

## MINUTES

### MEETING OF THE RECLAMATION BOARD

JANUARY 19, 2007

A regular meeting (Open Session) of The Reclamation Board was held on January 19, 2007 at 8:30 a.m. in the Resources Building Auditorium, 1416 Ninth Street, Sacramento, California.

The following members of the Board were present:

Benjamin Carter, President  
Butch Hodgkins, Vice President  
Lady Bug Doherty, Secretary  
RoseMarie Burroughs, Member  
Teri Rie, Member

The following members of the staff were present:

Jay Punia, General Manager  
Stephen Bradley, Chief Engineer  
Dan Fua, Supervising Engineer  
Scott Morgan, Legal Counsel  
Nancy Finch, Legal Counsel  
Lorraine Pendlebury, Staff Assistant

Department of Water Resources staff present:

Rod Mayer  
Keith Swanson  
Tim Kerr  
Sam Brandon  
Christopher Huitt  
Steve Dawson  
Sterling Sorenson  
Ricardo Pineda

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

Mr. Rex Archer, Citizens of Linda  
Mr. John Bassett, Sacramento Area Flood Control Agency (SAFCA)  
Mr. Paul Brunner, Three Rivers Levee Improvement Authority (TRLIA)  
Mr. Joe Countryman  
Mr. Tom Foley, Concerned Citizens for Responsible Growth (CCRG)  
Mr. John Hess, U. S. Army Corps of Engineers (USACE)  
Mr. Ric Reinhardt, MBK Engineers  
Mr. Don Schrader, Yuba County Board of Supervisors  
Mr. Scott Shapiro, Three Rivers Levee Improvement Authority  
Mr. Dale Smith, Concerned Citizens for Responsible Growth (CCRG)  
Mr. Wes Tilton  
Mr. Tim Washburn, Sacramento Area Flood Control Agency (SAFCA)  
Mr. Jonathan Kors, Wood Rodgers

Mr. Frances Knight, Hovnanian Homes  
Mr. Paul Harper, Bimid  
Ms. Deana Ellis, Chesleigh Homes  
Mr. Peter Balk, Sacramento Area Flood Control Agency  
Mr. Lewis Bair, Reclamation District 108  
Mr. Al Francoia, Lennar  
Ms. Kim R. Davis, Sen. Aanestad  
Mr. Tom Ellis, SRWSAD  
Mr. Steve Sutton

**1. ROLL CALL**

*President Carter brought the meeting to order at 8:35 a.m. All Board members were in attendance except for Teri Rie.*

**2. CLOSED SESSION** – to discuss litigation (Natural Resources Defense Council v. Reclamation Board; Case No. 06CS01228) pursuant to Govt. Code § 11126 (e)(2)(A)

*Board Member Rie arrived during the closed session at 8:55 a.m.*

**NOTE: The Board will not resume Open Session prior to 9:00 a.m.**

**3.\* APPROVAL OF MINUTES** – October 20, 2006 (corrected) and November 17, 2006

*Upon motion of Secretary Doherty, seconded by Vice President Hodgkins, and unanimously carried, the Board approved the minutes as presented for October 20, 2006. Secretary Doherty reported that there were not any November minutes available yet. President Carter tabled the November minutes to a future meeting.*

**4.\* APPROVAL OF AGENDA**

*Upon motion by Secretary Doherty, seconded by Vice President Hodgkins, and unanimously carried, the Board approved the agenda as presented with the following changes: (1) to add John Hess of the Corps to address the Board under Item No. 8; (2) to table Item No. 14A; and (3) to move Item No. 10A to be heard after Item No. 16.*

**5. PUBLIC COMMENTS**

*There were no public comments.*

**6. REPORT OF ACTIVITIES OF THE DEPARTMENT OF WATER RESOURCES** (Rod Mayer)

*Mr. Keith Swanson, Acting Chief, Division of Flood Management, presented the Department of Water Resources' Report of Activities. Mr. Swanson reported on concerns about dry weather; an update on levee evaluations; erosion repair; the anticipated date to submit the initial study negative declaration to the Corps and out to the State Clearinghouse; property acquisition, with the thought to keep the property as agricultural; the upcoming Flood Management budget; Knight's Landing issues; and grazing permits.*

**7. STATE OF EMERGENCY – BOARD ACTIONS** *(Jay Punia)*

*Mr. Punia stated that there was no action needed, and none had been taken, by the Board in response to the declaration of the state of emergency.*

**8. THREE RIVERS LEVEE IMPROVEMENT AUTHORITY MONTHLY REPORT** *(Paul Brunner)*

*Mr. Paul Brunner began his report by mentioning that TRLIA has a new location in Marysville. He summarized where they were on Phases 2, 3, and specifically, Phase 4. He spoke about the number of building permits issued and that they were also working with the Corps on FEMA certification.*

