

MINUTES

MEETING OF THE RECLAMATION BOARD

May 19, 2006

A regular meeting of The Reclamation Board was held on May 19, 2006 beginning at 8:00 a.m. in the Merced County Supervisor's Board Room, 2222 M Street, 3rd Floor, Merced, California 95340.

The following members of the Board were present:

Benjamin Carter, President
Rose Marie Burroughs, Member
Lady Bug Doherty, Member
Butch Hodgkins, Member

The following members of the staff were present:

Stephen Bradley, Chief Engineer
Scott Morgan, Counsel
Lori Buford, Staff Assistant

Department of Water Resources staff present:

Jeff Fong
Tim Kerr
Mike Mirmazaheri
Annalena Bronson
Deborah Condon
Larry Lee
Rod Mayer
Erin Mullin

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

Mr. Glenn Gebhardt, River Islands of Lathrop
Mr. Steven Giesbrecht, Butte City
Mr. Jose Puente, Hamilton City Citizens in Action
Ms. Lee Ann Grigsby-Puente, Hamilton City-RD 2140
Mr. Al Franzola, Lennar
Mr. Steve Sutton, Miller Holdings
Mr. Reggie Hill, Lower San Joaquin Levee District
Mr. Randi Knott, KB Homes
Mr. Kent McClain, Three Rivers Levee Improvement Authority (TRLIA)
Mr. Seth Merewitz, McDough, Holland and Allen
Ms. Lynn O'Leary, U.S. Army Corps of Engineers (Corps)
Mr. Bill Paris, RD 2040
Mr. Erwin Hayer, Rio Linda Chamber of Commerce
Mr. Scott Shapiro, TRLIA
Mr. David Van Rign, Corps
Ms. Shannen Zuspan, West Sacramento Redevelopment Agency (RDA)

1. ROLL CALL

President Carter brought the meeting to order at 8:00 am. All Board members were in attendance except for Cheryl Bly-Chester and Teri Rie. Additionally, Mr. Steve Bradley, Chief Engineer for the Board acted as General Manager in Mr. Dan Fua's absence.

2.* APPROVAL OF MINUTES – February 16 & 17, March 17 and April 6, 2006

Upon motion by Ms. Doherty, seconded by Mr. Hodgkins, and unanimously carried, the Board approved the February 16 & 17, 2006 minutes. Minutes for March 17 will be brought back to the Board for approval at the June 16 meeting. The April 6 meeting will not be presented for approval, as a court reporter was not present. However, the meeting was tape-recorded and the tapes will be transcribed and posted on the Board's website.

3.* APPROVAL OF AGENDA

Upon motion by Ms. Doherty, seconded by Ms. Burroughs, and unanimously carried, the Board approved the May 19, 2006 agenda as amended to hear Item No. 15 directly following Item No. 5 and Item No. 7 will directly follow Item No. 12.

4. PUBLIC COMMENTS

Ms. Susan Zuspan, West Sacramento River Walk Promenade Design Project (WSRWPP), City of West Sacramento, in regards to the "conceptual designs for the promenade project that was discussed in and Workshop on April 21, 2006, Ms. Zuspan reported that they have been working closely with the Board's staff to identify the next steps in their application process and to move forward with the application process to return back to the Board. Ms. Zuspan requested the Board to form a subcommittee to work with their project team. President Carter announced that the Board will agendaize this request and placed on the June 16 agenda.

Mr. Reggie Hill, Lower San Joaquin Levee District, extended his thanks to the Board for accepting their invitation to tour areas of the southern portion of the San Joaquin River and Chowchilla Bypass.

5. 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.)

6. STATE OF EMERGENCY – BOARD ACTIONS *(Steve Bradley)*

Chief Engineer Steve Bradley, advised the Board that he signed an amendment to the existing Sacramento Bank Protection Program. This allowed the State to advance funds to the Corps for the project in order to proceed with some emergency repairs. Additionally, President Carter and Legal Counsel Morgan were in agreement and also signed the amendment. Mr. Bradley also signed a notice stating that no lobbying had occurred.

