

**MINUTES**

**MEETING OF THE RECLAMATION BOARD  
December 20, 2007**

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. MINUTES ARE PRESENTED IN AGENDA ORDER, THOUGH ITEMS WERE NOT NECESSARILY HEARD IN THAT ORDER.

A regular meeting (Open Session) of the Reclamation Board was held on December 20, 2007, beginning at 9:04 a.m., at The Reclamation Resources Building, 1416 Ninth Street, Auditorium, Sacramento, California.

The following members of the Board were present:

Mr. Benjamin Carter, President  
Mr. Butch Hodgkins, Vice President  
Ms. Lady Bug Doherty, Secretary  
Ms. Rose Marie Burroughs  
Ms. Teri Rie  
Mr. John Brown  
Ms. Emma Suarez

The following members of the staff were present:

Mr. Jay Punia, General Manager  
Mr. Stephen Bradley, Chief Engineer  
Mr. Eric Butler, Senior Engineer  
Ms. Nancy Finch, Legal Counsel  
Mr. Dan Fua, Supervising Engineer  
Mr. Scott Morgan, Legal Counsel  
Ms. Lorraine Pendlebury, Staff Assistant

Department of Water Resources staff present:

Mr. Jeremy Arrich  
Mr. Gary Bardini, Chief, Hydrology and Flood Operations  
Ms. Olivia Guebara  
Mr. Noel Lerner, Acting Chief, Flood Maintenance Office  
Ms. Elissa Lynn, Senior Meteorologist  
Mr. Keith Swanson, Acting Chief, Division of Flood Management  
Mr. Ward Tabor

Also Present:

Ms. Mary Akens, California Resources Agency  
Mr. Roger Churchwell, San Joaquin Area Flood Control Agency  
Mr. Henry Rodegerdts, Colusa County Counsel  
Ms. Debra Smith, California Attorney General's Office  
Mr. Dale Whitmore, California Department of Fish & Game

1. **ROLL CALL**

*General Manager Punia called the roll. All Members except Member Rie were present (Ms. Rie appeared shortly after the Board recessed into Closed Session).*

2. **CLOSED SESSION**

**A. To discuss litigation (Natural Resources Defense Council v. Reclamation Board, Case No. 06CS01228; and Armando P. Vanni et al. v Rindge Land Reclamation District #2039, Case No. CV025820) pursuant to Govt. Code § 11126 (e)(2)(A).**

**B. Annual performance review of the General Manager - Postponed**

3. **APPROVAL OF AGENDA**

*A suggestion was made to move Items 7A and 7B from the "Consent Calendar" to "Requested Actions." Upon motion by Secretary Doherty, seconded by Vice-President Hodgkins, the Agenda was approved, including the movement of Items 7A and 7B.*

4. **PUBLIC COMMENT - None**

5. **CEREMONIAL MATTERS - Presentation of honorary resolutions**

*Honorary resolutions were unanimously approved by the Board and presented to Mr. Jeffrey Fong, Mr. Scott Morgan, Mr. Steve Bradley and Ms. Nancy Finch, as well as one presented later in the meeting to Dr. Les Harder, who is retiring from DWR after 29 years of service.*

6. **REPORT OF ACTIVITIES OF THE DEPARTMENT OF WATER RESOURCES**

*Keith Swanson, Acting Chief of the Division of Flood Management, reported on DWR activities, including the following:*

- *Regarding the Urban Levee Evaluation Program: active drilling continues in Sutter County, Stockton, Marysville, Natomas and RD 17; the electromagnetic survey work has been completed and data will be forwarded to the stakeholders in the near future; Phase I geotechnical reports are completed for West Sacramento and Sutter County,*

*and should be completed in Marysville and Yuba City early in 2008; DWR is negotiating with URS and Kleinfelder & Associates and hopes to have contracts in place soon with an anticipated start date of April 2008.*

- *The Erosion Repair Program recently received an increase to 85,000 lineal feet for the Sac Bank program. Four sites have been identified that qualify for critical erosion repair and hopefully DWR will be moving forward with repairs on the four sites next summer.*
- *Six Order 2 sites and 56 Orders 3, 4 and 5 sites will be progressing into construction in summer 2008.*
- *Tisdale Bypass maintenance was completed.*
- *The Garmire Road Bridge replacement is moving forward and a bid opening has occurred that was \$2.8 million below the engineer's estimate. The two-year construction should start on schedule in May 2008.*
- *The Knights Landing maintenance agreement is moving forward and DWR anticipates it will be completed in the near future.*
- *The joint federal project at Folsom continues to be a model project. A groundbreaking ceremony will occur on January 11. Design work is progressing on the hydraulic and geotechnical fronts. It is anticipated that construction will be completed in 2017.*
- *Regarding the American River Common Features, a construction contract for Mayhew Drain has been awarded.*
- *The Natomas General Reevaluation Report is being expanded to cover additional work in the Sacramento and Pocket areas.*
- *The South Sacramento Streams Project continues; construction is finished on Morrison Creek and there will be additional work next year at Union House, Elder Creek and Florin Creek.*
- *The feasibility study to bring West Sacramento up to 200-year level protection is currently being negotiated.*
- *The Yuba River general reevaluation continues and the goal is to get the reauthorization request to Congress in 2009.*
- *The Sutter County feasibility study is over budget and negotiations are underway to revise scope cost and schedule.*

