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Councilmember, City of Fresno

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Fresno County Board of Supervisors

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Citizen Representatives

Melinda S. Marks
Executive Officer

250.20

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

MINUTES
SAN JOAQUIN RIVER CONSERVANCY
Wednesday, February 19, 2014
Meeting Location:
Fresno Metropolitan Flood Control District Board Room
5469 E. Olive Avenue, Fresno, CA 93727
and via phone conference:
Natural Resources Agency
1416 Ninth Street, Ste. 1311
Sacramento, CA 95814
and
Department of Finance
State Capitol, Room 1145
Acorn Conference Room
Sacramento, CA 95814

MEETING AGENDA

CALL TO ORDER & PLEDGE OF ALLEGIANCE

Chairman Pro Tem Donald Holley called the meeting to order at 10:33 a.m. and led the pledge of allegiance.

A. ROLL CALL

Name	Present	Telecon-ference	Absent	Late
Mr. Steve Brandau, Chair			X	
Mr. Andreas Borgeas			X	
Mr. Max Rodriguez	X			
Mr. Donald E. Holley	X			
Ms. Barbara Goodwin	X			
Mr. Carl Janzen	X			
Dr. Jeff Single	X			
Mr. Kent Gresham	X			
Mr. John Donnelly		X		
Mr. Patrick Kemp		X		
Mr. Michael McKown		X		
Ms. Eraina Ortega		X		
Ms. Bryn Forhan	X			
Mr. Paul Gibson			X	
Ms. Carolyn Nolan	X			

Mr. Morgan confirmed that a quorum was present.

Legal Counsel Present: Michael L. Crow, Deputy Attorney General, via teleconference

Staff Present: Melinda Marks, Executive Officer
Joshua Morgan, Staff Services Analyst
Scott McFarlin, Public Lands Management Specialist, 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.

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))

The following item was identified after preparation of the agenda and required prompt action of the Board:

G-8 Authorize Mr. Don Jones' Assignment of the Islewood Golf Course Lease Agreement with the Conservancy to Mr. Jim Perez and Partner

It was moved by Mr. Janzen, seconded by Mr. Rodriguez, and unanimously approved to add item G-8 to the agenda by the following vote:

ROLL CALL VOTE:

Name	Yes	No	Abstain
Mr. Max Rodriguez	X		
Mr. Donald E. Holley	X		
Ms. Barbara Goodwin	X		
Mr. Carl Janzen	X		
Dr. Jeff Single	X		
Mr. Kent Gresham	X		
Mr. John Donnelly	X		
Mr. Patrick Kemp	X		
Mr. Michael McKown	X		
Ms. Eraina Ortega	X		
Ms. Bryn Forhan	X		
Ms. Carolyn Nolan	X		

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 November 20, 2013

It was moved by Ms. Forhan and seconded by Ms. Nolan to approve the minutes as submitted. The Board approved the motion on the following vote:

ROLL CALL VOTE:

Name	Yes	No	Abstain
Mr. Max Rodriguez	X		
Mr. Donald E. Holley	X		
Ms. Barbara Goodwin	X		
Mr. Carl Janzen	X		
Dr. Jeff Single	X		
Mr. Kent Gresham	X		
Mr. John Donnelly			X
Mr. Patrick Kemp	X		
Mr. Michael McKown	X		
Ms. Eraina Ortega	X		
Ms. Bryn Forhan	X		
Ms. Carolyn Nolan	X		

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 Deadline to File Annual Conflict of Interest Statements

This report was informational; no action was taken by the Board.

G. DISCUSSION

G-1 Announcement by Trout Unlimited, Event Co-Sponsor, of Fishing Derby to be Held at Sycamore Island, March 15, 2014

RECOMMENDATION:
This report was provided for informational purposes. No Board action was recommended.

