



STATE OF CALIFORNIA  
Edmund G. Brown, Jr., Governor

**Minutes**

San Joaquin River Conservancy Governing Board  
**Wednesday, November 2, 2016**

**Meeting Location:**  
Fresno Metropolitan Flood Control District Board Room  
5469 E. Olive Avenue, Fresno, CA 93727  
**and via phone conference:**  
California Natural Resources Agency  
1416 Ninth Street, Ste. 1311  
Sacramento, CA 95814

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**GOVERNING BOARD**

Andreas Borgeas, Chairperson  
*Fresno County Board of Supervisors*

Brett Frazier, Vice-Chairperson  
*Madera County Board of Supervisors*

Steve Brandau  
*Councilmember, City of Fresno*

Derek Robinson  
*Councilmember, City of Madera*

Barbara Goodwin, *Director*  
*Fresno Metropolitan Flood Control District*

Carl Janzen, *Director*  
*Madera Irrigation District*

Julie Vance, *Regional Manager*  
*Department of Fish and Wildlife*

Kent Gresham, *Sector Superintendent*  
*Department of Parks & Recreation*

John Donnelly, *Executive Director*  
*Wildlife Conservation Board*

Patrick Kemp, *Assistant Secretary*  
*Natural Resources Agency*

Michael McKown, *Designee*  
*State Lands Commission*

Karen Finn, *Programs Budget Manager*  
*Department of Finance*

Bryn Forhan  
Paul Gibson  
Cynthia Dolph  
*Citizen Representatives*

Melinda S. Marks  
*Executive Officer*

**MEETING AGENDA**

**CALL TO ORDER & PLEDGE OF ALLEGIANCE**

Vice-Chairperson Frazier called the meeting to order at 10:34 a.m. and led the pledge of allegiance.

**A. ROLL CALL**

Name	Present	Telecon-ference	Absent	Late
<b>Mr. Andreas Borgeas, Chair</b>			X	
<b>Mr. Brett Frazier</b>	X			
<b>Mr. Steve Brandau</b>	X			
<b>Mr. Derek Robinson</b>	X			
<b>Ms. Barbara Goodwin</b>	X			
<b>Mr. Carl Janzen</b>	X			
<b>Ms. Julie Vance</b>	X			
<b>Mr. Kent Gresham</b>	X			
<b>Mr. Peter Perrine</b>		X		
<b>Mr. Patrick Kemp</b>		X		
<b>Mr. Michael McKown</b>		X		
<b>Ms. Karen Finn</b>		X		
<b>Ms. Bryn Forhan</b>			X	
<b>Mr. Paul Gibson</b>	X			
<b>Ms. Cynthia Dolph</b>			X	

Ms. Harris confirmed that a quorum was present.

Legal Counsel Present: Marian Moe, Deputy Attorney General (via teleconference)

Staff present: Melinda Marks, Executive Officer  
 Rebecca Harris, Associate Governmental Program Analyst  
 Janah Wright, Staff Services Analyst  
 Heidi West, Program Manager, San Joaquin River Conservancy  
 Projects, Wildlife Conservation Board

**B. PUBLIC COMMENT & BUSINESS FROM THE FLOOR**

None.

**C. ADDITIONS TO THE AGENDA**

Items identified after preparation of the agenda for which there is a need to take immediate action.

Two-thirds vote required for consideration. (Gov. Code § 54954.2(b)(2))

**It was moved by Mr. Janzen and seconded by Mr. Gibson to approve staff’s recommendation to add Authorization to Amend Vulcan Materials Gravel Mining Lease to Allow Credit for Required Repairs in lieu of Lease Payments Pursuant to Government Code § 54954.2(b)(2) (2/3 vote required). The Board unanimously approved the motion on the following vote:**

ROLL CALL VOTE:

Name	Yes	No	Abstain
Mr. Brett Frazier	X		
Mr. Steve Brandau	X		
Mr. Derek Robinson	X		
Ms. Barbara Goodwin	X		
Mr. Carl Janzen	X		
Ms. Julie Vance	X		
Mr. Kent Gresham	X		
Mr. Peter Perrine	X		
Mr. Patrick Kemp	X		
Mr. Michael McKown	X		
Ms. Karen Finn	X		
Mr. Paul Gibson	X		

**D. POTENTIAL CONFLICTS OF INTEREST**

None.

