

MINUTES

MEETING OF THE RECLAMATION BOARD

February 17, 2006

A regular meeting (Open Session) of The Reclamation Board was held on February 17, 2006 beginning at 8:20 a.m. in the Resources Building Auditorium, 1416 Ninth Street, Sacramento, California 95814.

The following members of the Board were present:

Benjamin Carter, President
Cheryl Bly-Chester, Vice-President
Teri Rie, Secretary
Rose Marie Burroughs, Member
Lady Bug Doherty, Member
Butch Hodgkins, Member

The following members of the staff were present:

Dan Fua, Acting General Manager
Stephen Bradley, Chief Engineer
Scott Morgan, Counsel
Lori Buford, Staff Assistant

Department of Water Resources staff present:

Jeff Fong
Tim Kerr
Roger Lee
Mike Mirmazaheri
Ricardo Pineda
Peter Rabbon
Keith Swanson
Brian White
Steve Dawson
Jay Punia

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

Mr. Alex Hildebrand, South Delta Water Agency (SDWA)
Ms. Ami Goerdts, Western Area Power Administration (WAPA)
Ms. Andrea Turk, Psomas
Mr. Avery Browne, CHP – Golden Gate Division
Mr. Darryl Foreman, SDWA
Mr. Don Trieu, MBK Engineers
Ms. Elizabeth Brode, California Association of Realtors
Mr. Erwin Hayer, Rio Linda Chamber of Commerce
Mr. Glenn Gebhardt, River Islands of Lathrop (River Islands)

Mr. Greg Miller, CBG
Mr. Gregg Ellis, JSA
Mr. Joe O'Connor, BRECA
Mr. Kent McClain, Three Rivers Levee Improvement Authority (TRLIA)
Ms. Lucy Edam, Lucy & Company
Mr. Mike Archer, MBK Engineers
Mr. Ramon Batista, River Islands
Mr. Ray Costa, Kleinfelder
Mr. Robert McArthur, NHC
Mr. Ron Heinzen, Kleinfelder
Mr. Ronald Stork, Friends of the River
Mr. Rusty Ametz
Mr. Scott Clark, U.S. Army Corps of Engineers (Corps)
Ms. Shannen Zusan, West Sacramento Redevelopment Agency (RDA)
Mr. Steve Chainey, MIG, Inc.
Mr. Tevor Burwell, Department of Regional Parks – County of Sacramento
Mr. Tim Washburn, Sacramento Area Flood Control Association
Mr. Tom Eres, Hoffman Ranch
Mr. Don Troppmann, NBI

1. ROLL CALL

President Carter brought the meeting to order at 8:20 am. All Board members were in attendance except for Ms. Emma Suarez

2.* APPROVAL OF MINUTES – December 19, 2005 and January 26 & 27, 2006

Upon motion by Ms. Rie, seconded by Ms. Bly-Chester, and unanimously carried, the Board decided to postpone review and approval of the December 19, 2005 and January 26 & 27, 2006 minutes until the March 17, 2006 meeting. There were some significant changes that needed to be made that were not incorporated in the Board packet.

3.* APPROVAL OF AGENDA

Upon motion by Ms. Doherty, seconded by Ms. Rie, and unanimously carried, the Board approved the February 16 & 17, 2006 agenda as presented that included the following changes: Item No. 8A – delete items 1 & 2; Item No. 13 – delete language “rescission of Reclamation Board No. 98-03”, item should read “Consider adoption of Reclamation Board Resolution No. 06-08”; Item No. 14 – add language “and”, then add after Phase 4 work “and other items as needed”; Item No. 17 – South Delta Flood Conveyance Plan, move up to follow Item No. 6, Three Rivers Levee Improvement Authority Monthly Report; Item No. 3 “Reclamation Board Operational Procedures” agenda item from February 16 – continue to end of agenda as time permits.

Additionally, upon motion by Ms. Rie, seconded by Ms. Burroughs, and unanimously carried, the Board voted to adjourn the meeting by four o'clock.

