

# MINUTES

## MEETING OF THE RECLAMATION BOARD

November 18, 2005

A regular meeting (Open Session) of The Reclamation Board (Board) was held on October 18, 2005 beginning at 8 a.m. in the Resources Building Auditorium, 1416 Ninth Street, Sacramento, California.

The following members of the Board were present:

Ben Carter, President  
Cheryl Bly-Chester, Vice-President  
Teri Rie, Secretary  
RoseMarie 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:

Les Harder  
Rod Mayer  
Keith Swanson  
Larry Lee  
Dave Mraz  
Jay Punia  
Steve Dawson  
Ricardo Pineda  
Russ Eckman  
Delia Grijalva  
Ken Dickerson  
Dave Chima  
Earl Nelson  
Ted Thomas  
Dan Fua  
Dave Lane  
Sue Haight

Tim Kerr  
Nancy Kampas  
Michele Ng  
Jeff Fong  
David Sandino

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

George Basye, California Central Valley Flood Control Association  
Kent McClain, Three Rivers Levee Improvement Authority  
Scott Shapiro, Three Rivers Levee Improvement Authority  
Joe Countryman, MBK Engineers  
Curt Aikens, Yuba County Water Agency  
Ronald Stork, Friends of the River Preservation  
Mary Keller, Sutter County  
Ani Bhattacharyya, TRLIA, Yuba County  
Seth Warren, EPS  
James Morgan, BRECA  
Eve Hightower, Appeal-Democrat  
Bill Hampton, Levee District 1  
Paul Devereux, American River Flood Control District  
Lori Jackson, JTS  
Peter Buck, Sacramento Area Flood Control District  
Steve Sutton, Miller Holdings  
Eric Nagy, U.S. Army Corps of Engineers  
Chris Neudeck, KSN, Inc.  
Bill Darsie, KSN, Inc.  
Ken Myers, HDR  
Seth Merevitz, McDougal, Holland & Allen

**1. ROLL CALL**

*President Carter brought the meeting to order at 8:03 am. All Board members were in attendance. Immediately following Roll Call, the Board entered into closed session.*

- 2. CLOSED SESSION** discuss the status of pending *litigation in Florin Perkins v. Reclamation Board and Waverly Clemons v. Reclamation Board* (Government Code section 11126(e)(1)); and

*The Board reconvened open session at 9:02 a.m.*

**3.\* APPROVAL OF MINUTES – October 20 & 21, 2005**

*Upon motion by Ms. Doherty, seconded by Ms. Burroughs, and unanimously carried, the Board approved the minutes as presented.*

**4.\* APPROVAL OF AGENDA**

*Upon motion by Ms. Bly-Chester, seconded by Mr. Hodgkins, and unanimously carried, the Board approved the agenda with an amendment to the consent calendar to change the title of Item 8A to “Oil and gas rights limited to a depth of 5,400 feet from sea level.”*

**5. PUBLIC COMMENTS**

*Mr. George Bayse, Attorney for the California Central Valley Flood Control Association spoke on extending the Delta Levee Subventions Program and joint use agreement between CalTrans and local levee districts in the Walnut Grove/Rio Vista area to maintain the levees in that area. Mr. Bayse stated that CalTrans wants to challenge the jurisdiction of the Board over what is done on a project levee. Mr. Bayse requested the Board’s support in seeking a determination from the Attorney General saying that there is no exemption from the Board’s authority over project levees. Vice President Bly-Chester and President Carter agreed that a meeting should be arranged between the Board and CalTrans. Mr. Bayse also requested a meeting between the Board and the Districts. Discussion ensued regarding previous Board actions to resolve this issue. No resolution was reached.*

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

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

**7. THREE RIVERS LEVEE IMPROVEMENT AUTHORITY MONTHLY REPORT  
(Kent McClain)**

*Mr. Kent McClain, Executive Director of Three Rivers Levee Improvement Authority distributed a monthly report, a copy of a letter from DWR regarding allocation of Proposition 13 monies, information on current funding status for the first three phases of*

*the levee improvements, and examples of emergency information brochures and flood preparedness information. Mr. McClain briefed the Board on various aspects of the*

