

MINUTES

MEETING OF THE RECLAMATION BOARD

September 16, 2005

A regular meeting (Open Session) of The Reclamation (Board) was held on September 16, 2004 beginning at 8:30 a.m. in the Fresno Metropolitan Flood Control District (FMFCD), 5469 E. Olive Avenue, Fresno, CA 93727.

The following members of the Board were present:

Betsy Marchand, President
Tony Cusenza, Vice President
Bill Edgar, Secretary
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:

Paul Romero
Rod Mayer
Larry Lee
Jeff Fong

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

Ms. Maureen Grijalva, Carvalho-Stanich Properties
Mr. John Carvalho, Carvalho Stanich
Mr. Douglas Pollak, TexCal LLC
Mr. Glenn Gebhardt, River Islands
Mr. Mark Wilson, Wilson Farms & Wilson Vineyards
Mr. Don Daniels, Homeowner

1. ROLL CALL

President Betsy Marchand brought the meeting to order at 8:59 am. All Board members were in attendance except for Jeff Mount.

Immediately following Roll Call, the Board entered into a 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) (B) (i))

The Board reconvened into open session at 9:00 am.

- 3.* **APPROVAL OF MINUTES – June 17 and July 15, 2005**

Upon motion by Mr. Cusenza, seconded by Mr. Edgar, and unanimously carried, the Board approved the minutes of June 17, 2005 with the corrected language as outlined by Mr. Edgar and Mr. Cusenza on Item No. 14. Corrections to be submitted by September 23, 2005.

Upon motion by Mr. Bundy, seconded by Mr. Cusenza, and unanimously carried, the Board approved the minutes of July 15, 2005 contingent on including the concerns that were stressed at the meeting by the Board.

- 4.* **APPROVAL OF AGENDA**

Upon motion by Mr. Edgar, seconded by Mr. Weaver, and unanimously carried, the Board approved to amend the agenda removing Items No's. 12A and 13B continuing them at the next meeting.

5. **PUBLIC COMMENTS**

Mr. Mark Wilson, Wilson Farms & Vineyards and resident of Clarksburg, California, expressed concerns about the order of the meeting and if he would be able to speak on the Old Sugar Mill project. President Marchand identified Item No. 13A and told him that he would be able to speak when that topic was brought before the Board.

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

Mr. Rod Mayer, Chief of Flood Project Office in 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--UPDATE REPORT
(Steve Bradley)

(Note: Three Rivers Levee Improvement Authority will submit a written report prior to the Board meeting and Mr. Steve Bradley, Chief Engineer for the Board, will present it at the meeting.)

8.* CONSENT CALENDAR

Oil and Gas Lease No. 2005-1-RB, Sutter County *(Scott Morgan)*

Consider approval of Oil and Gas Lease No. 2002-1-RB between The Reclamation Board and TexCal Energy (GP) LLC for a primary term of 2 years.

Upon motion by Mr. Bundy, seconded by Mr. Edgar, and unanimously carried, the Board approved the consent calendar as presented.

REQUESTED ACTIONS

9.* PROJECT OR STUDY AGREEMENTS

None.

There were no Project or Study Agreement items.

10.* APPLICATIONS

None.

There were no Application items.

11.* ENFORCEMENTS

None.

There were no Enforcement items.

12.* PERMIT ACTIONS

- A. Reclamation Board Permit No. 17035 (Pete Rabbon)
(continued from July 15, 2005 meeting)

Consider Permit No. 17035 GM and compliance with Special Condition No. 26.

This item was moved to the October meeting as discussed under Item No. 4 (Approval of Agenda).

13.* CEQA Policy

- A. Reclamation Board policy regarding comments to CEQA documents
(Scott Morgan)

Mr. Scott Morgan presented a general history of comments made by the Board on various comment and why these comments were made. He discussed Environmental Impact Reports (EIR) and their purpose and the statutes governing what impacts the EIR should address. He also discussed the Boards role as the responsible agency for executing the States plan of flood control. He discussed the recent Paterno decision and its effect on the Boards role. Mr. Morgan recommended that it is appropriate for the Board to comment on projects within its area of potential jurisdiction when the project puts people at risk. He also suggested that the Board could direct staff to formulate a resolution outlining a general policy.

General Manager Rabbon spoke next. He also agreed that it's appropriate for the Board to comment on projects proposed in the flood plain.

Rod Mayer, Acting Chief Division of Flood Management then spoke and detailed comments that where made on EIRs for proposed development in the early 1990s. Secretary Edgar said the policy outlined should have a background section in the resolution that gives the definition of CEQA, a statement that the Board is the responsible agency for implementing the plan of flood control, a statement that although the Board has been inconsistent in commenting on previous environmental documents the Board now wants to devote more resources on commenting more routinely on these documents. The events that brought these issues to the forefront should be listed and then the policy section should be listed. He then gave specific verbiage to put in the resolution for policy. All other members of the Board concurred with Secretary Edgar's comments after hearing public comments by Maureen Grijalva of Cervelho Stanich properties, Don Daniels, Homeowner in Clarksburg, and Mark Wilson with Wilson Farms and Vineyards.