4. PUBLIC COMMENTS

Mr. Joe O'Connor, BRECA, requested that the Mayhew Levee be raised three feet that would be consistent with the other side of the levee and the Mayhew drain. Mr. O'Connor also made a few comments regarding the tour the Board took of the Mayhew Levee. Mr. O'Connor stated that the people in the neighborhood were trying to reduce the reach of the new levee to preserve the parkway. He suggested that a slope of two-to-one be used instead of three-to-one on the waterside of the levee, it would save approximately one acre of the parkway. Research shows that that geogrid in the levee would be stronger and more cost effective. Mitigation would pay for the cost of the geogrid and surface matting. The cost of reducing the amount of fill would offset the three-to-one on the levee. Also the Environmental Impact Statement (EIS) included a proposal for a two-to-one slope on the waterside and added 18 inches of rock and 6 inches of soil in order to stabilize and prevent erosion (sloughing) on the levee. He also mentioned that the U.S. Army Corps of Engineers (Corps) built a three quarter of a mile section of levee and called it standard (20-foot landside road; 20-foot crown; 10-foot waterside road, which equals to a two-to-one slope on the landside and three-to-one slope on the waterside). Mr. O'Connor said that raising the levee would be consistent with the other side of the river and the Mayhew drain.

Mr. Tim Kerr, DWR Project Manager for the American River Common Features Project, spoke on the initial project to make the levee standard in 1999. Mr. Kerr reported that the Department realized that they needed a stronger environmental document to raise the Mayhew Levee because of the impacts to the trees in the parkway. Mr. Kerr also reported that the Department needed to complete a full EIS/EIR that required alternative analysis, and the Board's role in the process as the CEQA lead agency for the entire American River Common Features Project is to approve the CEQA preferred alternative. Mr. Kerr reported that the Corps does not have to necessarily build that alternative, which means if you do not choose to the alternative, the Department will have to start from scratch. President Carter asked if this project will come back before the Board at a future date with the alternative outlined. Mr. Kerr's response was definitely and that they would work closely with the public's comments to bolster up the draft document. Vice President Bly-Chester stated that she was going to look very carefully at the alternative and land use benefit analysis to determine what the benefits are to flood protection. Ms. Bly-Chester had a few questions she wanted answered; 1) the qualitative value of one-to-ten (creating an extra foot); and 2) access roads.

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

Mr. Pete Rabbon, General Manager of the Board advised the Board that Rod Mayer, Acting Chief of the Division of Flood Management, was not available and that he would entertain any questions the Board may have from the report that was submitted in their Board packet. (The report is attached hereto and made a part of these minutes.)

At this time, Mr. Brian White, Chief, DWR Legislative Office, provided a brief legislative update for the activities that the Department is currently working on in the Legislature. Mr. White reported that there

has been a lot of activity given the Governor's introduction to several infrastructure related bond bills as part of his strategic growth plan. One of them deals with flood management and water related programs to provide funding, for over 10 years, for flood protection, water supply programs, and integrated water management. Mr. White then highlighted on some of the significant bills that have been introduced regarding water issues. There have been 15 new bills introduced on flood management because of the high awareness of flood protection as a result of the event in New Orleans, and also the liability issues that the State has been dealing with. The following bills were reported on: AB 1665 (Laird) – as written, will primarily have the Department place additional responsibilities on the Department to inform State agencies of what their levee duties are, whether or not there are limiting efficiencies in certain areas and also to provide notice to the public about certain flood risks. Some new amendments are planned to be applied that would seek to address issues of stable funding for levee maintenance and operation; mandatory notice for insurance; and liability by local agencies through cities and counties. Additionally, this bond bill will have local cities and counties indemnify the State when they decide to do new projects. AB 1839 (Laird) and SB 1166 (Aanested) – both bills will provide over \$2.5 billion over the next 10 years for flood management operations. SB 1024 (Perata) and AB 1783 (Speaker Nunez) – these bills are related to infrastructure bond bills. AB 798 (Wolk) – this bill would extend the Delta Levee Subventions Program for two years and also require the Department use the results of the risk management study to determine which levees need financial assistance or maintenance for improvement projects. AB 802 and AB 1899 (Wolk) – are related bills dealing with language issues and flood protection management. AB 2027 (La Malfa) – would eliminate the requirement of the Delta Levee Maintenance Subventions Program or whenever the Department of Fish and Game defines that there is going to be an impact to channels. This would essentially eliminate the no-net-loss requirement in that program. AB 2026 (Aghzarian) – was essentially eliminated by the requirement that the Board consider CEQA for new routine maintenance activities. AB 2029 (Villines) – would re-define what an emergency is; to require that it also include imminent breach or failure flood threat as determined by the Governor. (End of Report) Ms. Burroughs requested that the Board be kept updated via e-mail on what is coming through and that the Board receives a copy of this report.

