

MINUTES
MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD
February 25, 2011

NOTE: THE BOARD WILL CONSIDER TIMED ITEMS AS CLOSE AS POSSIBLE TO THE LISTED TIME, BUT NOT BEFORE THE TIME SPECIFIED. UNTIMED ITEMS MAY BE HEARD IN ANY ORDER. MINUTES ARE PRESENTED IN AGENDA ORDER, THOUGH ITEMS WERE NOT NECESSARILY HEARD IN THAT ORDER.

A regular meeting (Open Session) of the Central Valley Flood Protection Board was held on February 25, 2011 at 12:30 p.m. at The Resources Building, 1416 Ninth Street, Auditorium, Sacramento, California.

The following members of the Board were present:

Mr. Benjamin Carter, President
Ms. Teri Rie, Vice President
Mr. Butch Hodgkins, Secretary
Mr. John Brown
Mr. John Moffatt
Ms. Emma Suarez
Mr. Mike Villines

The following members of the Board staff were present:

Mr. Jay Punia, Executive Officer
Mr. Dan Fua, Supervising Engineer
Mr. Curt Taras, Supervising Engineer
Mr. Eric Butler, Senior Engineer
Ms. Angeles Caliso, Staff Engineer
Ms. Nancy Moricz, Staff Engineer
Ms. Amber Woertink, Office Technician
Ms. Deborah Smith, Legal Counsel

Department of Water Resources (DWR) staff present:

Mr. Gary Bardini, Chief, Division of Flood Management
Mr. Noel Lerner, Chief, Maintenance Support Branch
Mr. Michael Wright, Staff Engineer

Also Present:

Ms. Donna Blower
Ms. Tony Cordero
Mr. Bill Darsie, KSN, Inc.

Ms. Meegan Nagy, United States Army Corps of Engineers
Mr. Ramon Martin, United States Fish and Wildlife Service
Mr. Scott Shapiro, California Central Valley Flood Control

1. ROLL CALL

President Carter welcomed everyone to the meeting. He made the announcement that the morning trip to Folsom had been canceled, and he hoped everyone had been notified.

President Carter also mentioned that the Board had met in closed session that morning, as agendaed, where they discussed potential litigation as agendaed under the second item. The Board had received advice from counsel and no decisions were made.

He requested Executive Officer Punia to call the roll. All Board members were present.

2. APPROVAL OF MINUTES

Upon motion by Board Member Brown, seconded by Vice President Rie, the Board unanimously approved the Minutes for December 3, 2010.

3. APPROVAL OF AGENDA

Executive Officer Punia gave the staff recommendation that Consent Calendar Item 10B be postponed.

Upon motion by Board Member Brown, seconded by Board Member Villines, the Board unanimously approved the staff recommendation given above.

4. REPORT OF THE ACTIVITIES OF THE DEPARTMENT OF WATER RESOURCES (DWR)

Mr. Gary Bardini, DWR Division Chief, explained the information in a brochure he had presented at Assembly and Senate budget hearings in January. The brochure provided an overview of the FloodSAFE initiative, summarized below.

- The first page represented the challenges and the timeline of flood management within the Central Valley. It represented what is managed collectively between the Board, DWR, local agencies, and federal counterparts.
- The period from 2000 on is called the FloodSAFE initiative period. A number of events occurred:
 - Liabilities from judgments.
 - The white paper came out in 2005, authored by DWR and the Schwarzenegger administration.
 - Hurricane Katrina.
 - A high water event.
 - The bond of 1884 [sic] representing essentially a major investment to fix the legacy of the past.
 - Major legislation in 2007.
 - A number of improvements at a regional project level.

- Implementation of FloodSAFE really began in about 2007, with improvements to base programs, early implementation projects, and critical erosion repair.
- Working through the end of the year with the Board, DWR is going to present a plan that follows legislation and outlines management of the system in the future.
- A number of projects will be done through the collective efforts of the State, local agencies, and the federal government. Improving core programs includes adding rock, Delta emergency operations, sediment removal projects, and risk notification.
- Regional projects include protecting Sacramento, cities of the Plumas Lakes area, and other Central Valley communities.
- System-wide investment has been a major effort and will involve work with local agencies.
- Key legislation that came after 2007 is named.
- Regional projects are summarized.
- Over half of the funds have been appropriated for a number of programs described in the brochure.
- The Legislature approved the budget for 2011 to progress the projects outlined at the end.

