

MINUTES

MEETING OF THE RECLAMATION BOARD

September 15, 2006

A regular meeting of The Reclamation Board (Board) was held on September 15, 2006 beginning at 9:00 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:

Jay Punia, General Manager
Dan Fua, Assistant General Manager
Stephen Bradley, Chief Engineer
Scott Morgan, Counsel
Nancy Finch, Counsel
Lori Buford, Staff Assistant
Jill Phinney, Staff Assistant

Department of Water Resources staff present:

Steve Dawson
Dave Lane
Rod Mayer
Brian White
Don Kurosaka
Noel Lerner
Mike Mirmazaheri
Dave Mraz

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

Mr. Paul Brunner, Three Rivers Levee Improvement Authority (TRLIA)
Mr. Larry Dacus, TRLIA
Mr. Richard Marshall, CA Central Valley Flood Control Assn.
Mr. Dan Boatwright, Castle Companies
Mr. Paul Harper, BIMID
Ms. Alicia Guerra, Attorney, Castle Properties, LLC
Ms. Shanna Zuspan, City of West Sacramento
Mr. Les Bowman, Landowner
Ms. Lynn Yackzan, Landowner
Mr. Gregg Herrington, Landowner

Mr. Val Toppenberg, City of West Sacramento
Mr. Richard Jenness, Laugenour & Meikle Civil Engineer
Mr. Wayne Green, Knights Landing Citizens Advisory Committee
Mr. John Raney, Raney Geotechnical

1. ROLL CALL

President Carter brought the meeting to order at 9:00 am. All Board members were in attendance.

2. CLOSED SESSION – to discuss litigation (*Natural Resources Defense Council v. Reclamation Board*; Case No. 06CS01228) pursuant to Govt. Code § 11126 (e)(2)(A)

At this time the Board entered into Closed Session at approximately 9:05 to discuss litigation to the Natural Resources Defense Council vs. the Reclamation Board. The Board reconvened into Open Session at 9:45.

AT THIS TIME PRESIDENT CARTER INTRODUCED THE RECLAMATION BOARD'S NEWLY APPOINTED GENERAL MANAGER, MR. JAY PUNIA, AND MS. NANCY FINCH, LEGAL COUNSEL, WHO WILL BE ASSISTING SCOTT MORGAN ON BOARD LEGAL ISSUES.

3.* APPROVAL OF MINUTES – June 16 & 26 and July 21, 2006

Upon motion by Ms. Doherty, seconded by Ms. Rie, and unanimously carried, the Board decided to postpone approval of the minutes presented until the October Board meeting.

4.* APPROVAL OF AGENDA

Upon motion by Ms. Doherty, seconded by Ms. Rie, and unanimously carried, the Board approved the agenda as presented.

5. PUBLIC COMMENTS

There were no public comments.

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 a report/update from Mr. Don Kurosaka, DWR Project Manager for the Governor's Emergency Levee

Erosion Repair Project, on the Critical Erosion Site Repair Program and Mr. Brian White, DWR Legislative Affairs Assistant Director, on legislative activities. (See transcript on Website for details)

7. STATE OF EMERGENCY – BOARD ACTIONS (Jay Punia)

Mr. Jay Punia, General Manager of the Reclamation Board advised the Board that he exercised the following actions: 1) issued a variance to a special condition of an existing permit for River Partners' Project for the Del Rio Wildlands Restoration property; and 2) issued a permit to Reclamation District 1000 to repair a portion of the Sacramento River East Levee located at River Mile 75.1 in Sacramento County. Mr. Punia also reiterated that DWR developed a contract (cooperation agreement), which was signed by the U.S. Army Corps of Engineers (Corps) to transfer \$13 million dollars to the Corps to repair critical erosion levee sites under PL 84-99.

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

Mr. Paul Brunner, TRLIA's Authority Director, provided the monthly report to the Board. (The report is attached hereto and made a part of these minutes.) (See Reclamation Board's Website at www.recbd.ca.gov for details)

CONSENT

9.* CONSENT CALENDAR

There were no consent calendar items.

REQUESTED ACTIONS

10.* PROJECT OR STUDY AGREEMENTS

There were no project or study agreement items.

11.* PROPERTY MANAGEMENT

There were no property management items.

12.* ENFORCEMENTS

There were no enforcement items.