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

Mr. Kent McClain, Three Rivers Levee Improvement Authority (TRLIA) presented the above titled report to the Board and provided an updated supplemental report. Mr. McClain reported that the Board of Directors of TRLIA authorized the acceleration of the design and appraisal activities along the south bank of the Yuba River, easterly of the Union Pacific Railroad, right of way to Simpson Lane. The intent is to proceed with construction of a slurry wall through the crown of the levee between the railroad and Simpson Lane during this construction season. In March 2006, TRLIA will present an informational briefing of the proposed financing plan for the completion of their project, regardless of the status of the bond issue or the availability of State or federal funds. Mr. McClain then stated that TRLIA would come back to the Board at their April 2006 meeting to seek a determination as to the adequacy of their plan, which includes TRLIA to provide for construction, completion of construction of 200-year level of protection entirely based on local funds. Ms. Rie wanted to know if TRLIA is on schedule and are they still planning to start construction on the setback levee in March. Mr. McClain said yes, initiation of construction and completion in this construction season. Ms. Burroughs requested information on notification to the public and Mr. McClain said they

Board had been given a copy of the notice. Ms. Burroughs wanted to know if there were public meetings that were held and if the consumers had any recommendations about being notified.

Mr. McClain said yes, they have had several public meetings with purchasers and current residents of the new houses, as well as, long-term residents and there were no specific suggestions as to how that notification could be improved as arising out of the public meetings.

AT THIS TIME, PRESIDENT CARTER ANNOUNCED THAT ITEM NO. 17, SOUTH DELTA FLOOD CONVEYANCE PLAN, INFORMATIONAL BRIEFING, WOULD NOW BE PRESENTED.

INFORMATIONAL BRIEFINGS

17. SOUTH DELTA FLOOD CONVEYANCE PLAN (Ricardo Pineda)

Briefing by South Delta Water Agency on a proposed flood plan.

Mr. Ricardo Pineda, DWR Engineer with DFM's Floodplain Management Branch provided an overview to the Board on the above titled item and stated that the purpose of the presentation was that Mr. Alex Hildebrand and Mr. Darryl Foreman, South Delta Water Agency (SDWA), are seeking Board and DWR support for this plan, which is a follow-up to the Board's Sacramento and San Joaquin Comprehensive Study that was completed in December 2002. Mr. Steve Bradley was requested to read the guiding principles which are: 1) recognize that the public safety is a primary purpose of the flood management system; 2) promote effective floodplain management; 3) recognize the value of agriculture; 4) avoid hydraulic and hydrologic impacts; 5) plan system conveyance capacity that is compatible with all intended uses; 6) provide for sediment continuity; 7) use an ecosystem approach to restore and sustain the health, productivity and diversity of the floodplain corridors; 8) optimize use of existing facilities; 9) integrate with the CALFED Bay Delta Program and other programs; 10) promote multi-purpose projects to improve flood management and ecosystem restoration; and 11) protract infrastructure. Mr. Alex Hildebrand, SDWA, provided background a history of SDWA and how the levees in 16 districts in the South Delta got built and how they became project levees. Ms. Bly-Chester asked if SDWA wanted DWR or the Board to be the non-federal sponsor? Mr. Hildebrand said either one would suffice. Mr. Darryl Foreman, SDWA, provided the details of the maps (Paradise Cut gown through the weir and then on down through the San Joaquin to the head of Old River) that were presented to the Board. Ms. Bly-Chester asked, does the river want to re-assert that connection when its flood stage and how does the water want to go? Also, when they were building Paradise Cut, why did they go on Paradise Cut when they had a channel like the Tom Paine Slough? Mr. Hildebrand replied, the upper end of Tom Paine Slough isn't much; it's pretty narrow and not very deep. Also, due to the elevation, it would take a very high flow before that overflow would take place. Mr. Foreman stated, Paradise Cut is location of the levee break in 1997. The Board also heard comments from Mr. Scott Clark, Acting Chief of Planning for Sacramento District of the Corps regarding the Corps' processes on this project. Mr. Hodgkins requested that Ms. Burroughs and one other Board member meet prior to the next Board meeting (March 2006) to work with the General Manager, Mr. Pineda, Mr. Hildebrand and the Corps to try and come to a resolution as to where this project should fit in so that opportunities are not overlooked at this point. Ms. Rie asked if the SDWA conveyance plan had been submitted as part of the 180-day study?

