business Loop bridge. (Sacramento County)

- B. Permit 19618 Humberto Lomeli & Elsa Robles, Single Family Residence in the Yuba River Designated Floodway (Sagun Bhattarai, Operations Branch, Board Staff)

Approve permit 19618 to construct a new single-family dwelling in an existing subdivision located within the Yuba River Designated Floodway. The project includes construction of utilities, septic tank, and "lift station" tank located west of structure. It also includes the existing concrete foundation slab, under slab plumbing located approximately 18-inch deep. The project is located at 2337 Kayla Ct, in the City of Marysville, within Area C of the Yuba River Designated Floodway. (Yuba County)

C. Permit 19710 San Joaquin Regional Rail Commission, Stockton Diamond Grade Separation Project Culvert 84.77, Mormon Slough (*Sagun Bhattarai, Operations Branch, Board Staff*)

Approve permit 19710 to construct a grade separation of the two north-south Union Pacific Railroad (UPRR) mainline tracks from the two east-west Burlington Northern Santa Fe Railway (BNSF) mainline tracks over Mormon Slough. The project will include the construction of a flyover structure to provide the vertical clearance required by both railroads. The project includes six 12-foot by 12-foot reinforced concrete box culverts, driving 7 rows of 1-foot diameter steel piles with standard wingwall and handrails. Steel trash grate obstructions will be placed on both upstream and downstream ends of box culverts. Grading of the channel includes a 70-foot-wide channel bottom with 1.5:1 slope at the location of the proposed structure. The abandoned rail bridge to the east of the proposed culverts will be removed. (San Joaquin County)

D. Permit No. 19721 Pacific Gas and Electric Company (*Deb Biswas, Operations Branch, Board Staff*)

Approve Permit No. 19721 to implement the expansion of PG&E's El Nido distribution circuit that consists of installing two aerial crossings and 24 power poles, 22 of which are within the Board's Adopted Plan of Flood Control, along the landside of the left bank levee of Eastside Bypass parallel to the southside of Washington Road. The aerial crossings occur at the Eastside Bypass and Washington Road to the east and near the diversion structure at the San Joaquin River and Eastside Bypass confluence to the west. The proposed project spans both the left (west) and right (east) bank levees of Eastside Bypass along Washington Road approximately 18 miles west of the City of Chowchilla. (Merced County)

E. Approval and Adoption of Stipulated Settlement, Decision, and Enforcement Order for Enforcement Case 2022-15450 against Steven and Dawn May (*Jenny Tu, Enforcement Section, Board Staff; Peter Thyberg, Enforcement Counsel*)

Approve the stipulated settlement negotiated by Board Staff and Respondents, Steven and Dawn May, and adopt it as the Board's final Decision and Order (Order) in Enforcement Case 2022-15450. Adoption of this Order addresses various violations on the right bank (south) Putah Creek Federal levee on Respondents' property in Solano County (Assessor's Parcel Number 0110-100-010). Under the terms of the Order, the Respondents are required to pay \$25,000 in penalties and agree to pay a suspended penalty of \$25,000 per the terms of the Order, among other requirements. Respondents have also completed the corrective actions to address the violations of California Water Code and California Code of Regulations, Title 23, Waters, Division 1, as required in the Board's adopted Cease and Desist Order.

6. PUBLIC COMMENT (non-agenda items only)

7. LEGISLATIVE UPDATE (Information)

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

8. UNITED STATES ARMY CORPS OF ENGINEERS (Information)

- A. Maintenance Area 9 - City of Sacramento, American River Left Bank Levee System (*Zubair Dosu, Enforcement Section, Board Staff; Juan Gonzalez, Inspection Section Chief, U.S. Army Corps of Engineers*)

Presentation of the U.S. Army Corps of Engineers' Levee Inspection Results for the Maintenance Area 9 – City of Sacramento, American River Left Bank Levee System (Sacramento County).

- B. Public Law 84-99 Rehabilitation (*Jonathan Yau, Emergency Management, U.S. Army Corps of Engineers*)

Presentation on the current status and strategy of the Public Law 84-99 Rehabilitation Program to address repairs of sites damaged during the 2019 and 2023 storms.

9. DEPARTMENT OF WATER RESOURCES ITEMS (Information)

- A. Report of the Department of Water Resources (Written)
- B. 2023 Inspection and Local Maintaining Agency Report of The Central Valley State-Federal Flood Protection System (*Preston Shopbell, Manager, Inspection Section, Board Staff, Wade Wylie, Manager, Flood Project Inspection and Assessment Section (FPIAS), DFM, DWR; Sterling York, Manager, Flood Project Inspection Unit A, DFM, DWR; Kaveh Zamani, Manager, LMA Assessment Unit, DFM, DWR*).