Mr. Steve Thao, Trout Unlimited, addressed the Board to encourage their attendance and participation in the 2nd annual Fishing Derby at Sycamore Island to be held on March 15. The sponsors include

Trout Unlimited, the San Joaquin River Parkway and Conservation Trust, Natural Resources Defense Council, San Joaquin River Partnership, the California Department of Fish and Wildlife (DFW), and the Conservancy. The family-friendly event focuses on fishing, enjoying nature, enhancing fishing opportunities, increasing support for the San Joaquin River Restoration Program, and building coalitions among organizations and water users. Registration begins at 6:00 a.m., with awards presented at 12:00 p.m.

Public Comments:
Mr. Barry Bauer, Herb Bauer Sporting Goods, asked Mr. Thao to provide flyers for the sporting goods stores to distribute. He noted that Gerald Hatler, DFW, is scheduled to make a public presentation about the San Joaquin River Restoration program at Herb Bauer's.

Board Comments:
Chairman Holley thanked Mr. Thao. No action was taken.

G-2 Receive Annual Report on Program Services, Many Lightnings American Indian Legacy Center (postponed from January 2014 meeting)

RECOMMENDATION:
This report was for informational purposes. No Board action was recommended.

Mr. Joshua Morgan provided background information regarding the program services agreements for G-2, Many Lightnings American Indian Legacy Center; G-3, RiverTree Volunteers; and G-4, City of Fresno Life and Environmental Sciences River Excursions. All three contracts provide for supplemental recreational, educational, and stewardship programs on Conservancy lands, while also assisting with fundamental management of Conservancy properties.

Mr. Morgan reported on Many Lightnings' services for 2013, since the director, Ms. Laura Wass was not able to attend. Many Lightnings coordinated and led many volunteer stewardship days at the Conservancy's Pathways of Our Ancestors, Native American cultural garden at Jensen River Ranch. They accomplished mulching, laying decomposed granite on trails, weeding, cultivating, and planting. The contract budget of $3,300 was supplemented by nursery plants from Fresno State University and $5,300 in contributions. For 2014 they are proposing to develop new service learning and field trip programs at the garden, and plan a ceremonial opening of the garden in April. The Board will be invited.

Public Comments:
None.

Board Comments:
Chairman Holley requested that an email of the date and time of the event be provided to Board members as soon as it is scheduled. The Board took no action.

G-3 Receive Annual Report on Program Services, RiverTree Volunteers

RECOMMENDATION:
This report was for informational purposes. No Board action was recommended.

Mr. Richard Sloan provided River Tree's annual report for services provided in 2013. He noted that his report encompassed services provided under contract and other in-kind activities RiverTree provides.

He noted that in addition to service learning days, stewardship activities such as cleanups, and canoe trips, RiverTree volunteers also routinely assist with repairing gates, replacing locks and signs, removing graffiti, and assisting other groups with access to the river.

Public Comments:
None.

Board Comments:
None. The Board took no action.

G-4 Receive Report on Program Services, City of Fresno, Life and Environmental Sciences River Excursions

RECOMMENDATION:
This report is for informational purposes. No Board action is recommended.

Ms. Irma Yepez-Perez and Mr. Manuel Hernandez of the City of Fresno Parks, After-School, Recreation, and Community Services Department, reported on programs provided under the services contract to the Conservancy and other Life and Environmental Science (LES) programs provided to the community. River excursions were provided through the contract, and resulted in many disadvantaged children and their parents experiencing the river. The City provides hands-on science learning in the community centers, and provides transportation for participants for river activities in an integrated program. Many LES activities are scheduled in the summer to engage students to "make summer count" in improving academics. River excursions included water safety instruction this year.

Ms. Marks noted that each of the program services reports included contracted services and additional programs and activities provided by the organizations, in order to highlight the breadth and benefits of their accomplishments. For all program services agreements, each contract identifies specific services to be provided and specific rates for reimbursement, subject to itemized invoices.

Public Comments:
None.

Board Comments:
Chairman Holley thanked the presenters and noted the importance of community recreation programs for disadvantaged children. The Board took no action.