*project he is working on. Mr. Curt Aikens of Yuba County Water Agency briefed the Board on his agency's involvement on this project. Mr. Ray Hart, former Assistant Director of DWR discussed the setback levee and its degradation. Vice President Bly-Chester asked about a contingency plan if the construction schedule can't be met. Mr. Hart discussed the contingency plan and the need for a permit by January 2006. Board member Hodgkins talked about his tour of the project and his previous experience with this project in his capacity as Executive Director of SAFCA. Discussion ensued regarding funding, construction activities, and various other aspects of the project. Mr. McClain offered to arrange a tour for the Board members of the project area. There were also comments from Mr. Ricardo Pineda and Mr. Les Harder of DWR and Mr. Ronald Stork of Friends of the River Preservation.*

## **CONSENT**

### **8.\* CONSENT CALENDAR**

- A. Assignment of Oil and Gas Lease No. 354 - Sacramento County (oil and gas rights limited to depths below 5,450 feet below sea level), Sacramento County (Jeff Fong)

Consider approval of the assignment of an oil and gas lease from Calpine Corporation to Rosetta Resources California LLC, Rio Vista Gas Field.

***Upon motion by Mr. Hodgkins, seconded by Ms. Suarez, and unanimously carried, the Board approved the Item 8A as presented.***

- B. Reclamation Board Lease No. 2005-2-RB, Boat Launching Facility, Sutter County (Jeff Fong)

Consider approval of a lease to Sutter County for a Boat Launching Facility for a period of twenty years of a 5± acre parcel located along the Sacramento River at the Tisdale Weir.

*Mr. Jeff Fong discussed a request from Sutter County for a 20-year lease for a boat launch on the waterside of Tisdale Wier. Mr. Fong stated that funding would be from a grant and no Board funds would be involved. Discussion ensued regarding maintenance (will be done by Sutter County), disposition of the old two-lane launch*

*(privately owned), and placement of the new ramp. Comments were also made by Ms. Mary Keller of Sutter County and Mr. Keith Swanson of DWR.*

***Upon motion by Ms. Suarez, seconded by Ms. Doherty, and unanimously carried, the Board approved the Item 8B as presented.***

## **REQUESTED ACTIONS**

### **9.\* PROJECT OR STUDY AGREEMENTS**

None.

*There were no Project or Study Agreement Items.*

### **10.\* PROPERTY MANAGEMENT**

None.

*There were no Property Management Items.*

### **11.\* APPLICATIONS**

Application No. 17936-Rev, California Department of Fish and Game  
*(Steve Bradley)*

Consider approval of Application No. 17936-Rev to restore 228 acres on a waterside overflow area of the Feather River located along the right (west) bank within the Feather River Wildlife Area, Levee District 1, Sutter County, including the planting of elderberry shrubs, wild rose bushes, and native blackberry bushes.

*Mr. Steve Bradley, Chief Engineer for the Board, introduced the application by DFG for the Feather River Wildlife area. Ms. Michele Ng of DWR's Maintenance Branch, gave a presentation on the O' Conner Lakes Area (restoration project). Ms. Ng discussed various aspects of the project including vegetation and endangered species. Mr. Joe Countryman of MBK engineers gave additional explanation on the modeling of the project. Member Burroughs expressed concerns (high cost of mitigation, future proposal to plant native grasses, blackberries, elderberries and expense to maintain this*

type of restoration) and regarding the time constraints of the meeting and requested that this item be moved to the December 19 Board meeting. President Carter wanted to know who will be responsible for the ongoing maintenance to ensure the 400-foot swath is cleared on an annual basis – answer is DWR; and what the locals think of this application – answer is LD 1 has endorsed it. Member Bly-Chester requested a vote on this application. **Thereupon, Member Rie requested a motion to approve the Application No. 17936. Member Bly-Chester seconded the motion as presented.** Member Rie requested a tour of this site. According to Robert's Rules of Order, Member Doherty requested a call for the question – to vote on whether further discussion is required. President Carter requested a vote: six approved, 1 opposed. The Board also heard testimony from Keith Swanson of DWR, Mr. Bill Hampton of Levee District 1, and David Sandino of DWR.

