

MINUTES

MEETING OF THE RECLAMATION BOARD

May 21, 2004

A regular meeting of The Reclamation Board was held on May 21, 2004 beginning at 8:30 a.m. at 744 P Street, Auditorium, Sacramento, California.

The following members of the Board were present:

Betsy Marchand, President
Tony Cusenza, Vice President
Burt Bundy, Member
Jeff Mount, 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:

Annalena Bronson
Stein Buer
Robert Crane
Karen Enstrom
Mikee Green
Anna Hegedus
Gary Hester
Dee Dee Jones
Tim Kerr
Dave Lane
Larry Lee
Gary Lemon
Rod Mayer
Mike Mirmazaheri
Sterling Sorenson
Don Strickland
Keith Swanson
Ray Welch

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

Barbara LeVake, SVLA
Becky Sheehan
Bill Paris, Hamilton City Community Services District
Butch Hodgkins, SAFCA
Curt Aikens, Yuba Co. Water Agency
Dan Logue, YBCOS
Don Schrader, Yuba County Board of Supervisors
Duane Oliveira, Legal Counsel for LD 1
Feleena Sutton, Resource Management Coalition
George Basye, CA Central Valley Flood Control Assoc.
Greg Miller, Carlson, Barbee and Gibson
Joe Countryman, MBK Engineers
John Cannon, Corps
John Hess, Corps
Jose Puente
Ken Myers, HDR
Kent McClain, Yuba County Administrator
Larry Lucero
Linda Finley-Miller, Corps
Liz Holland
Mark Cowan, Corps
Mike Roberts, TNC
Ralph Vidari, HCCIA Hamilton City Community Services District
Ric Reinhardt, MBK Engineers
Richard Webb, RD 784
Ronald Stork, Friends of the River
Sam Lawson
Sean Beckta, EDOD
Susan Del' Osso, Director of River Islands Project

1. ROLL CALL

President Marchand brought the meeting to order. All Board members were in attendance except for Gloria Moralez and Bill Edgar.

Directly following Roll Call, President Marchand announced that the Board would be having a closed session and excused the audience from the auditorium.

2. CLOSED SESSION to discuss the status of pending litigation (Government Code section 11126 (e))

3.* APPROVAL OF MINUTES - - April 16, 2004

Upon motion by Mr. Cusenza, seconded by Mr. Weaver, and unanimously carried, the Minutes for March 19, 2004 were approved as presented with a correction/addition to Item No. 14...and farming enhances flood control in the Bypass.

4.* APPROVAL OF AGENDA

The May 21, 2004 Agenda was approved. (At this point, Mr. Rabbon reported that there were some corrections to item numbers in the Board Packet that was mailed out previously.

5. PUBLIC COMMENTS

Ms. Susan Treabess from Assemblywoman Wolks' office provided information on Assembly Bill 1983. If passed, this bill provides The Reclamation Board authority comparable to the federal partner, U.S. Army Corps of Engineers, on flood management projects, which is to engage in the environmental aspects associated with multi-objective floodplain management projects. There were various individuals who explained why they either supported or opposed AB 1983.

*Mr. George Basye - oppose
Feleena Sutton - oppose
Barbara LaVake - oppose
Ron Stork - support*

**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

A. Public Law 84-99 Operation and Maintenance Transfer (*Keith Swanson*)

1. Consider acceptance of completed 1997 Cost Shared PL 84-99 work from U.S. Army Corps of Engineers on right (west) levee of the Feather River between Levee Mile 11.00 and LM 11.50 and transfer operation and maintenance responsibility to Levee District 1; and
2. Consider acceptance of completed 1997 Cost Shared PL 84-99 work from U.S. Army Corps of Engineers on right (west) levee of the Feather River between Levee Mile 14.60 and L.M. 16.02 and transfer operation and maintenance responsibility to Levee District 1.

B. Lower Sacramento Area (Phase IV) Levee Reconstruction Project-Reclamation District No. 999 (*Larry Lee*)

Consider approval of Resolution No. 04-01 to:

1. Acknowledge the Corp's Schedule and Cost Change Request;
2. Amend the Local Project Cooperation Agreement, Contract No. B81965/166122/4600000411 dated June 15, 2000, between The Reclamation Board and RD 999; and
3. Amend the Project Cooperation Agreement Contract No. B81924/4600000499 dated September 7, 2000, between the Department of the Army and The Reclamation Board.

C. San Joaquin Area Flood Control Agency Request for Variance (*Mike Mirmazaheri*)

Consider granting a variance to accept four specific encroachment sites along Pixley Slough.