Mr. Foreman replied, yes. Ms. Burroughs asked about the dredging SDWA did in the San Francisco Bay? Mr. Forman explained what was done on Corte Madera Creek (200 residential home of which about 75 are on deep water) and how it took a three-year process of dredging in the San Francisco Bay. Ms. Burroughs also wanted to know if SDWA has a cost amount of what it would take to move 10 million yards of material?. Mr. Foreman replied, not specifically. However, he did say they took a look at moving one and a half million yards northwest end of the Paradise Cut system and that is where they came up with the cost of \$60 million. Mr. Rabbon, DWR Engineer, concurred with Mr. Hodgkin's' suggestion that the Board develop a strategic action plan for this project; set up a joint meeting between the Corps, congressional representatives, Board and DWR staff to develop a plan that can be driven by the local entities.

CONSENT

7.* CONSENT CALENDAR

A. Nomination of Oil and Gas Lease, Sutter County, Slawson Exploration Company
(Jeff Fong)

Consider adoption of Resolution No. 06-02 declaring the intent of the Board to lease by competitive public bid property nominated by Slawson Exploration Company of 213± acres for oil and gas production in Sutter County.

B. Garmire Road Bridge Replacement Project, Sutter County (Jeff Fong)

Consider approval of easements to the Department of Water Resources and AT&T and PG&E for the replacement and relocation of the Garmire Road Bridge and relocation of the utilities within the Tisdale Bypass in Sutter County.

Mr. Jeff Fong, DWR Real Estate Branch with the Department's Division of Engineering, briefed the Board on 7B above. The Department is trying to meet the construction deadline for release of contracts for the construction on this project and that construction will begin this year. Ms. Doherty asked if the Department got a small piece of property settled that was adjacent to the weir in order to construct the bridge? Mr. Fong said there are no issues with any of the acquisition on this project. Mr. Keith Swanson, DWR Branch Chief, advised the Board that there are some minor utility relocations and they are meeting with Sutter Mutual to go over the acquisitions that are needed south of the existing bridge. The Department has agreed to postpone construction start until spring of 2007 to alleviate the concerns that Sutter Mutual had with the overlap between the Department's construction project and the ongoing fish-screening project. Additionally, by waiting until 2007 to start construction, the Department avoids complexities with the environmental permitting because the Department represented the project as a 2-year activity. Ms. Doherty expressed concerns of taking 8 to 10 years to complete a project.

Upon motion by Ms. Doherty, seconded by Mr. Hodgkins, and unanimously carried, the Board approved the Consent Calendar as presented.

REQUESTED ACTIONS

8.* PROJECT OR STUDY AGREEMENTS

A. Sacramento River Bank Protection Project (Deborah Condon)

Consider approval of Resolution 06-07 to:

1. Delegate authority to the Acting General Manager to negotiate an agreement with SAFCA for advancing funds to the State for the federal share of project costs;
2. Delegate authority to the President or Secretary to sign the negotiated agreement with SAFCA;
3. Delegate authority to the Acting General Manager to negotiate an amendment to the LCA for advancing funds to the U.S. Army Corps of Engineers (Corps) for the federal share of project costs; and
4. Delegate authority to the President or Secretary to sign the negotiated amendment to the LCA with the Corps.