G-5 Authorize Bond Funds and Grant to Ducks Unlimited, Inc., for Pump and Irrigation Improvements, River West Fresno Habitat Restoration Projects

RECOMMENDATION:
It is recommended the Board authorize Conservancy bond funds in an amount not to exceed $35,200 for a grant to Ducks Unlimited to install new well and irrigation infrastructure to serve Ducks Unlimited's North American Wetlands Conservation Act (NAWCA) habitat restoration project, and other existing and planned revegetation irrigation needs, on the Conservancy's River West Fresno site. Wildlife Conservation Board (WCB) authorization will be requested at their May 2014 meeting.

Ms. Marks presented a summary of the proposed grant as presented in detail in the staff report. The proposed irrigation improvements will serve two habitat restoration projects—Ducks Unlimited and California Waterfowl Association projects funded by NAWCA grants—and is designed to serve a planned larger habitat restoration project with the San Joaquin River Parkway and Conservation Trust. The restoration areas are

on adjoining lands around the central pond on the River West Fresno site. The Conservancy and Ducks Unlimited cooperatively secured a qualified pump company to assess the capacity of the existing well and pump. It has been determined that improvements consisting of a larger pump and motor as well as new pipelines are required. The Conservancy requested Ducks Unlimited to prepare a grant proposal to assist the Conservancy with the technical and construction management services necessary to improve irrigation infrastructure. The irrigation system is intended to be used for each project for three to five years after planting, until the native plants are established. The Conservancy's investment will capitalize on the NAWCA funds received from the federal government to improve the site. Slides included photos of a recent oak acorn planting at the site.

Public Comments:
None.

Board Comments:
Mr. Janzen commented that measures must be taken to reduce rodent damage to new plants; he has seen stainless steel mesh that can be used. Ms. Sharon Weaver of the San Joaquin River Parkway and Conservation Trust confirmed that they use metal caging to protect plants above and below ground.

Mr. Janzen noted that with regard to possible delays in the project resulting from the Governor's Drought Emergency Proclamation, the Conservancy should move forward with the irrigation system improvements if possible, and only delay planting and activating irrigation.

Ms. Forhan moved, and Mr. Janzen seconded, a motion approving staff's recommendation. The motion passed unanimously as follows:

ROLL CALL VOTE:

Name	Yes	No	Abstain
Mr. Max Rodriguez	X		
Mr. Donald E. Holley	X		
Ms. Barbara Goodwin	X		
Mr. Carl Janzen	X		
Dr. Jeff Single	X		
Mr. Kent Gresham	X		
Mr. John Donnelly	X		
Mr. Patrick Kemp	X		
Mr. Michael McKown	X		
Ms. Eraina Ortega	X		
Ms. Bryn Forhan	X		
Ms. Carolyn Nolan	X		

G-6 Authorize Amendment of Agreements with the San Joaquin River Parkway and Conservation Trust:
- 6a: Authorize Amendment of Camp Pashayan Operations Agreement to Allow Flexibility in Operations Calendar
- 6b: Authorize Amendment of Sycamore Island Concession Agreement to Allow Flexibility in Staffing on Weekdays

RECOMMENDATION:
It is recommended the Board authorize the Executive Officer to execute amendments of agreements with the San Joaquin River Parkway and Conservation Trust as follows:

a. Amend the Camp Pashayan operations agreement to allow flexibility in the operations calendar; and
b. Amend the Sycamore Island concession agreement to allow flexibility in staffing on weekdays (not including State holidays).

Mr. Morgan provided a summary of the proposed changes in the two agreements with the River Parkway Trust. Both amendments were suggested to the Board in the River Parkway Trust's report at the January meeting on operations for the 2013 season. The amendments will allow the Board and Conservancy to make adjustments in operations based on experience. The Camp Pashayan amendment will allow the River Parkway Trust to open the park in 2014 from May through September. The Sycamore Island amendment will allow them to reduce staffing to one employee on Fridays, mid-day.

Public Comments:
None.

