

MINUTES

MEETING OF THE RECLAMATION BOARD

July 15, 2005

A regular meeting of The Reclamation Board was held on July 15, 2005 beginning at 9:00 a.m. in the Resources Building Auditorium, First Floor, 1416 Ninth Street, 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:

Tim Kerr
Noel Lerner
Jeff Fong
Dan Yamanaka
Genny Schrader
Roger Lee
Rod Mayer
Keith Swanson
Richard Marshall
Sherri Kemp
Larry Lee
Jay Punia

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

Mr. Stein Buer, Executive Director, SAFCA
Mr. Kent McClain, Yuba County Administrator and Three Rivers Levee Improvement Authority (TRLIA)
Mr. Duane S. Oliveira, Legal Counsel for Levee District 1
Mr. Bill Paris, Hamilton City Citizens in Action (HCCIA)
Mr. Thomas Foley, CCRG, Inc.

Mr. Pete Ghelfi, SAFCA
Ms. Alicia Kirchner, U.S. Army Corps of Engineers (Corps)
Ms. Maureen Grijalva, Old Sugar Mill, Clarksburg
Ms. Linda Finley-Miller, Corps
Colonel Ronald Light, Corps
Mr. Jose Puente, HCCIA
Mr. Lee A. Puente, HCCIA
Mr. Bill Hampton, Levee District 1 (LD 1)
Mr. Francis Silva, LD 1
Ms. Peggy Pohl, Concerned Citizens of Clarksburg

1. ROLL CALL

President Betsy Marchand brought the meeting to order at 9:00 am. All Board members were in attendance except for Bill Edgar, Secretary.

2.* APPROVAL OF MINUTES – May 20 and June 17, 2005

Upon motion by Mr. Weaver, seconded by Mr. Cusenza, and unanimously carried, the Board approved the minutes of May 20, 2005. The minutes for June 17, 2005 will be presented to the Board for approval at the September 16, 2005 Board meeting.

3.* APPROVAL OF AGENDA

Upon motion by Mr. Mount, seconded by Mr. Edgar, and unanimously carried, the Board approved the agenda as presented with the removal of Items No. 17 and the Reclamation Board Delta Levee Subcommittee. In addition, No. 13 will be heard at 10:00.

4. PUBLIC COMMENTS

There were no public comments.

5. REPORT OF ACTIVITIES OF THE DEPARTMENT OF WATER RESOURCES (Les Harder)

Mr. Rod Mayer, Chief of the Flood Projects Office in the Division of Flood Management, presented the Department of Water Resources' report of activities. (The report is attached hereto and made a part of these minutes.)

6. THREE RIVERS IMPROVEMENT AUTHORITY *(Kent McClain)*

Mr. Kent McClain, Yolo County Administrator and Three Rivers Levee Improvement Authority, provided their monthly briefing to the Board. Mr. McClain reported that the bids were received for the Western Interceptor Canal and the Upper Bear and Yuba Rivers. The Bid was awarded to Nordic Industries. The final plans for the Bear River setback levee foundation and tie-in have been received and a pre-bid meeting was held with the pre-qualified contractors on July 14, which included a walk through of the site. Bid opening will occur on August 5 for the foundation and tie-in work. The land acquisition continues to be a critical path item. The Yuba-Sutter Prop. 13 funds total \$34 million (included in signed State budget) together with their existing \$28 million of local funds, come to a grand total of \$60 million for this project. Phase 4 final report will be in hand in August.

CONSENT

7.* CONSENT CALENDAR

Nomination of Oil and Gas Lease, Sutter County, TexCal Energy (GP) LLC *(Jeff Fong)*

Consider adoption of Resolution No. 05-13 declaring the Board's intent to lease property nominated by TexCal Energy (GP) LLC for oil and gas production in Sutter County.

Mr. Jeff Fong, DWR Real Estate Branch, reported on the terms of the lease and requested the Board approve Resolution No. 05-13.

Upon motion by Mr. Cusenza, 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 *(Tim Kerr)*

Consider approval of Resolution No. 05-08 to:

1. Amend the Local Project Cooperation Agreement with Sacramento Area Flood Control Agency to include features authorized in the Water Resources Development Act of 1999

and to increase the nonfederal share of the total project cost in accordance with SACCR No. 2; and

2. Amend the Project Cooperation Agreement with the Corps to include features authorized in the Water Resources Development Act of 1999 and to increase the total project cost in accordance with SACCR No. 2.

Mr. Tim Kerr, DWR Project Manager for the American River Common Features Project, presented this item to the Board and requested approval of Resolution No. 05-08 and amendments to the LPCA and PCA (increases the contract limits and incorporates WRDA '99 features into the project description).

Upon motion by Mr. Bundy, seconded by Mr. Weaver, and unanimously carried, the Board approved Resolution No. 05-08 and amendments to the LPCA and PCA as presented.

9.* PROPERTY MANAGEMENT

None.

There were no Property Management items.

10.* APPLICATIONS

None.

There were no Application items.

11.* ENFORCEMENTS

None.

There were no Enforcement items.

