

MINUTES

MEETING OF THE RECLAMATION BOARD

July 21, 2006

A regular meeting of The Reclamation Board (Board) was held on July 21, 2006 beginning at 8:00 a.m. in the Resources Building Auditorium, 1416 Ninth Street, Sacramento, California.

The following members of the Board were present:

Benjamin Carter, 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
Jill Phinney, Staff Assistant

Department of Water Resources staff present:

Jeff Fong
Scott Woodland
Steve Dawson
Jay Punia
Rod Mayer

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

Mr. Paul Brunner, Three Rivers Levee Improvement Authority (TRLIA)
Mr. Larry Dacus, TRLIA
Mr. Greg Kukas, U.S. Army Corps of Engineers (Corps)
Mr. Dan Boatwright, Castle Companies
Mr. Pete Kambel, Stantec Consulting
Mr. Paul Harper, BIMID
Mr. Scott Shapiro, TRLIA
Mr. Gary Hester, American River Flood Control District
Mr. Dan Tibbitts, Corps
Mr. Joe Countryman, MBK Engineers
Ms. Kate Poole, National Resources Defense Council (NRDC)
Ms. Susan Dell'Osso, River Islands of Lathrop (RI)
Ms. Alicia Guerra, RI

1. ROLL CALL

President Carter brought the meeting to order at 8:00 am. All Board members were in attendance except for Butch Hodgkins who was expected.

2.* APPROVAL OF AGENDA

Upon motion by Ms. Doherty, seconded by Ms. Rie, and unanimously carried, the Board approved the July 21, 2006 agenda as amended to: 1) remove item 9D from the consent calendar to permit actions, Item No. 14; and 2) tabling Item No. 3 until all five Board members are present.

3.* ELECTION OF OFFICERS

President Carter entertained nominations:

President – Ben Carter by Ms. Burroughs, seconded by Ms. Doherty, and unanimously carried, Mr. Carter is President.

Vice-President – Butch Hodgkins by Ms. Doherty, seconded by Ms. Burroughs, and unanimously carried, Mr. Hodgkins is Vice-President.

Secretary – Lady Bug by Ms. Burroughs, seconded by Mr. Hodgkins.

Secretary – Teri Rie by Mr. Hodgkins, seconded by Ms. Rie.

Roll call vote for Ms. Doherty as Secretary: Ms. Burroughs, yes; Ms. Rie, no; Ms. Doherty, yes; Mr. Carter, yes; and Mr. Hodgkins, yes. Four (4) yes votes to one (1) no vote (Ms. Rie), motion carried, Ms. Doherty is Secretary.

AT THIS TIME PRESIDENT CARTER THANKED AND EXPRESSED HIS GRATITUDE TO MS. RIE FOR SERVING AS SECRETARY FOR THE PAST NINE MONTHS.

4.* APPROVAL OF MINUTES – March 17, April 21, May 19 and June 16, 2006

Upon motion by Ms. Rie, seconded by Ms. Burroughs, and unanimously carried, the Board approved the minutes for March 17, 2006. Upon motion by Ms. Rie, seconded by Mr. Hodgkins, and unanimously carried, the Board approved minutes for April 21, 2006 with corrections as noted (see transcript). Upon motion by Ms. Doherty, seconded by Ms. Burroughs, the Board approved the minutes for May 19, 2006 as amended (see transcript) with one (1) abstention (Ms. Rie). The minutes for June 16, 2006 were postponed until the September 15, 2006 Board meeting.

5. PUBLIC COMMENTS

Mr. Gary Hester, newly appointed General Manager of the American River Flood Control District (ARFCD) introduced himself and provided information on himself and ARFCD.

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

Mr. Rod Mayer, Acting Chief of the Division of Flood Management, presented DWR's Report of Activities. (The report is attached hereto and made a part of these minutes.) The Board also heard from Mr. Scott Woodland and Jay Punia (DWR), and Mr. Joe Countryman (MBK Engineers) reported on maintenance activities in the Sutter Bypass. Also, Mr. Don Kurosaka, DWR's Project Manager for the Governor's Emergency Levee Erosion Repair Project, provided an update on the Critical Erosion Site Repair Program.