13.* APPLICATIONS

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

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. *(Continued from July 21, 2006 Board meeting)*

Mr. Mike Mirmazaheri, DWR, stated this application was presented to the Board at their July 21, 2006 Board meeting and after considerable discussions, it was decided to bring Application No. 18046 back to the September 15 meeting for further discussion and decision. Mr. Mirmazaheri then introduced Legal Counsel Scott Morgan to provide an update and progress report on what has transpired since July 2006 Board meeting. Thereupon, Mr. Morgan, Legal Counsel, stated that this item was left open for the applicant to return once he had resolved the issue of an entity responsible for operating and maintaining the project and making themselves known. Mr. Noel Lerner, DWR, provided information on the formation of a maintenance area. And, that DWR has initiated the process by submitting a letter to agencies that might be or are affected or involved in establishing a maintenance area. The Board also heard testimony from Mr. Dan Boatwright, Castle Companies; Mr. Rod Mayer, DWR; Mr. Rich Jenness, Laugenour & Meikle; Mr. John Raney, Raney Geotechnical; Mr. Wayne Green, Chairman of the Knights Landing Citizens' Advisory Committee; Ms. Alicia Guerra, Morrison & Foerster;

Upon motion by Mr. Hodgkins, seconded by Ms. Rie, the Board decided to approve the permit/application subject to staff conducting an analysis to determine that there is not an under seepage problem and that they verify that the structures that are to be built by the applicant are above water surface elevation if any of the levees surrounding the area fail and that staff is satisfied that whoever does the analysis, they review it and they are satisfied that it meets those two conditions. Thereupon a roll-call vote ensued...Mr. Hodgkins-yes, Ms. Rie-yes, Mr. Carter-no, Ms. Doherty-yes, Ms. Burroughs-no; motion fails 3 to 1.

Thereupon the Board decided to continue this item and bring it back to the October 2006 Board meeting for a decision.

14.* PERMIT ACTIONS

There were no permit action items.

15.* DELTA LEVEE SUBVENTIONS PROGRAM (Dave Mraz)

- A. Consider approval of the Delta Levees Subventions Program's funding priorities; and
- B. Consider approval of the Department of Water Resources' recommendation for the Subvention Program.

Mr. Dave Mraz, Delta Levee Subventions Program (DLSP), presented background information (goal - to reduce the risk of land use and the associated economic activities that are protected by the Delta levees, and help build them up to a Bulletin 192-82 cross section) and requested approval of the funding priorities and of DWR's recommendation for the Subvention Program. The Board also heard testimony from Mr. Dave Lawson, DLSP.

Upon motion by Ms. Doherty, seconded by Mr. Hodgkins, the Board approved the summary of the Delta Levees Subvention Program Prioritization and Eligibility of Costs, as outlined – motion carries, 4 to 1 (no vote by Ms. Burroughs). It was further decided that staff is directed to get together with Mr. Mraz and resolve the discrepancies in the guidelines as soon as possible. And, requested Mr. Mraz to provide a presentation on the study at their December 2006 Board meeting. Thereupon another motion was made by Mr. Hodgkins, seconded by Ms. Doherty, and unanimously carried, to approve the reimbursement amounts listed on Attachment B.

INFORMATIONAL BRIEFINGS

16. STATUS UPDATE, RIVER ISLANDS CONCEPTUAL PROJECT MODIFICATION, APPLICATION NO. 18023 *(Steve Bradley)*

Mr. Steve Bradley, Chief Engineer for the Board, presented the above item to the Board. An application has been received for the overall project (CPM-conceptual project modification). However, the issue before the Board right now is consideration of sending a letter to the Board requesting that the project (federal flood control project) be modified. (Note: Staff is currently waiting for the Corps to conduct their EIS, received the peer review with regard to the hydraulic analysis, and receives the LMA from the applicant.). The Corps is in the process of doing an EIS, as River Islands has federal actions. This item will be brought back to the Board at either the November or December 2006 Board meeting to request approval for a letter to be sent requesting modification of the project. (See Reclamation Board's Website at www.recbd.ca.gov for details)

17. STATUS UPDATE, WEST SACRAMENTO RIVERWALK PROMENADE PROJECT *(Steve Bradley)*

Mr. Steve Bradley, Chief Engineer for the Board, provided the status on the above project. An application was received on August 29; however, the application did not include CEQA; therefore, the application was incomplete. There are technical issues that have to be resolved by the applicant. Once they are resolved, Mr. Bradley will determine if this item needs to be brought back to the Board. The Board also heard comments from Mr. Val Toppenberg, Director of Redevelopment and Economic Development for the City of West Sacramento. Butch, Teri, and Lady Bug stated a willingness to also work as a subgroup with the applicant.

18. RECLAMATION BOARD STRATEGIC PLAN *(Butch Hodgkins)*

Vice-President Hodgkins, stated that he would like to entertain the idea of hiring a facilitator to determine the approach to use and move forward with the strategic plan. He stated that the Board needs to work with staff and complete a "request for a statement of qualifications" from facilitators who specialize in strategic plans. Once this process has begun, this item will be brought back to the Board with at the December 2006 Board meeting with a "workplan", "schedule", and then request the Board to approve retaining the consultant.