Additionally, Mr. Bradley provided an update on the emergency repairs. A permit has been received for sixteen sites for repair that will be handled as one permit, with each site having a different sub-category so they can be issued as they are submitted.

AT THIS TIME, PRESIDENT CARTER ANNOUNCED THAT ITEM NO. 15, ELDERBERRY PLANTINGS POLICY, INFORMATIONAL BRIEFING, WOULD NOW BE PRESENTED.

15. ELDERBERRY PLANTINGS POLICY *(Rod Mayer)*

Chief Engineer Steve Bradley, stated that the Board was not directly affected; however, the Board affects the ability of DWR to do O&M by allowing these to go on. The Board cost-shares with the Corps where the Board is the non-federal partner. Ms. Annalena Bronson, DWR Environmental Scientist, provided background information on elderberries, and particularly how it pertains to the project. Considerable discussions ensued regarding concerns of planting elderberries in the floodway and mitigation issues. Board staff was requested to work together with DWR staff to develop a draft policy to use as a guide.

CONSENT

8.* CONSENT CALENDAR

None.

There were no Consent Calendar items.

REQUESTED ACTIONS

9.* PROJECT OR STUDY AGREEMENTS

- A. American River Common Features Pioneer Reservoir Levee Seepage Berm and Relief Well Project *(Erin Mullin)*

(9A continued)

Consider approval of Resolution No. 06-16 to:

1. Adopt Mitigated Negative Declaration;
2. Adopt Mitigation Monitoring Plan; and
3. Approve the construction of the Project.

Ms. Erin Mullin, DWR Project Manager, provided a brief introduction, background, the problem description and proposed repair, and schedule for construction. Due to the excessive under-seepage the levee does not meet FEMA 100-year protection standards. Mr. Annalena Bronson, DWR Project Manager, addressed the environmental issues and process. The Board also heard testimony from Mr. Tim Kerr (DWR Project Manager), Chief Engineer Bradley and Grant Kreinberg (SAFCA).

Upon motion by Mr. Hodgkins, seconded by Ms. Doherty, and unanimously carried, the Board approved Resolution No. 06-16 as presented.

- B. Sacramento River Bank Protection Project, Pocket Area Erosions Sites - RM 49.6L, 49.9 L, 50.2L, 50.4L, 50.8L, 51.5L, 52.4L and 53.1L (Deborah Condon)

Consider approval of Resolution No. 06-17 to:

1. Adopt Mitigated Negative Declaration;
2. Adopt Mitigation Monitoring Plan; and
3. Approve the construction of the Project.

Ms. Deborah Condon, DWR Project Manager, presented the above item to the Board and requested approval of Resolution No. 06-17. Board also heard testimony from Tim Kerr (DWR Project Manager).

Upon motion by Ms. Doherty, seconded by Mr. Hodgkins, and unanimously carried, the Board approved Resolution No. 06-17 as presented.

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

Consider approval of Resolution No. 06-18 to:

1. Direct Staff to negotiate an amendment to the Design Agreement between The Department of the Army (Army) and The Reclamation Board (Board) of the State of California for the Design of the Hamilton City Flood Damage Reduction and Ecosystem Restoration Project, California for the purpose of advancing non federal funds to the Army; and
2. Delegate authority to the President or Secretary of the Board to sign the negotiated amendment to the Design Agreement between the Army and the Board.

(9C continued)

Mr. Larry Lee, DWR Project Manager, provided background information and requested the Board to approve Resolution No. 06-18. Approval of this resolution will allow the State to advance funds to the full cost-share amount of \$764,500 to the Corps to move forward with the first part of the PED study. The Board also heard testimony from Mr. David Van Rijn, Corps and Mr. William Paris, Attorney for the Hamilton City Reclamation District 2040.

Upon motion by Ms. Burroughs, seconded by Ms. Doherty, and unanimously carried, the Board approved Resolution No. 06-18 as presented.

AT THIS TIME, PRESIDENT CARTER ANNOUNCED THAT ITEM NO. 9D, SACRAMENTO RIVER BANK PROTECTION PROJECT, CACHE CREEK NORTH LEVEE SETBACK PROJECTS, WOULD BE BROUGHT BACK TO THE JUNE 16, 2006 BOARD MEETING FOR CONSIDERATION OF APPROVAL.

