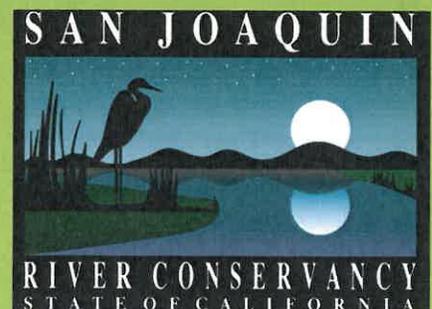
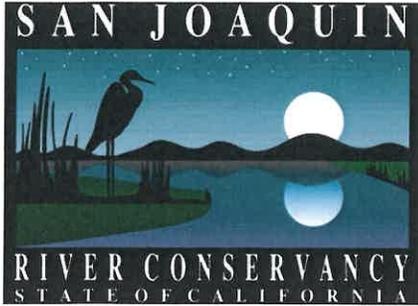


# BOARD MEETING REMINDER

The September 7, 2016,  
Board meeting begins at  
10:00 a.m.;  
(March through October  
meetings begin at 10:00  
a.m.)





250.20

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

**SAN JOAQUIN RIVER CONSERVANCY**

The San Joaquin River Conservancy Governing Board  
will hold a regular meeting on  
**Wednesday, September 7, 2016**, commencing at **10:00 a.m.**

**Board Meeting Location:**

Fresno Metropolitan Flood Control District Board Room  
5469 E. Olive Avenue, Fresno, CA 93727

5469 E. Olive Avenue  
Fresno, California 93727  
Telephone (559) 253-7324  
Fax (559) 456-3194  
[www.sjrc.ca.gov](http://www.sjrc.ca.gov)

**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*

**The following location is also open to Board members and the public for attendance via phone conference:**

California Natural Resources Agency  
1416 Ninth Street, Ste. 1311  
Sacramento, CA 95814

**MEETING AGENDA**

**CALL TO ORDER & PLEDGE OF ALLEGIANCE**

**A. ROLL CALL**

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

The first ten minutes of the meeting are reserved for members of the public who wish to address the Conservancy Board on items of interest that are within the subject matter jurisdiction of the Conservancy. Speakers shall be limited to three minutes. The Board is prohibited by law from taking any action on matters discussed that are not on the agenda; no adverse conclusions should be drawn if the Board does not respond to the public comment at this time.

**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))

**D. POTENTIAL CONFLICTS OF INTEREST**

Any Board member who has a potential conflict of interest may now identify the item and recuse themselves from discussion and voting on the matter. (FPPC §97105)

**E. MINUTES**

E-1 Approve Minutes of June 1, 2016

Melinda S. Marks  
*Executive Officer*

Board Meeting Agenda  
September 7, 2016  
Page 1

**F. CONSENT CALENDAR**

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

- F-1 Report on Vulcan Materials Gravel Mining Lease, Continuation of Tenancy Month-to-Month for Part of 2017 as Allowed in the Lease Agreement, and Negotiations to Establish Rental Rate for Reclamation Period

**G. DISCUSSION**

- G-1 Status and Progress Report on River West Fresno, Eaton Trail Extension Environmental Impact Report
- G-2 Status and Progress Report on San Joaquin River Parkway Master Plan Update and Environmental Impact Report
- G-3 Approve Resolution 16-02, Stating Intent to Cooperate in Public Access Planning and Environmental Review for Ball Ranch and Ledger Island with the State Lands Commission, Bellezze Naturali (a Private Landowner/Developer), and the River Conservancy at Tesoro Viejo, a Private Nonprofit Public Benefit Organization Created for this Purpose

**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

H-1b RiverTree Volunteers

H-2 Deputy Attorney General

H-3 Executive Officer

H-3a Report on U.S. Bureau of Land Management's Wild and Scenic River Eligibility Determination for a Reach of the San Joaquin River Above Millerton Lake

H-4 Board Members' Reports

**I. EXECUTIVE SESSION**

Public Comment:

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

I-1 Government Code Section 54956.8

Consultation with real property negotiators concerning terms of negotiations, including price and terms of payment.

Property: Ball Family Trust, Cemex plant site  
Fresno County (APNs 300-007-56 through 60)

Negotiating Parties: David Wasemiller, Realtor, agent for Ball Family Trust  
Robert Hillison, Attorney for Ball Family Trust

Agency Negotiators: Melinda Marks, San Joaquin River Conservancy  
John Walsh, Wildlife Conservation Board

- I-2 Government Code Section 54956.8  
Consultation with real property negotiators concerning terms of negotiations, including price and terms of payment.

Property: County of Madera Parkway Land Acquisition Proposal:  
Sanoian Family Partnership, seller, Madera County (APN 049-085-022)  
County of Madera, seller, Madera County (APN 049-085-023)

Negotiating Parties: Eric Fleming, County Administrative Officer

Agency Negotiators: Melinda Marks, San Joaquin River Conservancy

J. NOTICE OF BOARD, ADVISORY, AND PUBLIC MEETINGS

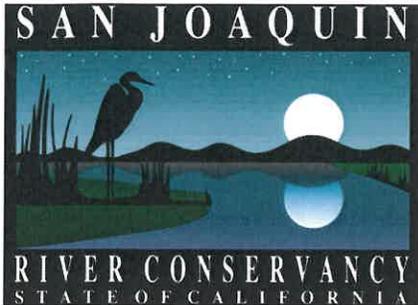
None.

K. NEXT BOARD MEETING DATE

**The next meeting of the Board will be held October 5, 2016, at 10:00 a.m.** (Please note, an earlier start time will be observed March through October.)

L. ADJOURN

Board meeting notices, agendas, 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 Rebecca Harris at (559) 253-7324 or [Rebecca.Harris@sjrc.ca.gov](mailto:Rebecca.Harris@sjrc.ca.gov).



**Minutes**

The San Joaquin River Conservancy Governing Board  
**Wednesday, June 1, 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

5469 E. Olive Avenue  
Fresno, California 93727  
Telephone (559) 253-7324  
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**GOVERNING BOARD**

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*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**

Chairperson Borgeas called the meeting to order at 10:02 a.m. and led the pledge of allegiance.

**A. ROLL CALL**

A-1 Welcome and swear-in new Board member, Julie Vance, California Department of Fish and Wildlife

Chairperson Borgeas welcomed Ms. Vance to the Conservancy Governing Board. Ms. Vance had signed the Oath of Office prior to the meeting.

A-2 Roll Call

Name	Present	Telecon-ference	Absent	Late
Mr. Andreas Borgeas, Chair	X			
Mr. Brett Frazier	X			
Mr. Steve Brandau				10:21
Mr. Derek Robinson				10:12
Ms. Barbara Goodwin	X			
Mr. Carl Janzen	X			
Ms. Julie Vance	X			
Mr. Kent Gresham	X			
Mr. John Donnelly		X		
Mr. Patrick Kemp		X		
Mr. Michael McKown	X			
Ms. Karen Finn			X	
Ms. Bryn Forhan	X			
Mr. Paul Gibson			X	

<b>Ms. Cynthia Dolph</b>	X			
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Ms. Harris confirmed that a quorum was present.

Legal Counsel Present: Michael Crow, Deputy Attorney General

Staff Present: Melinda Marks, Executive Officer  
 Rebecca Harris, Staff Services Analyst  
 Heidi West, Program Manager, San Joaquin River Conservancy  
 Projects, Wildlife Conservation Board (via teleconference)

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

The first ten minutes of the meeting are reserved for members of the public who wish to address the Conservancy Board on items of interest that are within the subject matter jurisdiction of the Conservancy. Speakers shall be limited to three minutes. The Board is prohibited by law from taking any action on matters discussed that are not on the agenda; no adverse conclusions should be drawn if the Board does not respond to the public comment at this time.

Mr. Borgeas reported that the Fresno County Board of Supervisors took no action regarding the Friant Corridor Study. He also thanked Ms. Marks for attending the meeting.

Public comment:

Mr. Louis Moosios, a landowner on the San Joaquin River and owner of San Joaquin River Guide Service, requested an update on the Proposition 1 Milburn Unit project.

Ms. Marks reported that the Wildlife Conservation Board (WCB) will consider approval of the Proposition 1 grants on Thursday, June 2 in Sacramento. The Department of Water Resources' (DWR) scope of work for their Milburn Unit project was changed to add the public advisory group. DWR should receive their Notice to Proceed a month after WCB authorizes the use of the Proposition 1 funds. Once DWR begins work on the project, they will schedule the public advisory meeting.

**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))

None.

**D. POTENTIAL CONFLICTS OF INTEREST**

Any Board member who has a potential conflict of interest may now identify the item and recuse themselves from discussion and voting on the matter. (FPPC §97105)

None.

