

MINUTES

MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD

July 18, 2025

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 California Natural Resources Agency, 715 P Street, Main Auditorium, 2nd Floor, Sacramento, California and concurrently online (on WebEx) on July 18, 2025, beginning at 9:07 a.m.

Board Members present:

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

Board staff present:

Chris Lief, Executive Officer
Andrea Buckley, Deputy Executive Officer
Kanwarjit (Jit) Dua, General Counsel (Remote)
Michael Wright, Chief Engineer
Jonah Knapp, Board Clerk, Executive Assistant
Jamie Silva, Manager, Environmental and Land Management Branch

Department of Water Resources (DWR) staff present:

Todd Bernardy, Manager, Flood Projects Branch

Also present:

William Avery
Barbara Beck
Mark Berry
Roland Brady
Bill Brattain
Pam Britton, Save the American River Association (SARA)

Also present (continued):

John Cameron
Hans Carota, United States Army Corps of Engineers
Larry Carr, American River Trees
Zilan Chen
Stephanie Christensen
Richard Desmond, Supervisor, Sacramento County Board of Supervisors
Sergio Diaz, SARA
Daphne Dixon
Barbara Donnek, Save the Trees
Cindy Elliott
Marni Fyelling-Ellison
Julie Gabele
Brenda Gustin, SARA, American River Trees
Jeff Harris, City of Sacramento
Candice Heinz
Skyler Hogan-VanSickle
Brian Holloway, Sacramento Area Flood Control Agency, American River Flood Control
District
Coleman Johnson
Gay Jones
Sharon Kersten
Jodi King, American River Trees
Nancy Kniskern
Laurel Kolar
Adele Kruger
Earl Lagomarsino
Jennifer Mattson
Kim McKean
Heidi McLean
Kathleen Mead, Friends of Bush Lake
David Militzer, Protect the American River
Susan Mills Elise Moffatt
Pam Montgomery, American River Trees
Jim Morgan
Joe O'Connor
Anne Olson
Charlotte Ponder, American River Trees
Sylvia Pritchett Alan Rhodes
Marybeth Schwehr
Michael Seaman
Edward Smith, American River Trees
Pete Spaulding, American River Trees
Dylan Stapleton, SARA
Joshua Thomas, American River Trees

Also present (continued):

Marguerite Treat
Brian Wardman, Northwest Hydraulic Consultants
Andrea Willey, Waterbird Habitat Project
Mia Winkler
Jessica Wiseman, American River Trees
Karen Zand

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 new engineering Student Assistant Khalid Mihyar.

3. REVIEW AGENDA

President Dolan briefly reviewed the agenda.

4. APPROVE MINUTES – May 23, 2025 and June 13, 2025

Upon motion by Secretary Johnson, seconded by Board Member Bosler, the Board unanimously approved the Meeting Minutes of May 23, 2025 and June 13, 2025.

5. CONSENT ITEMS

A. Approve Permit No. 19689, Mid-Valley Phase 3, Site 11 Project, Yolo County.

B. Approve Permit No. 19990, Pacific Gas and Electric, Butte Creek Utility Poles Replacement, Butte County.

C. Approve staff's findings on a Letter of Intent (LOI) for the Chico Creek - Mud Creek Levee System and authorize the Executive Officer to transmit the LOI to the United States Army Corps of Engineers, Butte County.

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

6. PUBLIC COMMENTS

There were no public comments.

7. LEGISLATIVE UPDATE

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

President Dolan noted that the Board had received the written update.

8. UNITED STATES ARMY CORPS OF ENGINEERS (USACE)

There were no USACE items.

9. BOARD ITEMS

- A. Adopt Resolution 2025-02 to certify the American River Common Features 2016, Flood Risk Management Supplemental Environmental Impact Statement/ Subsequent Environmental Impact Report (SEIS/SEIR); adopt the Statement of Findings, Statement of Overriding Consideration, and Mitigation Monitoring and Reporting Program; approve the Flood Risk Management Project; and delegate authority to the Executive Officer to execute the Notice of Determination.**

President Dolan provided background information on the resolution and noted that this is the third public session on this matter.

Jamie Silva, Board Environmental and Land Management Branch Manager, gave the presentation and answered questions. He concluded with the staff recommendation that the Board adopt Resolution 2025-02.

Hans Carota, USACE Sacramento District, briefly discussed a 2022 report by the Engineering Research and Development Center, which details two specific bioengineering applications.

