

# **MINUTES**

## **MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD**

**September 26, 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, Room 2-201, 2<sup>nd</sup> Floor, Sacramento, California and concurrently online (on WebEx) on September 26, 2025, beginning at 9:00 a.m.

### **Board Members present:**

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

### **Board Members absent:**

Keely Bosler

### **Board staff present:**

Chris Lief, Executive Officer  
Andrea Buckley, Deputy Executive Officer  
Kanwarjit (Jit) Dua, General Counsel  
Michael Wright, Chief Engineer  
Angeles Caliso, Manager, Enforcement Section  
Greg Harvey, Manager, Flood System Improvement Branch  
Jonah Knapp, Board Clerk and Executive Assistant  
Dustin Sanoski, Senior Engineer, Flood System Improvement Branch  
Jenny Tu, Staff Engineer, Enforcement Section  
Mike Zelazo, Senior Engineer, Flood System Improvement Branch

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

Pete Thyberg, Senior Counsel  
Jennifer Schieck, Counsel  
Mark List, Supervising Engineering Geologist

**Also present:**

Tom Engler, MBK, Reclamation District 817  
David Gibb, Shady Oaks Ranch  
Rebecca Gibb, Shady Oaks Ranch  
Stuart Hanson, Shady Oaks Ranch  
Patrick Howell, United States Army Corps of Engineers  
Nancy Kniskern, American River Trees  
Brian Manning, representing Michael and Patrick Rue  
Patrick Meagher, Reclamation District 784  
Ralph Nevis, Shady Oaks Ranch, Gibb Family  
Pete Spaulding, American River Trees

**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, announced that today (September 26, 2025) is the 58<sup>th</sup> Annual California Native American Day, which honors the valuable historical and cultural contributions made by Native Americans in California.

Executive Officer Lief expressed his appreciation for the Board staff that participated in the recent Floodplain Management Association Conference. Staff playing key roles included Steve Lamb and Preston Shopbell, who presented the latest news, features and next steps in the development of the Board's permit application portal to interested conference attendees; and to Mike Zelazo and Kristynne Van Skike, who made a presentation titled "From Levees to Leadership: Advancing Flood Protection in California's Heartland."

In addition, Ms. Van Skike presented the awards at the conference luncheon; and Zubair Dosu made a presentation called "FMA Conference 101" to educate folks on how to make the most out of their conference experiences.

Mr. Lief also announced the departure of Syada Ara, a Water Resources Engineer in the Permitting Section, who received and accepted a promotional offer to be Senior Water Resources Engineer at DWR.

**3. REVIEW AGENDA**

President Dolan briefly reviewed the agenda. She noted that Item 5C had been removed and later noted that Item 9E had been postponed.

**4. APPROVE MINUTES – August 22, 2025**

*Upon motion by Secretary Johnson, seconded by Board Member Griego, the Board unanimously approved, by a 6-0 vote, the Meeting Minutes of August 22, 2025. (Absent - Bosler)*

**5. CONSENT ITEMS**

- A. Approve Permit No. 19804, Sutter County Natomas East Main Drainage Canal Sewer, Main Extension Sutter County.  
Celina Ortega, Board Staff, Operations Branch**
- B. Approve Permit No. 19853, Caltrans Duck Slough Bridge Replacement, Merced County.  
Celina Ortega, Board Staff, Operations Branch**
- C. Approve Board's Strategic Plan 2025. *Removed*  
Chris Lief, Board Staff, Executive Officer**
- D. Approve Board Member Assignments.  
Andrea Buckley, Board Staff, Deputy Executive Officer**

*Upon motion by Board Member Griego, seconded by Board Member Andrews, the Board unanimously approved, by a 6-0 vote, Consent Items 5A, 5B and 5D. (Absent - Bosler)*

**6. PUBLIC COMMENTS**

Pete Spaulding, American River Trees, expressed his hope that the Board will take the lead in reviewing and improving the processes used for major projects like American River Common Features (ARCF) 2016 so that organizations and individuals have a real chance to express their concerns and to do so in a professional and respectful-manner.

Nancy Kniskern, American River Trees, expressed her appreciation for the work and efforts of the Board and its staff. She commented on perceived USACE errors and repairs on the ARCF 2016 project and noted that a colleague entered a FOIA request in February 2025 to USACE that was responded to on September 25. She further noted that calls to the USACE Public Affairs Office go to voicemail and they haven't picked up their phone for three months. She asked what can the public do in such circumstances?

**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 2025-04 to establish State Maintenance Area 20, Yuba County.**

Steve Zelazo, Board Senior Engineer, Flood System Improvement Branch, introduced the item. He and Brian Manning, representing Michael and Patricia Rue, gave the presentation and answered questions.

