

MINUTES

MEETING OF THE RECLAMATION BOARD

February 20, 2004

A regular meeting of The Reclamation Board was held on February 20, 2004 beginning at 8:30 a.m. in the Resources Building Auditorium, 1416 Ninth Street, Sacramento, California.

The following members of the Board were present:

Betsy Marchand, President
Tony Cusenza, Vice President
Bill Edgar, Secretary
Burt Bundy, Member
Gloria Morales, Member
Floyd Weaver, Member

The following members of the staff were present:

Peter Rabbon, General Manager
Stephen Bradley, Chief Engineer
Scott Morgan, Counsel
Lori Buford, Staff Assistant

Department of Water Resources staff present:

Stein Buer
Bonnie Ross
Earl Nelson
Jeff Fong
Jo Turner
Duane Cornett
Roger Lee
Jerry Bare
Sterling Sorenson
Robert Crane

Also present (according to sign-in sheet and cards):

Margit Aramburu, Delta Protection Commission
Susan Del 'Osso, River Islands Project Director
Glenn Gebhardt, River Islands
Uri Eliahu, River Islands
Bob Lossius, Asst. Director – Lake County Public Works
Gary Lewis, Lake County Board of Supervisors
Robert Nielsen, landowner

Sandra Harry, Counsel – Robinson Rancheria
Mike Archer, MBK Engineers
Austin Belltran, City of Lathrop Council Member
Benny Gato, Landowner
Frank Cavaco, Landowner
Sean Bechta, EDAW, River Islands
Mark Charleton, U.S. Army Corps of Engineers
Bruce George, Kaweah Delta Water Conservation District

1. ROLL CALL

President Marchand brought the meeting to order. All Board members were in attendance except for Jeff Mount, who had been previously excused.

2. CLOSED SESSION – Discuss status of Paterno v. State of California, pursuant to California Government Code Section 11126(e)(1).

At this time, the Board adjourned to attend a Closed Session. The meeting was reconvened at 9:05 am for the open session.

3.* APPROVAL OF MINUTES – August 15, September 19, October 17, November 21 and December 19, 2003

Upon motion by Mr. Edgar, seconded by Mr. Cusenza, the Minutes for August 15, September 19, October 17, November 21 and December 19, 2003 were approved as presented with corrections as noted by Mr. Bundy on the minutes for November 21 and December 19, 2003. Additionally, Mr. Floyd Weaver abstained to approving the minutes for August 15 and December 19, 2003, as he did not attend those meetings.

4.* APPROVAL OF AGENDA

Upon motion by Mr. Cusenza, seconded by Mr. Bundy, and unanimously carried, the Agenda was approved as outlined with the removal of Item No's. 8B(2) and 9.

5. PUBLIC COMMENTS

There were no public comments.

6. REPORT OF ACTIVITIES OF THE DEPARTMENT OF WATER RESOURCES

(Stein Buer)

Mr. Stein Buer, Chief of the Division of Flood Management, presented the Department's report of activities. (The report is attached hereto and made a part of these Minutes.)

CONSENT

7.* CONSENT CALENDAR

Cross Creek MOU *(Ricardo Pineda)*

Consider approval of a Memorandum of Understanding between The Reclamation Board and local agencies for maintenance of the reach of the Cross Creek Designated Floodway within Kings County.

Upon motion by Ms. Morales, seconded by Mr. Edgar, and unanimously carried, the Board approved the Consent Calendar as presented.

REQUESTED ACTIONS

8.* PROJECT OR STUDY AGREEMENTS

A. Terminus Dam, Lake Kaweah Flood Control Project *(Robert Crane)*

Consider approval of Resolution No. 04-03 to approve the Corps' Schedule and Cost Change Request.

Mr. Robert Crane presented this item to the Board and explained the reason for the cost increase. (Raising the Terminus Dam spillway by 21 feet, which increases the flood storage space of Lake Kaweah by 42,000 acre feet, it increases the level of downstream flood protection and it also increases the dependability of irrigation water supply for the region.) In addition, Mr. Crane informed the Board of the Corps' schedule. The Board also heard testimony from Mr. Bruce George, Kaweah Delta Water Conservation District.

Upon motion by Ms. Morales, seconded by Mr. Weaver, and unanimously carried, the Board approved Resolution No. 04-03. Staff will report back to the Board regarding the estimated \$11.5 million increase in the project.

B. Middle Creek Flood Damage Reduction and Ecosystem Restoration Project
(Duane Cornett)

Consider Resolution No. 04-05 to:

1. Certify the final Middle Creek Flood Damage Reduction and Ecosystem Restoration Feasibility Study/EIS/EIR completed in January, 2004, by the U. S. Army Corps of Engineers, Sacramento District, as a joint NEPA/CEQA project with the Board as State Lead Agency and Lake County as the local sponsor; and

Mr. Roger Lee presented background information on this project to the Board and introduced various individuals who provided testimony regarding this issue. Speakers were: Mr. Bob Lossius, Assistant Director of Lake County Public Works; Mr. Gary Lewis, Lake County Board of Supervisors; Mr. Duane Cornett, DWR; Mr. Robert Neilsen, Landowner; Ms. Sandra Harry, Robinson Rancheria General Counsel; and Mr. Pete Rabbon, General Manager of the Board who clarified and commented on the revised resolution that was presented for approval. By approval, the Board only certified CEQA, which will allow Lake County to have access to the \$5.2 million grant from the Flood Corridor Program to purchase property and allow them to work with CALFED to move forward with the first phase (PED).