**E. MINUTES**

E-1 Approve Minutes of March 23, 2016

**It was moved by Mr. Frazier and seconded by Ms. Forhan to approve the minutes of March 23, 2016, as presented. The voting members unanimously passed the motion. Ms. Goodwin and Mr. Gresham abstained, as they were not present during the March meeting.**

ROLL CALL VOTE:

Name	Yes	No	Abstain
Mr. Andreas Borgeas	X		
Mr. Brett Frazier	X		
Ms. Barbara Goodwin			X
Mr. Carl Janzen	X		
Ms. Julie Vance	X		
Mr. Kent Gresham			X
Mr. John Donnelly	X		
Mr. Patrick Kemp	X		
Mr. Michael McKown	X		
Ms. Bryn Forhan	X		
Ms. Cynthia Dolph	X		

**F. CONSENT CALENDAR**

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

**Due to additional information available after the staff report was prepared, Chairperson Borgeas requested to move F-2 for discussion after F-1 was considered.**

- F-1 Authorize Minor Program Service Agreement with Many Lightnings American Indian Legacy Center for Stewardship and Cultural Education Programs at the Jensen River Ranch “Pathways of Our Ancestors” Garden

Staff Recommendation: It is recommended the Board authorize an agreement for services not to exceed \$2,500 with the Many Lightnings American Indian Legacy Center to provide stewardship and cultural education programs at the Jensen River Ranch Garden. The agreement will be effective after July 1, 2016, once the State budget is adopted and the standard agreement is executed.

**Mr. Janzen moved and Mr. Frazier seconded a motion to approve the agreement recommended in the staff report for F-1. The motion passed unanimously as follows:**

ROLL CALL VOTE:

Name	Yes	No	Abstain
Mr. Andreas Borgeas	X		
Mr. Brett Frazier	X		
Ms. Barbara Goodwin	X		
Mr. Carl Janzen	X		
Ms. Julie Vance	X		
Mr. Kent Gresham	X		
Mr. John Donnelly	X		
Mr. Patrick Kemp	X		
Mr. Michael McKown	X		
Ms. Bryn Forhan	X		
Ms. Cynthia Dolph	X		

F-2 Authorize Minor Program Service Agreement with City of Fresno, Parks, Recreation, After-School, and Community Services Department for Life and Environmental Sciences River Excursions

Staff Recommendation: It is recommended the Board authorize an agreement for services not to exceed \$14,300 with the City of Fresno Parks, After-School, Recreation, and Community Services Department (PARCS) to provide specified community education and recreation programs on Conservancy lands. The agreement will be effective after July 1, 2016, once the State budget is adopted and the standard agreement is executed.

Mr. Robinson arrived at 10:12 a.m., and Mr. Brandau arrived at 10:21 a.m.

Ms. Marks stated that for the past few years the Conservancy has openly solicited for minor program services applications. Due to workload and budget uncertainties, staff did not request proposals for the summer 2016 programs. Instead, staff is recommending continuing to fund, at a very limited scale, the two continuing, successful programs. She noted that on May 26, 2016, the City of Fresno PARCS, Life and Environmental Science (LES) program was selected as a winner of the National Parks' Build Community campaign and will receive a \$20,000 grant from the National Recreation and Park Association (NRPA) and The Walt Disney Co.

Mr. Manuel Mollinedo, Director of the PARCS Department, provided an overview of the grant that PARCS received. He noted that it was a competitive program, and PARCS Department's LES Program was selected to receive the grant.

Ms. Irma Yepez-Perez, Grant Writer for the PARCS Department, stated that with the grant funds the LES program would be able to take kids to the Sierra Nevada and Sequoia National Park, which could not be done without additional funding. This grant allows LES the opportunity to expand the program and to get parents involved. The LES Program provides hands-on science learning in the community centers and provides transportation for participants for river activities in an integrated program. The river excursions funded by the Conservancy have included water safety education at the beginning each activity, and a life jacket is mandatory for every participant. The kids come back year after year and become "River Ambassadors" to support conservation in the future.

Mr. Brandau thanked Irma for the presentation. He stated that in January, the City of Fresno, the Conservancy, River Partners, and Wildlife Conservation Board hosted a planting event at Riverbottom Park. Members of the PARCS Department brought some of the kids to participate in the event. He also noted that the Science Center in Highway City (near the Parkway) is engaging kids in science, environmental education, and outdoor activities.

On inquiry from Mr. Borgeas, Ms. Yepez-Perez reported that the grant funding from Disney and NRPA is not renewable. The PARCS Department's LES Program was one of 15 projects selected to receive grant funding.

Ms. Marks stated the Conservancy minor program services are one time as well, and there is not a guarantee that a program will be funded the following year. The minor program service agreements are awarded to various organizations to implement habitat restoration, cleanups, recreation, and education on Conservancy lands that are otherwise closed to the public.

Mr. Janzen complemented the LES Program on getting people out to the river and especially for educating our up and coming citizens about cleaning up after themselves.

It was moved by Ms. Forhan and seconded by Ms. Goodwin 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. Andreas Borgeas	X		
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. John Donnelly	X		
Mr. Patrick Kemp	X		
Mr. Michael McKown	X		
Ms. Bryn Forhan	X		
Ms. Cynthia Dolph	X		

**G. DISCUSSION**

G-1 Authorize License Agreement with Revive the San Joaquin to Plant and Maintain Native Trees and Shrubs on the Conservancy's Liddell Property

Staff Recommendation: It is recommended the Board approve a five-year license agreement with the Revive the San Joaquin (Revive), a nonprofit organization, to plant, irrigate, and maintain native trees and shrubs on portions of the Liddell property. The agreement shall be subject to the review and approval of Conservancy legal counsel.

Ms. Harris stated that Revive the San Joaquin is requesting a license agreement with the Conservancy to allow for planning, irrigation, and maintenance of approximately 2,800 native trees and shrubs on portions of the Conservancy's Liddell property. Revive has entered into a five-year agreement with PG&E to propagate, plant, irrigate, and maintain approximately 1,800 native trees. The planting will assist PG&E in meeting environmental mitigation requirements related to projects in other areas of the state that lack suitable sites for habitat restoration. The agreement requires Revive to achieve an 80 percent survival rate. Revive will be responsible for securing all required permits and approvals. This license agreement will not create an encumbrance on the property, or create any new long-term obligation for the Conservancy to maintain the project site. The Conservancy will have no obligation to achieve survival standards.

On inquiry from Mr. Frazier, Ms. Marks reported that the license agreement would state that the Conservancy would not be obligated to secure the necessary permits, maintain the site, or meet the survival standards; those responsibilities would be solely Revive's.

On inquiry from Mr. Frazier, Ms. Marks reported that the plants would be irrigated from the pond adjacent to the nursery by a portable pump.

Mr. Chris Acree, Executive Director of Revive the San Joaquin, stated that Revive is a grassroots non-profit organization committed to the successful restoration of the San Joaquin River and the conservation of its natural resources. Revive has a license agreement to operate the native plant nursery at the former fish farm on the Liddell property. The current agreement also allows educational programs including volunteer tree planting activities. He noted that the Liddell property is an excellent site for a restoration project.

Ms. Forhan commended Mr. Acree for putting this project and partnerships together. She stated that this project could be used as a model for future opportunities for mitigation within the Parkway.

**It was moved by Mr. Frazier and seconded by Ms. Dolph to approve staff's recommendation as presented in the staff report. 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. Andreas Borgeas</b>	X		
<b>Mr. Brett Frazier</b>	X		
<b>Mr. 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. John Donnelly</b>	X		
<b>Mr. Patrick Kemp</b>	X		
<b>Mr. Michael McKown</b>	X		
<b>Ms. Bryn Forhan</b>	X		
<b>Ms. Cynthia Dolph</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**

Ms. Sharon Weaver, Executive Director, mentioned several events that were coming up, including a volunteer workday at Camp Pashayan. She noted that the Parkway Trust has been busy working on the Spano River Ranch Habitat Enhancement Project and they are getting ready to install the main irrigation.

Mr. Borgeas thanked Ms. Weaver for attending the Fresno County Board of Supervisor's meeting.

**H-1b RiverTree Volunteers**

None.

H-2 Deputy Attorney General

None

H-3 Executive Officer

Ms. Marks mentioned that the Department of Water Resources (DWR) has been working on several Conservancy projects, including managing construction for the Sycamore Island Pond Isolation Project and the Fish Hatchery Visitor Improvement and Trail Project. She noted that for the last four weeks, DWR had been monitoring a pair of Swainson Hawks in the Sycamore Island Pond Isolation Project area.

The Conservancy and Wildlife Conservation Board (WCB) have been busy preparing the three grant agreements for the Proposition 1 funding. The Conservancy Board approved the grants at the March meeting. Two of the three applications will be considered at the WCB June meeting, and the third application will be considered at their August meeting.

Ms. Marks announced that Ms. Harris was recently promoted to the position of Associate Governmental Program Analyst after applying, interviewing, and being selected for the position. The Conservancy will conduct another recruitment to fill Ms. Harris' vacated position in the coming months.