Board Comments:
None;

It was moved by Ms. Nolan, and seconded by Ms. Forhan, to approve staff's recommendation for item 6a, amending the Camp Pashayan agreement, and approved unanimously as follows:

ROLL CALL VOTE:

Name	Yes	No	Abstain
Mr. Max Rodrigues	X		
Mr. Donald E. Holley	X		
Ms. Barbara Goodwin	X		
Mr. Carl Janzen	X		
Dr. Jeff Single	X		
Mr. Kent Gresham	X		
Mr. John Donnelly	X		
Mr. Patrick Kemp	X		
Mr. Michael McKown	X		
Ms. Eraina Ortega	X		
Ms. Bryn Forhan	X		
Ms. Carolyn Nolan	X		

It was moved by Mr. Janzen, and seconded by Ms. Forhan, to approve staff's recommendation for item 6b, amending the Sycamore Island agreement, and approved unanimously as follows:

ROLL CALL VOTE:

Name	Yes	No	Abstain
Mr. Max Rodrigues	X		
Mr. Donald E. Holley	X		
Ms. Barbara Goodwin	X		
Mr. Carl Janzen	X		
Dr. Jeff Single	X		
Mr. Kent Gresham	X		
Mr. John Donnelly	X		
Mr. Patrick Kemp	X		
Mr. Michael McKown	X		
Ms. Eraina Ortega	X		
Ms. Bryn Forhan	X		
Ms. Carolyn Nolan	X		

G-7 Adopt Resolution 14-01 in Support of Assembly Bill 1506, Introduced by Assemblymember Henry T. Perea, Protection for San Joaquin River Conservancy Lands

RECOMMENDATION:
It is recommended the Board adopt Resolution 14-01 in support of Assembly Bill 1506 (Perea), which authorizes the Conservancy to establish commensurate fines for violations of public use rules and regulations on Conservancy lands, and would allow California peace officers to enforce Conservancy regulations on Conservancy lands by issuing infraction citations in their normal course of duties.

Ms. Marks reported on AB 1506, introduced on the Conservancy Board's request by Assemblymember Perea last year as AB 618. The new bill will authorize the Conservancy to establish penalties for violation of its future regulations for public use of Conservancy lands; penalties would be limited to infraction citations not to exceed $250. Letters of support from individuals and resolutions of support from member agencies will be appreciated.

Public Comments:
None.

Board Comments:
Mr. Kemp inquired whether the Governor's Office had endorsed the bill. Ms. Marks noted that they did not take a position in support or opposition of last year's bill. Mr. Kemp stated that executive branch members should abstain from voting.

Mr. Rodriguez inquired whether sheriff and policing authorities supported the bill. Ms. Marks reported that this measure resulted in part from a river law enforcement task force convened by then-Fresno City councilmember Borgeas in 2009, where policing, fire, and fish and game authorities reported that they had little recourse against those causing problems along the river. The measure is intended to provide law enforcement additional tools they can use to discourage problems they encounter in their normal course of duties.

Ms. Goodwin commented that it would be good to secure support for this measure from policing agencies, and that this could help generate support for the measure from member agency boards.

Mr. Janzen requested that staff provide the members of the Board with a copy of the signed resolution, stating that it would be helpful in securing support from their member agency boards.

It was moved by Ms. Forhan and seconded by Ms. Goodwin to approve Resolution 14-01; the motion passed on the following vote:

ROLL CALL VOTE:

Name	Yes	No	Abstain
Mr. Max Rodriguez	X		
Mr. Donald E. Holley	X		
Ms. Barbara Goodwin	X		
Mr. Carl Janzen	X		
Dr. Jeff Single			X
Mr. Kent Gresham	X		
Mr. John Donnelly			X
Mr. Patrick Kemp			X
Mr. Michael McKown			X
Ms. Eraina Ortega			X
Ms. Bryn Forhan	X		
Ms. Carolyn Nolan	X		

G-8 Authorize Mr. Don Jones' Assignment of the Islewood Golf Course Lease Agreement with the Conservancy to Mr. Jim Perez and Partner (added by vote of the Board)

RECOMMENDATION:
It is recommended the Board amend its May 15, 2013, authorization of the assignment of the Conservancy's Islewood Golf Course lease with Mr. and Mrs. Don and Sarah Jones to Mr. Jim Perez, to also include Mr. Perez's partner, Mr. Kevin Cameron. Legal Counsel has provided an appropriate lease assignment document for the lessees and Executive Officer to execute.