**E. MINUTES**

E-1 Approve Minuets of September 7, 2016

**It was moved by Mr. Janzen and seconded by Ms. Goodwin to approve the minutes of September 7, 2016, as presented. The voting members unanimously passed the motion. Mr. Brandau, Mr. Perrine and Mr. Gibson abstained, as they were not present during the September meeting.**

ROLL CALL VOTE:

Name	Yes	No	Abstain
Mr. Brett Frazier	X		
Mr. Steve Brandau			X
Mr. Derek Robinson	X		
Ms. Barbara Goodwin	X		
Mr. Carl Janzen	X		
Ms. Julie Vance	X		
Mr. Kent Gresham	X		
Mr. Peter Perrine			X
Mr. Patrick Kemp	X		
Mr. Michael McKown	X		
Ms. Karen Finn	X		
Mr. Paul Gibson			X

**F. CONSENT CALENDAR**

All items listed below will be approved in one motion unless removed from the Consent Calendar for discussion:

None.

**G. DISCUSSION**

- G-1 Approve Refinements to the Guidelines and Proposal Solicitation Package (PSP) for the Conservancy's Multi-Benefit Water Quality, Water Supply, Ecosystem and Watershed Protection and Restoration Grant Program, and Authorize Release of the PSP for the 2016-17 Cycle

Staff Recommendation: It is recommended the Board approve the refinements to the Guidelines and Proposal Solicitation Package (PSP) for the Conservancy's Multi-Benefit Water Quality, Water Supply, Ecosystem and Watershed Protection and Restoration Grant Program, and authorize the release of the 2016 PSP. It is also recommended the Board authorize staff to release PSPs for future grant cycles, provided the content of each PSP remains substantially as approved by the Board.

Ms. Harris stated that the total funding available for 2016-2017 grant cycle is approximately \$4.8 million dollars, which includes the remaining funds from the 2015-2016 grant cycle. Based on the 2015 grant applications, the Conservancy made minor refinements to the 2016 PSP, which Ms. Harris pointed out to the Board. The California Natural Resource Agency has reviewed and accepted the refinements.

Ms. Harris explained that the Conservancy will solicit grant proposals with the release of the PSP, and it will be made available on the Conservancy and State website. Two months will be provided between the release of the PSP and the deadline for submitting the application, January 17, 2017. All eligible and complete grant proposals will be evaluated and scored by an Evaluation Panel of a minimum of five members. The review panel will individually score the proposals in accordance with criteria and scoring in the PSP. The panel's recommendations will be presented to the Board in early 2017. Final approval by the Wildlife Conservation Board will be requested at their May 2017 meeting.

On inquiry from Mr. Brandau, Ms. Marks reported that the evaluation panel will be selected once the Conservancy receives applications, so that those chosen have expertise related to the proposals and have no conflicts of interest. The 2015-16 grant cycle evaluation panel consisted of one member from

Wildlife Conservation Board, one member from the Department of Fish and Wildlife, one member from California State Lands Commission, and the Conservancy staff.

On inquiry from Mr. Gibson, Ms. Marks explained the indirect costs requirements: they cannot exceed twenty percent of the total project costs minus the costs of equipment and subcontractors.

On inquiry from Mr. Janzen, Ms. Marks reported that there were three successful grant applications in 2015-16. The revisions to the guidelines and the PSP are based on lessons learned.

There were no public comments.

**It was moved by Mr. Gibson and seconded by Mr. Brandau to approve staff’s recommendation as presented in the staff report. The Board unanimously approved the motion on the following vote:**

**ROLL CALL VOTE:**

Name	Yes	No	Abstain
Mr. Brett Frazier	X		
Mr. Steve Brandau	X		
Mr. Derek Robinson	X		
Ms. Barbara Goodwin	X		
Mr. Carl Janzen	X		
Ms. Julie Vance	X		
Mr. Kent Gresham	X		
Mr. Peter Perrine	X		
Mr. Patrick Kemp	X		
Mr. Michael McKown	X		
Ms. Karen Finn	X		
Mr. Paul Gibson	X		