5. REPORT OF ACTIVITIES OF THE EXECUTIVE OFFICER

Executive Officer Punia reported on the following items.

- Mr. Stein Buer has retired. Mr. Kamyar Guivetchi has been appointed Acting Deputy Director in his place. Mr. Guivetchi is Chief of the Statewide Integrity Water Management Office, and will be taking a dual charge with the two positions.
- The current State administration issued an Executive Order by the Governor which essentially continues the hiring freeze.
- Staff participated in the Corps' Condition Assessment and rehabilitation of the Conduits, Culverts and Pipes Workshop. Each pipe passing through the levee has to be video-inspected every five years.

Implications are that if the Corps doesn't receive the video inspection, that district and the area will be rated unacceptable. Some pipes are owned by individual farmers, who may push back that they don't have the funding to replace pipes.

Ms. Meegan Nagy of the Corps provided information on establishing a timeline for the work.

- Board staff hosted a stakeholders' meeting on the Sutter Bypass on February 11. Staff was seeking feedback, and they found that the stakeholders are excited that the contract has been issued, and are looking forward to seeing the two-dimensional model for the Sutter Bypass.

Mr. Dan Fua, Staff Supervising Engineer, reported on a meeting organized by Congressman Cardoza on February 23, to discuss the proposal by the local irrigation districts to remove the Sand Slough Structure control and its sediments in the east side bypass.

- The Sand Slough Control structure is a facility of the San Joaquin River Flood Control System. Its purpose is to split the flow between the San Joaquin River and the east side bypass.
- The local irrigation districts believe that the seepage problem that was encountered during the interim flow experiment done by the U.S. Bureau of Reclamation was exacerbated, and caused some problems in their farming operations.
- If the U.S. Bureau of Reclamation determines that the Sand Slough Control structure is in fact a contributing factor on the seepage problem, they will come to the CVFPB and the Corps to initiate either the modification or the removal of the structure.
- With regard to the sediment in the east side bypass, the U.S. Bureau of Reclamation offered to do a more detailed study.

Mr. Punia resumed the staff report.

- A crack was observed on the landside slope of Western Pacific Interceptor Canal. The crack is about 1,000 to 1,100 feet long. The Corps, CVFPB staff, and Three Rivers Levee Improvement Authority (TRLIA) staff decided to seal the crack with grout during the winter flood season. After that they will do the more detailed geotechnical investigation and come up with a solution.
- Three DWR staff – Mr. Rod Mayer, Ms. Lani Arena, and Mr. Ward Tabor – are planning a trip to Washington D.C. to promote Board-sponsored projects so that the Corps gets sufficient funding to continue the projects. Mr. Punia recommended having a Board member join this advocacy group on the trip.
- An article has been published in the DWR magazine explaining the Board's new role based on the 2007 legislation. Mr. Punia commended Ms. Lorraine Pendlebury's effort in working closely with the DWR Public Relations Officer to write and publish the article.

6. **CONSENT CALENDAR**

A. **Permit No. 18322, Venture Capital**

Consider approval of Permit No. 18322 to drill a natural gas well, construct a production pad, and install 2.65 miles of pipeline within the Yolo Bypass. (Yolo County)

B. **Permit No. 18556, Three Rivers Levee Improvement Authority**

Consider approval of Permit No. 18556 to plant a vegetated wave buffer, consisting of approximately 18,000 riparian plants and trees, on approximately 69-acres, within the overflow area of the left (east) bank of the Feather River. (Yuba County)

C. Permit No. 18619, City of Sacramento

Consider approval of Permit No.18619 to remove a steel outlet pipe and replace with new steel pipe through the left (south) bank levee of Arcade Creek. (Sacramento County)

D. Permit No. 18629, James White

Consider approval of Permit No.18629 to construct a boat dock supported by pilings, a gangway and concrete landing; install a utility conduit encased in a steel pipe on the right (north) bank of the San Joaquin River. (Sacramento County)

E. Permit No. 18638, Reclamation District No. 1614

Consider approval of Permit No.18638 to remove existing 10-inch-diameter water discharge pipe and install a new 10-inch-diameter pipe through the left (south) bank levee of the Calaveras River. (San Joaquin County)

Upon motion by Vice President Rie, seconded by Board Member Brown, the Board voted unanimously to approve the items on the Consent Calendar.