- D. Application No. 17700, A.G. Spanos Construction, Inc., Pixley Slough and Bear Creek, San Joaquin County (Mike Mirmazaheri)

Consider approval of the draft permit for Application No. 17700 to construct a 12-foot wide, 6400-foot long pedestrian and bicycle path on the crown of the north bank levee of Pixley Slough and Bear Creek in San Joaquin County.

- E. Application No. 17738, Drake Homes, Big Chico Diversion Channel, Butte County (Mike Mirmazaheri)

Consider approval of the draft permit for Application No. 17738 to construct a bike path by paving 365-linear feet of existing gravel maintenance road with 3-inch asphalt, construct two ramps, install lights, and install two 6-inch diameter CMP culverts under the bike path ramp on the left (south) bank levee of Big Chico Diversion Canal in Butte County.

Upon motion by Mr. Bundy, seconded by Mr. Mount, and unanimously carried, the Board approved the Consent Calendar as presented.

REQUESTED ACTIONS

8.* PROJECT OR STUDY AGREEMENTS

- A. American River Watershed Common Features Project - Lower American River FEMA Erosion Sites (Tim Kerr)

Consider approval of Resolution No. 04-02 to:

1. Adopt the Mitigated Negative Declaration for the American River Watershed Common Features Project, Lower American River, Federal Emergency Management Agency Erosion Sites Repairs at River Miles 10.2R, 7.0R, 6.9L and 6.4L; and
2. Approve the American River Watershed Common Features Project - Lower American River, FEMA Erosion Sites Repairs at River Miles 10.2R, 7.0R, 6.9L and 6.4L.

Mr. Tim Kerr, DWR, provided a briefing on the project and requested approval of the Mitigated Negative Declaration for the Lower American River FEMA erosion site repairs and accept the project. Ms. Karen Enstrom presented the environmental coordination effort. The Board also heard testimony from Ron Stork, Friends of the River Conservation staff and Mr. Butch Hodgkins, SAFCA.

Upon motion by Mr. Mount, seconded by Mr. Bundy, and unanimously carried, the Board approved the Mitigated Negative Declaration and Resolution No. 04-02.

B. Yuba River Basin Project (Robert Crane)

1. Project Briefing
2. Consider approval of Resolution No. 04-04 to:
 - a. Approve a Schedule and Cost Change Request issued by the U.S. Army Corps of Engineers to increase Design cost by \$3,700,000; and
 - b. Amend the Local Design Agreement with Yuba County Water Agency to increase the nonfederal share of the design cost to \$1,375,000; and
 - c. Amend the Design Agreement with the U.S. Army Corps of Engineers to increase the total design cost to \$5,500,000.

Mr. Robert Crane, DWR, provided a briefing to the Board on the above project, and request the Board to approve Resolution No. 04-04, the Corps' Schedule and Cost Change Request, and amend the existing design agreements. This briefing was a joint effort between DWR and the Local Sponsors (Mr. Ken McClain, Yuba County Administrator and General Manager for the Three Rivers' Local Levee Improvement District; Mr. Curt Aikens, General Manager of the Yuba County Water Agency; and Mr. Ric Reinhardt with MBK Engineers. The Board also heard testimony from Mr. Ron Stork, Friends of the River Conservation Staff; Mr. Butch Hodgkins, SAFCA; and Mr. Don Schrader, Yuba County Board of Supervisors.

Upon motion by Mr. Bundy, seconded by Mr. Mount, and unanimously carried, the Board approved Resolution No. 04-04.

9.* PROPERTY MANAGEMENT

None.

There were no Property Management items.

10.* ENFORCEMENTS

None.

There were no Enforcement items.

11* STATE MAINTENANCE AREA NO. 3 (Keith Swanson)

Consider approval of Resolution No. 04-12 to dissolve State Maintenance Area No. 3 and transfer operation and maintenance responsibility to Levee District No. 1 of Sutter County.

Mr. Keith Swanson, DWR, provided background information on this issue and requests the Board to approve Resolution No. 04-12. The Board also heard testimony from Scott Morgan, Reclamation Board Legal Counsel, clarified the Water Code's policy on dissolution of maintenance areas, and stated it would not be in the best interest of the State to execute this agreement if an indemnification (hold the State harmless) agreement is not included in the assurance agreement. Mr. Duane Oliveira, Legal Counsel for Levee District No. 1 Sutter County, stated they cannot agree to hold the State harmless from damages related to operation and maintenance for construction, operation and maintenance issues that may exist prior to them taking over July 1, 2004. Their responsibilities should start on the day they take over operation and maintenance.

Upon motion by Mr. Weaver, seconded by Mr. Cusenza, and unanimously carried, the Board did not approve Resolution No. 04-12. It was requested that this issue be brought back to the Board once the Attorney General's opinion has been received and the attorneys have come to a resolution/compromise.