Ms. Marks reported that the Board had approved assignment of Mr. Jones' lease to Mr. Perez in May 2013, and it was executed in June. That particular transaction was terminated by the parties. Mr. Perez now has a partner and has reached an agreement with Mr. Jones. The lease is in escrow. Mr. Jones brought the situation to staff's attention after preparation of the agenda. A new lease assignment will be prepared, superseding the previous assignment.

Mr. Janzen moved, and Ms. Forhan seconded, a motion approving staff's recommendation. The motion passed unanimously as follows:

ROLL CALL VOTE:

Name	Yes	No	Abstain
Mr. Max Rodriguez	X		
Mr. Donald E. Holley	X		
Ms. Barbara Goodwin	X		
Mr. Carl Janzen	X		
Dr. Jeff Single	X		
Mr. Kent Gresham	X		
Mr. John Donnelly	X		
Mr. Patrick Kemp	X		
Mr. Michael McKown	X		
Ms. Eraina Ortega	X		
Ms. Bryn Forhan	X		
Ms. Carolyn Nolan	X		

H. ADMINISTRATIVE AND COMMITTEE REPORTS

H-1 Organizations

H-1a San Joaquin River Parkway and Conservation Trust

Mr. Dave Koehler, Executive Director, reported on the progress of river access activities in Firebaugh and Mendota, downstream of the Parkway reach. He noted that people could register for the Fishing Derby online this year. River Camp registration will begin soon, and Parties for the Parkway fund-raisers kick off in March.

H-1b River Tree Volunteers

RiverTree Volunteers had nothing further to report.

H-2 Deputy Attorney General

None.

H-3 Executive Officer

None.

H-3a Committee Reports

None.

H-4 Board Members' Reports

Dr. Single reported that the drought poses significant challenges to the San Joaquin River Restoration Program. As provided for under the settlement agreement, in critically dry years restoration releases will be

zero. Water released to the river will be only that required to meet irrigation demand. There will be a salmon trap and haul program to allow restoration studies to continue.

Mr. Janzen reported on river water allocations and the estimated water supply in the San Joaquin River watershed. There is an agreement with the settling parties to provide 13,000 acre feet to cities dependent on the Friant-Kern canal for their drinking water. Of the estimated 200,000 af in the watershed, 120,000 af is needed to meet the needs of the holding contracts. Exchange contractors will get very limited allocations from the water project and call upon their rights to river water. Agricultural users will get less surface water than at any time since the state and federal water projects were built.

Chairman Holley announced that he and Madera Mayor Pro Tem Derek Robinson were honored by the Fresno Metro Black Chamber of Commerce for being the first black elected officials for the City of Madera (Rural Elected Officials of the Year).

I. EXECUTIVE SESSION

None.

J. NOTICE OF BOARD AND ADVISORY COMMITTEE MEETINGS

None.

K. NEXT BOARD MEETING DATE

The next meeting of the Board will be held March 19, at 10:00 a.m. (Please note an earlier start time is observed March through October.

L. ADJOURN

Chairman Holley adjourned the meeting at 11:53 a.m.

Board meeting notices, agendas, and approved minutes are posted on the Conservancy's website, www.sjrc.ca.gov. For further information or if you need reasonable accommodation due to a disability, please contact Joshua Morgan at (559) 253-7324 or Joshua.Morgan@sjrc.ca.gov.

Respectfully Submitted,

Melinda S. Marks, Executive Officer