Ralph Nevis, representing Shady Oaks Ranch and the Gibb family, noted that his clients are willing to fund their fair share of the newly established Maintenance Area (MA) and want to ensure that all those who benefit from the Horseshoe Levee System within MA 20 share the cost. His clients will be subject to an assessment if MA 20 is formed and the question before the Board is will the annual costs related to the small area within Horseshoe Levee that forms MA 20 bear the full brunt of those costs or will the costs extend out to those other lands benefiting from it? Board Members asked several questions related to who should share those costs.

Stuart Hanson, Shady Oaks Ranch part owner, provided additional background information and also addressed the issue of fairness. He noted that the water moving through their land was put there by the flood diversion system, the Western Pacific Interceptor Canal (WPIC), and benefits the entire system, not just their small portion of it, and should be assessed as such.

In addition, he raised objections to the Statement of Necessary Work produced by Board staff, citing the staff's assumptions of valuation of the land and the estimates of O&M costs as appearing to be grossly unrealistic and not accurately reflecting actual land uses. He also discussed other perceived errors from the staff report.

Mr. Hanson concluded by asking that the Board deny the request today and direct the staff to have more meaningful engagement with the owners and work out a reasonable compromise on a regional basis as, in his opinion, the Water Code is very clear on that.

David and Rebecca Gibbs, Shady Oaks Ranch owners who have lived and worked there for over 50 years, discussed the negative consequences for them of the high property assessment, which is more than they can possibly pay. They reiterated that they will certainly pay a fair price but have not yet heard a fair price offer.

Senior Engineer Zelazo reiterated that they believe that Board staff's approach is consistent with the requirements of the Water Code.

Patrick Meagher, Reclamation District 784 General Manager; Tom Engler, MBK Engineers and on behalf of Reclamation District 817; and Mark List, DWR Supervising Engineering Geologist, provided additional information.

Board Members deliberated for some time, asked further clarifying questions, and returned again to the issue of fairness. They reiterated their compliments to Board staff for their good work on the resolution and also expressed frustration at the inability thus far to determine a satisfactory financial outcome for all the property owners involved.

Jit Dua, Board General Counsel, noted that the Water Code does give the Board the authority to enter into the types of actions contemplated by the Board.

*Upon motion by Vice President Villines, seconded by Board Member Griego, the Board voted unanimously, by a vote of 6-0, to adopt Resolution 2025-04 and establish Maintenance Area 20, Yuba County; make the findings that it is categorically exempt from a CEQA determination; and direct the Executive Officer to file the Resolution for the record with the County Recorder of Yuba County. (Absent - Bosler)*

*Further, they directed Board staff to thoroughly look into two additional options:*

- 1. The possibility of the area creating its own reclamation district and thus assuming control of the cost and budget for maintenance; and*
- 2. The possibility of decertifying the levee from federal responsibility, as the costs of maintaining the levee within federal standards are beyond what is affordable and what makes sense.*

**B. Adopt Resolution 2025-05 to amend four agreements to transfer excess credits from the Sutter Basin, California Project to the San Joaquin River Basin, Lower San Joaquin River, California Project.**

Dustin Sanoski, Board Senior Engineer, Flood System Improvement Branch, and Patrick Howell, USACE Sacramento District, gave the presentation and answered questions.

Mr. Sanoski noted that the project was completed at about a third of the cost of the original feasibility study, \$232 million versus the initial estimate of \$689 million.

He concluded with the staff recommendation that the Board adopt Resolution 2025-05, which finds the approval and execution of amendments to the PPA and LPPA for the Sutter Basin Project and the Lower San Joaquin River project is a continuing administrative activity and is thus not a project under CEQA; approve Amendment 1 to the PPA for the Sutter Basin Project and Amendment 1 to the PPA for the Lower San Joaquin River Project; approve Amendment 1 to the LPPA for the Sutter Basin Project and Amendment 1 for the Lower San Joaquin River Project; and delegates the Board President to execute the amendments.

*Upon motion by Member Griego, seconded by Board Member Andrews, the Board unanimously adopted, by a vote of 5-0, Resolution 2025-05. (Absent - Bosler, Villines)*

**C. Affirm Cease and Desist Order for Enforcement Case No. 2025-15719, issued on August 5, 2025 to Padra Tarifard, Sacramento County.**

Peter Thyberg, DWR Senior Counsel, gave the presentation.

Jenny Tu, Staff Engineer, Board Enforcement Section, detailed the Cease and Desist Order, answered questions, and concluded with the staff recommendation that the Board affirm that the CDO is not a project; that they re-affirm the CDO issued to Padra Tarifard on August 5, 2025 for Enforcement Case number 2025-15719; and to direct the Executive Officer to take necessary actions to achieve compliance in accordance with the CDO.