G-2 Authorize Bond Funds for a Grant to the San Joaquin River Parkway and Conservation Trust to Perform Plant Establishment and Habitat Restoration Success Activities as the Final Phase of the Sycamore Island Gravel Pit Isolation and Floodplain Improvement Project

Staff Recommendation: It is recommended the Board authorize \$177,000 in bond funds for a grant to the San Joaquin River Parkway and Conservation Trust (River Parkway Trust) to perform plant establishment and habitat restoration success activities as the final phase of the Sycamore Island Gravel Pit Isolation and Floodplain Improvement Project. The services will be performed for five years, commencing in late spring/early summer 2017, the period required by regulatory permits after the California Department of Water Resources’ (DWR) construction contractor has initially installed native plants on the created floodplain and affected riverbank. Wildlife Conservation Board (WCB) authorization would be requested at their February 2017 meeting.

Ms. Marks stated that in March 2015, the Conservancy Board approved \$4,500,000 to isolate a reclaimed gravel mine pond from the river, construct berm and access road improvements, and create riverbank and floodplain habitat between the Conservancy’s Van Buren Unit and Sycamore Island and across the river on the River West Fresno property. Subsequently, the U.S. Bureau of Reclamation, San Joaquin River Restoration Program provided \$2,000,000 toward the project, which ultimately reduced the Conservancy’s cost by the same amount. The Sycamore Island Gravel Pit Isolation and Floodplain Improvement Project construction is being managed by DWR and is currently under

construction by Steelhead Constructors, Inc. This winter Steelhead will complete initial plantings of Valley Oak acorns, Western Sycamore, White Alder, and California Ash seedlings, and approximately 285 pole cuttings from Fremont Cottonwoods, Arroyo Willows, Sandbar Willows, and Buttonwillows on the riverbank and floodplain.

Ms. Marks reported that after DWR's and Steelhead's work is complete, plant establishment services, including replacement planting, irrigation, and weed control, must continue intensively for three years to protect and maximize the Conservancy's investment. Monitoring and trouble-shooting must be performed for two more years to ensure post-project mitigation and permit requirements are met. The following services are included in the scope of work for the proposed grant: weed control and management; seasonal Irrigation with a portable pump; replacement planting as necessary; invasive species suppression; post-construction erosion control, including patch seeding as necessary; and monitoring, record keeping, habitat improvement metrics and documentation. The overall project, including these services, is well within the \$4.5 million budget, and the entire project is expected to be completed under budget. By awarding a grant for the final phase of services to the River Parkway Trust, project costs will be reduced by saving the substantial costs of DWR management and oversight.

On inquiry from Mr. Gresham, Ms. Marks reported that the proposed project is not clearly eligible for the Conservancy's Prop 1 grants. She noted that the plant establishment is part of the Conservancy's capital project and is required by permits and the mitigation monitoring and reporting program.

Mr. Janzen commented on the requirement for the contractor to ensure 100% plant survival. He suggested we should plant more than we need, and expect a realistic survival rate. Ms. Marks responded that DWR's contractor is required to have 100% of the initial plants surviving when they are relieved of their contract; however, the Conservancy does not expect and is not required to have 100% of the plants surviving at the end of the five-year plant establishment period. Some percentage will die, and some additional volunteer plants will be thriving. The Conservancy's permit requires replacement of 20 trees that were removed for the project construction, so that 30 trees must reestablished and survive at the end of the five-year period.

Mr. Brandau commented on the effect of the drought on the mortality of trees planted along trails by the City of Fresno. He requested that staff annually present a report on the project.

Mr. Robinson asked about the types of trees and shrubs to be planted. Ms. Marks responded that the list was based on the plants removed that must be replaced, and on the species that live in these particular habitats.

Ms. Vance commented that the proposed work is an important component of habitat restoration, to provide irrigation for at least three years, with an additional two years to wean the plants from irrigation. She explained the planting technique for the pole cuttings and how they will be planted to reach the water table.

On inquiry from Ms. Goodwin, Ms. Marks explained that the created floodplain was primarily sand and gravel, with some topsoil.

Mr. Gibson commented on the value of having a grantee for continued presence at the project site.

On inquiry from Mr. Robinson, Ms. Marks explained the erosion controls being used at the site.

There were no public comments.