7. PUBLIC COMMENT

Mr. Scott Shapiro, TRLIA General Counsel, addressed the Board on Permit No. 17782 from 2005. The permit called for TRLIA to provide easements to the Sacramento San Joaquin Drainage District 50 feet in width along the Western Pacific Interceptor Canal. Upon finishing the project, TRLIA began to acquire the easements.

One of the property owners is Ms. Hofman, who is willing to dedicate to the Board the required land interests. Mr. Shapiro emphasized that eminent domain has not been authorized. Ms. Nancy Finch, DWR Senior Staff Counsel, and Ms. Deborah Smith, Staff Legal Counsel, and Mr. Fua are working on resolving the issue with Ms. Hofman.

Mr. Shapiro wanted to put on the record a request: that if a deal can be consummated, the actual language of the land transfer will come to the Board for approval. The issue is controversial, as TRLIA has had many O&M disputes with the landowner. It is TRLIA's hope that the terms of the easement or fee can be aired in a public forum; and that RD 784 (the maintaining agency) and TRLIA (the permittee required to provide this land) will have an opportunity to speak to the terms of it.

At the request of President Carter, Mr. Shapiro also updated the Board on the RD 108 project. A Sac Bank erosion project was constructed by the Army Corps of Engineers in 2009. The site ended just upstream of the South Steiner pumping plant for RD 108.

RD 108's contention, and DWR concurs, is that the erosion site and the way it ended results in an eddy right over the pumping plant. This dead spot in the river is causing sediment to drop out of the river on top of the pump intake. The Board became briefly involved because it issued a permit for that pumping plant.

A solution would be to move the pump and basically consolidate it with another pump, so that there would be fewer diversion sites off the river. This would cost about a half million dollars.

RD108 has gotten permission to apply the \$200,000 fish screen grant to that project, which would lower the cost of moving the facility down to \$300,000.

The Corps disputes that its project has caused any impact. It also believes that the permit issued by the Board means that the Corps has no legal or financial responsibility.

There has not been great progress on the problem. RD 108 is starting to move ahead and trying to design a solution. They will have to decide whether to pursue a legal course of action; but litigation against the federal government can be quite expensive.

Mr. Lewis Bair, the General Manager, has taken the position that we need to solve this problem by the beginning of the 2012 growing season; he's not confident that the pumps will operate successfully through the 2012 season.

TRLIA has appreciated the Board's stated support in the past for the issue to be resolved. If they can devise a role for the Board to be of help, they will be in contact. President Carter noted that the permit was issued in the 1950's, and the pumping plant has been in place a long time. It hadn't had this problem until the Corps' bank restoration project was completed.

8. INFORMATIONAL BRIEFINGS

C. Update on Status of Encroachment Permit Applications

Mr. Eric Butler, Staff Senior Engineer, updated the Board on the permit status log. The Board warmly welcomed him back. The presentation contained the following highlights.

- The log, in the form of bar charts, shows currently active applications – meaning either that they are at the Corps being reviewed concurrently with the Board, they are agendaized for a Board meeting, they have issues that require more coordination between agencies, or the applicant has been asked to revise their design.
- The log shows the applications going back to 2000 that have been denied either by the Board at a hearing, or by staff when they had that authority delegated.
- The log shows applications that staff was able to close since August of last year by means of administrative cleanup between the database and the log.
- In 2007 there were 124 permits issued; in 2008, 57 permits; in 2009, 135 permits; and in 2010, 89 permits. Mr. Butler reflected that maybe there are fewer small homeowner types of applications and more large agency applications.
- In response to a question from Vice President Rie, Mr. Butler said that permits that have closed administratively have had the concurrence of the applicants. Staff has devised a template letter to send to them in order to establish a standard procedure. It is important to engage the applicants, be transparent with them, and make sure they understand their options.
- Mr. Butler explained additional charts showing dates, number of applications received, stages of completeness, backlog, priority for Corps review, etc.
- It has been difficult to reach concurrence with the Corps on the numbers. Ms. Nagy offered to work with Mr. Butler for future meetings.

- In compliance with Title 23, staff notifies applicants within 30 days on whether the application is complete or incomplete.
- Pie charts show outstanding encroachment permit applications.