At this time, Ms. Gloria Morales, Board Member requested to be excused from the meeting.

Upon motion by Mr. Bundy, seconded by Mr. Cusenza, and unanimously carried, the Board approved Resolution No. 04-05 as presented.

2. Adopt findings proposing to evaluate opportunities for mitigation of local agricultural land losses and ring levee hydraulic impacts to Tribal lands during the Pre-construction Engineering and Design phase of the project.

Removed from Agenda.

9.* APPLICATIONS

Yoshiko Smith, Application No. 17656, Sutter County (Mike Mirmazaheri/Mike Petersen)

Consider request for appeal of staff denial of Application No. 17656 to construct a residence on the waterside of the left (east) bank levee of the Feather River in RD 1001.

Removed from Agenda.

10* ENFORCEMENTS

None.

There were no enforcement items.

INFORMATIONAL BRIEFINGS

11. DELTA PROTECTION COMMISSION (Margit Aramburu)

Briefing on Delta Urbanization

Ms. Margit Aramburu, Executive Director of the Delta Protection Commission presented a briefing to the Board on Delta Urbanization. At the end of this briefing, the Board requested for Ms. Aramburu to provide a color-coded map indicating where the various zones were for clarification purposes.

12. RIVER ISLANDS (Steve Bradley)

Interim briefing on the proposed River Islands Project as proposed at the October 17, 2003 Board meeting.

Mr. Steve Bradley presented a briefing and status of the proposed River Islands Project. The Board also heard testimony from various individuals. Speakers: Ms. Susan Del 'Osso, Project Director for River Islands; Mr. Glenn Gebhard, Engineering Manager for River Islands; Mr. Mike Archer, MBK Engineers; Mr. Uri Eliahu, Geo-technical Advisor for River Islands; Mr. Austin Beltran, Lathrop City Council Member; Mr. Benny Gato, Lathrop Landowner; and Mr. Frank Cavaco, Lathrop Landowner.

BOARD REPORTS

13. REPORT OF ACTIVITIES OF THE GENERAL MANAGER

Mr. Rabbon reported on a number of issues and meetings: 1) California Performance Review Program – the Governor has implemented this program, which is a six-month review by State employees on how the government works and to provide recommendations for implementations to improve our efficiency; 2) Legislative Analyst Report – review of the State's 2004-05 budget (includes recommendations by the LAO to take a portion of the money used for all capital outlay projects or the money used to correct existing problems and redirect the funds to prevent future flooding problems, and to change the cost sharing formula on future authorized projects by the

State on projects where the State's share has not yet been paid to the local sponsor); 3) Partnering – Mr. Rabbon introduced Mr. Mark Charleton, U.S. Army Corps of Engineers, who provided status on this issue; 4) Floodway – study is on hold; 5) Governor's Residence W. Sacramento Site – the Governor is potentially looking at the past Governor's Residence W. Sacramento; 6) Sutter Bypass – discussions continue regarding the possibility of excavation and gravel/sand mining in the bypass; 7) Lake County – Maintenance Area 17, an area that the State recently took over; 8) Kaweah Project – concern with water supply versus flood control; 9) FEMA Certification – levee construction is expected at six erosion sites beginning in May, 2004; and 10) Legislation – AB 1983 (expansion of the Reclamation Board's authority to include environmental restoration), SB 1280 (authorizes the Folsom Mini-Raise Project), SB 840 (authorizes the Middle Creek Project), and AB 2476 (Delta Protection Commission Authority Bill).

14. BOARD COMMENTS AND COMMITTEE REPORTS

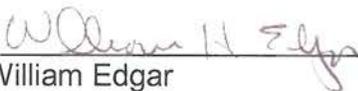
Ms. Betsy Marchand expressed that the tour of the Sacramento River Corridor hosted by the Sacramento River Corridor Planning Forum was informative.

Mr. Burt Bundy reported that the Hamilton City Project is moving along well and their target date is 2004.

15. ADJOURN

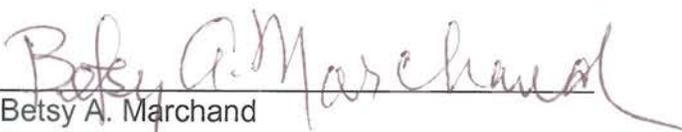
Upon motion by Mr. Weaver, seconded by Mr. Cusenza, and unanimously carried, the meeting was adjourned at 1:33 p.m.

Dated: March 19, 2004



William Edgar
Secretary

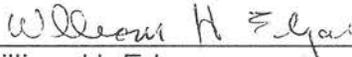
The foregoing minutes were approved:



Betsy A. Marchand
President

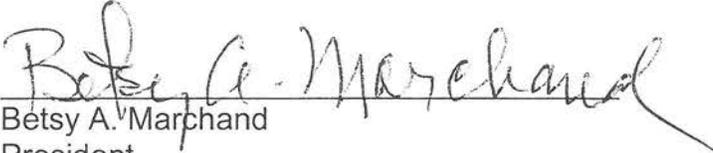
The tour concluded at 2:00 p.m.

Dated: March 19, 2004



William H. Edgar
Secretary

The foregoing minutes were approved:



Betsy A. Marchand
President