- *There are two new authorizations in the WRDA 2007 -- Hamilton City and Middle Creek.*
- *Three projects funded through the Non-project Local Levee Urgent Repair Grant Program have been completed.*

7. **CONSENT CALENDAR - PROPERTY MANAGEMENT (Moved to Requested Actions, below)**

**REQUESTED ACTIONS**

**A. Department of Fish and Game Lease No. 2007-738Z, Yolo County**

**Consider approval of a lease to the California Department of Fish and Game of 1,270 acres of Board-owned land located within the Yolo Bypass at the Fremont Weir.**

*Upon motion by Member Rie, seconded by Vice-President Hodgkins, the Board approved the lease.*

**B. Reclamation Board Lease No. 2007-4-RB. Boat Launching Facility, Colusa County**

**Consider approval of a lease to Colusa County for a boat launching facility for a period of 10 years of an approximately 10 acre parcel located along the Sacramento River south of the Colusa Weir.**

*Upon motion by Vice-President Hodgkins, seconded by Member Rie, the Board approved the lease.*

8. **SUBCOMMITTEE FORMATION**

**Consider formation of a Subcommittee to work with the Corps of Engineers and local San Joaquin River Area interest groups in development of new flood control plans.**

*Upon motion by Vice-President Hodgkins, seconded by Member Brown, the Board approved formation of the Subcommittee -- composed of Vice-President Hodgkins, Member Rie and Member Burroughs -- on the condition that there will be no subcommittee meeting scheduled until some guidelines for subcommittee activities have been presented to the Board, to ensure that the Board is in compliance with ex parte communication requirements.*

*Ms. Rie departed at the lunch break.*

**9. TO DISCUSS FUTURE ACTIONS, IF ANY, IN CONNECTION WITH THE RECLAMATION BOARD'S INTEREST AND RESPONSIBILITIES IN THE BUTTE BASIN OVERFLOW AREA**

*General Manager Punia provided some history on the Butte Basin area, then concluded by noting that DWR recently sent a letter to Senator Sam Aanestad describing the state's position on the area and DWR's conclusion that it is not a critical site. In the same letter, DWR further stated that the Board should send some kind of a letter to the U.S. Army Corps of Engineers asking that they clarify the role the federal government is willing to play in the Basin.*

*President Carter stated that he didn't think DWR had said they were abandoning the structures in the Basin; only that it is not a critical erosion site and the state does not have a responsibility to go in there and do any work.*

*Member Brown commented that clarification is needed -- how does the Board determine where the public responsibility stops and the private entity begins?*

*Vice-President Hodgkins stated that he doesn't think the Corps has ever made an official determination of what the federal interest is in the Butte Basin. He feels we need to put facts and figures together on a resolution and send it to the Corps.*

*Chief Engineer Bradley commented that the question is whether the state is responsible for taking care of the Phelan Levee, which is not one of the overflow structures, or whether the locals should be responsible for it.*

*Mr. Ward Tabor, DWR, stated that he thought the Board should consider corresponding directly with the Corps, presenting the facts as Mr. Hodgkins suggested, and asking that the Corps address the matter.*

*Vice-President Hodgkins suggested, and the rest of the Board agreed, that the Board send a letter to the Corps with specific numbers and ask the Corps what the interest of the Sacramento River Flood Control Project is from the federal standpoint. General Manager Punia will work with Vice-President Hodgkins on preparing the letter. Mr. Tabor said he would review the letter.*

**10. MEMORANDUM OF AGREEMENT**

**Consider approval of a Memorandum of Agreement (MOA) between the Board and the Department of Water Resources for cooperation to allow implementation of recent legislation (Assembly Bill 5).**

*President Carter introduced the topic, noting that the Board, as a result of recent legislation, is entering into a MOA with DWR that essentially redefines its relationship with DWR and how DWR supports the Board, both administratively and technically. Initially the MOA will be a bridge agreement allowing both DWR and the Board to continue working into the new year;*

*subsequently it provides time deadlines for when details of the full MOA will be agreed to by the parties.*

*Upon motion by Member Suarez, seconded by Member Brown, and amended so that President Carter is authorized by the Board to make any final minor changes needed to accommodate the agreement, the MOA was approved.*

**INFORMATIONAL BRIEFINGS**

**11. STATUS OF THE FLOOD CONTROL PROJECTS AND PREPARATIONS FOR THE UPCOMING SEASON**

*Senior Meteorologist Elissa Lynn, DWR, gave a presentation on future weather outlooks.*

*Hydrology & Flood Operations Chief Gary Bardini, DWR, gave a presentation on the readiness of DWR's Flood Operations Center.*

*Jeremy Arrich, DWR, presented an overview of DWR's overall readiness based on recent inspections of the flood control system.*

*Noel Lerner, Acting Chief, Flood Maintenance Office, provided an overview of maintenance activities and emergency preparedness within DWR.*

**12. ADJOURN**

*President Carter adjourned the meeting at 3:10 p.m.*

Dated: 3/10/08

  
Maureen Doherty  
Secretary

The foregoing minutes were approved:

  
Benjamin F. Carter  
President