9. HEARINGS AND DECISIONS

A. Permit No. 18590, Donna Blower

Consider approval of Permit No. 18590 to grant a variance to the Board's Regulations for setback requirement for the construction of a new septic system; authorize the completed remodel of an existing 1,250 square foot residence, detached garage and pump house (previously authorized under Automatic Board Order 11160) on the overflow area of the right (west) levee of the Georgiana Slough. (Sacramento County)

Ms. Angeles Caliso, Staff Engineer, began by describing the location of the project, then its background. In 2008, the applicant had begun work on the property with permits from the county and other agencies, not realizing that a Board permit was needed as well.

Title 23 calls for a 10 foot setback from the toe of the levee for the installation of any septic systems. This was not achievable, because the leach lines would have to end up underneath the foundation of the home which is impossible.

Staff felt that given the unique situation of this application and the circumstances, it would warrant a variance to the septic installation.

The Corps had concerns with the location of the system, as it is fairly close to the levee embankment. The approval of this application is conditioned upon review and receipt of a 208.10 review letter. Staff would be meeting with the Corps next week to discuss the septic system and to see if a compromise could be reached.

As there was still discussion to occur with the Corps, Board Member Suarez inquired as to why the permit was brought before the Board at this point. Ms. Caliso responded that the applicant had submitted the application over two years ago, and most of the work had already been completed. The only item left was the installation of the septic system.

Staff felt that presenting the facts to the Board would enable staff to move with the optimism that they could convince the Corps that there were no other options to the location of the septic system.

Ms. Caliso proceeded with the CEQA analysis, the admission of records, the effects on the State Plan of Flood Control, and effects of reasonable projected events. She noted for the record that the staff report had inadvertently left out the word "no" – "this permit application has 'no' adverse significant impacts..."

Ms. Caliso gave the staff recommendation: "...that the Board adopt Resolution 11-10, which contains the Board's CEQA finding; Findings of Fact; and approval of permit conditioned upon receipt and review of a favorable 208.10 comment letter from the Army Corps of Engineers and an order to direct the Executive Officer to take the necessary actions to prepare and execute the related documents and file an NOE with the State Clearinghouse."

The Board had questions about the project which they discussed with Ms. Caliso.

The applicants, Ms. Tony Cordero and Ms. Donna Blower, explained to the Board how events had taken them as property owners up to this point.

Ms. Nagy stated that the Corps did not know if they could reach a compromise that would allow the applicant to move forward; their engineers had serious concerns.

Ms. Caliso pointed out that placement of the septic system within the constraints of the property was not the only issue – in addition, conflicts existed between the county and State requirements along with federal requirements.

Secretary Hodgkins suggested another opportunity: that of moving the tank to a different location on the property and leaving the leach field where it was.

Upon motion by Board Member Brown, seconded by Secretary Hodgkins, the Board voted to approve the staff recommendation as presented, which included a favorable comment letter by the Corps; should the Corps come back with an unfavorable letter, then the permit would come back to this Board for reconsideration. The motion carried with six ayes and one abstention.

B. Permit No. 18626, Stanislaus River Fish Habitat

Consider approval of Permit No. 18626 to excavate, screen, sort, and place material back in the channel and re-grade; remove non-native vegetation; place vegetation and rock in the floodway, within the Stanislaus River Designated Floodway. (Stanislaus County)

Ms. Nancy Moricz, Staff Engineer, gave the presentation. She began by establishing the location, then provided some background. Salmonid spawning and rearing habitat in this section of the Stanislaus River has been determined to be deficient because of several limiting factors, including:

- Construction of numerous dams, impeding the movement of coarse gravels.
- The regulated reduction of the magnitude and duration of peak flows of winter and spring runoff flows.
- Historic gravel and mining operations have altered the migration corridor and created juvenile salmon predator habitat.
- Perched gravel and cobble terraces, left behind after historic gold mining, have resulted in scouring of the active channel.

Project analysis showed that the project takes place on Corps property, and the Corps is allowing the easement as long as the applicant complies with state and local regulations. However, the applicant is choosing to comply with the conditions set forth by another federal agency (U.S. Fish and Wildlife Service), and is coming to the Board with a permit.

Ms. Moricz covered project design review, hydraulic analysis, and geotechnical analysis. She named the benefits of the project; it will:

- Rehabilitate and enhance productive juvenile salmonid rearing habitat.
- Restore ecological processes at the proposed project site.

- Create habitat conditions suitable for juvenile Chinook rearing.
- Preserve native vegetation and utilize existing habitat features to the maximum extent possible.
- Provide a range of outreach opportunities to promote river restoration to stakeholders and local community members.