7. STATE OF EMERGENCY – BOARD ACTIONS (Dan Fua)

Mr. Dan Fua, Acting General Manager of the Reclamation Board advised the Board that he exercised the following actions: 1) provided a right-of-way certification for the Corps for construction purposes of the nine emergency erosion repair sites under the Corps' jurisdiction (Sacramento River from River Mile 26.9 to River Mile 123.5).

8. THREE RIVERS LEVEE IMPROVEMENT AUTHORITY MONTHLY REPORT (Paul Brunner)

Mr. Paul Brunner, TRLIA's Authority Director, provided their monthly report to the Board. (The report is attached hereto and made a part of these minutes.) Phase 2, work was started in 2005 and carried over to 2006 on schedule. Work on the Yuba is almost complete which includes arrangement with Caltrans to get access to finish the seepage berm which is expected to be completed this summer. Work on the WPIC Interceptor Canal is also well underway and is expected to be completed this summer. Work on the Bear River is underway and TRLIA continues to work with the Corps regarding sand lenses. Phase 3, dealing with the Bear River (degrading the levee and reconstructing one in its place) is well underway. The 600-acre habitat is walnut groves that are about to be cleared completely. River Islands will start the habitation work in September. Mr. Larry Dacus, MBK Engineers, provided information regarding River Partners doing the riparian and grass plantings. Also, River Partners will maintain those plantings for three years to assure their viability. Phase 4 is the work that's being done this year and then the next two years work to improve the Feather River. TRLIA is putting in a slurry wall for the Yuba River. That contract has just been awarded to Nordic. The goal is to return to the Board in the near future to have the building permit limits lifted. Regarding work on the Feather River, the work is well underway as far as the environmental documentation. Together with local and State entities, TRLIA continues to meet the commitment on public outreach. The CEQA document for public review is underway. Certification scheduled for October 2006. TRLIA's commitment by the landowners for a comprehensive financing plan to fund the Phase 4 program, including Phase 2, 3 and 4 construction, and condemnation contingencies has been consummated. The funding agreement is in place with \$135 million capital cost fees.

CONSENT

9.* CONSENT CALENDAR

- A. Highway 70 Widening Project – Bear River – California Department of Transportation, Yuba County (Jeff Fong)

Consider approval of the execution of a right of entry agreement with the California Department of Transportation, authorize the President of the Board to execute the right of entry, and adoption of Resolution No. 06-24 authorizing the General Manager of the Reclamation Board to execute all necessary right of way documents for the grant of easement(s) to the California Department of Transportation for the widening of the west side of Highway 70 north of the Bear River.

Moved to Requested Actions.

- B. Application No. 18092, AG Spanos Construction, San Joaquin County (Mike Mirmazaheri)

Consider approval of the 9,600-foot long bike trail on the levee crown of right bank levee of Pixley Slough in San Joaquin County.

Upon motion by Ms. Rie, seconded by Ms. Doherty, and unanimously carried, the Board approved Application No. 18092.

- C. CEQA Findings – Permits 18018-1 and 18018-2 (Scott Morgan)

Consider adopting findings related to adequacy of CEQA documents relied upon by the Board in approving permits 18018-1 and 18018-2, authorizing fill and encroachments upon fill, for River Islands, Califia, LLC, San Joaquin River, Lathrop.

Moved to Requested Actions.

- D. Three Rivers Levee Improvement Authority Cooperation Agreement (Scott Morgan)

Consider approval of Cooperation Agreement for operations and maintenance of the Bear River setback levee.

Moved to Requested Actions.

REQUESTED ACTIONS

10.* PROJECT OR STUDY AGREEMENTS

AT THIS TIME, ITEMS NO.'S 9A & 9C WERE PRESENTED TO THE BOARD FOR ACTION.

- 9A.* Highway 70 Widening Project – Bear River – California Department of Transportation, Yuba County (Jeff Fong)

Consider approval of the execution of a right of entry agreement with the California Department of Transportation, authorize the President of the Board to execute the right of entry, and adoption of Resolution No. 06-24 authorizing the General Manager of the Reclamation Board to execute all necessary right of way documents for the grant of easement(s) to the California Department of Transportation for the widening of the west side of Highway 70 north of the Bear River.

