

MINUTES

MEETING OF THE RECLAMATION BOARD

MARCH 16, 2007

A regular meeting (Open Session) of the Reclamation Board was held on March 16, 2007 beginning at 9:16 a.m. in the Resources Building Auditorium, 1416 Ninth Street, Sacramento, California.

The following members of the Board were present:

Mr. Benjamin Carter, President
Mr. Butch Hodgkins, Vice President
Ms. Lady Bug Doherty, Secretary
Ms. Rose Marie Burroughs, Member
Ms. Teri Rie, Member

The following members of the staff were present:

Mr. Jay Punia, General Manager
Mr. Stephen Bradley, Chief Engineer
Mr. Dan Fua, Supervising Engineer
Mr. Scott Morgan, Legal Counsel
Ms. Lorraine Pendlebury, Staff Assistant

Department of Water Resources staff present:

Mr. Larry Lee
Mr. Curt Miller
Mr. Mike Mirmazaheri
Mr. Dave Mraz
Mr. Keith Swanson
Mr. Allan Davis
Mr. Jeff Fong
Mr. Chris Huit
Mr. Noel Lerner
Mr. Dave Lawson
Mr. Surinder Tumber
Mr. Steve Dawson
Mr. Sterling Sorenson
Ms. Sandi Maxwell
Mr. Ricardo Pineda
Mr. Eric Butler

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

Mr. Rex Archer
Mr. Lewis Bair, Sacramento River West Side Levee District
Mr. John Bassett, Sacramento Area Flood Control Association
Mr. Paul Brunner, Three Rivers Levee Improvement Authority
Mr. Tom Ellis, Sacramento River West Side Levee District
Mr. Tom Foley, Concerned Citizens for Responsible Growth
Mr. Ric Reinhardt, Three Rivers Levee Improvement Authority
Mr. James Sander, U. S. Army Corps of Engineers
Dr. Dale Smith, Concerned Citizens for Responsible Growth
Mr. Tim Washburn, Sacramento Area Flood Control Association
Mr. Coleman Foley, Concerned Citizens for Responsible Growth
Mr. Ken Ruzich, Reclamation District 900
Mr. Seth Merewitz
Mr. Scott Shapiro, Flood Control Association
Mr. Blake Johnson
Mr. Randy Olsen
Mr. Eric Nagy
Ms. Frances Knight
Mr. Paul Devereaux, Reclamation District 1000
Ms. Shelley Mathews

1. ROLL CALL

President Carter brought the meeting to order at 9:16 a.m. All Board members were in attendance except for Teri Rie, who arrived at 9:40 a.m.

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

NOTE: The Board will not resume Open Session prior to 9:00 a.m.

Upon resumption of the Open Session, President Carter introduced Mr. Eric Butler. Eric has joined the staff of the Reclamation Board as a Senior Engineer.

3.* APPROVAL OF MINUTES – December 15, 2006

Upon motion by Secretary Doherty, seconded by Vice President Hodgkins, and unanimously carried, the Board approved the minutes as presented.

4.* APPROVAL OF AGENDA

Upon motion by Secretary Doherty, seconded by Vice President Hodgkins, and unanimously carried, the Board approved the agenda as presented.

5. PUBLIC COMMENTS

Mr. Rex Archer asked how the Board would be handling each item under Item 8. President Carter stated that he could speak to each item after each had been presented.

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

Mr. Keith Swanson, Acting Chief of the Division of Flood Management, reported on water conditions, projected water deliveries, the Levee Evaluation Program, which will include seismic criteria, LIDAR surveys on the urban levees, the erosion repair program, the Delta emergency operation plan, and the Tisdale Bypass sediment removal. There was some discussion on the Tisdale problem and the time frame required to get the situation taken care of. Mr. Alan Davis of DWR's Acquisitions Division was questioned. Discussion included talk of buying the property needed, as opposed to having it condemned. Tom Ellis, Chairman of West Side Levee District, and Lewis Bair of Reclamation District 108, also spoke concerning this project. Mr. Swanson then reported on the Garmire Road Bridge.

Mr. Swanson then introduced Curt Miller, who gave a briefing on legislation. He provided the Board with a packet of pending legislation. He stated that the current menu of legislation is basically in two parts: (1) flood protection policy, and (2) proposals to amend the statutes that control the spending under Proposition 1E and Proposition 84.

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

Mr. Jay Punia, General Manager of the Reclamation Board informed the Board that there was no action taken by the Reclamation Board staff in response to an emergency declaration.

8. THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

Monthly Report (Paul Brunner)

Mr. Paul Brunner reported that there was a Reclamation Board Sub-Committee Meeting in Marysville on February 26 to discuss various TRLIA items. He gave an update on the Corps of Engineers' certification progress, on the levee design and construction work, on permits turned in to the Board, on Segments 1 and 3 on the Feather River, and on developer outreach and notification.

Secretary Doherty questioned progress on the Bear River setback area restoration. Mr. Brunner answered that it was several years away.

Mr. Dale Smith, of Concerned Citizens for Responsible Growth, questioned financing of the project, stating that the Board should be cautious about the reports that they get from TRLIA.

Mr. Rex Archer, from Linda, also spoke questioning TRLIA's use of the word "completed" and if it really did mean completed.

Chief Engineer Bradley, in answer to a question from Secretary Doherty, stated he would check with inspectors, and on the permit itself, regarding height of the berm and whether or not the fence was part of the project description.

Summary of Permits (Steve Bradley)

Chief Engineer Steve Bradley provided an overview of all the permits issued for TRLIA. He presented a slide showing where all the permits were located. Permits issued are:

- *Permit No. 17828, issued in September of 2004, to construct 2200 linear feet of slurry wall, with a variance to allow material to be placed along the levee rather than carted off.*
- *Permit No. 17782, issued May 2005, for construction of the backup levee, which is now the setback levee, for work along the Bear River, relocation of a pump station, and improvements along the interceptor canal. There were five variances issued, all of them for time extensions during the flood season.*
- *Permit No. 17921, issued in July of 2005, which consists of construction of a seepage berm. There was work done that was not part of the permit. There were three variances on this permit, one in October of 2005, one in December of 2005, and one issued yesterday.*
- *Permit No. 17942, issued to Yuba County for construction of the detention basin ring levee and pump station at the upper end of the WPIC. The permit was signed in early February of 2006.*
- *Permit No. 17979BD, issued in February of 2006, allowed TRLIA to degrade these portions of the federal project levee and use that material to build the backup levee. The permit was revised in March to correct the amount of material so the volume was right.*
- *Permit No. 18095 for a slurry wall from the Southern Pacific Railroad to about 800 feet past Simpson Lane, some resloping of the waterside shape of the levee, and construction of the little seepage berm that was not included in Permit No. 17921. This permit included work in five reaches, included a variance for a time extension to allow them to add two seepage monitoring wells, and another variance to complete the work. There was a staff error in description, which was corrected, and a revised permit was issued. There was a request to raise the levee along this reach, which was not issued in the permit, and which is still an issue that can be addressed by the Board. If the Board were to approve that, a revised permit would be issued.*
- *Permit No. 18090 has to do with the pump station along the Bear River. This involved some pipe relocations and size of the pipe.*
- *Permit No. 18123, issued in November of 2006 and is the last permit, actually deals with a seepage berm along the Bear River, with work being started before they had the approved permit.*

There are some pending permits. We have:

- *Application No. 18170, filed in September 2006, for Feather River work. There would be two permits for this.*

In reply to questions from the Board, Mr. Bradley stated that, in hindsight, it would be better not to accept documents piecemeal, as it makes it more difficult for staff to follow and deal with. Also, that there is typically no set date when a project needs to be completed.

Mr. Ric Reinhardt, Three Rivers Program Manager, explained the sequence of the Permits and stated that, due to the size of the project, it was not feasible to ask for everything under one permit.

There was some discussion by the public and the Board as to the quality of work that TRLIA was doing.

Status update of Yuba River Levee Raise Hydraulic Impact Analysis (Steve Bradley)

Mr. Steve Bradley stated that he has not as much to report as he would like. He and Counsel Scott Morgan have been working on a letter to TRLIA regarding what he wanted in a hydraulic analysis and how to look at the impacts. However, he would like to talk the issues over with the Corps' hydraulic and O & M people, as this is a complex issue with wide-reaching consequences.

Mr. Scott Shapiro, Counsel for TRLIA, stated that TRILA would meet with staff of the Board and go through any list of questions staff might have.

CONSENT

9.* CONSENT CALENDAR

Access Road Easement, Gary Campbell, Sutter County (Jeff Fong)

Consider approval of an easement to Gary Campbell for an access road across Reclamation Board fee-owned property located near the town of Sutter.

Mr. Jeff Fong stated that Mr. Campbell has agreed to enter into a proposed road maintenance agreement with the Board; he would pay for the proportion of his share for the use of the road.

Upon motion by Secretary Doherty, seconded by Member Rie, and unanimously carried, the Board approved the consent Calendar item as presented.