The proposed project received a protest from Mr. Curtis Sherrill on September 15, 2010. His concerns are about clear cutting, loss of wildlife, suffering flood damage, being misled by the applicant, and various environmental issues.

Board Member Suarez asked whether a long-term management plan were in place, because the Board needed to be able to address future issues of improper maintenance on the property. Ms. Moricz replied that the permit has conditions that would allow the Board to take action if there were adverse hydraulic impacts and things of that nature.

A monitoring program would go along with the restoration, ensuring that the project will be completed and not left unattended.

Staff recommended that the Board approve Resolution 11-09 to adopt the Board CEQA findings; approval of Permit No. 18626 upon receipt of a favorable Corps 208.10 comment letter; and an order to direct the Executive Officer to take necessary action to prepare and execute the permit and to determine the project exempt from CEQA.

The Board discussed the project with staff. President Carter expressed the need for the Board to go in and maintain the hydraulic capacity of the channel without running afoul of the Endangered Species Act (ESA).

In response to a question from Secretary Hodgkins, Ms. Moricz stated that the flow for the designated floodway in this area is a hundred-year and 8,000 cfs.

Mr. Ramon Martin of the U.S. Fish and Wildlife Service, Fish Restoration Program, addressed the Board. He began by stating that they had Section 7 consultation with both National Marine Fishery Service and the U.S. Fish and Wildlife Service for this federal action. If there were a need in the future to reinitiate due to maintenance or anything else, it would be done through the U.S. Fish and Wildlife Service.

Board Member Suarez asked how the State of California is covered for incidental take authority in the case of an emergency. Mr. Martin responded that right now the project is showing no adverse effect. For any additional work beyond the project's scope, they would have to reinitiate. Because the federal government is funding this project, there is a federal nexus, and so there is the ability to reinitiate consultations regarding long-term or necessary maintenance.

Mr. Martin stressed that they are going to try to incorporate all the needs of partners and stakeholders to restore the environment.

In response to a question from Vice President Rie, Mr. Martin stated that they will verify, post-construction, that the river can still carry 8,000 cfs.

Ms. Nagy said that the Corps is waiting for the hydraulic analysis in order to make their final determination.

Board Member Brown requested an amendment to Condition 8 to address the concerns of the Board regarding future maintenance.

Secretary Hodgkins requested that whenever the flows exceed 4,000 cfs, that they record and include in their monitoring report the water surface elevations in the project area.

In making these condition modifications, President Carter pointed out that the Board was establishing a long-term management plan to ensure the integrity of the system. The Board did not want to end up with financial problems or ESA problems in the future, resulting in a lot of deferred maintenance which impacts public safety.

Mr. Punia stated that in a levied section, staff would definitely ask for a long-term management plan. But here, the project involves a designated floodway with the hydraulics showing no impacts. President Carter noted that at some point maybe the Board would want to weigh in on that approach – where there are different standards for levied sections versus designated floodways.

Upon motion by Vice President Rie, seconded by Board Member Suarez, the Board voted to approve Permit No. 18626 with changes to Condition 8, which adds language, nor does it negate the Board's responsibility or authority to maintain the area as prescribed by State law; to modify the indemnification language in Conditions 16 and 17; to modify Condition 38 to reference the designated floodway water surface elevation at rated flows; to add a condition at the end to submit post-construction monitoring reports to the Board and to include water surface elevations whenever flows exceed 4,000 cfs; taking effect upon receiving a favorable Corps letter. The motion carried unanimously.

10. INFORMATIONAL BRIEFINGS – Postponed

11. BOARD SPONSORED PROJECTS AND STUDY AGREEMENTS

A. Lower Cache Creek Feasibility Study Agreements (FCSA & LFCSA) (Yolo County)

Consider approval of Resolution No. 10-39 to:

- 1. Approve the Feasibility Cost Sharing Agreement (FCSA) among the United States Army Corps of Engineers, the State of California represented by the Central Valley Flood Protection Board, and the City of Woodland.**
- 2. Approve the Local Feasibility Cost Sharing Agreement (LFCSA) between the Central Valley Flood Protection Board and the City of Woodland.**
- 3. Delegate to the Board President the authority to execute the agreements.**

Mr. Michael Wright, DWR Staff Engineer, gave a presentation. Highlights are as follows.