12.* PERMIT ACTIONS

Reclamation Board Permit No. 17035
(continued from June 17, 2005 meeting)

Consider Permit No. 17035 GM and compliance with Special Condition No. 26 *(Pete Rabbon)*

Mr. Peter Rabbon, General Manager of the Reclamation Board, reported that Caltrans and local RD's have developed special language on the remaining issues for Special Condition No. 26. The language is still under review. Mr. Rabbon requested Permit No. 17035 be continued to the September Board meeting for action. In addition, Mr. Scott Morgan, Counsel for the Board, explained why we need to continue this item to the September Board meeting which is because we have not received the signed final agreement. The final agreement should be ready to present at the September meeting.

Upon motion by Mr. Mount, seconded by Mr. Cusenza, and unanimously carried, the Board deferred this item to the September Board meeting.

INFORMATIONAL BRIEFINGS

13. Folsom Dam Modifications Project (Roger Lee)

Mr. Roger Lee, DWR Project Manager for the Folsom Dam Modifications Project, together with Colonel Ronald Light, Corps; Mr. Stein Buer, SAFCA; and Mr. Peter Rabbon, General Manager of the Board provided a briefing to the Board on the above item. This included background information and the status of the cost increase from \$200 million (original estimate) to \$600 million.

Many concerns were expressed by various Bd. members

14. Hamilton City Flood Damage Reduction and Ecosystem Restoration Project (Larry Lee)

Mr. Larry Lee, DWR Project Manager for the Hamilton City Flood Damage Reduction and Ecosystem Restoration Project, presented this item to the Board. The Board also heard comments from Ms. Alicia Kirchner, Corps; Mr. Peter Rabbon and Mr. Scott Morgan, Reclamation Board; and Mr. Bill Paris, Attorney representing Hamilton City Citizens in Action.

Board concerns are not reflected in language

15. Levee District 1, Request to Assume Maintenance Responsibilities for MA 3 (Scott Morgan)

Mr. Scott Morgan, Staff Counsel, for the Board, provided a briefing on the above subject. Water Code 12878.22 states "any local agency wishing to assume the responsibility in this area may petition the Board or Department to dissolve such a maintenance area." The code also states that the Board or the Department after a hearing may dissolve such a maintenance area. The Board also heard comments from Mr. Duane Oliveria, General Legal Counsel for Levee District 1 and Mr. Keith Swanson, Chief, DWR Maintenance Branch.

16. Old Sugar Mill Specific Plan, Environmental Impact Report
(Steve Bradley)

Mr. Steve Bradley, Chief Engineer for the Board presented a briefing on the above item and reported that staff will review and make comments on the Environmental Impact Report (EIR) which will be completed by July 29, 2005. The Board also heard comments from Mr. Scott Morgan and Mr. Pete Rabbon, Reclamation Board.

17. River Islands (Scott Morgan)

Removed from the agenda.

BOARD REPORTS

18. REPORT OF ACTIVITIES OF THE GENERAL MANAGER

Mr. Rabbon reported on a number of upcoming issues and meetings: 1) The Water Resources Development Act - was passed by the house and includes the write-in for the Hamilton City Project; 2) FEMA – draft regulations (If an area is not going to be remapped, then the local agency responsible will provide sufficient information to show that the levees meet FEMA criteria) are being circulated during the remapping process. The Department of Water Resources will attend a meeting on August 3rd and 4th in Washington, DC; 3) California Interagency (Corps and Fema) Hazard Team – a National initiative has been started to bring all federal agencies together to work with State Government on flood hazard issues; 4) Hamilton City PED – General Manager has been delegated the authority to sign PED agreement; and 5) National Association of Flood and Stormwater Management Agencies (NAFSMA) – Annual meeting to be held in Anchorage Alaska at the end of August.

19. BOARD COMMENTS AND COMMITTEE REPORTS

Mr. Burt Bundy reported on the Sacramento River Conservation Area Forum which has been discussing the possibility of administering a “safe harbor agreement” for the conservation area.

Ms. Betsy Marchand suggested that we have an in-depth workshop in the San Joaquin area in the fall.

20. ADJOURN

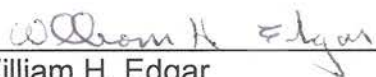
Upon motion by Mr. Mount, seconded by Mr. Bundy, and unanimously carried, the meeting was adjourned at 12:15 p.m.

Reclamation Board Delta Levee Subcommittee

July 15, 2005 – following Reclamation Board meeting
1416 Ninth Street, Room 1131, First Floor
Sacramento, CA 95814

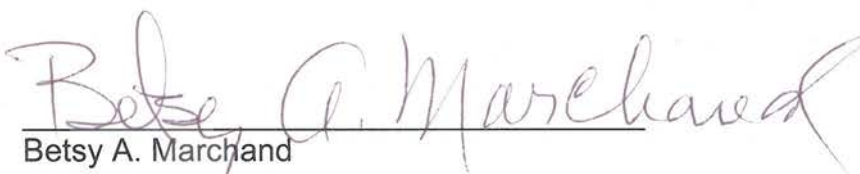
This item was deferred to the September 16, 2005 Board meeting.

Dated: September 16, 2005



William H. Edgar
Secretary

The foregoing minutes were approved:



Betsy A. Marchand
President