On inquiry from Mr. Borgeas, Ms. Marks reported that San Joaquin River Parkway Master Plan Administrative Draft EIR should be completed before the contract expires at the end of this year. Ms. Marks and Ms. West have reviewed the biological chapter and returned it to the consultants with comprehensive feedback. The consultants are revising the draft document at no additional cost to the Conservancy. The Master Plan will be released for public review once the Conservancy is satisfied with the Draft EIR.

After questions by the Board and responses by staff related to the document preparation, staff review, delayed completion, and the remaining budget, staff was directed to provide a status report at the next Board meeting.

Ms. Marks provided a brief update on the River West Fresno EIR. She stated that she has reviewed over two hundred pages of the River West Fresno EIR. The consultant is finishing the traffic and air quality chapters. The documents reviewed so far have been satisfactory. The Conservancy is planning to extend the contract so that the EIR can be certified and the project approved in the spring 2017.

On inquiry from Mr. Brandau, Ms. Marks reported that the Sycamore Island Pond Isolation Project went to bid in April. DWR received bids in May that came in under the engineer's estimate. Construction will begin on this project this summer.

H-4 Board Members' Reports

Mr. Janzen mentioned that the Bureau of Reclamation has been releasing more water than is needed to meet obligations at Gravelly Ford for the holding contracts, and the water is not getting to the Mendota Pool. Reclamation might plan to increase flows in the fall. The Restoration Program is working on issues such as sand removal, seepage easements, and kangaroo rats.

Mr. Borgeas mentioned that he had a meeting with Amanda Stevens, from the Trust for Public Lands. This organization is seeking partnerships with the County of Fresno and the City of Fresno to inventory

potential green space in our community and conduct polling to see if a ballot initiative would be supported for a master green space plan.

Ms. Marks mentioned that the Conservancy has attended meetings convened by community groups to consider possible ballot initiatives for parks.

Mr. Janzen stated that the Trust for Public Lands should consider adding County of Madera and City of Madera to its analyses.

Mr. Borgeas mentioned that Mr. Brandau and he participated in a river trip with RiverTree Volunteers.

## I. EXECUTIVE SESSION

### Public Comment:

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

- I-1 Government Code Section 54956.8  
Consultation with real property negotiators concerning terms of negotiations, including price and terms of payment.

Property: Ball Family Trust, Cemex plant site  
Fresno County (APNs 300-007-56 through 60)

Negotiating Parties: David Wasemiller, Realtor, agent for Ball Family Trust  
Robert Hillison, Attorney for Ball Family Trust

Agency Negotiators: Melinda Marks, San Joaquin River Conservancy  
Teri Muzik, Wildlife Conservation Board

- I-2 Government Code Section 54956.8  
Consultation with real property negotiators concerning terms of negotiations, including price and terms of payment.

Property: Circle V Property, Miriam Vinnard Family Trust  
Madera County (APN 049-062-002)

Negotiating Parties: Gerald Vinnard and Arnold Vinnard, Co-Trustees

Agency Negotiators: Melinda Marks, San Joaquin River Conservancy  
Elizabeth Yokoyama, Wildlife Conservation Board

**Mr. Crow reported out of Executive Session that with regard to item I-1, the Board gave direction to staff. With regard to item I-2, the Board approved making an offer to purchase the property.**

Mr. Borgeas left at 11:28 a.m.

## J. NOTICE OF BOARD, ADVISORY, AND PUBLIC MEETINGS

None.

K. NEXT BOARD MEETING DATE

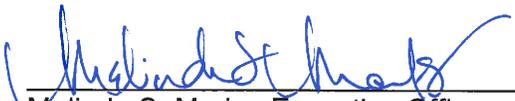
**The next meeting of the Board was scheduled for August 3, 2016, at 10:00 a.m. This meeting was subsequently canceled.** (Please note, an earlier start time will be observed March through October.)

L. ADJOURN

Vice-Chairperson Frazier adjourned the meeting at approximately 11:50 a.m.

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Respectfully submitted,

  
\_\_\_\_\_  
Melinda S. Marks, Executive Officer

**SAN JOAQUIN RIVER CONSERVANCY***Agenda Item*

Item: F-1

September 7, 2016

TO: San Joaquin River Conservancy Governing Board

FROM: Melinda S. Marks, Executive Officer 

SUBJECT: **Report on Vulcan Materials Gravel Mining Lease, Continuation of Tenancy Month-to-Month for Part of 2017 as Allowed in the Lease Agreement, and Negotiations to Establish Rental Rate for Reclamation Period**

**RECOMMENDATION:**

It is recommended the Board authorize the Executive Officer to confirm in writing the continuation of tenancy month-to-month for part of 2017 with Vulcan Materials, as allowed in the lease agreement, with all other terms and conditions to remain the same.

**SUMMARY:**

The Conservancy assumed the existing gravel plant lease with Vulcan Materials Company when it acquired the Gibson property in 2008. Under the terms of the lease, Vulcan pays the Conservancy rent of \$235,000 per year. In June 2013, the Board approved an amended and restated lease with CalMat Company (owner) to extend the Vulcan Materials Company (subsidiary) gravel processing plant lease through December 31, 2016, for plant operations and through December 31, 2021, for site reclamation.

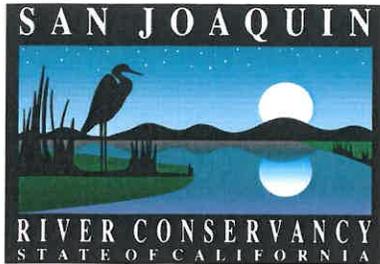
On June 16, 2016, the County of Fresno approved a one-year extension of Conditional Use Permit No. 3179, which allows Vulcan Materials to fully mine sand and gravel reserves remaining on the Gibson property and other approved mining lands through September 31, 2017.

Vulcan Materials is requesting the Conservancy's written acknowledgment for it to continue tenancy of the Gibson property on a month-to-month basis until September 10, 2017, for mining and processing, as allowed in the lease agreement. The month-to-month rent will be the annual rental rate of \$235,000, prorated at \$650 per calendar day commencing January 1, 2017. The lease specifically allows Vulcan to hold-over the lease month-to-month "with or without the express or implied consent of Lessor"; however, the lease has provisions for the Conservancy's written confirmation of the hold-over.

After gravel processing is terminated, not later than September 30, 2017, the five-year "second lease term" would begin. During the second lease term, Vulcan will continue to lease the property while it reclaims the site for wildlife habitat. Its reclamation requirements consist of removing structures and unnecessary infrastructure, distributing stockpiled "overburden" soils to recreate adequate planting surfaces, planting a range of native plants, and irrigation and monitoring to achieve required plant survival rates. Rent during the second lease term is being negotiated with Vulcan Materials; per the lease it will be the current fair market monthly rental rate for the land occupied by Vulcan's portable office buildings. (Under a separate agreement, Vulcan rents the adjacent residence on Conservancy property, which it occupies for offices.)



Rebecca Harris  
Associate Governmental Program Analyst



## SAN JOAQUIN RIVER CONSERVANCY

*Agenda Item*

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Item: G-1

September 7, 2016

TO: San Joaquin River Conservancy  
Governing Board

FROM : Melinda S. Marks, Executive Officer

SUBJECT: **Status and Progress Report on River West Fresno, Eaton Trail Extension Environmental Impact Report**

### RECOMMENDATION:

This report is for informational purposes. The Board may provide general direction to staff; no action by the Board is recommended.

### SUMMARY:

In August 2007, the Wildlife Conservation Board approved bond funds for the Conservancy to plan an extension of the Lewis S. Eaton Trail across the River West Fresno (Spano) property and complete environmental review in compliance with the California Environmental Quality Act (CEQA). The project has been on-going since that time, although it has been subject to prolonged delays, and significant changes in the scope of work, budget, and timelines.

AECOM (formerly URS) planning consultants and their team are under contract with the Conservancy to complete the project. The Draft Environmental Impact Report (EIR) is now on track for release for public review and comment this fall, with project completion next spring.

The Discussion section provides a rough chronology of the project, which includes, cumulatively, years of time in which the project was delayed or suspended for reasons beyond the control of the consultant. The Discussion section also describes the remaining budget and task completion schedule.

### DISCUSSION:

AECOM has completed conceptual planning, early public outreach, a constraints and opportunities analysis, public scoping for the EIR, a hazardous materials risk assessment (appendix to the Draft EIR), and is nearing completion of the Draft EIR to be released for public and agency review and comment. Staff has completed initial review of the draft documents, commented on and edited the drafts, and anticipates receiving the Administrative Draft EIR for final approval by early fall.