**Mr. Brandau made a motion to approve the project subject to staff providing an annual update on success of the plant establishment and habitat restoration activities. Mr. Janzen seconded the motion. The Board unanimously approved the motion on the following vote:**

**ROLL CALL VOTE:**

<b>Name</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>
<b>Mr. Brett Frazier</b>	X		
<b>Mr. Steve Brandau</b>	X		
<b>Mr. Derek Robinson</b>	X		
<b>Ms. Barbara Goodwin</b>	X		
<b>Mr. Carl Janzen</b>	X		
<b>Ms. Julie Vance</b>	X		
<b>Mr. Kent Gresham</b>	X		
<b>Mr. Peter Perrine</b>	X		
<b>Mr. Patrick Kemp</b>	X		
<b>Mr. Michael McKown</b>	X		
<b>Ms. Karen Finn</b>	X		
<b>Mr. Paul Gibson</b>	X		

**G-3 Informational Presentation by Conservancy Staff: Overview of Public and Private Lands and Land Uses in the San Joaquin River Parkway Planning Area**

Staff Recommendation: A presentation will be made by staff for informational purposes. The Board may provide general direction to staff; no action by the Board is recommended.

Ms. Marks stated that the San Joaquin River Conservancy was established through the San Joaquin River Conservancy Act (Public Resources Code §32500 et seq.) to develop and manage the San Joaquin River Parkway. The Act established the Conservancy to acquire 5,900 acres of public lands on both sides of the river between Friant Dam and the Highway 99 crossing, of which approximately 1,250 acres were already in public ownership in 1992 when the Act was enacted. To date, the Conservancy, on behalf of the State of California, has acquired 2,575 acres for the Parkway; 42 of those acres are under the jurisdiction of the California Department of Fish and Wildlife, and the rest are under the Conservancy’s jurisdiction. Since properties may only be acquired from willing sellers, the configuration of the Parkway evolves as opportunities to acquire lands within the planning area arise. The Conservancy has available an unexpended balance of approximately \$29 million in State Proposition 40 and Proposition 84 bond funds, which may be invested in Parkway land acquisitions and capital improvements.

Ms. Marks displayed a map showing land uses and privately owned lands within the Parkway. Very few large, undeveloped private parcels are within the planning area; most of them are active gravel mines, golf courses, and some agriculture. Many smaller parcels are developed residential parcels, many with improvements valued greater than \$500,000. Connectivity of public lands as envisioned in the Parkway Master Plan will be a challenge for the foreseeable future. The Conservancy has communicated with the gravel companies and many of the landowners.

Mr. Gibson reported that the Cemex mining site at Lost Lake Park had a real estate for sale sign for a while, but he checked last week and did not see it.

Vice-Chairman Frazier commented that Vulcan will soon be done mining gravel in the Parkway and has good river water rights. Ms. Marks reported that Vulcan is investigating its options for

selling its lands (approximately 420 acres) adjacent to the River Center and the Conservancy's Gibson property. At this time, Vulcan has not offered the land for sale to the Conservancy, although there have been many discussions with them about Parkway opportunities.

On inquiry from Mr. Brandau, Ms. Marks confirmed that the County's Conditional Use Permit for the Vulcan site expires in September 2017. They are required to reclaim the site for wildlife habitat; the very deep pits and ponds will remain.

Ms. Marks used the map to demonstrate how the Parkway may eventually be connected as envisioned in the Master Plan. She noted that portions of the Parkway could be dedicated when private property develops, such as was planned by the County of Madera for River Ranch Estates between River Vista and Ledger Island (that development proposal was withdrawn).

Mr. Gibson suggested that trail connectivity creates value and synergy. He recommended the Conservancy prioritize connectivity in acquiring lands, and raised the possibility of securing trail easements and rights-of-way.

Mr. Brandau and Vice-Chairperson Frazier noted that strategic and long term planning is key to prioritizing land purchases and connecting the Parkway and the trail system in particular. Local agency land use planning could help identify opportunities for Parkway development and create plan lines for the future multi-use and connected trail system.

Mr. Gibson noted that if the local agencies planned for the Parkway trail, they could secure trail easements and rights of way when applicants applied for land use entitlements.

Ms. Marks explained that the updated Master Plan will illustrate the Conservancy's vision for trail connectivity and land acquisition. She added that the Conservancy will work with the Wildlife Conservation Board to reach out to landowners, including the possibility of securing trail easements.

