

# MINUTES

## MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD

November 15, 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 November 15, 2024, beginning at 9:08 a.m.

### **Board Members present:**

Jane Dolan, President  
Mike Villines, Vice President  
Brian Johnson, Secretary (Remote)  
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  
Steve Lamb, Manager, Permitting Section  
Celina Ortega, Staff Engineer, Operations Branch

### **Department of Water Resources (DWR) staff present:**

Laura Hollender, Deputy Director, Flood Management and Dam Safety  
James Newcomb, Deputy Director, Habitat Restoration

### **Also present:**

Michael Clary, Jacobs Engineering  
Tom Engler, MBK Engineers, California Central Valley Flood Control Association  
Brenda Gustin

**Also present (continued):**

Nancy Kniskern

Meegan Nagy, Sacramento River Westside Levee District, Reclamation District 108

Edward Smith

Branden Strahm, Olsson Associates

Stephan Vithalani, United States Army Corps of Engineers

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

Jonah Knapp, Board Clerk and Executive Assistant, called the roll and a quorum was established.

**2. WELCOME, INTRODUCTIONS AND ANNOUNCEMENTS**

Jane Dolan, Board President, welcomed the participants.

Chris Lief, Board Executive Officer, welcomed Travis Comstock, a new Staff Engineer in the Sacramento Levees Section.

**3. REVIEW AGENDA**

President Dolan briefly reviewed the agenda.

**4. APPROVE MINUTES**

The approval of the Minutes was postponed.

**5. CONSENT ITEMS**

**A. Approve Permit No. 19756, City of Chico Notre Dame Blvd. Bridge, Butte County**

*Upon motion by Board Member Countryman, seconded by Board Member Bosler, the Board unanimously approved, by a vote of 6-0, Consent Item 5A (Absent – Johnson).*

**6. PUBLIC COMMENTS**

Brenda Gustin requested several things regarding the USACE American River Erosion Contract 3B: that a workshop be held specifically dedicated to the subject and expressed her hope that the workshop will be scheduled on the 2025 Board Calendar, and asked that we tell interested parties when that will be; that the Board request that USACE provide answers to the question of how many trees will be removed; that we request a USACE Engineering with Nature staff person be identified to work on the project; that we identify a liaison between our staff and the public; and that USACE utilize methods that control erosion and also meet other values.

Nancy Kniskern discussed the 2016 American River General Reevaluation Report Appendix that provided copies of the public comment letters received at that time and noted that many of those comments echo community responses just filed in 2024. She noted that area residents are now seeking time for meetings and workshops with other public agencies as they have not been able to engage in dialogue with USACE.

Tom Engler, MBK Engineers and on behalf of the California Central Valley Flood Control Association, discussed the Section 408 funding shortfall and the large backlog on that program and the Sacramento River Bank Protection Project.

Edward Smith commented on the erosion protection along the American River that is being implemented and proposed.

## **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 USACE items.

## **9. BOARD ITEMS**

### **A. Approve Permit No. 19712, Union Pacific Railroad Butte Creek Bridge Replacement, Butte County**

Celina Ortega, Board Staff Engineer, Operations Branch, gave the presentation, answered questions and stated the Board staff recommendation that the Board adopt the CEQA findings; approve the variances to Board standards 128(a)(3) and 128(a)(16), as provided in the staff report; and lastly, direct the Executive Officer to file a Notice of Exemption with the State Clearinghouse.

Steve Lamb, Board Permitting Section Manager, provided additional information.

Board Member Andrews suggested amending the permit to include language that requires UPRR to incorporate language reflective of the permit condition into the Emergency Action Plan.

*Upon motion by Board Member Griego, seconded by Board Member Bosler, the Board unanimously approved Permit No. 19712, including the amendment suggested above.*

**B. Presentation of the USACE System-Wide Improvement Framework (SWIF) program**

Zubair Dosu, Board Deferred Encroachment Compliance Section Manager, introduced the item and presented the SWIF metrics relevant to the Board as the non-federal sponsor.

Stephen Vithalani, USACE Sacramento District Emergency Management Office Public Law 84-99 Program Manager, provided a detailed summary of the program.

Tom Engler, MBK Engineers, discussed the Flood System Repair Program and answered questions.

Meegan Nagy, Sacramento River West Side Levee District and Reclamation District 108, added clarifying information.

Board Members commented on various parts of the presentations.

**C. Presentation of the Board's Calendar for 2025**

Executive Officer Lief presented the draft 2025 Board Calendar.

Board member Bosler requested that staff also put together a calendar, to the extent they are able, of other important water meetings, conferences, and events that will occur.

Board Member Countryman expressed impatience regarding a lack of feedback to the Board and the public about the questions that have been raised regarding the American River USACE Contract 3B, recognizing that certain responses may have to wait for the official response to comments but that other answers might be provided more quickly.

Secretary Johnson agreed that many of the questions raised by the public could be answered more quickly, expressed a hope that they can be, and said that he would welcome a workshop in the field.

**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.

**B. Overview of recent organizational changes to support flood safety and ecosystem function**

Laura Hollender, DWR Flood Management and Dam Safety Deputy Director, and James Newcomb, DWR Habitat Restoration Deputy Director, gave the overview and answered questions.

## **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.

In response to a question from Board Member Countryman, Permitting Section Manager Lamb gave an overview of the status of various permits that are currently in the permitting process, and noted that due to staff turnover and vacant positions, the backlog has grown as roughly three permits have come in for every two that have been issued. However, they are issuing permits on a similar pace as recent years including more than 10 per month that are issued by the Executive Officer so do not need to come before the Board.

Board Member Countryman also requested information from USACE about their permitting timelines, and President Dolan suggested that they ask for a report from USACE in a future board meeting.

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

There were no comments.

## **13. UPCOMING MEETINGS**

- **Board Workshop, December 6, 2024 (SACOG)**
- **Board Meeting, December 13, 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), 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), to consider personnel matters. (Kanwarjit (Jit) Dua, Board Counsel)**

There was no Closed Session.

#### **15. CLOSED SESSION REPORT**

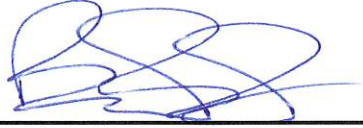
As there was no Closed Session, there was no Closed Session Report.

#### **16. ADJOURNMENT**

President Dolan adjourned the Board Meeting at 1:02 p.m.

Dated: January 24, 2025

The foregoing Minutes were approved:



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Brian J. Johnson  
Board Secretary



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Jane Dolan  
Board President