**Upon motion called by President Carter, to approve Application No. 17936 as stated on the agenda: six approved, one opposed).**

## 12.\* ENFORCEMENTS

None.

*There were no Enforcement Items.*

## 13.\* DELTA LEVEE SUBVENTIONS PROGRAM *(Dave Mraz)*

Consider approval of applications and proposed maximum reimbursement amounts for Fiscal Year 2005-06 Delta Levees Maintenance Subventions Program and current status of program.

*Mr. Dave Mraz, Chief of DWR's Delta Levee Subventions Program gave a briefing on the background and history of the Delta Levee Subventions program along with a brief explanation of procedures involved in the current program.*

**Upon motion by Ms. Suarez, seconded by Mr. Hodgkins, and unanimously carried, the Board approved the criteria for the current year work agreements for Delta Levee Subventions Program with a proviso that funding was not included in the motion and would be presented for approval at a subsequent Board meeting.**

## **INFORMATIONAL BRIEFINGS**

### **14. STATUS OF PREPARATION FOR THE 2005-06 FLOOD SEASON AND FEDERAL LEVEE MAINTENANCE (Jay Punia)**

*Mr. Jay Punia of DWR's Flood Operations Branch gave a briefing on flood preparedness from the operations side; Mr. Keith Swanson of DWR's Flood Maintenance Branch briefed the Board on flood preparation from the maintenance side; and Mr. Bill Burkhard of the Delta Levees Subventions Program talked about the flood center. The Board also heard comments from Rod Mayer, Acting Chief of DWR's Division of Flood Management, Keith Swanson of DWR's Maintenance Branch, and Ms. Lisa Kirk, a resident of Bethel Island.*

### **15. AMERICAN RIVER WATERSHED COMMON FEATURES – LOWER AMERICAN RIVER FEATURES - MAYHEW LEVEE, SACRAMENTO COUNTY, CA - DRAFT EIS/EIR, NOVEMBER 2005 (Nancy Kampas)**

*Ms. Nancy Kampas of DWR's Division of Flood Management talked about the Mayhew Levee raise project and gave a briefing to prepare the Board for the January presentation of the EIR/EIS, which will include a request to approve the project. The Board also heard comments from Peter Buck and Stein Buer of SAFCA, Mr. Jim Morgan, a resident in the project area, and Mr. Ronald Stork of Friends of the River Preservation.*

### **16. HAMILTON CITY FLOOD CONTROL AND ECOSYSTEM RESTORATION PROJECT (Larry Lee)**

*Mr. Larry Lee of DWR's Division of Flood Management gave an update on the Hamilton City Flood Control project.*

### **17. OLIVEHURST DETENTION BASIN, TRLIA (Steve Bradley)**

*Mr. Steve Bradley, Chief Engineer for the Board introduced Mr. Kent Mc Clain, Executive Director of TRLIA, who gave a briefing to the Board on the Olivehurst Detention Basin Project. Mr. Scott Shapiro, also of TRLIA, gave information on a presentation that will be presented to the Board in January to approve the project.*

## BOARD REPORTS

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

*Mr. Peter Rabbon informed the Board that traditionally, we do not meet in January and asked that they consider shortening the length of the January meeting. Mr. Rabbon then went over Steve Bradley's role as Chief Engineer and thanked him for the job.*

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

*Ms. Bly-Chester asked Ms. Buford when she would be taking vacation and Ms. Buford said last week of December and first week of January. Ms. Bly-Chester was concerned about Board meeting obligations and Ms. Buford said there would be no problem.*

*Mr. Hodgkins asked about the length of the January 2006 Board meeting. President Carter responded that it is a special meeting, which is being scheduled at the request of*

*SAFCA, to consider the Mayhew Levee application and the length of the meeting will depend upon whether the Mayhew Project is the only item on the agenda.*


### 20. ADJOURN

***Upon motion by Mr. Carter, seconded by Ms. Bly-Chester, and unanimously carried, the meeting was adjourned at 3:30 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