Mr. Gibson and Mr. Brandau asked for copies of the map.

There were no public comments, and no Board action.

G-4 Authorization to Amend Vulcan Materials Gravel Mining Lease to Allow Credit for Required Repairs in lieu of Lease Payments, addition to agenda

Staff Recommendation: It is recommended that the Board authorize the Executive Officer to execute a lease amendment with Vulcan Materials Inc., allowing the company to receive credit in lieu of lease payments for required roofing and related repairs of a State-owned structure Vulcan occupies. The repairs would be performed by Vulcan in accordance with the lease, in compliance with the law, and with the review and approval of the Conservancy Executive Officer. The lease amendment would be reviewed and approved as to legal sufficiency by Conservancy legal counsel.

Ms. Marks reported that this item came up after the agenda was prepared, and has a time value due to the leaks in the roof and imminent rain season. When the Conservancy acquired the Gibson property in 2008, it assumed an existing gravel plant lease with Vulcan Materials Company. Under the terms of the lease, Vulcan pays the Conservancy rent of \$235,000 per year, which will be prorated to \$650.00 per day beginning January 1, 2017, until processing operations cease later in the year. Vulcan also rents a State-owned building for office space at the site for \$1,200.00 per month.

Ms. Marks stated that in June 2016, Vulcan informed Conservancy staff that the roof of the rental building leaks when it rains. Staff suggested Vulcan consider making the repairs as necessary, with credit against its rent and lease payments. An inspection by Conservancy and Vulcan personnel in August revealed that ceiling texture had come loose in two places. The test results provided by a lab indicate the ceiling texture contains asbestos, a material that is hazardous if it becomes friable and is released into the air. Vulcan has moved an employee from his office in the affected area, and sealed the door to the area with plastic, pending repairs. The estimated cost of roofing, asbestos removal, ceiling texture, and painting is greater than \$30,000 and is an unbudgeted expense.

Staff recommended the Board authorize the lease amendment to expedite repairs and eliminate the impact to the Conservancy's budget. The Conservancy has developed a scope of work for the repairs with the professional assistance of Kris Cessna, Maintenance Supervisor at Millerton Lake State Recreation Area. Vulcan would be required bid the work items, ensure proper licensing, have the contractors name the Conservancy as additional insured, provide contracts and receipts, and secure Conservancy approval of the work.

Ms. Marks noted that there are two other alternatives: Conservancy staff can proceed to bid and contract for all required services, using its SJRC fund appropriation and significantly reducing other expenditures as necessary to stay within budget; or Vulcan can be required to vacate the building as a temporary suspension or permanent termination of the agreement, while the Conservancy would proceed with repairs as time and budget allow. A Vulcan representative expressed concern to Ms. Marks about relocating the staff that occupies the building.

Mr. Frazier commented that the rental agreement should have required Vulcan to be responsible for repairs. He also commented the proposed arrangement was reasonable and efficient, given that Vulcan has staff and resources to accomplish the repairs as credit against the lease payments.

Mr. Gresham pointed out that the Conservancy has received and will continue to receive rent of \$1,200 per month, as well as the gravel lease revenue.

On inquiry from Mr. Gibson, Ms. Marks noted that Vulcan's lease provides for them to continue to use the site for offices after the gravel processing plants closes.

On inquiry from Ms. Vance, Ms. Marks explained the effects of the proposal on the budget: any repairs by the Conservancy would need to come out of the SJRC Fund appropriation. The revenue from the lease and rent is deposited in the SJRC Fund and accumulates in that fund; a lesser amount is appropriated to the Conservancy in any given year, so that the revenues may benefit the Conservancy for many more years after lease payments cease.

Mr. Janzen expressed his support for the recommendation.

There were no public comments.