Mr. Jeff Fong, DWR's Real Estate Branch, presented the above item which is to include work that needs to be done on the west side of Highway 70. (Note: This item was brought before the Board at a previous Board meeting for work to be done on the east side of Highway 70.) The Board also heard a presentation by Mr. Scott Shapiro, Legal Counsel, Three Rivers Levee Improvement Authority, regarding the Caltrans work being done on the west side of Highway 70.

Upon motion by Mr. Hodgkins, seconded by Ms. Doherty, and unanimously carried, the Board approved the adoption of Resolution No. 06-24 as amended. (last paragraph "...provided that the General Manager is satisfied that Caltrans is coordinating its activities with the flood protection work being undertaken by Three Rivers Levee Improvement Authority.")

- 9C.* CEQA Findings – Permits 18018-1 and 18018-2 (Scott Morgan)

Consider adopting findings related to adequacy of CEQA documents relied upon by the Board in approving permits 18018-1 and 18018-2, authorizing fill and encroachments upon fill, for River Islands, Califia, LLC, San Joaquin River, Lathrop.

Mr. Scott Morgan, Legal Counsel for the Board, presented the above item to the Board. (Permits 18018-1 and 18018-2 were approved at the June 26, 2006 Board meeting and at the same time made findings in the general reading that CEQA had been satisfied, and directed staff to prepare a resolution memorializing that fact.) "The Board is the lead agency and the City of Lathrop prepared and certified its EIR for the River Islands project and prepared addendums to that and had adopted a mitigation monitoring plan as the lead agency." See transcript on website for information on Board's responsibility as the responsible agency. The Board also heard testimony from: 1) Ms. Kate Poole, Senior Attorney, Natural Resources Defense Council, expressed some concerns with specifics of the resolution and requested the Board to not disapprove it (see transcript for issues of concern); 2) Ms. Susan Dell'Osso, Project Director, River Islands of Lathrop, made some comments in regards to the permits; 3) Ms. Alicia Guerra, Morrison & Foerster (behalf of River Islands), made some comments on the legal issues that were raised by Ms. Poole.

Upon motion by Mr. Hodgkins, seconded by Ms. Doherty, the Board approved the adoption of findings related to adequacy of CEQA documents relied upon by the Board in approving permits 18018-1 and 18018-2. Roll call vote: Mr. Hodgkins–yes; Ms. Rie–yes; Ms. Burroughs–no; Ms. Doherty–yes; and Mr. Carter–yes. Motion passes 4 to 1 (no vote by Ms. Burroughs).

11.* PROPERTY MANAGEMENT

None.

There were no Property Management items.

12.* ENFORCEMENTS

None.

There were no Enforcement items.

13.* APPLICATIONS

Application No. 18046, Castle Principles, LLC, Sacramento County (Mike Mirmazaheri)

Subject to acceptance of operation and maintenance responsibilities for project levee by an appropriate public entity, consider approval of Application No. 18046 requesting an encroachment permit to install storm drain pipe through the levee, construct two access ramps, place fill along the landward toe of the levee, and place 2,000 linear feet of aggregate base on the crown of the Colusa Basin Drain levee.

Mr. Mike Mirmazaheri, DWR, presented the above item to the Board and to request approval of Application No. 18046. (Correction to title on item – this is in Yolo County, not Sacramento County.) The Board also heard comments from Mr. Dan Boatwright, Castle Companies. After considerable discussion between the Board, staff and applicant, President Carter requested a motion.

Upon motion [approve the permit with four (4) conditions; 1) public agency accepting responsibility for the O&M of the levee; 2) submission to the GM of an engineering and geo-technical and hydraulic analysis certifying that the levee’s stability, seepage and overtopping meet the Corps’ requirements; 3) identify the levees that are necessary for hundred-year protection; and 4) certify that those levees meet the criteria] by Mr. Hodgkins, seconded by Ms. Doherty. Motion failed with 2 (yes) votes and 2 (no) votes. (Note: There was not a roll call vote; therefore, unable to identify the individuals who voted either yes or no.) Additionally, it was decided to table this item to a future Board meeting.

14.* PERMIT ACTIONS

None.

AT THIS TIME, ITEM NO. 9D WAS PRESENTED TO THE BOARD FOR ACTION.