Contracting processes and delays in completing this project have been substantial. Most significantly they include:

- Between the August 2007 Wildlife Conservation Board approval and February 2008: Conservancy secured a contract with the City of Fresno to perform the project, including preliminary design and environmental review, consisting of an Initial Study and presumed Mitigated Negative Declaration.
- From February 2008 to late 2008: The City solicited proposals and contracted with AECOM.
- By late 2008: A public open house workshop was held. The constraints and opportunities analysis was completed.
- December 2008 through late spring 2011: Bond funding was suspended by the State of California from December 2008 through July 2010. After the project was reinitiated it took nearly a year to augment to the budget to update analyses, secure a City appropriation, amend the contracts to extend the timeline and increase the budget, and resume work.
- November 2011 through December 2013: The Conservancy and the City decided to expand scope and budget to complete an EIR. The project was suspended again to expand the scope of work and budget, authorize funding, and complete contract processing. The City decided to terminate its contract with the Conservancy and defer lead agency status to the Conservancy. In December 2012 the Conservancy Board agreed to accept assignment of the AECOM contract from the City. The assigned contract was approved by the State Department of General Services (DGS) in December 2013, and work resumed.
- September 2014 through June 2015: The Conservancy Board added an alternative entrance in the vicinity of Palm and Nees avenues to the EIR study. The scope of work and budget was again increased. The expanded contract was approved by DGS in June 2015.

The AECOM contract and WCB funding agreement deadlines have been extended in a series of amendments. Each contract extension also demands time from the Conservancy and WCB staff.

At this time, the first administrative draft of the EIR has been reviewed and is ready to finalize. The consultant team is preparing the final administrative review draft of the entire Draft EIR. Upon staff's final review, the Draft EIR will be released for the public comment period in compliance with CEQA. A final contract amendment and WCB agreement amendment will be processed to extend the agreements from their current termination date of September 31, 2016, to allow time for completing the project next spring. The request for the amendment is currently at DGS for review and approval.

The total budget for the project including City of Fresno (past) and Conservancy costs is \$547,000. The consultant contract budget is not to exceed \$403,533. The consultant's budget balance as of the date of this report is \$51,750.94, some of which is budgeted for remaining tasks to complete the Draft EIR, and the rest of which is budgeted and adequate for the remaining tasks through certification of the Final EIR. The consultant team is fully committed to the successful completion of the project.

The anticipated schedule, now through completion of the project is:

- October/November/December 2016: release and distribute the DEIR for the 45-day comment period; solicit written comments;
- Mid-point of public comment period: public workshop at a meeting of the Conservancy Board;

- December 2016: Close public comment period;
- Several months, spring 2017: The schedule to complete the Final EIR will depend on the extent and complexity of public and agency comments.
- Several weeks spring 2017: Prepare all documents for the Board hearing.
- Spring 2017: Board hearings for certification of the Final EIR and approval of the project. Due to the range of alternatives for the Board to consider, it is expected that two meetings may be required to deliberate, make required findings, and approve the project.

As can be seen from Agenda Items G-1 and G-2, staff will have a significant workload associated with two EIRs (the Parkway Master Plan and River West Fresno, Eaton Trail Extension), including all EIR public distribution and meeting preparation tasks. The Board will have a significant workload in reviewing documents and preparing for multiple, potentially long, Board workshops and hearings. Staff will work to keep the projects moving toward completion, while staggering hearings and managing Board agendas.



# SAN JOAQUIN RIVER CONSERVANCY

*Agenda Item*

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Item: G-2

September 7, 2016

TO: San Joaquin River Conservancy  
Governing Board

FROM : Melinda S. Marks, Executive Officer

SUBJECT: **Status and Progress Report on San Joaquin River Parkway Master Plan Update and Environmental Impact Report**

**RECOMMENDATION:**

This report is for informational purposes. The Board may provide general direction to staff; no action by the Board is recommended.

**SUMMARY:**

Since March 2012, Placeworks planning consultants and their team have been under contract with the Conservancy to complete the San Joaquin River Parkway Master Plan Update and Environmental Impact Report (EIR). By summer 2013, the updated plan was drafted and the EIR process was initiated. The Draft EIR is now on track for release for public review and comment this fall, with project completion next spring.

The Discussion section describes progress, interaction with the consultant, remaining budget, and task completion schedule.

**DISCUSSION:**

In 2012 and 2013, Placeworks completed the draft Master Plan Update and two appendices: the Operations and Maintenance Tool Box, and Biological Resources Regulatory Streamlining Strategies Whitepaper. The O&M Toolbox and the draft Master Plan were presented to the Board in workshops at the March, May, and August 2013, Board meetings. In June and July 2013 the EIR Notice of Preparation was released and a public scoping meeting was held at the Pinedale Community Center.

Over the past three years, the consultant has prepared drafts of the all of EIR chapters. Conservancy staff has reviewed and extensively commented on and edited the drafts. In the case of the Biological Resources impact assessment, Conservancy staff and the Conservancy's project manager at the Wildlife Conservation Board (WCB), who has extensive experience with California Environmental Quality Act (CEQA) EIRs, reviewed hundreds of pages of analyses. Staff provided extensive comments regarding form, terminology, and clarity, and requested a more comprehensive analysis of the full scope of the planned activities. Staff generated extensive documentation during its review of the early drafts, provided information and detailed written guidance, and devoted many hours to meetings with the consultant team.

Delays in completing the project are attributed to the broad programmatic scope of the project, extent of required draft EIR revisions, and the Conservancy staff time required to guide the project, secure expertise and assistance, and carefully review the content. At many times—sometimes months—Conservancy staff became a bottleneck while addressing other critical projects. In February 2015 staff reported to the Board that, at the recommendation of the Technical Advisory Committee, the consultant's work was suspended until staff could compile specific constructive and comprehensive direction. Guidance was documented and provided to the consultant and work resumed in June 2015, and culminated in a day-long working meeting among Conservancy staff, WCB staff, and the consultant team in August 2015. The re-worked Draft EIR has been proceeding, albeit slowly, the past year.

The Placeworks contract and WCB funding agreement deadlines have been extended in a series of time-only amendments (that is, the budget, pay rates, terms and conditions have remained the same). Each contract extension also demands time from the Conservancy and WCB staff.

At this time, the administrative draft of the Master Plan Update has been reviewed and is ready to finalize. The consultant team is preparing the final administrative review draft of the entire Draft EIR. Upon staff's final review, the Draft EIR will be released for the public comment period in compliance with CEQA. A final contract amendment and WCB agreement amendment will be processed to extend the agreements from their current termination date of December 31, 2016, to allow time for completing the project next spring.

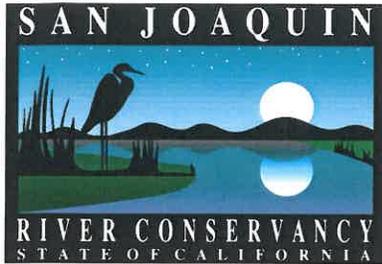
The total budget for the project (both the Conservancy funding and Placeworks contract) is not to exceed \$350,000. The Master Plan Update task and associated appendices were completed in good quality and within budget. The consultant absorbed some costs in its revisions of the Draft EIR. The budget balance as of the date of this report is \$49,113, some of which is budgeted for remaining tasks to complete the Draft EIR, and the rest of which is budgeted and adequate for the remaining tasks through certification of the Final EIR. The consultant team is fully committed to the successful completion of the project; recent work products are better organized and the proposed Master Plan is more clearly and completely articulated.

The anticipated schedule, now through completion of the project is:

- October/November/December 2016: release and distribute the DEIR for the 45-day comment period; solicit written comments;
- Mid-point of public comment period: public workshop at a meeting of the Conservancy Board;
- December 2016: Close public comment period;
- Several months, spring 2017: The schedule to complete the Final EIR will depend on the extent and complexity of public and agency comments.
- Several weeks spring 2017: Prepare all documents for the Board hearing.
- Spring 2017: Board hearing for certification of the Final EIR and approval of the Parkway Master Plan Update.

As can be seen from Agenda Items G-1 and G-2, staff will have a significant workload associated with two EIRs (the Parkway Master Plan and River West Fresno, Eaton Trail Extension), including all EIR public distribution and meeting preparation tasks. The Board will have a significant workload in reviewing documents and preparing for multiple,

potentially long, Board workshops and hearings. Staff will work to keep the projects moving toward completion, while staggering hearings and managing Board agendas.



## SAN JOAQUIN RIVER CONSERVANCY

*Agenda Item*

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Item: G-3

September 7, 2016

TO: San Joaquin River Conservancy  
Governing Board

FROM : Melinda S. Marks, Executive Officer

**SUBJECT: Approve Resolution 16-02, Stating Intent to Cooperate in Public Access Planning and Environmental Review for Ball Ranch and Ledger Island with the State Lands Commission, Bellezze Naturali (a Private Landowner/ Developer) and the River Conservancy at Tesoro Viejo, a Private Nonprofit Public Benefit Organization Created for this Purpose**

**RECOMMENDATION:**

It is recommended the Board approve Resolution 16-02 (attached, including exhibits), which authorizes the *River Conservancy at Tesoro Viejo*, a nonprofit public benefit organization, to:

1. Develop a plan and project proposal for public access consistent with the San Joaquin River Parkway Master Plan on public lands under the jurisdiction of the San Joaquin River Conservancy (SJR Conservancy) and the California State Lands Commission (CSLC) in the vicinity of Ball Ranch and Ledger Island; and
2. Apply to the CSLC for approval of the proposed project and a lease for public access and use on State lands under the CSLC's jurisdiction, such application to provide for the CSLC's analysis of potential environmental impacts of the proposed project in accordance with the California Environmental Quality Act (CEQA) and the applicant's reimbursement for the CSLC's costs.
3. Subsequently submit the proposed project and environmental analysis to the SJR Conservancy for approval of improvements and uses on State land under the SJR Conservancy's jurisdiction.