**It was moved by Mr. Janzen and seconded by Mr. Gibson to approve staff's recommendation as presented in the staff report. The Board unanimously approved the motion on the following vote:**

ROLL CALL VOTE:

Name	Yes	No	Abstain
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<b>Mr. Brett Frazier</b>	X		
<b>Mr. Steve Brandau</b>	X		
<b>Mr. Derek Robinson</b>	X		
<b>Ms. Barbara Goodwin</b>	X		
<b>Mr. Carl Janzen</b>	X		
<b>Ms. Julie Vance</b>	X		
<b>Mr. Kent Gresham</b>	X		
<b>Mr. Peter Perrine</b>	X		
<b>Mr. Patrick Kemp</b>	X		
<b>Mr. Michael McKown</b>	X		
<b>Ms. Karen Finn</b>	X		
<b>Mr. Paul Gibson</b>	X		

**H. ADMINISTRATIVE AND COMMITTEE REPORTS**

The following oral reports are for informational purposes only, and may be accompanied by written reports in the Board packet. No action of the Board is recommended.

**H-1 Organizations**

**H-1a San Joaquin River Parkway and Conservation Trust**

Sharon Weaver, Executive Director, expressed her interest in and support for the Board's comments regarding ensuring that Parkway planning is implemented through the local agencies' planning processes and applications for entitlements. She pointed out that the City of Fresno successfully developed a new segment of the multi-use trail and staging area adjacent to Riverside Golf Course at the Lennar development.

Ms. Weaver also reported on various planned volunteer and recreation events.

**H-1b RiverTree Volunteers**

Richard Sloan reported on the extent of RiverTree's accomplishments in 2016, including 51 canoe trips with cleanups, 38 on-land cleanups, 5 planting days and about 500 plants, 7 days of trail construction and maintenance, including the San Joaquin River Trail, and various runs and tours.

**H-2 Deputy Attorney General**

No report.

**H-3 Executive Officer**

Ms. Marks introduced the new Staff Services Analyst, Janah Wright. Ms. Marks reminded the Board about the need to receive nominations from the counties to fill the Board seats that will become vacant after December 31. She reported that McCaffrey/Bellezze Naturali withdrew their proposal after the last Board meeting. She also reported that the URS contract to complete the River West Fresno, Eaton Trail Extension Environmental Impact Report was suspended again, while the State Department of General Services reviewed the Conservancy's request to extend the contract as needed to complete the project. Last, the City of Fresno approved a conceptual plan submitted by the Conservancy to connect the Bluff Pointe Golf Course drinking water system to the City of Fresno municipal water system.

H-4 Board Members' Reports

Mr. Janzen commented on the lower river flows through Thanksgiving to allow for repairs and studies at Mendota Pool.

Mr. Gibson commented on the quality of the new, completed trail and visitor improvements at the San Joaquin Fish Hatchery—named FINS, the Friant Interactive Nature Site.

Ms. Vance noted that the FINS Grand Opening was very successful, and thanked Conservancy staff for help in putting the event together.

Mr. Frazier stated the new FINS facility is “beautiful” and the Grand Opening was a very nice event.

Mr. Robinson asked if there was a list of the endangered species the Conservancy might be benefiting in the Parkway. Ms. Marks responded that the Parkway Master Plan update will include a complete inventory of endangered and special status species that live in and benefit from Parkway habitat.

Mr. Brandau expressed his appreciation for the ongoing partnerships with the River Parkway Trust and RiverTree. He commented on his recent participation in a cleanup event.

I. EXECUTIVE SESSION

Public Comment:

Prior to convening in Executive Session, members of the public may address the Board on Executive Session agenda items.

None.

J. NOTICE OF BOARD, ADVISORY, AND PUBLIC MEETINGS

None.

K. NEXT BOARD MEETING DATES

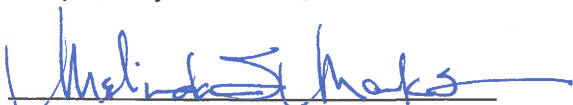
**The next meeting of the Board was scheduled for December 7, 2016, at 10:30 a.m. (The December Board meeting was subsequently canceled.)** (Please note, a later start time is observed November through February.)

L. ADJOURN

**Vice-Chairperson Frazier adjourned the meeting at approximately 12:22 p.m.**

Board meeting notices, agendas, staff reports, and approved minutes are posted on the Conservancy's website, [www.sjrc.ca.gov](http://www.sjrc.ca.gov). For further information or if you need reasonable accommodation due to a disability, please contact Janah Wright at (559) 253-7324 or [Janah.Wright@sjrc.ca.gov](mailto:Janah.Wright@sjrc.ca.gov).

Respectfully submitted,



Melinda S. Marks, Executive Officer