REQUESTED ACTIONS

10.* ENFORCEMENTS

Unauthorized Detention Basin, Yuba River, Reclamation District 784, Yuba County
(*Steve Bradley*)

Consider actions to resolve construction of an unauthorized detention basin adjacent to the left bank levee and seepage berm of the Yuba River in Reclamation District 784.

Chief Engineer Steve Bradley explained the reason this item was under Enforcements rather than under Permits. A seepage berm was constructed under Permit 17921. However, a detention basin was not permitted. Staff recommendation to address this enforcement issue is (1) for Board to order Three Rivers Levee Improvement Authority to file an application for permit pursuant to the Board's regulations and delegate authority to the General Manager to approve the permit when completed, and (2) for the Board to order that the permit include special conditions to address the following: (a) a requirement that the applicant provide the Board with a geotechnical assessment, demonstrating that the detention pond does not pose a threat to the adopted plan of flood control, and (b) a requirement that the applicant record, on any title to the relevant property, a statement to the effect that the project is subject to a Board permit and that the project may not be modified in any way without prior written consent of the Board.

Mr. Scott Shapiro, Counsel for TRLIA, stated that though TRLIA did not feel they needed a permit, they had since submitted a permit and would work with Board staff to resolve the issue.

Mr. Tom Foley, of Yuba City, reminded the Board of their flood control responsibilities and asked them to deal aggressively in regard to flood protection issues.

The item was tabled so that staff members of the Board and TRLIA could work on wording in order to bring the item back later in the meeting for Board action.

11.* PROJECT OR STUDY AGREEMENTS

A. **West Sacramento Project** (*Larry Lee*)

Consider approval of Resolution 07-01 to:

1. Delegate authority to the General Manager to negotiate an amendment to the LPCA to accept funds from the West Sacramento Joint Powers Authority (WSJPA) 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 the LPCA with WSJPA;

3. Delegate authority to the 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.

Mr. Larry Lee, Project Manager of the West Sacramento Project, explained that this project was constructed in the summers of 1999 and 2000 and consisted of raising and strengthening approximately 5 miles of existing levees on the east side of the Yolo Bypass and south of the Sacramento Bypass. The project included relocation of utilities and development of the wetland/marshland environmental restoration site contiguous to the Sacramento Deepwater ship channel. This resolution is presented to cover repairs of recent embankment and/or riprap slippages by advancing approximately \$2 million of nonfederal share to the Corps.

General Manager Punia wanted to clarify that this particular project is different from the Triangle Project, which is locally funded.

Upon motion by Vice President Hodgkins, seconded by Member Rie, and unanimously carried, the Board approved Resolution No. 07-01.

12.* PROPERTY MANAGEMENT

There were no Property Managements items.

13.* APPLICATIONS

Application No. 18159-1, Sacramento Area Flood Control Agency, Sutter County
(Mike Mirmazaheri)

Consider:

1. Approval of a letter from the Board to the U. S. Army Corps of Engineers requesting the Corps' permission to modify the federal flood control project.
2. Approval of the strengthening of the left bank levee of the Natomas Cross Canal by placing approximately 12,000 linear-feet of slurry cut-off wall to the depth of about 80 feet below the existing crown elevation; the project is within Reclamation District 1000.

Mr. Mike Mirmazaheri of Department of Water Resources explained that the specific objectives of this project are to address through seepage, underseepage, and to initiate the first phase of the improvements that SAFCA is proposing for the Natomas area. The project location is in Sutter County and has three reaches. Since this encroachment will become part of the feature of the Sacramento Flood Control System in the future, it is considered a modification to the existing system and, therefore, the Corps of Engineers needs to be involved in the final decision making process.

Member Rie asked Mr. Sandner of the Corps of Engineers if the Corps' District Engineer has any objection to approval of this application. Mr. Sander said that there was no objection from the Corps.

Mr. John Basset, Director of Engineering for SAFCA, stated that by working with the General Manager of the Board, together they could resolve the permit conditions. Mr. Tim Washburn, SAFCA Counsel, felt that SAFCA did not actually need Corps "permission". Member Rie suggested that wording in the letter be changed from "permission" by the Corps to "determination" by the Corps. Mr. Washburn wants an indication from the Corps that what is proposed to be done is not injurious.

Upon motion by Member Rie, seconded by Vice President Hodgkins, and unanimously carried, the Board approved delegation to the General Manager to sign this permit and to sign the letter to the Corps.

14.* PERMIT ACTIONS

There were no Permit Actions.