10.* PROPERTY MANAGEMENT

Easement Deed – California Department of Transportation, Yuba County (Jeff Fong)

Consider approval of a highway easement to the California Department of Transportation for the widening of Highway 70 north of the Bear River, approval of an access easement to Pacific Gas and Electric Company and Reclamation District 784, and acceptance of a replacement access easement.

Mr. Jeff Fong, DWR Land and Right-of-Way Division, presented the above item to the Board and requested the Board to approve the right-of-way contract and various use easements for this project.

Upon motion by Ms. Burroughs, seconded by Ms. Doherty, and unanimously carried, the Board approved Resolution No. 06-18 as presented.

11.* ENFORCEMENTS

None.

There were no Enforcement items.

12.* APPLICATIONS

Application No. 18032, Butte Basin, Glenn County (Mike Mirmazaheri)

Consider approval of Application No. 18032, to construct a 2-story private residence within Area E of the Butte Basin, located northeast of Butte City, north of State Highway 162, at 7813 County Road 61, in Glenn County.

Mr. Mike Mirmazaheri, DWR Manager, presented the above application and requested approval of Application No. 18032. Mr. Mirmazaheri also provided a briefing on the Butte Basin Project. The Board also heard testimony from Chief Engineer Bradley and Mr. Steven Giesbrecht (Glenn County).

Upon motion by Ms. Burroughs, seconded by Ms. Doherty, and unanimously carried, the Board approved Application No. 18032 as presented.

AT THIS TIME, PRESIDENT CARTER ANNOUNCED THAT ITEM NO. 7, THREE RIVERS LEVEE IMPROVEMENT AUTHORITY MONTHLY REPORT, WOULD NOW BE PRESENTED.

- 7. THREE RIVERS LEVEE IMPROVEMENT AUTHORITY MONTHLY REPORT** *(Kent McClain)*
NOTE: TRLIA will submit a written report for this meeting. TRLIA will be available to answer Board questions on this item prior to agenda item 13.

Mr. Kent McClain, Three Rivers Levee Improvement Authority (TRLIA) presented the above titled report to the Board and provided an updated supplemental report: 1) work has begun on the Western Interceptor Canal and Pump Station No. 6; 2) construction on the setback levee has also begun and Corps' Sacramento District has forwarded the request for the simultaneous degradation of the levee to Washington, DC HQ; 3) TRLIA has contracted with "Bender Rosenthal" for acquisition of right-of-way and rights for the Phase 4 work on the Feather and Yuba Rivers for the geotechnical and the actual construction work; 4) the building permits issued to date are 205 out of a total of 700 for 2006; and 6) preparation of the flood inundation maps are underway and will be completed within the timeframe that was originally specified. The Board also heard from Mr. Scott Shapiro, Attorney for TRLIA, for a presentation on the permit and agreement.

Mr. McClain announced that he is retiring and this was his last meeting to report to the Board. He advised that Mr. Paul Brunner has been newly appointed as Director of TRLLIA in his place.

13.* PERMIT ACTIONS

Permit No. 17782 BD, Three Rivers Levee Improvement Authority *(Steve Bradley)*

Consider approval of implementation and funding agreements required by Resolution No. 06-14 that addresses Special Condition THIRTEEN of Permit No. 17782 BD.

Chief Engineer Steve Bradley introduced the above permit, which is a follow-up to the April 2006 Board meeting (approve the implementation and funding plan), and introduced Mr. Scott Shapiro, Attorney for TRLIA, presented an overview of what the funding agreements state. (See transcript for details) Chief Counsel Scott Morgan also provided testimony and clarified that this agreement is brought before the Board as a result of direction to staff from the April 2006 Board meeting. (See transcript for details) Mr. Shapiro then requested the Board to approve the agreement as being legally sufficient to implement the policy decision made by the Board at the April 2006 Board meeting. The Board also heard testimony from Mr. Randi Knott, KB Homes.