*After Mr. Brunner's presentation, Dr. Dale Smith, of Concerned Citizens for Responsible Growth, showed photographs of the land side of the levee at point 0.79. He does not feel that the levee is safe, despite TRLIA's and the Corps' thoughts to the contrary. Mr. Ric Reinhardt stated, in response to Dr. Smith's comments, that the Corps said the work was not necessary.*

*Mr. Rex Archer, a citizen from Linda, spoke about work being done for which there is no permit. He also questioned whether the Linda levee work had been completed. He requested that the Board remove all permits from TRLIA.*

*Mr. Tom Foley of Concerned Citizens for Responsible Growth asked the Board to fight for public safety and risk the consequences.*

*Mr. John Hess of the U. S. Army Corps of Engineers spoke, beginning with a brief overview of the Corps in the Sacramento District. He addressed their involvement with FEMA and the State on flood plan mapping, the national levee database, levee inspections, repair work being done under PL84-99, lessons learned from Katrina, levees and seepage, and the Corps' involvement in certification of levees. He explained the working of seepage berms, and why they are effective. He expressed the Corps' satisfaction with TRLIA's work to date. Mr. Hess then answered questions from the Board.*

*Mr. Don Schrader of the Yuba County Board of Supervisors spoke of the County's commitment to protecting the people in the area.*

*Board Member Burroughs requested a legal opinion from Mr. Morgan as to whether or not we should remove all permits from TRLIA as Mr. Archer requested.*

**CONSENT**

**9.\* CONSENT CALENDAR**

*There were no Consent Calendar items.*

**REQUESTED ACTIONS**

**10.\* PROJECT OR STUDY AGREEMENTS**

A. American River Watershed Common Features Project (Erin Mullin)

Consider approval of a letter to the U.S. Army Corps of Engineers requesting credit under Section 104 of Public Law 99-662 for flood control improvements within the Project area, along the south levee of the Natomas Cross Canal.

*This item, as approved by the Board in agenda item No. 4, followed agenda item No. 16. Mr. Tim Kerr, Project Manager for the American River Common Features Project, explained the reason for writing to the U.S. Army Corps of Engineers requesting credit under Section 104 for flood control improvements. It basically is so that this work can be considered as eligible for future credit. Staff recommended that the letter be sent with the following changes in wording on line 4, "...sponsor SAFCA's plan to construct features consistent with that project along the south levee."*

*Upon motion by Board Member Rie to approve the letter, as written, with the additional language from staff, seconded by Vice President Hodgkins, and unanimously carried, the Board approved the letter.*

**11.\* Reconsideration of General Delegation of Authority – Resolution No. 06-08** (Scott Morgan)

Consider amendment of emergency delegation of authority contained in Resolution 06-08, approved by the Board on April 21, 2006.

*After a discussion between Board members and Board staff, it was agreed that Resolution 06-08, with emergency delegation of authority, would remain in effect as written.*

**12\* PROPERTY MANAGEMENT**

*There were no Property Managements items.*

**13.\* ENFORCEMENTS**

*There were no Enforcement items.*

**14.\* APPLICATIONS**

A. Application No. 17659-A, River Partners, Glenn County (Scott Morgan/Dan Fua)

Consider Application No. 17659-A to plant mixed riparian forest, elderberry and woodland, valley oaks and savanna, and grassland on 136 acres within the Butte Basin. (Tabled/continued from December 15, 2006 meeting)

*This item was tabled for a future meeting.*

**15.\* PERMIT ACTIONS**

*There were no Permit Actions.*

## INFORMATIONAL BRIEFINGS

### 16. Sacramento Area Flood Control Agency (*John Bassett*)

- A. Briefing on Encroachment Permit Application, Natomas Levee Improvement Program, Programmatic Permit.

*This item, as approved by the Board in agenda item No. 4, was heard before agenda item No. 10. Mr. John Bassett, of the Sacramento Area Flood Control Agency (SAFCA), presented additional information to the Board, with the understanding that the Board might address the issuance of the encroachment permit for SAFCA to expand flood control improvements in the Natomas area in February or March's Board Meeting. He spoke about how the Natomas Basin performed in past high water events, cooperative improvement work done to the levees, underseepage issues, a General Reevaluation Report and resulting discovery of the level of protection in some areas being less than the 100 year level, and options that SAFCA recommends for additional work necessary to raise the level of protection in the area. Mr. Bassett also mentioned that the Corps and FEMA are working on a map revision for the floodplain maps in Natomas and that the City and County are holding public outreach activities so potential homebuyers can assess their risk. There will also be promotion of flood insurance.*

*Much discussion ensued, questions were asked by Board members, and Chief Engineer Stephen Bradley was asked to comment on the permit issues. The discussion led into the next item on the agenda.*

- B. Encroachment Permit Application, Natomas Levee Improvement Program, Natomas Cross Canal Phase I Improvements.