The recommended action approving the SJR Conservancy's participation in this planning effort does not provide any pre-determination that the Board will approve the proposed uses, improvements, leases or concession agreements, funding for improvements, acceptance of the proposed access easement, or any other action under the SJR Conservancy's jurisdiction.

**SUMMARY:**

In February 2015, Mr. Brent McCaffrey, President of Bellezze Naturali and McCaffrey Homes, presented a conceptual proposal to develop a public trail system at Ledger Island, Ball Ranch, and future neighboring communities in the Rio Mesa Area of Madera County. The company proposes that operations and maintenance of the trail system could be managed through a public/private partnership. The concept could create 50 miles of connected public trails within

the Parkway and Rio Mesa, and could provide public access at Ball Ranch and Ledger Island, consistent with the SJR Conservancy's mission and Parkway Master Plan's goals and objectives. Bellezze Naturali owns lands contiguous to Ball Ranch on the Fresno side of the river and connecting to Ledger Island on the Madera side. (Exhibits A and B follow.)

The Board approved a motion to direct staff to explore public, private, and community partnerships to develop and sustain Parkway trails and public access facilities in the vicinity of Ball Ranch and Ledger Island with Bellezze Naturali, and with the planning staffs of the County of Fresno and County of Madera.

After many hours of meetings, and in consultation with CSLC legal and environmental planning staff, staff recommends allowing the project proponent to develop a proposal and apply to the CSLC to perform a CEQA analysis of potential environmental impacts. The proposed cooperative planning process is intended to result in the following public benefits:

- Develop a detailed low-impact recreation and public access plan for public lands in the vicinity of Ball Ranch and Ledger Island. Improvements and uses shall be consistent with the public trust, Parkway Master Plan, and Ball Ranch Master Development Plan, and would include trails, nonmotorized boating, fishing access, and ancillary facilities, and shall be consistent with the protection of natural resources. The habitat restoration recommendations being developed by River Partners through a SJR Conservancy Proposition 1 grant would contribute to habitat protection and enhancement considerations in the plan;
- Secure CEQA compliance through the environmental staff of the CSLC, with full cost reimbursement provided by the applicant;
- Resolve a boundary dispute between the private landowner and the CSLC over ownership of private uplands, the public trust easement, and state sovereign lands;
- Obtain for the SJR Conservancy an access road in Madera County to Ledger Island;
- If approved by future action of the CSLC and SJR Conservancy Board, provide for public access and low-impact recreation facilities and services on lands under the agencies' jurisdiction; and
- Secure revenues through private and community sources for operations and maintenance of the planned Parkway facilities and services within the affected lands.

The proposed project will also establish a nonprofit organization to fund and serve the needs of the public for Parkway facilities, management, and services in the planned service area.

The attachments include Resolution 16-02, authorizing cooperative planning with the CSLC and allowing lands under the SJR Conservancy's jurisdiction to be included in the applicant's planning proposal; and Exhibits A and B, a conceptual project proposal and map. Public participation to secure input on the uses and facilities proposed on public lands in compliance with CEQA would be implemented as a part of the proposed planning project.

The application submitted to the CSLC would describe improvements and uses proposed on State public lands. Any future proposals by Bellezze Naturali for development on its private lands are under the land use jurisdiction of the counties; the landowner would submit separate applications for these possible future projects to the local agencies.

Bellezze Naturali intends to provide transfer fee revenues generated by the sale and resale of properties within the Madera County community of Tesoro Viejo to the *River Conservancy at Tesoro Viejo*, a nonprofit organization created to accept those revenues and use them to

provide specific Parkway operations and maintenance services. Services could be provided through a potential contract with the SJR Conservancy. Since the company may soon begin selling lots to other builders, it is critical to memorialize this arrangement through the proposed resolution as soon as possible.

Other supplemental long-term funding sources may be possible in the future. For example, County Service Area 22 was activated by the County of Madera for the purpose of providing urban services in the Rio Mesa Area. Services and infrastructure could potentially include (but would not be limited to) park, open space, and recreation, supported through fees, charges, and assessments.

**DISCUSSION:**

Both the SJR Conservancy and CSLC have discretionary decision-making authority over components of the project. CEQA provides that either agency may serve as lead agency. Parcels that encompass state sovereign lands and private fee title uplands were quitclaimed by a private party to Bellezze Naturali. The CSLC has a significant stake in the proposed project to resolve disputed boundaries, protect public trust uses, and secure leases for improvements. The CSLC has the environmental review staff and reimbursement processes in place to serve as lead agency for this planning project, while the SJR Conservancy does not.

After initial compliance with CEQA, the SJR Conservancy would consider the adequacy of the document as the basis for approval of related actions, such as approving improvements and public uses on its lands at Ball Ranch and Ledger Island, accepting a dedicated access easement to Ledger Island, and entering agreements for operations and maintenance.

In January 2015, the Fresno and Madera County Boards of Supervisors directed their staffs to explore concepts with Bellezze Naturali and the SJR Conservancy.

The attached proposed resolution, and Exhibits A and B, conceptual project description and site plan, provide additional detail.

**Attachments:**

Resolution 16-02, Intent to Cooperate in Public Access Planning and Environmental Review for Ball Ranch and Ledger Island, San Joaquin River Parkway

Exhibit A, Conceptual Map of the Proposed Project

Exhibit B, Proposed Project Description

RESOLUTION 16-02  
SAN JOAQUIN RIVER PARKWAY  
PUBLIC ACCESS PLANNING, BALL RANCH AND LEDGER ISLAND

WHEREAS, the State of California, San Joaquin River Conservancy (SJR Conservancy):

- Was established by the State Legislature to develop the San Joaquin River Parkway to conserve natural and cultural resources, enhance and restore habitat, and develop and manage lands for low-impact public recreational and educational use compatible with resource conservation (San Joaquin River Conservancy Act, PRC §32500 et seq.);
- Has adopted the San Joaquin River Parkway Master Plan (1997), which sets forth policies, and standards for Parkway development and management, and includes the following goals (among others):
  - o Provide river access and high quality recreation areas to meet recreational and environmental educational needs while conserving natural and cultural resources;
  - o Ensure access to all segments of the population, and to all residents of the region, in metropolitan and outlying areas;
  - o Manage recreational uses to protect public health and safety, and to minimize indiscriminate activities, trespass on private lands, and human impacts on natural resources in the Parkway;
- Has jurisdiction over state-owned Parkway lands, including the Ball Ranch and Ledger Island properties, and has developed conceptual plans for development of trail, low-impact recreation, river access, and habitat conservation and restoration on those properties for the benefit of the general public;
- Is required by the San Joaquin River Act to preclude public access and recreation on its properties until and unless it has adequate resources to operate and maintain the facilities in a clean and safe manner, protect wildlife, and minimize negative impacts on adjacent property owners; and

WHEREAS, the California State Lands Commission (CSLC):

- Has jurisdiction and management control over state sovereign lands, including the beds of navigable rivers such as the San Joaquin River;
- Manages these sovereign lands for the benefit, use and enjoyment of all the people of the State, subject to the Public Trust for water-related commerce, navigation, fisheries, recreation, open space and other recognized Public Trust uses to assure that the greatest possible public benefit is derived from these lands;

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Resolution 16-02

- Considers numerous factors in determining whether or not a proposed use of the State's land is appropriate, including, but not limited to, the potential impacts on and the consistency with the Public Trust, protection of natural resources and other environmental values, and the preservation or enhancement of the public's access to State lands. Other factors that the CSLC will consider may include the size, location, intended use, and described need for the project, structure, or facility, its relationship to the surrounding environment, and if the size of the project, structure, or facility is appropriate for the location and type of use or operation proposed;
- Has the authority to resolve boundary disputes with upland owners and may establish the ordinary high-water mark or the ordinary low-water mark of any of the sovereign lands of the State, by agreement, arbitration, or action to quiet title, whenever it is deemed expedient or necessary, and/or may enter into an exchange of lands if the CSLC finds all of the statutory conditions are met;
- Assures upland landowners' compliance with California Subdivision Map Act requirements to provide for public access to and along the bank of a waterway, river, or stream, including the San Joaquin River;
- Provides for environmental review in compliance with the California Environmental Quality Act (CEQA) for the issuance of any lease, permit or other entitlement for use of State lands under its jurisdiction, funded through a reimbursement agreement with the project applicant. No proposed project may be approved until the requirements of CEQA have been met; and