INFORMATIONAL BRIEFINGS

15. Subventions Program Guidelines (Dave Mraz)

Mr. Dave Mraz, Chief of the Delta Levees Program, gave a presentation about the guidelines for the Delta Levees Subventions Program, which was established around 1972 to address flooding in the Delta. Some of the money provided by the November elections will go to this program, with the goal of reducing the risk to land use and associated economic activities, water supply, infrastructure, ecosystems, and breaching of the Delta levees. There are guidelines now in place for these grants, such as who is eligible, categories of the grants, how they are prioritized, and how they are paid.

Mr. Mraz stated that, in the past, deadlines were lax. However, with the amount of money in the program now, there is a need for hard and fast cutoff dates so that if the conditions of the grant proposal are not met by a certain date, then the funds will go to other Districts that have met the requirements and done the work.

DWR's Delta Risk Management Strategy is due out in January of 2008 and will report on the consequences of levee failure on the various "communities" in the Delta. At about the same time, the Delta Vision, which is a more political process, will report to the Legislature. Then, in December Of 2008, they'll all come together to produce a strategic plan for the Delta. At that time, with their suggestions, changes could be made to the guidelines.

Another change Mr. Mraz would like to see is the ability to make advance payments. If conditions of the grants were loosened up, the money could get out to the Reclamation Districts in time for them to use it for the actual construction that they are doing.

There were questions on PL 84-99. General Manager Punia explained that there are two programs: (1) is emergency first response program, and (2) is the levee rehabilitation program. Mr. Mraz stated that the Board can set a category of funding as their first priority. Legal Counsel Morgan stated that, with recommendations from DWR, whatever the Board determines and approves become the criteria used for that year, and that it is entirely the Board's call on how to allocate the resources. Mr. Mraz feels that a decision has to be made about how to continue the program and for the Board to decide what they want to do with the program. Member Rie asked that Mr. Mraz get input from the Reclamation Districts and volunteered to go to the meetings to represent the Board.

At this point in the meeting, Board Member Rose Marie Burroughs departed.

BOARD REPORTS

16. BOARD COMMENTS AND TASK LEADER REPORTS

President Carter and Vice President Hodgkins will meet with the DFG and River Partners concerning Del Rio.

President Carter reported on the Executive Committee meeting with DWR. General Manager Punia pointed out that one issue discussed was the State sponsorship of a flood control project outside the existing flood control project.

Secretary Doherty reported that she had been to Tisdale Weir; also, that she and Vice-President Hodgkins had gone on a tour with Levee District 3.

There was discussion of the Hamilton City-type projects; specifically, as to whether the State should be a non-federal sponsor, or if it should be the local agency as the non-federal sponsor. This needs to be discussed further.

Vice President Hodgkins mentioned that there had been a TRLIA subcommittee meeting, and that there would be another one on March 22 at 1:00 p.m., which will be a publicly noticed meeting.

Chief Engineer Bradley mentioned that the Board does have a project with Hamilton City, which is a Corps/Reclamation Board project.

17. REPORT OF ACTIVITIES OF THE GENERAL MANAGER

General Manager Jay Punia reported on a meeting with River Partners and DWR. He is planning on scheduling a meeting for DWR, the Corps, and the Reclamation Board staff to go over Section 408. It was agreed that the Board needs to discuss the Section 408 issue more thoroughly. Mr. Punia stated that he and President Carter had been invited to address the American Society of Civil Engineers and Society of Military Engineers in July.

18. FUTURE AGENDA

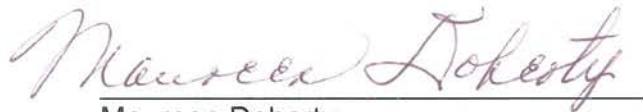
There was discussion regarding having a special meeting on land acquisition. The meeting was set for Tuesday, April 3rd at the JOC. Another discussion concerned setting up future meetings and agendas with timed items. This will be tried with the April regularly scheduled Board meeting.

Other items discussed for future agendas include: Maintenance Area Budgets; drafting a resolution for permits where there needs to be CEQA findings; moving some standard items to other locations on the agendas; eliminating Item #7, State of Emergency, from future agendas; having Chief Engineer Bradley report on the current state of permits; and the need to have further discussion of Dr. David Ford's report and to decide on how to proceed with the report recommendations.

19. ADJOURN

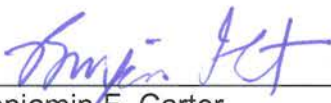
The meeting was adjourned at 4:52 p.m.

Dated: 15 JUNE 2007



Maureen Doherty
Secretary

The foregoing minutes were approved:



Benjamin F. Carter
President