Upon motion by Mr. Hodgkins, seconded by Ms. Doherty, and after further discussion, the Board unanimously approved the agreement (second implementation agreement) in regard to Permit No. 17782 BD as presented, and with the commitment provided by Mr. Shapiro to incorporate their commitment to ensure notice is provided to the public.

INFORMATIONAL BRIEFINGS

14. DELTA LEVEES REPORT TO CONGRESS *(Lynn O'Leary, U.S. Army Corps of Engineers)*

Ms. Lynn O'Leary, Corps' Sacramento District, providing a briefing to the Board on the Delta Levees Report to Congress. The Report was authorized in October 2004; appropriated in November 2005; and received funding in December 2005. The Report/Act directs the Corps to describe and prioritize potential levee improvement projects in the Delta.

THIS ITEM WAS HEARD IMMEDIATELY FOLLOWING ITEM NO. 6.

15. ELDERBERRY PLANTINGS POLICY *(Rod Mayer)*

BOARD REPORTS

16. BOARD COMMENTS AND TASK LEADER REPORTS

Member Hodgkins briefly reported on the Strategic Plan. He reported that he had been meeting with Reclamation Board and DWR staff regarding 200-year flood protection, and he would also like Reclamation Board and DWR staff to bring a draft policy or analysis on liability and higher flood standard back to the Board for consideration.

Member Doherty announced that the Sacramento River Area Conservation Forum is going to have a meeting and barbecue at the Llano Seco Ranch on May 25, 2006 and the Board is welcome to attend. Member Doherty reported that she has attended various Technical Advisory Committee (TAC) meetings. The main topics of discussions are regarding restoration projects. The TAC would like to do more additional work in Colusa in the future. President Carter announced that Past General Manager Pete Rabbon was the Board's representative at the Board meetings; and Member Doherty has been attending in his place. President Carter stated that he is a Board member on the SRCAF as landowner from Colusa County. President Carter also served as Chair of this Board for a year. He reported that the Chair rotates between landowner representatives and public interest representatives from the seven counties involved. Additionally, he reported that the meeting and barbecue is an annual event. And, there are some significant issues with regard to the projects that do not have local support in Colusa County. The bone of contention is that the SRACF's guidelines and principles state that they will get local support and will address local concerns which has not occurred. Member Doherty stated she was going to attend the Board meeting on May 25, 2006 and if any other Board member was interested, please let her know.

President Carter had a comment on the task force groups in general. He clarified the intended role of the task force groups was to allow the Board members to get involved in projects that are involved with the Reclamation Board. They were not intended to become advocates. They are strictly fact-finding groups that allow the Board members to become intimately educated in the issues so they can make more informed decisions. The task forces members' role while serving on these task forces is to have discussions, understand all sides of the issues, discuss with staff, applicants and other Board members that are potentially on the task force (Board member). Any Board member is welcome to attend the meetings; however, if there are three or more members in attendance, they must be publicly noticed.

There were no other reports presented.

17. REPORT OF ACTIVITIES OF THE GENERAL MANAGER

The General Manager activities were covered under Item No. 6.

AT THIS TIME, THE BOARD HEARD FROM MR. GLENN GEBHARDT WHO REQUESTED TO SPEAK DURING ITEM NO. 17.

Mr. Glenn Gebhardt, TRLIA, mentioned that the River Islands of Lathrop Task Force was short a Board member especially since the resignation of Member Suarez and therefore, he requested another Board member be assigned to the group. President Carter ensured Mr. Gebhardt that this issue would be placed on the June 16, 2006 agenda for consideration.

18. FUTURE AGENDA

The Board discussed the June 16 agenda (presented in Board packet) and it was determined that this meeting would require two days. Thursday, June 15 would be a tour of West Sacramento 8:30 to 10:00 am and following the Board convened into a regular meeting. Friday, June 16 will be a regular Board meeting beginning at 8:00 am.

19. ADJOURN AT 4:30 PM

Upon motion by Ms. Doherty, seconded by Mr. Hodgkins, and unanimously carried, the meeting was adjourned at 3:50 pm.

Dated: November 17, 2006



Teri Rie
Secretary

The foregoing minutes were approved:



Benjamin F. Carter
President