

# MINUTES

## MEETING OF THE RECLAMATION BOARD

November 17, 2005

A regular meeting (Open Session) of The Reclamation Board (Board) was held on November 17, 2005 beginning at 10 a.m. at the Joint Operations Center, 3310 El Camino Avenue, Lower Level, Room LL50, in Sacramento, California, 95821.

The following members of the Board were present:

Ben Carter, President  
Cheryl Bly-Chester, Vice-President  
Teri Rie, Secretary  
Rose Marie Burroughs, Member  
Lady Bug Doherty, Member  
Butch Hodgkins, Member  
Emma Suarez, 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:

Dan S. Fua  
Garry Smith  
Mike Mirmazaheri  
Sherry Smith  
Steve Dawson  
Ricardo Pineda  
Dave Lane

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

Mr. Jeffrey Twitchell, Wood Rodgers  
Mr. John Lee  
Mr. Bill Hampton, Levee District 1, Yuba City  
Mr. Dan Montgomery, County Counsel, County of Yuba  
Mr. Tom Harris  
Ms. Maureen Grijalva, Carvalho Stanich Properties, Inc.  
Mr. Tim Terran, Attorney  
Mr. Randy Collins, Real Estate Development  
Mr. Seth Merewitz, Attorney, McDonough, Holland and Allen, PC  
Mr. Scott Shapiro, Attorney, Downey Brand

**1. ROLL CALL**

*President Carter brought the meeting to order at 10:05 am. All Board members were in attendance, except Ms. Rie and Ms. Burroughs, who were expected to arrive later.*

**2.\* APPROVAL OF AGENDA**

***Upon motion by Ms. Doherty, seconded by Ms. Bly-Chester, and unanimously carried, the Board approved the agenda as presented.***

*At this time, President Carter requested individuals in the audience, including the Board members and staff, to introduce themselves.*

**3. PUBLIC COMMENTS**

None.

*There were no public comments.*

**4. PROJECT PROGRAM ISSUES (Pete Rabbon)**

- A. Delegation Orders
- B. Designated Floodway Maps

*Peter D. Rabbon, General Manager of The Reclamation Board, introduced Resolution No. 98-03 and pointed out two items; first that it would be up to himself (Pete Rabbon) to transmit Board policies and directives to DWR's Director; and second, that the preparation, submission and support of budgets for carrying out the Board's responsibilities is delegated to DWR. Member Suarez suggested postponing further discussion until Board Counsel Scott Morgan has time to reconcile the regulations to the resolution so the Board would have a better idea on what authorities they actually have and what to delegate and not delegate. President Carter requested that Scott Morgan reconcile the Resolution to the regulations and research which elements overlap with the Water Code, and that the Executive Committee take the context of the Resolution and discuss it with DWR's Director in terms of this working relationship and then return to the Board with a recommendation.*

*Designated Floodway Maps and background information was distributed to the Board Members by General Manager Rabbon who clarified that this presentation was to inform the Board of some issues there is regarding designated floodways. Mr. Rabbon explained various pictures and documents in the packet and discussed the hold harmless clause required by the U.S. Army Corps of Engineers for the flood control projects on the Stanislaus River. Mr. Rabbon reported that the previous Board directed staff to start working on the process of designating floodways in the Stanislaus River in May 2005. In October 2005, staff received a letter from Jeff Twitchell, Wood Rodger's, Inc., to notify the Board that they are currently working on a process to*

*establish a group that will maintain the levees ("J" Levee). And, they are looking at a potential development in that area. Discussions convened between the Board, staff and public began regarding the Board's obligation to designate a floodway. An agreement was established with the Corps in October 1981, which states that the Board will re-designate a floodway if levees are not properly maintained. Member Hodgkins had concerns of development prior to certification. Member Bly-Chester had concerns of notification on future agenda. President Carter requested the resolution move forward and continue the study of the designated floodway. The Board directed staff to set up a tour/site visit of the Stanislaus levees. Testimony was also heard from Mr. Steve Dawson, DWR.*

**5. LEGAL ISSUES (Scott Morgan)**

- A. Paterno Lawsuit
- B. Board Authority to Impose Permit Conditions
- C. CEQA Comments

*Mr. Scott Morgan gave a briefing on the Paterno case and the State's liability for flood damages. He also talked about the State's efforts to get local maintaining agencies to take some responsibility for subsequent flood control projects in flood prone areas. Mr. Morgan then discussed the previous Board's practice of not commenting on CEQA documents other than to advise whether a permit was needed if a project was to be attached to a federal levee or would otherwise be adjacent to a Board project. Discussion then ensued regarding various projects currently under construction in floodplains. Member Suarez wanted to know what was the role of the environmental review committee, who else is involved in the review committee and when is the Board informed on the contents of the comments. Member Rie requested that sensitive issues (controversial, opposition, etc.), and a letter of response is done, that the Board has the opportunity to review a draft prior to final. General Manager Rabbon will give the Board samples of such letters signed by DWR staff and himself so the Board can get an idea of the range of issues. Regarding the Three River's project, President Carter stated that we need to notify people that they are building in a floodplain and there is a flood risk. After considerable discussion, President Carter requested the Board think about and digest what was discussed today regarding notification and continue this discussion in the future. Testimony was also heard from Mr. Twitchell.*

**6. TECHNICAL ISSUES**

- A. Encroachment Control
- B. Federal Project Modification
- C. Impacts of Urbanization
- D. Restoration Planting with Elderberries
- E. Implementation of CEQA Comments

*Mr. Steve Bradley briefed the Board on various encroachments and how the Board has dealt with them in the past. He then talked about federal project modifications and various projects that will be coming before the Board for approval and the impact those will have on flood control*

*projects under Board jurisdiction. He also spoke about various restoration projects that would involve planting elderberries in project areas and briefly discussed the CEQA process and the Board's role in commenting on it.*

**18. REPORT OF ACTIVITIES OF THE GENERAL MANAGER**

*Mr. Peter Rabbon spoke briefly on various meetings he has been attending on AB 1665 and DWR's Delta flood fight policy.*

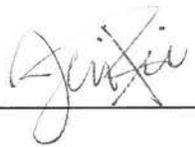
**19. BOARD COMMENTS, COMMITTEE AND TASK LEADER REPORTS**

*President Carter talked about the effect of AB 1665 on the Board and its constitution and the meeting they had with Director Snow on the Delta levees with regard to the effect of an earthquake there. Secretary Rie commented on the need to discuss staffing shortages for the Board. Discussion ensued regarding various meetings that were attended by members of the Board.*

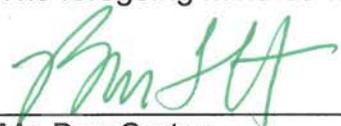
**20. ADJOURN**

***Upon motion by Mr. Carter, seconded by Ms. Bly-Chester, and unanimously carried, the meeting was adjourned at 1:48 p.m.***

Dated: January 27, 2006

  
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Ms. Teri Rie  
Secretary

The foregoing minutes were approved:

  
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Mr. Ben Carter  
President