- Mr. Wright gave some of the important dates in the history of the project, leading up to 2004 when the City of Woodland signed a city ordinance against the proposed Lower Cache Creek Flood Barrier. However, the need for flood protection still exists in Woodland and the surrounding areas.

- The team is comprised of the Corps (federal), CVFPB (State), and the City of Woodland (local).
- The goals are to reduce flood risk as well as incorporate ecosystem restoration and explore outdoor recreation.
- The total estimated study cost is \$5.6 million, which will be shared at a 50-50 split between the federal and non-federal sponsors. The non-federal sponsors will also then share a 50-50 cost split.
- On August 26, 2010, the Board approved Resolution No. 10-36 for a Letter of Intent to be a non-federal sponsor of the study.
- The FCSA and the LFCSA are cost-sharing agreements among the sponsors entered into in order to support a feasibility study.

Mr. Noel Lerner, DWR Chief of the Flood Projects Office, stated that the funds come from Proposition 1E. They have been asked to support this project on behalf of the CVFPB.

Upon motion by Vice President Rie, seconded by Secretary Hodgkins, the Board voted unanimously to approve Resolution No. 10-39.

12. BOARD COMMENTS AND TASK LEADER REPORTS

- Secretary Hodgkins reported that he attended a Water Commission meeting because DWR was explaining the FloodSAFE Program and DWR's advocate role. The Water Commission is the official water lobbying agency for the State of California; however, it is not well-funded or well-staffed at present. DWR has put together a lobbying program for flood issues.

At the interagency task force that deals with environmental work, the National Marine Fishery Service (NMFS) raised concerns and asked for the opportunity to discuss further the relationship between the Board, its permitting, and some of the projects. The parties agreed that from now on, the NMFS will contact Mr. Fua directly whenever they have another one of these projects moving forward, so that in any discussions between the Board and the applicant, the NMFS can be there as well.

- Ms. Suarez reported that she and Secretary Hodgkins had received materials from Mr. Fua regarding the Tier 2 review of the regulations. Because the regulations are long, and it's going to take a couple of months of public circulation to start getting a general reaction, she requested that the item be added to the March agenda. President Carter concurred.
- Board Member Brown reported that he and Secretary Hodgkins met with the federal agencies involved with a public meeting on the San Joaquin River restoration in Los Banos. They got a feel for the direction in which it's heading and the concerns being voiced.

Board Member Brown and Secretary Hodgkins also met with the Wolfsen Land and Cattle Company to facilitate communication.

They also met with Dan Nelson of the San Joaquin Mendota Water Authority for mutual updates.

Board Member Brown has been asked to speak before the Colusa Rotary Club on water and flood control issues on March 1.

- Vice President Rie reported that she participated in several National Association of Flood & Stormwater Management Agencies (NAFSMA) phone conferences regarding the vegetation letter.

She participated in some County Engineers Association of California (CEAC) conference calls, and received an update on their efforts with the Corps.

She noted that the Delta Stewardship Council is working on their draft Delta Plan, and they asked staff to sign a confidentiality agreement not to share the draft plan with anyone and to send the comments directly to the Stewardship Council staff. The Board staff has complied.

- President Carter reported that he participated in a conference call with the Roundtable Steering Committee. Preparations are going well, and the new facilitator, Ms. Laura Kaplan, is on board. He and Mr. Punia will have a joint interview with her on March 2. They are trying to resolve some issues with the interpretation of the framework document with respect to the definition of major modification.

He noted that Board Member Suarez had agreed to take on the responsibilities that former Board Member Lady Bug Doherty had held with the Sacramento River Conservation Area Forum. Board Member Moffatt had then agreed to take over Board Member Suarez's responsibilities with the Delta Conservancy Board, with help from Vice President Rie.

13. FUTURE AGENDA

Mr. Punia noted that he will try to accommodate the joint presentation on the levee inspections that was postponed at today's meeting. Some of the informational items listed on the Future Agenda may then have to be postponed.

Board Member Suarez mentioned that as the role of the Board has been unclear to some of the people involved in the San Joaquin River restoration litigation, possibly a friend-of-the-court brief should be filed. Ms. Smith suggested that this item be dealt with in closed session.

14. ADJOURN

President Carter adjourned the meeting at 5:40 p.m.

Dated: _____

The foregoing Minutes were approved:

Butch Hodgkins
Secretary

Benjamin F. Carter
President

DRAFT