B. South Sacramento County Streams Project (Roger Lee)

Consider approval of Resolution 06-05 to:

1. Delegate authority to the Acting General Manager to negotiate an amendment to the LPCA to accept funds from SAFCA and to transfer funds to the Corps for the federal share of project costs;
2. Delegate authority to the President or Secretary to sign the negotiated amendment to LPCA with SAFCA;
3. Delegate authority to the Acting General Manager to negotiate an amendment to the PCA to advance funds from the State to the Corps for the federal share of project costs; and
4. Delegate authority to the President or the Secretary to sign the negotiated amendment to the PCA with the Corps.

C. American River Watershed Project, Common Features (Tim Kerr)

Consider approval of Resolution 06-06 to:

1. Delegate authority to the Acting General Manager to negotiate an amendment to the LPCA to accept funds from SAFCA and to transfer funds to the Corps for the federal share of project costs;
2. Delegate authority to the President or Secretary to sign the negotiated amendment to LPCA with SAFCA;
3. Delegate authority to the Acting General Manager to negotiate an amendment to the PCA to advance funds from the State to the Corps for the federal share of project costs; and
5. Delegate authority to the President or the Secretary to sign the negotiated amendment to the PCA with the Corps.

Mr. Roger Lee, Project Manager for South Sacramento County Streams Project together with Ms. Deborah Condon, Project Manager for Sacramento River Bank Protection Project and Mr. Tim Kerr, Project Manager for American River Watershed Project, Common Features (DWR) presented the above items to the Board. An overhead presentation was given and staff was available for questions. Mr. Scott Morgan, Counsel, advised the Board that agreements could be signed by either the President or Secretary at the direction of the Board. President Carter advised Mr. Lee that, in the future, items of this nature should be presented to the Board earlier in order that enough time is allowed to study items.

Upon motion by Mr. Hodgkins, seconded by Ms. Rie, and unanimously carried, the Board approved Resolutions No's. 06-07, 06-05 and 06-06 as presented.

9.* PROPERTY MANAGEMENT

None.

There were no Property Management items.

10.* APPLICATIONS

A. Application No. 18024, County of Sacramento, American River, Sacramento County
(Steve Bradley)

Consider approval of Application No. 18024 to plant elderberry shrubs and seedlings and other native riparian plants on 26.6 acres within the American River Parkway on the right bank overflow area of the American River downstream of the Union Pacific Railroad Bridge.

Steve Bradley, Chief Engineer of the Board, addressed the subject of Elderberry plantings and introduced Trevor Burwell, Senior Natural Resource Specialist with Sacramento County Parks. Mr. Burwell was accompanied by Mr. Don Trieu of MBK Engineers. Mr. Burwell presented a slide show on the subject. Mr. Trieu then gave a brief background of the hydraulics of this particular study. Mr. Tim Washburn from SAFCA also reported that if the plants could not be transplanted in the next few weeks, the project would have to go over to next year. Keith Swanson, DWR Flood Project Maintenance Branch Chief, also provided testimony. Mr. Scott Morgan, Counsel advised that CEQA had not been complied with yet and that the process requires that CEQA be complied with before a permit is granted. Ami Geordt of Western Area Power Administration reported on the risk to powerlines. Mike Mirmazaheri, DWR Engineer, Environmental Review Committee also provided testimony. A discussion and question session followed.