WHEREAS, the California Department of Fish and Wildlife (DFW):

- Manages and has regulatory jurisdiction over the Willow Unit of the San Joaquin River Ecological Reserve, a part of which may with DFW approval be included in the conceptual plan for public access at Ball Ranch; and

WHEREAS, Bellezze Naturali, a California Limited Liability Corporation:

- Owns lands adjacent to the Tesoro Viejo Specific Plan (revised 2012), a community development plan approved by the County of Madera, which envisions an extensive public trail network to provide connections to the community core, open space, and the San Joaquin River and Parkway, and includes Goal 25, "Create and maintain access to the San Joaquin River for both residents and visitors, to the extent possible within the control of the project sponsor and the County";
- Owns properties in Madera County that could connect a public road to Ledger Island via a proposed dedicated easement for access to Ledger Island, and accommodate a public river access trail corridor, and;

- Owns properties in Fresno County that could provide public access to the river and Ball Ranch from Friant Road;
- Claims an ownership interest in certain riverfront parcels adjacent to state sovereign lands in Fresno County, wherein the boundaries between Bellezze Naturali property and state-owned sovereign lands are in dispute, the resolution of which is proposed to be resolved through a boundary line agreement between CSLC and Bellezze Naturali;
- In early 2015 presented to the Fresno County Board of Supervisors, Madera County Board of Supervisors, and SJR Conservancy Board a conceptual, cooperative proposal to develop Parkway public access features and trails on public and private lands and to provide for their operation. The agencies' staffs were directed to work toward cooperative planning;
- Intends to support operation and maintenance for Parkway low-impact recreation and public access at Ball Ranch and Ledger Island through cooperative arrangements and agreements;
- Intends to provide transfer fee revenues generated by the sale and resale of properties within the Madera County community of Tesoro Viejo to a nonprofit foundation created to accept those revenues and use them to provide specific Parkway operations and maintenance services through a potential contract with the SJR Conservancy;
- Recognizes that operations and maintenance of Ball Ranch and Ledger Island must include the full range of services necessary to support low impact public recreation, protect natural and cultural resources, provide for public health and safety (including sanitation, policing, and fire protection), and minimize negative impacts on surrounding private properties, and that its support is intended to adequately fulfill those needs; and

WHEREAS, The River Conservancy at Tesoro Viejo ("RCTV"):

- Has been formed and shall be operated pursuant to federal tax code Section 501(c)(3) requirements for nonprofit, public benefit organizations, to support operation and maintenance of trails, public access, and low-impact recreation within the San Joaquin River Parkway at Ball Ranch and Ledger Island, and within Tesoro Viejo and the immediate vicinity;
- Shall accept transfer fee revenues generated by the sale and resale of properties within Tesoro Viejo for operation, maintenance, and management of Parkway facilities and services proposed at Ball Ranch, Ledger Island, Tesoro Viejo, and the immediate vicinity, and may accept other revenues through day use fees, donations, and contracts;

- Will prepare a project proposal that, subject to CEQA compliance and approval of the lead and responsible agencies, is intended to result in:
  - Properly managed general public access and low-impact recreation at Ball Ranch, Ledger Island, and associated state lands consistent with the SJR Conservancy's mission, Parkway Master Plan, and the Public Trust;
  - Potential Improvements such as trails, restrooms, and boating rest stops on SJR Conservancy and other state lands;
  - Potential support and ancillary facilities on private lands, including dedication to the SJR Conservancy of an access road in Madera County from a public road to Ledger Island;
  - A lease with the CSLC and a lease or concession agreement with the SJR Conservancy for the RCTV's management of SJR Conservancy and other state properties; and
  - A boundary line agreement between the upland landowner and the CSLC;
  - The proposed project, in concept, is presented in Exhibit A and Exhibit B, conceptual maps and project description; and

WHEREAS, the CLSC, the SJR Conservancy, DFW, County of Fresno, and County of Madera, may eventually take into consideration several potential discretionary actions associated with the proposed project, each of which will be subject to CEQA.

NOW THEREFORE BE IT RESOLVED.

- The RCTV may submit a project proposal to the CSLC, apply for a CSLC lease and apply to enter into a boundary line agreement, and provide full reimbursement to the CSLC for review of the potential environmental impacts of the proposed project in accordance with CEQA.

BE IT FURTHER RESOLVED,

- The SJR Conservancy hereby authorizes the RCTV to include SJR Conservancy lands at Ball Ranch and Ledger Island in its application and plans, based on the parameters set forth in this Resolution and in Exhibits A and B.
- The proposal for low-impact recreational uses and improvements on SJR Conservancy lands must be consistent with the Parkway Master Plan, and in particular must ensure proposed uses and improvements are compatible with conservation of natural and cultural resources, and ensure the project benefits the general public.

- The SJR Conservancy's participation in this planning effort does not provide assurance nor any pre-determination that it will approve the proposed uses, improvements, leases or concession agreements, funding for improvements, acceptance of the proposed access easement, or any other action.
- In taking part in this planning effort, the SJR Conservancy is not asserting any influence, authority, or responsibility regarding approvals required by the CSLC, DFW, County of Fresno, or County of Madera for lands under their jurisdictions.
- The SJR Conservancy Board hereby requests and encourages Bellezze Naturali, the RCTV, other landowners, and respective counties to develop long-term revenue streams including the sale and resale of units within the lands benefited by the Parkway, in order to sustain and expand the long-term, cooperative development and proper management of the Parkway and any associated improvements proposed under the project application.

BE IT FURTHER RESOLVED,

- The CSLC upon receipt of an application for the use of State lands shall review its files and any information submitted by the applicant to determine the extent of the State's property interest in the proposed project site; all applicants are advised that the CSLC is under no obligation to approve any application submitted to it.
- Once an application is received, including all necessary deposits and the execution of corresponding reimbursement agreements, the application shall be duly processed in accordance with the Permit Streamlining Act, including but not limited to determining the applicability of potential CEQA exemptions and, where appropriate, conducting an Initial Study to determine whether a Negative Declaration or an Environmental Impact Report is required.
- Bellezze Naturali and RCTV acknowledge and understand that an applicant acquires no property interest in State lands or the right to the use of State lands until the CSLC has authorized a lease, permit, or other entitlement, and until the lease, permit, or other entitlement is complete in all respects and has been executed on behalf of the applicant and the State.

BE IT FURTHER RESOLVED,

- After initial compliance with CEQA processes, the SJR Conservancy shall consider the adequacy of the document as the basis for approval of related actions, and may proceed to consider approving improvements and public uses on its lands, at Ball Ranch and Ledger Island, accepting a dedicated access easement to Ledger Island, entering agreements for operations and maintenance for these Parkway lands, and other related discretionary actions. The applicant acquires no interest or right to use State lands under the SJR Conservancy jurisdiction until and unless the project is approved, and a lease or agreement is complete and executed on behalf of the applicant and State.

APPROVED, September 7, 2016, by the San Joaquin River Conservancy by majority vote as recorded in the meeting minutes.