Upon motion by Mr. Edgar, seconded by Mr. Cusenza, and unanimously carried, the Board approved the Reclamation Board policy regarding comments to CEQA documents.

- B. Reclamation Board comments to Old Sugar Mill Specific Plan Draft Environmental Impact Report (Steve Bradley)

President Marchand requested the Board continue comments on the Old Sugar Mill draft environmental impact report until the October Board meeting. The request was made under Item No. 4 (Approval of Agenda).

Upon motion by Mr. Edgar, seconded by Mr. Weaver, and unanimously carried, the Board approved the Old Sugar Mill Specific Plan Draft Environmental Impact Report be removed and continued at the October 10, 2005 Reclamation Board meeting.

INFORMATIONAL BRIEFINGS

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

Mr. Larry Lee, DWR, Project Development Branch provided an update on Hamilton City Flood Damage Reduction and Ecosystem Restoration Project. The Department of Water Resources (DWR) and the U.S. Army Corps of Engineers (Corps) have agreed on standard Preconstruction Engineering and Design (PED) agreement language. The PED agreement has gone through the review process and is currently being reviewed by the legal office. DWR is working on an interagency agreement with the California Bay Delta Authority for this particular project.

- 15. River Islands (Scott Morgan)**

Mr. Scott Morgan provided an update to the Board members on the status of the modification on the federal levees. The Board has authority to issue permits for the River Island's project. The Corps also describes the project as involving significant changes to the flood protection system. The Corps has indicated it will work with the project sponsor and the Board to complete the necessary environmental documentation, the public review, public interest review, and any permitting actions required for the project. Due to conflicting guidance given by the Corps for different projects with regard to this question, DWR is seeking consistency and clarification. Mr. Morgan stated that although the Corps would have to make a determination on

whether to certify an altered project levee, the Board would need to first determine if the proposed alteration is significant. However the Board would most likely defer to the Corps and if the Corps agreed to any alteration, the Board would then decide whether to issue a permit to do so.

16. American River – Folsom Modification (Rod Mayer)

Mr. Rod Mayer, gave a power point presentation on the project. He also gave a briefing on various actions being taken by the Corps; one of which is a general reevaluation report. SAFCA is also a participant in the project. There was discussion of funding issues, as well as a funds transfer of \$1.9 million that Mr. Mayer said should be in place in approximately a month, but that would not be enough to meet the Corps' spending schedule.

Mr. Rabbon has been pushing the Corps to get a scope and schedule for the general reevaluation report, we are waiting on Corps' headquarters approval. The Bureau of Reclamation also has work to do at the dam. They are looking at an auxiliary spillway that doesn't exist yet in the Sacramento area. This is one of the top priorities for the Bureau nationwide.

17. San Joaquin River USBR Study (Paul Romero)

Mr. Paul Romero, DWR, San Joaquin District, Fresno provided an update on the San Joaquin River restoration study Mr. Romero gave a brief history on flooding from the San Joaquin River and talked about FEMA'S new floodplain maps that will be issued soon. He also detailed new hydrological information from Madera County which will be provided to FEMA shortly. He also talked about land acquisition by the San Joaquin River conservancy to preserve 23 miles of corridor.

BOARD REPORTS

18. REPORT OF ACTIVITIES OF THE GENERAL MANAGER

Mr. Rabbon reported on a couple of upcoming issues and meetings: 1) LD-1- there was a meeting held regarding the transfer of maintenance area three. The Board wants hold harmless clauses in the transfer document and LD-1 does not want to provide them. A letter will be sent to LD1; 2) San Joaquin Area Flood Control Agency - The Board also wants hold harmless clauses for transfer of a levee section on this project; 3) Delta Smelt Action Plan – A meeting is being scheduled between DWR, the Board, DFG, and the Yolo Basin Wetlands Group to discuss implementation and federal obligations that DWR and the Board must meet; 4) Mr. Rabbon reported that he sat on panels at the Floodplain Management Association conference and panel called, "Flood Management, Is There Ever Enough Money"; 5) Mr. Rabbon reported that he was successful in getting a national level meeting on levees to be held in Sacramento.

19. BOARD COMMENTS AND COMMITTEE REPORTS

Ms. Betsy Marchand attended a meeting with Lester Snow and O&M she wanted to share with the Board a one-page memo what the intent of the meeting was and where we're going with it.

20. ADJOURN

Upon motion by Mr. Edgar, seconded by Mr. Weaver, and unanimously carried, the meeting was adjourned at 1:25 p.m.

Dated: October 21, 2005

William H. Edgar
Secretary

The foregoing minutes were approved:

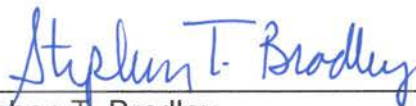
Betsy A. Marchand
President

The minutes of the September 16, 2005 Board meeting were not approved, due to the Governor relieving them of their duty as members of "The Reclamation Board". However, the minutes were reviewed and approved by Peter D. Rabbon, General Manager and Stephen T. Bradley, Chief Engineer of the Board.

APPROVED:



Peter. D. Rabbon
General Manager



Stephen T. Bradley
Chief Engineer