Rich Desmond, Sacramento County Board of Supervisors, and Jeff Harris, City of Sacramento, spoke in support of the resolution.

Brian Holloway, Sacramento Area Flood Control Agency (SAFCA) and American River Flood Control District, also spoke in support.

The following speakers commented in opposition to the resolution. Many of the speakers were local residents who frequented the American River Parkway and adjacent areas. Many spoke passionately about their deep appreciation for the habitat and the trees and animals living there.

Julie Gabale commented that the underlying studies have significant problems that are profound and numerous; it is not a project that should proceed.

Joe O'Connor, Bank Protection Working Group representing the Parkway Coalition, discussed the contrasting nature of Contracts 1 and 2 versus Contract 3B. He noted that he has been proposing a pause for more than a year and called for a modified peer review.

Marni Fylling-Ellison discussed portions of the Wild and Scenic River Act and noted that the Contract 3B portion of the parkway is an established ecosystem that is part of our heritage - a fragile, interconnected web of plants, animals, bacteria, and fungi that have been evolving together for thousands of years and is literally irreplaceable. She concluded that there was no rush; postpone for now and "let's do it right."

Adele Kruger commented that the areas that need bank erosion control or work repair can be done without cutting down hundreds of trees and scouring the underbank down to bare dirt. She asked that the Board take advantage of its mandate to emphasize habitat protection along with life and property.

Stephanie Christensen commented that she felt passage of the resolution was a big mistake and she is hoping that the Board will rethink about modifying the project because the possibility that this could happen is really devastating to her.

Coleman Johnson stated that taking out hundreds of trees would be devastating to the community.

Edward Smith, American River Trees, commented that a false dichotomy has been set up: you're either in favor of flood control or you're a tree hugger and you're against it. But after a close read of the USACE documents and the contractor reports he is certain that there is a better way to do this work that is less destructive and still maintains some recreational and visual quality while also maintaining habitat.

Dr. Andrea Willey, Waterbird Habitat Project, implored the Board to adopt a plan that preserves both trees and ponds by using less invasive bank protection methods.

Pam Britton, Save the American River Association (SARA), noted that over 675 trees, many of them hundreds of years old, as well as miles of wild and scenic habitat will be lost forever.

Michael Seaman stated that the CEQA analysis is not in compliance and the environmental impact data analysis is based on inadequate data. It's not necessary to take out all these trees.

John Cameron discussed the "salmon tree" and disputed the need to remove it. He asked the Board to do its job, look at the checkbook, and hold people accountable for how they're spending the public's money, which the Board is required to do.

Anne Olson summarized the letter she submitted earlier by stating that the SEIR contains serious mistakes and omissions. The Contract 3B and 4B projects will permanently damage the

wildlife habitat and recreational enjoyment of the beautiful river and will not provide 200-year flood protection, which means there will be another costly project coming soon.

Sylvia Pritchett, speaking on behalf of herself, her children and grandchildren yet to come, asked the Board to consider better ways than the destructive and unnecessary Contract 3B.

Dylan Stapleton, SARA, asked that Contracts 3B and 4B be suspended for the betterment of the environmental community and the educational impact that the river provides.

Susan Mills implored the Board to oppose Contract 3B and the other projects and come up with a better way.

Gay Jones thanked the Board President and Board Members, and folks in the public realm, for the opportunity to state her opposition to the CEQA certification of Contract 3B.

Sharon Kersten asked the Board to reconsider the Contract 3B proposal and impose something that doesn't require removal of trees and vegetation, such as the bioengineering and cobble methods already found to be feasible.

Cindy Elliott commented that the project needs a completely different design and approach. All the trees that are going to be torn out are currently completely protecting the river's edge, keeping all the soil and rock in place with their massive root system. They are doing their job perfectly well as is.

Earl Lagomarsino stated that the human element of attachment to the riparian forest along this portion of the river should also be considered. All that is needed is to work on the levee and reinforce that -- and Mother Nature will do the rest.

Mark Berry remarked that he doesn't believe there's been adequate effort to procure open spaces along the Parkway to offset the substantial loss that will be undertaken with the proposed projects.

Barbara Donnek, Save The Trees, noted that it's imperative that the Board find the most delicate, lightly treading, least disruptive methods of erosion control possible, no matter how intricately complex or costly or lengthy. These fine-tuned methods may protect the trees and the habitat of this environment that has thrived since the early indigenous people called this special place their home.

Alan Rhodes stated that no vote should be taken today because there has not been discussion about the apparent Determination of Compliance and there's no further information available about it. No vote should occur until the public has had some opportunity to both learn about it and ask questions.