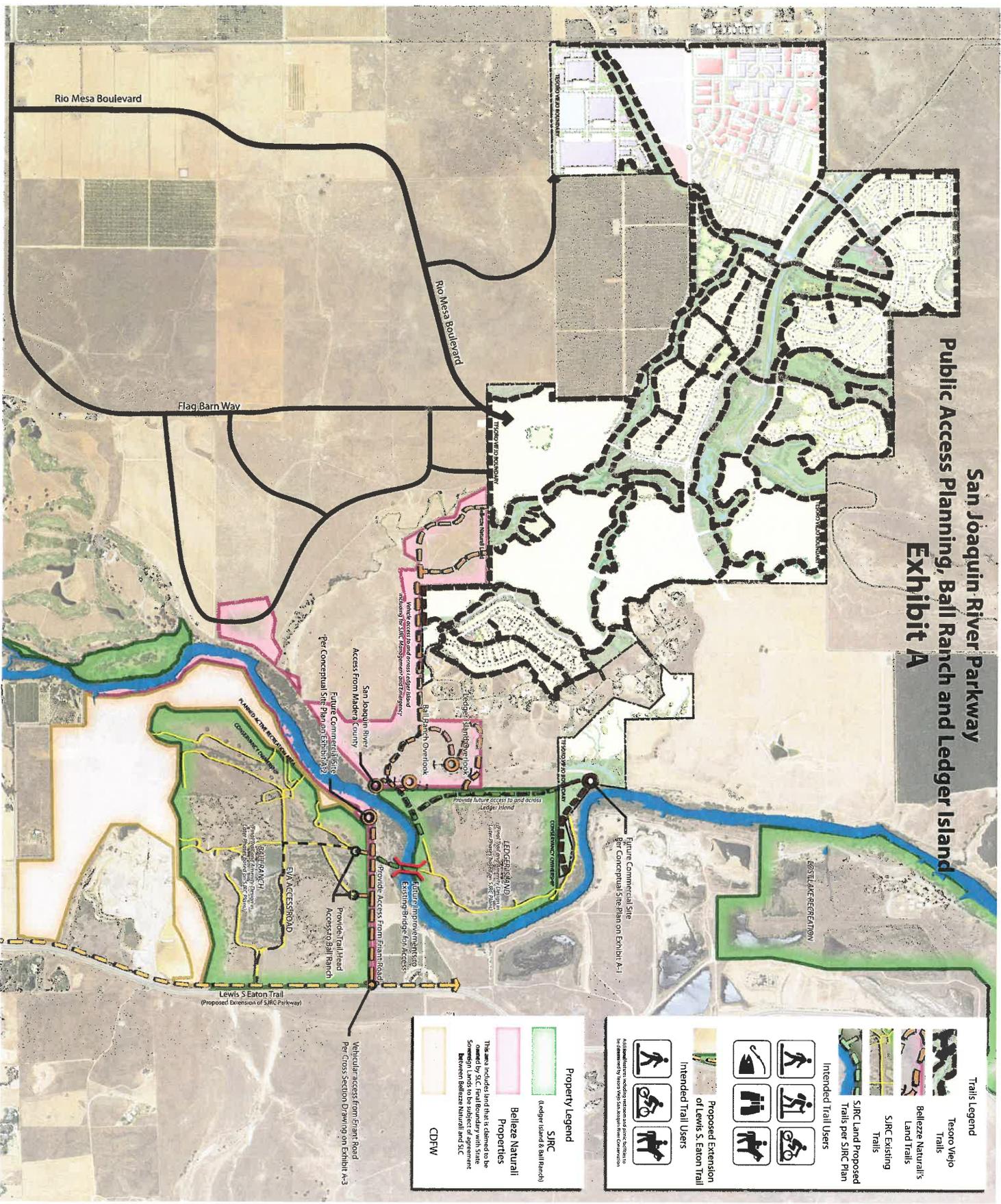
By: \_\_\_\_\_ Date: \_\_\_\_\_  
Andreas Borgeas  
Chairman

Attest: \_\_\_\_\_ Date: \_\_\_\_\_  
Melinda S. Marks  
Executive Officer

Approved as to legal form:

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Michael L. Crow  
Deputy Attorney General

# San Joaquin River Parkway Public Access Planning, Ball Ranch and Ledger Island Exhibit A



**Trails Legend**

- Tesoro Velo Trails
- Belleze Natural's Land Trails
- SJRC Existing Trails
- SJRC Land Proposed Trails per SJRC Plan
- Intended Trail Users

**Proposed Extension of Lewis & Eaton Trail**

Intended Trail Users

- Walking
- Bicycling
- Stroller
- Handicapped
- Mountain Biking
- ATV

**Property Legend**

- SJRC (Ledger Island & Ball Ranch)
- Belleze Natural's Properties
- CDPW

This area includes land that is claimed to be owned by SJRC. Final boundary with state ownership lands to be subject of agreement between Belleze Natural and SJRC.

**EXHIBIT B  
PROPOSED PUBLIC ACCESS IMPROVEMENTS AND OPERATIONS  
FOR BALL RANCH AND LEDGER ISLAND,  
SAN JOAQUIN RIVER PARKWAY**

**Proposed Project Summary**

This proposal sets forth a potential project by a private project proponent, the River Conservancy at Tesoro Viejo (RCTV), to provide and properly manage public recreational access to the San Joaquin River and San Joaquin River Parkway. The proposal would utilize private lands subject to local land use approvals, and lands owned by the State of California: Public Trust easements and sovereign lands under the jurisdiction of the California State Lands Commission (hereinafter, CSLC and “State Lands”) and conservation and recreation lands under the jurisdiction of the San Joaquin River Conservancy (hereinafter, SJR Conservancy and “SJR Conservancy lands”).

The proposed project would implement public access and low-impact recreation elements of the San Joaquin River Parkway Master Plan (Parkway Master Plan) on the SJR Conservancy’s Ball Ranch (Fresno County) and Ledger Island (Madera County), adjacent private property owned by Bellezze Naturali, and associated State Lands (collectively, “the project site”).

The CSLC will be the lead agency pursuant to the California Environmental Quality Act (CEQA) to review the potential environmental impacts of the proposed project and to consider approval of a boundary settlement relating to the ownership of riverfront parcels adjacent to the project site and a potential CLSC lease with regard to improvements and uses on those parcels.

The SJR Conservancy will be a responsible agency. It will consider developing improvements on the public lands within the project site, and shall be responsible for securing and overseeing long-term operation, maintenance, and management of those lands and improvements. Subject to CEQA, implementation of the proposed project may involve the following actions by the SJR Conservancy:

- Approving and implementing specific projects consistent with the SJR Conservancy’s Ball Ranch Master Development Plan (2005) and Parkway Master Plan (1997);
- Securing an easement to Ledger Island from one or more willing landowners for public, management, public safety, and emergency response access purposes;
- Developing public access improvements, such as trails, river access, non-motorized boating rest stops, and vault toilet restrooms on SJR Conservancy lands, and also parking/staging on an access easement owned by the State on private property adjacent to Ball Ranch; and
- Securing operations and maintenance through a concession agreement or lease with the RCTV, another private operator, or other entity; day use fees for operations and maintenance services may be collected, not to exceed the cost of services.

With advance approval of the California Department of Fish and Wildlife (DFW), the proposed project may include trails and river access on State-owned lands under DFW’s management jurisdiction. If so, DFW will also make a CEQA determination as a responsible agency and consider any required approvals, permits, or leases.

## **Location**

The proposed project site is located adjacent to the San Joaquin River approximately 5 miles downstream of Friant Dam, with Ledger Island on the right bank extending further upstream, and Ball Ranch on the left bank extending further downstream.

Ball Ranch lies adjacent north of Little Dry Creek, and is bounded by Friant Road on the east, and private, Bellezze Naturali property on the north.

Ledger Island lies across the river from Ball Ranch, and extends west to within approximately one-quarter mile of the Sumner Hill subdivision. (Ledger Island is only infrequently an actual island, when high river flows pass through a secondary channel on its west side.)

## **Proposed Project Description (Project features)**

Proposed public access features on SJR Conservancy lands at Ball Ranch and Ledger Island would include: pedestrian, bicycle, and equestrian trails on existing gravel roads; river access for fishing, nature observation, and other water-dependent low-impact recreational activities; one or two boating rest stops; and ancillary facilities, such as nature observation points, vault toilet restrooms, information kiosks, gates, and fencing. Trails would accommodate management and emergency vehicles, and would allow for alternative routes of emergency egress. Segments would provide Americans with Disabilities Act (ADA)-compliant access. No public traffic circulation or parking is proposed within Ball Ranch, with the exception of unimproved parking for supervised volunteer stewardship and occasional special events, and gravel roads for emergency egress. The access road to and across Ledger Island would be at least partially on SJR Conservancy land.

Existing old gravel mining haul roads and farming roads will be used for trails, which will double as management access roads—minimizing if not eliminating disruption to existing vegetation. Portions of the primary multiple use trail may be paved; however, the existing gravel surface may be used where it is adequate to serve project maintenance, access, and public safety objectives. Portions of trails may be improved with smooth surfaces to facilitate ADA access where feasible. On-site drainage of any impervious surfaces to bioswales will be provided. Spilt rail fencing and other deterrents may be used to discourage public access under large oaks or into other sensitive or protected areas. One self-contained vault toilet restroom on Ball Ranch will be installed above the elevation of the federal 100-year floodzone and outside the State-designated floodway. One such restroom will also be installed on Ledger Island on a suitable site above the floodzone and outside the floodway. Two boating rest stops—one on Ledger Island upstream, and one on Ball ranch downstream—will include picnic tables, garbage cans, and access to the vault restrooms.

Rehabilitation or replacement of the Ledger Island bridge is not part of the proposed project. The trail connection via the bridge will not be included in the proposed project, unless further study determines it is safe or has been made safe for pedestrian use.

Due to the minimal infrastructure for this project, construction activity would be minor, of limited duration, and with minimal disturbance to existing native vegetation.

The proposed project may be implemented in phases. Development of improvements such as paved trails, gravel management access roads, and vault toilet restrooms would accommodate current supervised public use of the site for nature walks, educational and stewardship activities.

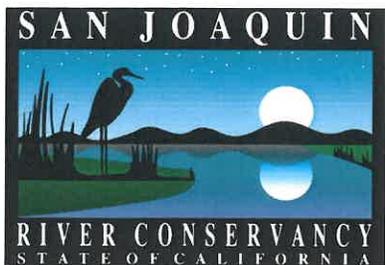
Public entrances, parking, and staging areas would be developed on Bellezze Naturali property, subject to approval of local land use authorities.