*This item, as approved by the Board in agenda item No. 4, was heard before agenda item No. 10. Mr. John Bassett laid out SAFCA's need for a permit and its plan for flood control improvements in this area, which included 3 feet of freeboard, some erosion site work, a levee rebuild, and a cutoff wall. Discussion on this topic involved Lead Agency issues, whether levee raises were approved by Congress, and if this project is part of the American River Watershed Common Features Projects.*

*Mr. Joe Countryman asked where our concern for public safety had gone.*

### 17. Strategic Plan (*Butch Hodgkins*)

*Vice President Butch Hodgkins reported that the vision, and perhaps the initial values, ought to come to the Board at the next meeting. He also believes that the Board should be thinking of a strategic planning process. This can all be discussed at the next Board meeting.*

### 18. Discovery Bay (*Steve Bradley & Scott Morgan*)

Board briefing regarding staff trip to Reclamation District No. 800 and meeting with Wes Tilton.

*Chief Engineer Steve Bradley began by giving an overview of the design of Discovery Bay, which is protected by private levees, over which the Board does not normally have jurisdiction.*

*Scott Morgan then spoke; he began by showing an aerial photo of the area, including Mr. Wes Tilton's property, which rests on the flood control levee of RD 800. Mr. Morgan explained that in setting up a meeting with Mr. Tilton, Mr. Tilton had been asked to put in writing what he specifically wanted the Board to do. At the time of the meeting, no letter had yet been received. Mr. Morgan explained that the Board is primarily interested in the State plan of flood control.*

*Mr. Wes Tilton then spoke questioning who was responsible for maintaining the levee. He believes if the levee were to break, it would impact delivery of water to the southern part of the State; therefore, it is important that the levee be maintained. He questioned whether the money spent on the subventions program was being properly spent.*

*Scott Morgan stated that it is the Reclamation District's obligation to maintain the levee, since it is not a Project levee.*

*The Board agreed to question the Delta Levees Subventions Program to make sure the money that is going to RD 800 for subventions is directed correctly.*

## **BOARD REPORTS**

### **19. BOARD COMMENTS AND TASK LEADER REPORTS**

*Member Burroughs had a written report for the lower San Joaquin. Most has already been reported on; the Army Corps is still formulating a contingency plan to protect the City of Firebaugh.*

*Secretary Doherty has some concerns regarding a project that might come before the Board, the Del Rio Project. She is still doing research on this.*

*President Carter reported the executive committee met with Les Harder, Keith Swanson, and Jay Punia; they mainly discussed bond initiatives and bond spending plans.*

*Vice President Hodgkins reported that he had been to the Floodplain Management Association lunch where there was a presentation by Ricardo Pineda on Flood Safe California.*

### **20. REPORT OF ACTIVITIES OF THE GENERAL MANAGER**

*Jay Punia, General Manager, reported on the status of permits; that he had attended a San Joaquin Flood Protection Technical Advisory Committee meeting where he talked about the role and responsibilities of the Reclamation Board; he also spoke that same day to people from Atlas Tract regarding a new, stronger levee that has been built there.*

*He has heard from Rod Mayer that a Senior Engineer position has been approved for the Board, though it will take several months to actually get someone on board. In the meantime, it might be possible to hire a retired annuitant. There is also a plan to hire a student assistant.*

*Mr. Punia is meeting weekly with Lester Snow on a Flood Safe initiative and development of the flood plan.*

*There was general discussion as to the way items are submitted to the Board at the last minute and what would be the most effective way to assure that background material and reports get to the Board in a timely manner.*

**21. FUTURE AGENDA**

*Information needs to be collected on the CalTrans/TRLIA detention basin. Depending on what is found out, this might become an action item.*

*Since it was mentioned earlier in the meeting that a group from Berkeley was an excellent resource to use for consultation purposes, Board Member Burroughs requested that the Board hear the Berkeley group's report of the post effects of Katrina at an upcoming meeting.*

*River Partners, which was tabled from today, will come up next month.*

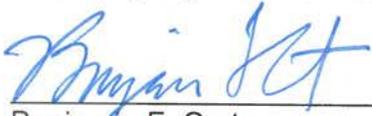
**22. ADJOURN**

*The meeting was adjourned at 4:51 p.m.*

Dated: 20 APRIL 2007

  
Maureen Doherty  
Secretary

The foregoing minutes were approved:

  
Benjamin F. Carter  
President