Kathleen Mead, Friends of Bush Lake, commented that the Board should be aware of how weak the CEQA data collection, conducted by USACE, was for the Contract 3B section.

Also, there are several endangered species in the area that were inadequately evaluated in this document, and their mitigation is weak.

David Militzer, Protect the American River, opposed the resolution because the Contract 3B and 4B portions were rushed and there has not been adequate time for careful consideration of how we can integrate culture and nature in a better way.

Jennifer Mattson asked that the Board not let its legacy be the permanent, irrevocable destruction of the beauty of Sacramento's wild and scenic stretch that is allowed to change naturally with the seasons and is home to wildlife. A park does not bring the same economic, environmental or social value that the parkway provides.

Charlotte Ponder, American River Trees, pleaded with the Board to do more to protect the parkway for her future, her children's future, and the future generations.

Gay Jones read a letter on behalf of Dr. Roland Brady: "All the points I wanted to make have already been said except the proposed mitigation for the American River would be like proposing to tear out all the sidewalks in downtown and mitigate by pouring two times the concrete to build a new runway at the airport."

Heidi McLean noted the word "unavoidable" in the documents and asked the Board to think about it—is there really a rush that the Board has to approve today or can it pause this project and do it right; otherwise, there's going to be so much animosity towards the Board and the decision that it makes today.

Laurel Kolar stated that the Board (by not approving today) has the power to make a decision to prevent a mistake that would adversely impact the quality of life in Sacramento for decades.

Jodi King, American River Trees, commented that the Board needs to consider flood, erosion control and the "what ifs" but it is also undeniable that there will be significant impact to the many animals - deer, coyote, bobcats - who will not have a home and will suffer. Please vote with your heart and with your conscience.

Pam Montgomery, American River Trees, noted that she strongly disagrees with the fact that the public has been adequately informed, and there are ways to fix the infrastructure without decimating the riverbank.

Larry Carr, American River Trees and a subcontractor with USACE for about 30 years, stated that we should take our time on this and vote "no" for now.

Sergio Diaz, SARA, reminded the Board that when there's a joint statement, an EIS/EIR, the higher standard is to be followed and currently is not. Please consider all the alternatives available and do not let the project go forward as proposed.

Bill Brattain, California registered Civil Engineer, asked the Board to please vote to require that the environmental document be made compliant with CEQA and be transparent and accurate about the impacts to the trees for Contract 3B.

Nancy Kniskern pointed to specific discrepancies in the final project report and asked for project postponement.

Zilan Chen commented that the final SEIR is not in compliance with CEQA as the project description is inadequate, which means that a vote in support of the project today is saying that the document is in compliance with CEQA, and it's not.

Pete Spaulding, American River Trees, appealed to each Board Member specifically and asked them to pause the project. He concluded by asking the Board to stand up to USACE and have them save money by using the alternative designs suggested, reduce the cost of the construction and mitigation sites, and leave more money for other projects. He asked the Board to send a message that Contracts 3B, 4B and ARMS are not good enough. Make USACE do better.

Joshua Thomas, American River Trees, cited specific examples of errors previously discovered and concluded that he doesn't feel like the information that's provided has been sound and credible.

Brenda Gustin, SARA and American River Trees, stated that this process is not meaningful public engagement and does not reflect the transparency, accessibility or responsiveness needed to build public trust or to support CEQA. Stewardship requires humility, listening, and course correction when we are shown a better way. She asked the Board to utilize its authority to pause these contracts and conduct a transparent and inclusive process to reconsider mitigation and bank stabilization strategies.

Candice Heinz, an environmental scientist, commented that Contracts 3B and 4B could be pulled from the certification without consequence. There is no emergency. Getting the job done right should absolutely take priority over the construction schedule. The Board could set a historical precedence with an important message that echoes through generations.

Jessica Wiseman, American River Trees, noted that we find our fun, freedom and community connection along these shorelines and pathways. The detrimental and irreversible negative impact of Contracts 3B and 4B is avoidable.

Karen Zand asked that the Board hold USACE accountable to a higher standard by requesting proper CEQA due diligence, full and documented consideration of any viable alternative, additional sampling and modeling, and proof that post-construction vegetative growth will take, before destroying a centuries-old unique feature of our amazing river.

Elise Moffatt stated that future children deserve the privilege of experiencing the nature and wildlife of the parkway just as we did. We can think of better alternatives that will protect our city from flooding without destroying the trees in the parkway.