This presentation by DWR-FPIAS will provide the Board a summary of the findings of the annual levee maintenance inspection report as well as an overview of the results from the following programs: channel maintenance inspections, structure maintenance inspections, San Joaquin River erosion survey, LMA reporting requirements, Designated Floodways Inspections, Utility Crossing Inspections, and other activities.

10. BOARD ITEMS (Information)

- A. Reorganization of Reclamation Districts in Yolo and Sacramento Counties (*Mike Zelazo, Flood System Improvement Branch, Board Staff*)

Board staff will lead a briefing on the reorganization of Reclamation Districts (RD) 537, 785 and 827 (collectively, the Lower Elkhorn Reclamation Districts) and RD 900 in Yolo County near West Sacramento. Additionally, the dissolution of RD 755 and the annexation of its service area into RD 551 in Sacramento County near Courtland will be discussed. Adoption of new boundaries by the Board for both of these areas will be presented at a future meeting.

- B. Board Calendar for 2024 (*Chris Lief, Executive Officer*)

Adoption of the Board's proposed calendar for 2024.

11. EXECUTIVE OFFICER'S REPORT (Documents Submitted for Board Member review)

- A. Update on the Board's Administration

- B. Update on the activities of the Operations Branch
- C. Update on the activities of the Flood System Improvement Branch
- D. Update on the activities of the Environmental Services and Land Management Division
- E. Update on the activities of the Flood Planning and Programs Branch

12. BOARD COMMENTS AND COMMITTEE UPDATES

13. UPCOMING MEETINGS

- Board Workshop, February 9, 2024 (SACOG)
- Board Meeting, February 23, 2024 (SACOG)
- Board Workshop, March 8, 2024 (SACOG)
- Coordinating Committee, March 19, 2024 (City of West Sacramento City Hall)
- Board Meeting, March 22, 2024 (SACOG)

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*)

15. CLOSED SESSION REPORT (Action)

16. ADJOURNMENT

PUBLIC COMMENTS FOR HYBRID BOARD MEETINGS:

These instructions outline how members of the public can access the virtual meeting and provide public comment. You can join the meeting from a desktop computer, laptop, mobile device, or telephone.

How to join the meeting by webinar:

- a) Go to the Central Valley Flood Protection Board website: <https://cvfpb.ca.gov>
- b) Navigate to the "Meetings" page.
- c) Click on the link to the meeting webcast: <https://us06web.zoom.us/j/83680079900>
- d) Test your device and internet connection joining the meeting.
- e) You will automatically be muted when joining as an attendee.

How to join the meeting by telephone:

- a) Dial: +1 669-219-2599 or +1 651-372-8299 or 877-853-5257 (Toll Free) or 888-475-4499 (Toll Free)
Webinar ID: 836 8007 9900
- b) Please press mute until you are called upon to speak (*6 to mute/unmute *3 to raise/lower hand)

How to provide public comment:

*Members of the public who wish to provide public comment on a particular agenda item are encouraged to submit those comments prior to the meeting by emailing the Board Clerk at **Jonah.knapp@cvflood.ca.gov**. In the email subject line, indicate the meeting date and agenda item number. You can find the agenda item number below. In the body of the email, please include your name and who you represent (e.g., self, another person, an organization). Comments received prior to the meeting will be provided to the Board Members.*

*During the meeting, members of the public may provide comments on a particular matter (at or before the time the item is called) by emailing the Clerk at **Jonah.knapp@cvflood.ca.gov**. In the email subject line, include the words "public comment" and the agenda item number. In the body of the email, please include your name and who you represent (e.g., self, another person, an organization). All written materials received by the Board in advance of or during the meeting are part of the public record and are kept by the Board.*

For those members of the public who choose to participate by phone, an opportunity for comment on each item will be given during the Board meeting. Please unmute yourself before providing your comments and mute yourself after concluding your comments. A speaker's time allotment is generally 3 minutes but is ultimately at the discretion of the Board.

*Background for agenda items is available electronically. Please email the Clerk at **Jonah.knapp@cvflood.ca.gov** to request an electronic copy of any agenda item. Anyone may request a printed copy of background or other material on an agenda item that has been distributed to the Members of the Board. A fee covering the cost of the provision of such materials may be charged. If reasonable accommodation due to a disability or language assistance is needed, please contact the Office of Work Force Equality at (323) 848-9801 at least one week prior to the meeting.*

*For technical support during the meeting, please send your question to **Questions@CVFlood.ca.gov**.*