The project proponent, RCTV, proposes to improve and implement public parking and staging on the Bellezze Naturali property containing the SJR Conservancy's access easement, and to secure, improve, and implement access to and across Ledger Island within Madera County to provide for general public access to the project site for use on a daily, weekends and holidays, or seasonal basis. The proponent proposes limited public parking in a trailhead staging area within the public access easement. Equestrian staging will be accommodated if feasible.

In order to open the site for general public access, the SJR Conservancy would secure a long-term concession or lease agreement; RCTV proposes to be the lessee or concessionaire. Day use fees for operations and maintenance services may be collected, not to exceed the cost of services.

Reasonably foreseeable future private projects may include adjacent and nearby privately operated public recreation and leisure facilities, such as non-motorized boating operations and launches, and refreshment and food services. These potential projects must be considered independently by the local land use authorities: the County of Fresno and County of Madera. In accordance with CEQA, the cumulative impacts of the proposed project along with the reasonably foreseeable future projects will be considered in the environmental impact review of the proposed project.

The proposed project would be developed and operated in a manner consistent with the goals, policies, and standards of the Parkway Master Plan, and the Parkway policies in the Fresno County and Madera County general plans.



## SAN JOAQUIN RIVER CONSERVANCY

*Agenda Item*

Item: H-3a

September 7, 2016

TO: San Joaquin River Conservancy Governing Board

FROM: Melinda S. Marks, Executive Officer 

SUBJECT: **Report on U.S. Bureau of Land Management's Wild and Scenic River Eligibility Determination for a Reach of the San Joaquin River Above Millerton Lake**

**RECOMMENDATION:**

This item is presented for informational purposes at the request of Board chairman and Fresno County Supervisor Andreas Borgeas. No Board action is recommended.

**SUMMARY:**

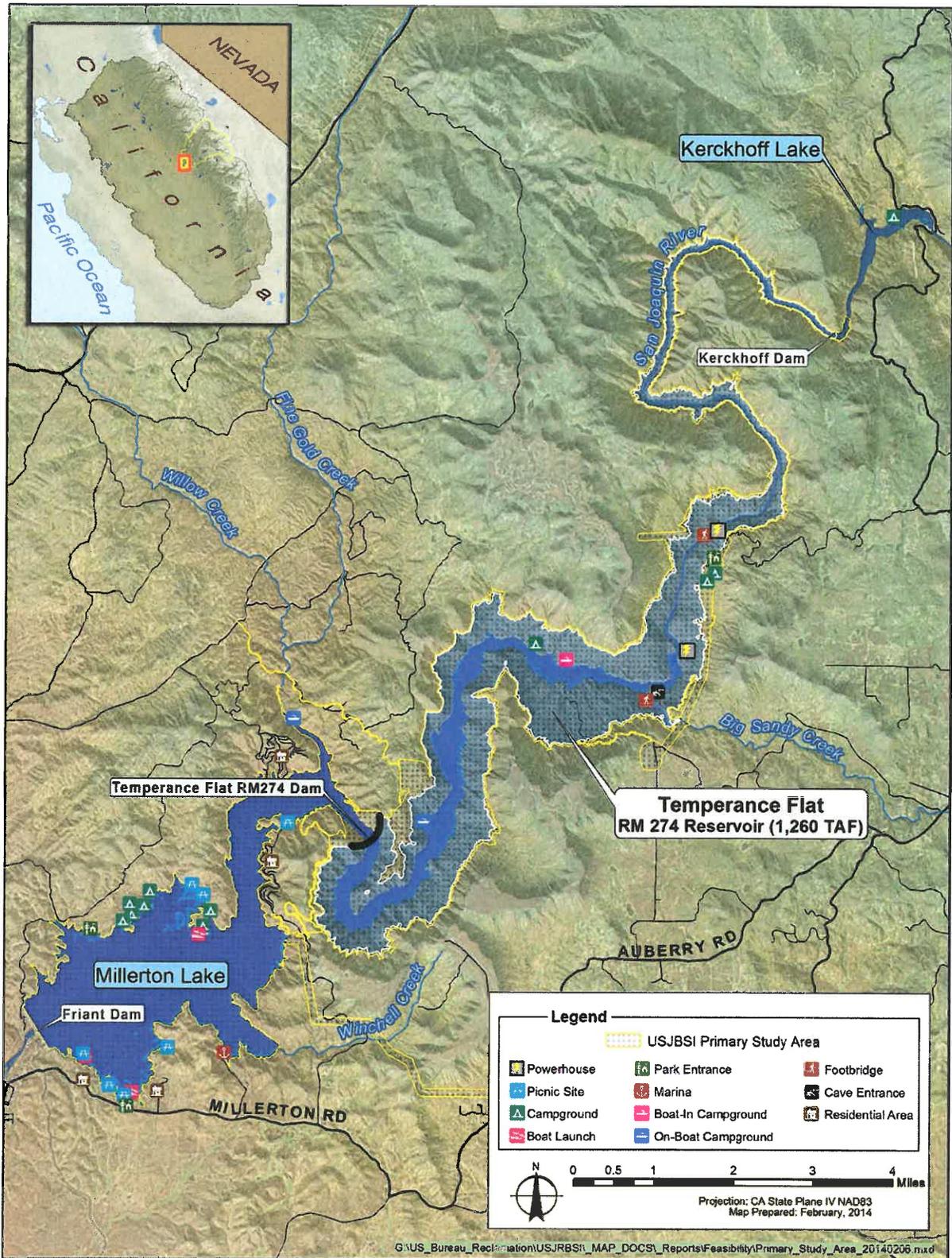
In 2014, the U. S. Bureau of Land Management (BLM) determined that 7.25 miles of the San Joaquin River above Millerton Lake is eligible for inclusion in the National Wild and Scenic River System and suitable for a "wild and scenic river" designation under the Wild and Scenic Rivers Act.

Also in 2014, the U.S. Bureau of Reclamation (BOR) released a Draft Feasibility Report that provided an in-depth examination of the potential construction of a new dam and reservoir on the upper San Joaquin River, between Friant and Kerckhoff dams (map attached). The BOR identified that a dam on this reach of the San Joaquin River could potentially provide over a million acre feet of additional water storage. If the BLM were to designate this section of the river as Wild and Scenic, it could directly conflict with any potential recommendation by the BOR to move forward with Temperance Flat Dam.

In April 2016, the Fresno Council of Governments traveled to Washington D.C. to meet with local elected officials and advocated for the BLM to refrain from further planning related to designating this section of the San Joaquin River as a National Wild and Scenic River. Congressional Members sent the attached letter to the Ms. Sally Jewell, Secretary of Interior, on July 11, 2016.



Rebecca Harris  
Associate Governmental Program Analyst



**Congress of the United States**  
**Washington, DC 20515**

July 11, 2016

The Honorable Sally Jewell  
 Secretary, Department of Interior  
 1849 C St N.W.  
 Washington, DC 20240

Dear Secretary Jewell,

As you are well aware, Congress initially authorized a feasibility study of the Temperance Flat Reservoir in the Upper San Joaquin River basin in 2003. The final feasibility study for the proposed project is expected to be completed by the Bureau of Reclamation within the next several months. Studies by the Bureau have identified that a dam on the upper San Joaquin River could potentially provide over a million acre feet of additional water storage capacity. This project will go a long way to meet the needs of everyone in Madera, Fresno, Tulare, Kings and Kern counties and would significantly improve water supply reliability and quality for the entire San Joaquin Valley.

This is why it is particularly troubling that in 2012 and 2014, the Bureau of Land Management proposed to designate a segment of the upper San Joaquin River as a National Wild and Scenic River. Despite serious concerns about the eligibility of this 7.25 mile segment, the BLM has continued to recommend the segment for designation. Designating a portion of the river would ultimately prevent construction of the Temperance Flat project, thereby having detrimental effects on water users and citizens throughout the San Joaquin Valley.

In light of exceptional drought conditions over the past few years, water supply challenges in California have only grown. State and federal water resources lack both storage capacity and operational flexibility, particularly in dry years. Additional storage, among other actions, is necessary to provide greater certainty to water supply reliability. Any actions to imperil the construction of new storage, such as the wild and scenic designation on the Upper San Joaquin River, are in direct contradiction of the mutual goals to improve reliability for all water users. We urge you to prevent this designation from being finalized and look forward to your response.

Sincerely,



Devin Nunes  
 MEMBER OF CONGRESS



Kevin McCarthy  
 MEMBER OF CONGRESS



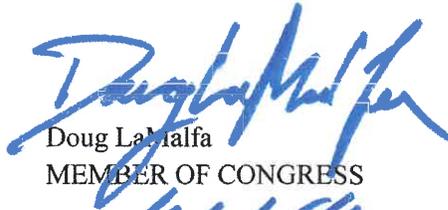
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