Barbara Beck noted that it is the Board's fiduciary responsibility to spend our tax dollars wisely. She wonders why it would make any sense to spend the amount of dollars and destruction for a 15% increase in flood protection that doesn't even meet the requirement that we have for 200-year floodplain protection.

Marguerite Treat asked what the rush is -- please preserve the parkway.

Mia Winkler commented that the project will have the opposite effect than that intended, as it is a known fact, backed by sound science, that removal of vegetation along a body of water drastically increases erosion levels and the likeliness of a flooding event.

Daphne Dixon urged the Board to vote with its conscience to do the right thing, to have some courage, to stand up to USACE and to either pause and get more information or to reject the project entirely.

Marybeth Schwehr noted that the girth and diameter confusion (re: Heritage Oaks) does not inspire confidence. Contract 3B simply doesn't make engineering sense, it doesn't make environmental sense, it doesn't comply with CEQA and it doesn't make dollars and sense. Let's pause 3B and 4B and use this as an amazing opportunity for better solutions to be born.

Dr. William Avery commented that the Board should not use the argument that "Congress gave us the money and therefor the mandate" to dissuade the Board from its responsibility to ask for fully accurate and scientific information and a reasonable array of engineering alternatives, including localized repairs and the promised bioengineering alternatives. People deserve to be able to expect USACE to enthusiastically meet the complexity of saving riparian habitat with well-thought-out and truly well-designed solutions.

Skyler Hogan-Vansickle commented that it really feels like there is some kind of false sense of urgency on this project and she asked that the Board reconsider and postpone.

Kim McKean noted that the parkway does give solace to so many people and helps their mental attitude. There are just so many good things that the river and being out in nature does.

Jim Morgan asked the Board where exactly are we today on the lower American River, in terms of flood protection, and what increment would this project, if it was to be completed, have on our level of flood protection?

Board Members then deliberated and asked several clarifying questions. For example, they asked USACE to explain their definition of Heritage Oaks; the specifications of the processes involved in tree removal; the levels of protection and performance requirements mandated by state and local officials, and the costs associated with delaying project implementation. In addition, Board Members discussed the importance of public safety and the significant impacts on a community following a levee break.

Mr. Carota, USACE, noted that the implications of postponing the vote would include construction slipping from 2026 to 2027 at a minimum.

Brian Wardman, Northwest Hydraulic Consultants, provided additional information on Folsom Dam and the cubic foot per second (cfs) requirements.

Jeff Harris, City of Sacramento, gave some additional context.

Board Members noted their personal decision-making processes and the conclusions they reached.

Mr. Silva reiterated the Board staff recommendation that the Board adopt Resolution 2025-02 for the flood risk management project. The adoption of the resolution will certify the final SEIS/SEIR; adopt the Statement of Findings, the Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program; approve the project and delegate the authority to the Executive Officer to execute the Notice of Determination.

Upon motion by Board Member Griego, seconded by Board Member Bosler, the Board voted unanimously to adopt Resolution 2025-02.

10. DEPARTMENT OF WATER RESOURCES (DWR) ITEMS

A. Written Report from DWR

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**
- E. Executive Officer Delegated Permit Report**

President Dolan noted that all the written updates had been submitted.

12. BOARD COMMENTS AND UPCOMING COMMITTEE UPDATES

There were no comments or updates.

13. UPCOMING MEETINGS

- **Board Workshop, August 8, 2025 (California Natural Resources Agency Headquarters)**
- **Board Meeting, August 22, 2025 (California Natural Resources Agency Headquarters)**
- **Advisory Committee, August 26, 2025 (Central Valley Flood Protection Board)**

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: Mandroop Singh Purewal, et al. vs. State of California, Superior Court of the State of California County of Yolo Case No. CV20251439. (Kanwarjit (Jit) Dua, Board Counsel)**
- B. 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)**
- C. 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)**
- D. 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)**
- E. 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)**
- F. 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

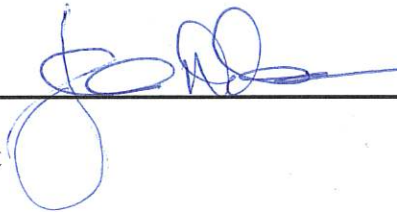
President Dolan adjourned the Board Meeting at 4:12 p.m.

Dated: 8/22/2025

The foregoing Minutes were approved:



Brian J. Johnson
Board Secretary



Jane Dolan
Board President