12* SACRAMENTO AND SAN JOAQUIN RIVERS FLOOD CONTROL SYSTEMS EVALUATIONS *(Rod Mayer)*

Consider approval of a letter requesting the U.S. Army Corps of Engineers to apply its new Geotechnical Levee Practice Standard Operating Procedure and risk based analysis to evaluate and certify federally authorized levees in the Central Valley for their design flows.

Mr. Rod Mayer, DWR, provided background information and discussed the system evaluation and associated issues. Mr. Mayer also requested approval of a letter to the Corps, requesting that the Corps would partner with the State in initiating new system evaluation work. The Board also heard testimony from Mr. John Hess, Corps and Mr. Ron Stork, Friends of the River.

Upon motion by Mr. Cusenza, seconded by Mr. Mount, and unanimously carried, the Board approved the letter as presented and authorized a signature and transmitting to the Corps.

President Marchand announced that the Board would be taking a lunch break and would reconvene in one hour.

13* DESIGNATED FLOODWAY BOUNDARY *(Mike Mirmazaheri)*

Consider denial of the request to alter the existing boundary of the Kaweah River Designated Floodway.

Mr. Mike Mirmazaheri, DWR, presented this item to the Board. The Board also heard testimony from Mr. Steve Bradley, Chief Engineer of the Board.

Upon motion by Mr. Mount, seconded by Mr. Bundy, and unanimously carried, the Board accepted the staff's recommendation to deny the request to alter the existing boundary of the Kaweah River Designated Floodway.

INFORMATIONAL BRIEFINGS

14. RIVER ISLANDS *(Steve Bradley)*

Interim briefing on the proposed River Islands Project.

Mr. Steve Bradley briefed the Board of the status on the proposed River Islands Project. Ms. Susan Del 'Osso introduced Mr. Greg Miller, Principal with Carlson, Barbee, and Gibson who briefed the Board on phasing of the project construction for the levees and Mr. Sean Beckta, EDOD who provided the environmental process.

15. HAMILTON CITY FLOOD DAMAGE REDUCTION & ECOSYSTEM RESTORATION PROJECT (Gary Lemon)

Briefing on the March 2004 Draft Feasibility Report and Environmental Impact Statement/Environmental Impact Report.

Mr. Gary Lemon, DWR, presented this briefing to the Board. The Board also heard testimony from Mr. Mark Cowen, Corps and Mr. Bill Pharis, Hamilton City Community Services District.

16. BUTTE CREEK ENCROACHMENT REMOVAL ACTION PLAN
(Mike Mirmazaheri)

Briefing on the proposed Action Plan to remove the existing unauthorized encroachments along the left bank levee of Butte Creek.

Mr. Steve Bradley, Chief Engineer for the Board and Mr. Mike Mirmazaheri, DWR provided background information and status of the proposed "Action Plan".

At this time, upon motion by Mr. Mount, seconded by Mr. Cusenza, and unanimously carried, Mr. Burt Bundy has been appointed "Acting Secretary" in the absence of Board Secretary Mr. Bill Edgar.

BOARD REPORTS

17. REPORT OF ACTIVITIES OF THE GENERAL MANAGER

Mr. Rabbon reported on a number of upcoming meetings and issues: 1) Kaweah Project – a lot of staff work has been put into the Tulare Lakebed mitigation site. It is now going through the admin. process to purchase property; 2) South Sacto. County Streams Group – this project will be coming to the Board for action soon and there will

be a question regarding sponsorship. Does the Board want to be the non-federal sponsor?; 3) Designated Floodway Program – what is the 100-year flow for the San Joaquin River; 4) Delta Urbanization – various meetings have taken place, but no significant issues to report at this time; and 5) Letter from the Corps – we will be receiving a letter from the Corps with a detailed outline where the State has been deficient on operations and maintenance of the federal flood control facility.

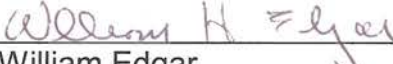
18. BOARD COMMENTS AND COMMITTEE REPORTS

There were no Board comments or committee reports.

19. ADJOURN

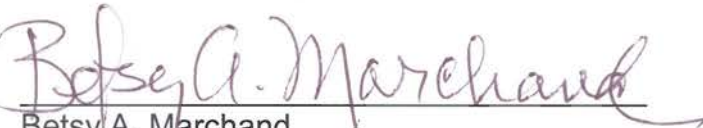
Upon motion by Mr. Mount, seconded by Mr. Bundy, and unanimously carried, the meeting was adjourned at 3:56 p.m.

Dated: June 18, 2004



William Edgar
Secretary

The foregoing minutes were approved:



Betsy A. Marchand
President