Angeles Caliso, Board Enforcement Section Manager, provided staff analysis and policy considerations.

Respondent Tarifard remarked that he did in fact build the dock. He explained that he did his best but recognizes he did not construct the dock according to the regulations and would willingly pay any fees associated with the CDO. Further, he would change anything that needs to be changed but asked that the Board not require that the entire structure be removed.

Board Members deliberated on the appropriate options and repercussions available to them. Board Members expressed their support for a resolution that could result in a negotiated outcome and compliance.

President Dolan asked Mr. Thyberg to immediately meet with Board staff and the Respondent and propose specific language for the Board's resolution.

Senior Counsel Thyberg proposed the following motion:

*[T]he proposed motion is to affirm the Cease and Desist Order for case number 2025-15719. Staff are also directed to negotiate a resolution with Respondent.*

*A satisfactory resolution will include a path for the encroachments identified in the Cease and Desist Order to be permitted. This action only applies to encroachments that are identified in the Cease and Desist Order and would not apply to any other unpermitted encroachments that may exist upon the property.*

*As to the encroachments that are within the Cease and Desist Order, a permitting decision has not been made and modifications may be required to meet Water Code and Title 23 requirements.*

*This agreement must also include penalties in accordance with Water Code Section 8701.4 that address the staff time spent bringing this matter and to disincentivize future noncompliance from the Respondent and the greater regulated community.*

*If an agreement is not reached between Board staff and the Respondent, staff will come back to report at the October 24th, 2025 meeting and seek future direction.*

*In addition to this, I also propose that the CEQA findings set forth in the staff report, as well as the direction to Executive Officer to take necessary actions to achieve compliance in accordance with the CDO in this motion generally.*

*Upon motion by Board Member Griego, seconded by Board Member Countryman, the Board unanimously affirmed the CDO settlement agreement, by a vote of 5-0, as stated by General Counsel Thyberg above. (Absent - Bosler, Villines)*

**D. Adopt Resolution 2025-06 declaring October 18-25, 2025 as Flood Preparedness Week.**

Executive Officer Lief gave the presentation and concluded with the staff recommendation that the Board adopt the resolution.

*Upon motion by Board Member Countryman, seconded by Board Member Griego, the Board unanimously, by a vote of 5-0, adopted Resolution 2025-06. (Absent – Bosler, Villines)*

**E. Presentation of the status, monitoring, and eradication of Nutria and invasive aquatic mussels within the Central Valley. Postponed**

**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**

President Dolan commented that four of the the Board Members had attended the remote Coordinating Committee meeting the past Tuesday and she thought the presentations were well selected, informative and full of ideas that could be brought forward to the Board. She also noted the Board's appreciation and thanks to the Board staff who actively participated in the recent Floodplain Management Association Conference.

### **13. UPCOMING MEETINGS**

- **Board Workshop, October 10, 2025 (Lathrop City Hall)**
- **Board Meeting, October 24, 2025 (California Natural Resources Agency Headquarters)**
- **Advisory Committee, October 28, 2025 (Central Valley Flood Protection Board)**
- **Board Meeting, November 14, 2025 (California Natural Resources Agency Headquarters)**

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: American River Trees, et al. vs The Central Valley Flood Protection Board, et al., US District Court, Eastern District of California, Case No. 2:25 – cv – 02384 – DC – CSK. (Kanwarjit (Jit) Dua, Board Counsel)**
- B. 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. CV2025-1439. (Kanwarjit (Jit) Dua, Board Counsel)**
- C. 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)**
- D. 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)**
- E. 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)**
- F. 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)**
- G. Pursuant to the authority of Government Code section 11126, subdivisions (a)(1), to consider personnel matters. (Kanwarjit (Jit) Dua, Board Counsel)**

No Closed Session was held.



## 15. CLOSED SESSION REPORT

President Dolan noted that, as there was no Closed Session, there would be no Closed Session Report.

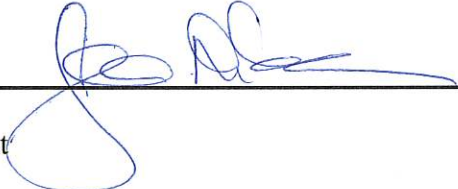
## 16. ADJOURNMENT

President Dolan adjourned the Board Meeting at 4:00 p.m.

Dated: November 14, 2025

The foregoing Minutes were approved:

  
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Brian J. Johnson  
Board Secretary

  
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Jane Dolan  
Board President