Ms. Bly-Chester made a motion to approve the permit and authorize the General Manager to execute the permit subsequent to actually receiving, and conditioned on receiving a negative declaration letter; a positive review from our Environmental Review Committee and complying with all; any and all conditions that the Corps may place on this according to their review and providing comments and meeting conditions of the Corps; that Sacramento County comes before the Board on a quarterly basis for the next year; using the hydrologic analysis to support development of a vegetation management plan that promotes timely and cost-effective maintenance, and improvement of the flood control facilities in the American River Parkway. All this in addition to the supplemental ARFCD conditions. Mr. Scott Morgan, Counsel, suggested an amendment be added that would incorporate Ms. Bly-Chester's motion, "which actually delegate the authority to approve the permit to the General Manager". The amendment was accepted and added to Ms. Bly-Chester's motion. Motion was seconded by Mr. Hodgkins and passed. (4 yes, two nos).

11.* ENFORCEMENTS

None.

There were no Enforcement items.

12.* PERMIT ACTION

Reclamation Board Permit No. 17035 (Scott Morgan)

Briefing on Permit No. 17035 GM and compliance with Special Condition No. 26.

Mr. Scott Morgan, Counsel, together with Mr. Steve Bradley, Chief Engineer and Ms. Cheryl Bly-Chester, Vice President, spoke regarding a meeting with CalTrans and the need for an MOU in regards to this permit. A basic agreement was reached upon the language of the MOU. The Board requested Caltrans to come back on them at the next Board meeting with the specific language. The hope is that the agreement can be finalized by next month.

No action was taken on this item this month.

13.* DELEGATION ORDER (*Scott Morgan*)

Consider rescission of Reclamation Board Resolution No. 98-03 and adoption of Reclamation Board Resolution No. 06-08.

After discussion with Mr. Scott Morgan, Counsel, Mr. Hodgkins motioned to continue this item to the next meeting so that Ms. Suarez, Member, could be present for a full Board vote. The motion was seconded by Ms. Bly-Chester, and unanimously carried.

14.* SUB-COMMITTEE FORMATION OF THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
(*Dan Fua*)

Consider establishing a Sub-committee to review completion of Phase 3 work and implementation plan for Phase 4 work.

Mr. Dan Fua, Acting General Manager, spoke of the purpose of having such the committee formed. Mr. Hodgkins spoke on what the committee could achieve. Mr. Kent McClain, TRLIA, endorsed the concept of forming the committee. It was agreed upon by all the all committee meetings would be publicly noticed. Mr. Scott Morgan, Counsel, explained why this committee would need to be voted on by the Board.

Upon motion by Mr. Hodgkins, seconded by Ms. Doherty, and unanimously carried, the Board approved the formation of the committee. Committee Members will be Mr. Hodgkins, Mr. Carter and Ms. Doherty.

15.* THREE RIVERS LEVEE IMPROVEMENT AUTHORITY (*Dan Fua*)

Consider sending a letter to the Corps requesting the Corps to initiate the process to relocate the existing federal levee on Bear River. (Item requested by Board Member Butch Hodgkins)

After a great deal of discussion, much of it "off-topic" (and in fact, related to Item #16), motion was made by Mr. Hodgkins, seconded by Ms. Burroughs, and unanimously carried, the Board voted to delegate the Acting General Manager to write and send the letter to the Corps.

After further discussion, with a revision of the letter to Corps (written and read by Pete Rabbon), Mr. Hodgkins motioned to incorporate Mr. Rabbon's revisions into the letter. The motion was seconded by Ms. Burroughs, and unanimously approved.

16.* 408 PROCESS (*Dan Fua*)

Consider correspondence with the Corps based on recommendations of 408 Task Force.

This item was continued to the March 2006 Board meeting.

INFORMATIONAL BRIEFINGS

18. OPEN MEETING LAWS (*Scott Morgan*)

This item was continued to the March 2006 Board meeting.

BOARD REPORTS

19. BOARD COMMENTS AND TASK LEADER REPORTS

This item was continued to the March 2006 Board meeting.


20. REPORT OF ACTIVITIES OF THE GENERAL MANAGER

This item was continued to the March 2006 Board meeting.

21. ADJOURN

Upon motion by Ms. Rie, seconded by Ms. Doherty, and unanimously carried, the meeting was adjourned at 4:15 pm.

Dated: May 19, 2006


Teri E. Rie
Secretary

The foregoing minutes were approved:



Benjamin F. Carter
President