9D.* Three Rivers Levee Improvement Authority Cooperation Agreement (Scott Morgan)

Consider approval of Cooperation Agreement for operations and maintenance of the Bear River setback levee.

Mr. Scott Morgan, Legal Counsel for the Board, presented the above item to the Board. (Issue: In working with Three Rivers Levee Improvement Authority to approve their request for a letter to the Corps, that the Corps would evaluate the project to decide whether the Corps would approve alteration of the project. They were going to do that under 33 U.S.C. 408. The Corps as a condition said, "we will only consider this if the Board agrees to accept the finished project once it has been completed".) (See transcript on website for further information.) The Board also heard comments from Mr. Scott Shapiro, Legal Counsel, Three Rivers Levee Improvement Authority.

Upon motion by Ms. Rie, seconded by Mr. Hodgkins, and unanimously carried, the Board approved the Local Project Cooperation Agreement between the Board and Three Rivers Levee Improvement Authority, with the change to the fourth "whereas" where the words "under U.S.C. Section 408" was deleted.

INFORMATIONAL BRIEFINGS

15. RECLAMATION BOARD STRATEGIC PLAN (Butch Hodgkins)

Vice-President Hodgkins provided a presentation to the Board on how the Board would go forward with developing a strategic plan and gave the Board members an opportunity to provide input.

16. YOLO BYPASS MODELING (Mike Mirmazaheri)

Mr. Mike Mirmazaheri, DWR, provided a briefing on the above item which included background and history of the Sacramento Valley. The Board also heard a presentation from Mr. Greg Kukas, Corps, regarding the capabilities of the RMA-2, Yolo Bypass model.

17. RIVER ISLANDS OF LATHROP CPM UPDATE (Scott Morgan)

Mr. Scott Morgan, Legal Council for the Board, provided an update on the River Islands of Lathrop's CPM project and where the Board goes from this point forward. (See transcript on website for details of update.) Some concerns were raised by the Board in regards to hydraulic analysis, global catastrophic changes, analysis of the impacts of sea-level rise, potential liability for the State, and RD establish an assessment base, etc.

BOARD REPORTS

18. BOARD COMMENTS AND TASK LEADER REPORTS

Member Burroughs reported that she was requested to represent the Board at a teacher's three-day workshop in learning about the Delta.

Vice-President Hodgkins reported that he will be attending a Floodplain Management Association meeting which includes giving a presentation in July.

Secretary Doherty reported that she has attended various meetings: 1) Technical Advisory Committee meeting in Willows; Westside Levee District meeting; Central Valley Flood Control Association meeting and tour of the entire Westside levee area which included the Fremont Weir, Sacramento Bypass down to the Delta (Rio Vista). Ms. Doherty also traveled to Knights Landing to look at the Castle development and she will also be attending a meeting regarding development of landowner's concerns at the Sacramento River Conservation Forum.

President Carter reported that Teri, Butch and he participated in the civil service examination for the General Manager's position and explained the next steps in the hiring process.

19. REPORT OF ACTIVITIES OF THE GENERAL MANAGER

Mr. Dan Fua, Acting General Manager for the Board, reported that three right-of-way certifications to the Corps were issued for three projects...the Sacramento River Bank Protection Project, Phase 2; the South Sacramento County Streams Project, Phase 1B; and the American River Common Features Pocket Geotechnical Flood Control Project. He also reported that 62 encroachment permits have been issued between April 1 through June 30, and there are 48 outstanding applications that are currently being processed. Mr. Fua also reported that 57 contract agreements (2005-2006 Delta Levees Subventions Maintenance Program) out of a total of 67 applications have been executed.

20. FUTURE AGENDA

The Board discussed the September 15 agenda as presented in Board packet. President Carter requested that the River Islands of Lathrop CPM permit application be added to the September agenda and the possibility of having an August meeting to announce and introduce the newly appointed General Manager.

21. ADJOURN AT 4:30 PM

Upon motion by Ms. Rie, seconded by Ms. Doherty, and unanimously carried, the Board meeting was adjourned at 4:00 pm.

Dated: October 20, 2006



Maureen Doherty
Secretary

The foregoing minutes were approved:



Benjamin F. Carter
President