BOARD REPORTS

19. BOARD COMMENTS AND TASK LEADER REPORTS

General Manager Punia reported on the San Joaquin meeting with Reggie Hill. Two issues were raised by Mr. Hill. One – regarding the priority list developed by DWR and the Corps for PL 84-99 – some of the critical sites were not prioritized properly. Mr. Punia facilitated a meeting with DWR staff and they made a commitment that they will go back to the Corps and re-evaluate those priorities based upon Mr. Hill's input. Second – regarding settlement of the San Joaquin River restoration habitat in the bypass. Mr. Punia recommended that staff request DWR or U.S. Bureau of Reclamation to give provide a presentation on what this issue is about.

Vice-President Hodgkins reported that he attended a San Joaquin River Flood Control Association meeting in Modesto to discuss our the Board's concept Vice-President Hodgkins also stated that the Board may have an opportunity to provide input into developing some federal guidelines regarding 208 and 208 processes. He requested staff to return to the Board with some recommendations as to the kinds of guidelines the Board might consider and explain why. Board Member Rie stated that she has a draft letter for comments to the Corps, which was requested by the Corps. She is holding the draft until she meets with DWR to obtain some comments. Vice-President Hodgkins and Board Member Rie will work with General Manager Punia and Legal Counsel Morgan to determine what needs to be done and set up the necessary means with DWR to solicit their comments and come back to the Board when they are ready. She also stated she did not want to have to approve requests we get the very day of our meeting.

General Manager Punia reported on the Board's Executive Committee meeting with DWR. The items of discussion were the Board's ability to participate in future legislation, participation in spending the funds from AB 142 (DWR staff will come back to the Board to provide a briefing to hear how DWR plans to spend the funds), and much needed staff for the Reclamation Board.

President Carter stated when the Board members receive contacts from the media, they should think carefully before answering. Additionally, the standard comment on any questions regarding litigation should be "no comment". He also stated that the Board members could contact Sue Sims or Ted Thomas (DWR Public Information Officers) regarding any contacts or questions from the media. He said we need to participate in legislation and need additional staff to expedite applications.

20. REPORT OF ACTIVITIES OF THE GENERAL MANAGER

General Manager Punia reported that the Board issued 26 encroachment permits from July 1 through August 31. A total of 43 outstanding applications are currently being processed. In addition, a total of 16 letters of authorizations and 3 variances were issued. The Board issued a right-of-way certification to the Corps for the Pioneer Reservoir Seepage Relief Wells and Berm Project in Sacramento County. In addition to this certification, we also certified the PL 84-99 sites. The Board also provided the comments letter regarding the Draft Environmental Impact Report issued by the City of Sacramento regarding the Greenbriar Development Project. The Board requested Mr. Punia to re-establish the "One-Liners" report weekly.

21. FUTURE AGENDA

The Board discussed the October 20 agenda as presented in Board packet. President Carter requested staff to prepare a resolution regarding EIR deadlines and bring to the October 20 meeting for review, discussion and approval.

22. ADJOURN

Upon motion by Ms. Rie, seconded by Mr. Carter, and unanimously carried, the Board meeting was adjourned at 5:55 pm.

Dated: November 17, 2006

Maureen Doherty
Secretary

The foregoing minutes were approved:

Benjamin F. Carter
President

20. REPORT OF ACTIVITIES OF THE GENERAL MANAGER

General Manager Punia reported that the Board issued 26 encroachment permits from July 1 through August 31. A total of 43 outstanding applications are currently being processed. In addition, a total of 16 letters of authorizations and 3 variances were issued. The Board issued a right-of-way certification to the Corps for the Pioneer Reservoir Seepage Relief Wells and Berm Project in Sacramento County. In addition to this certification, we also certified the PL 84-99 sites. The Board also provided the comments letter regarding the Draft Environmental Impact Report issued by the City of Sacramento regarding the Greenbriar Development Project. The Board requested Mr. Punia to re-establish the "One-Liners" report weekly.

21. FUTURE AGENDA

The Board discussed the October 20 agenda as presented in Board packet. President Carter requested staff to prepare a resolution regarding EIR deadlines and bring to the October 20 meeting for review, discussion and approval.

22. ADJOURN

Upon motion by Ms. Rie, seconded by Mr. Carter, and unanimously carried, the Board meeting was adjourned at 5:55 pm.

Dated: November 17, 2006



Maureen Doherty
Secretary

The foregoing minutes were approved:



Benjamin F. Carter
President