SAN JOAQUIN RIVER CONSERVANCY
STATE OF CALIFORNIA

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**GOVERNING BOARD**

Steve Brandau, Chairperson
*Councilmember, City of Fresno*

Andreas Borgeas, Vice-Chairperson
*Fresno County Board of Supervisors*

Max Rodriguez,
*Madera County Board of Supervisors*

Donald E. Holley
*Councilmember, City of Madera*

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

Carl Janzen, *Director*
*Madera Irrigation District*

Jeffrey Single, *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*

Eraina Ortega, *Chief Deputy Director*
*Department of Finance*

Bryn Forhan
Paul Gibson
Carolyn Nolan
*Citizen Representatives*

Melinda S. Marks
*Executive Officer*



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

# MINUTES

## SAN JOAQUIN RIVER CONSERVANCY GOVERNING BOARD

**Wednesday, May 21, 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

CALL TO ORDER & PLEDGE OF ALLEGIANCE

Chairman Steve Brandau called the meeting to order at 10:04 a.m. and led the pledge of allegiance.

**A.** ROLL CALL

| Name | Present | Teleconference | Absent | Late |
|---|---|---|---|---|
| **Mr. Steve Brandau, Chair** | X | | | |
| **Mr. Andreas Borgeas** | | | | 10:19 |
| **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. Karen Finn** | | X | | |
| **Ms. Bryn Forhan** | | | X | |
| **Mr. Paul Gibson** | X | | | |
| **Ms. Carolyn Nolan** | | | | 10:07 |

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, Associate Governmental Program 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.

Mr. Barry Bauer, Herb Bauer Sporting Goods, stated that with the passing of Dr. Peter Mehas last year, he would represent the interests of the Bluff Homeowners' Association. He thanked the Board and staff for the recent installation of an automatic gate at Riverview Drive and Bluff Avenue, and asked how the gate was financed. Ms. Marks said the Fresno County Equal Opportunity Commission, Local Conservation Corps (LCC) funded the installation of the gate, and an automated gate and three picnic shelters at Sycamore Island, through Park bond funds they received.

Mr. Bauer asked if staff was aware of a fire at the Conservancy's Van Buren Unit on May 15, and a small fire approximately three weeks prior at Wildwood Native Park. Mr. Morgan reported that he met with Madera County Fire Prevention, RiverTree Volunteers, and Wildwood Mobile Home Park maintenance personnel to inspect Wildwood and plan for additional fire prevention measures. Staff received photos of the May 15 fire.

Mr. Bauer requested an update on the San Joaquin River Parkway Master Plan, and asked for clarification about the upcoming River West Fresno Environmental Impact Report (EIR) public meeting. Ms. Marks stated that the Master Plan EIR was currently in rough draft. She explained that the June 17 meeting is for the public to comment on the scope of the River West Fresno, Eaton Trail Extension EIR. Notices would be widely distributed soon.

Ms. Nolan arrived at 10:07 a.m.

**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 April 16, 2014

**It was moved by Ms. Nolan and seconded by Mr. Gibson to approve the minutes of April 16 as presented. The motion was unanimously passed by the voting members. Mr. Gresham abstained, as he was not present during the last meeting.**

ROLL CALL VOTE:

| Name | Yes | No | Abstain |
|---|---|---|---|
| **Mr. Steve Brandau, Chair** | 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. Michael McKown** | X | | |
| **Ms. Karen Finn** | X | | |
| **Mr. Paul Gibson** | 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 Sycamore Island Fishing Derby, March 15, 2014

Staff Recommendation: This report is provided for informational purposes. No Board action is recommended.

Mr. Holley requested the item be pulled from the consent calendar for discussion. He asked Mr. Morgan if the report addressed allowing more visitors to participate in the event. Mr. Morgan responded that the report states that the co-sponsors will develop recommendations to accommodate a greater number of participants and present them to the Board when the next derby is planned.

Mr. Borgeas arrived at 10:19 a.m.

**It was moved by Dr. Single and seconded by Mr. Rodriguez to accept the report. The Board unanimously approved the motion on the following vote:**

ROLL CALL VOTE:

| Name | Yes | No | Abstain |
|---|---|---|---|
| **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. Michael McKown** | X | | |
| **Ms. Karen Finn** | X | | |
| **Mr. Paul Gibson** | X | | |
| **Ms. Carolyn Nolan** | X | | |

**G.** DISCUSSION

G-1 Approve Recommendations Regarding the Scope of the Proposed Access Road and Berm Improvement Design and Environmental Review Project (Gravel Pit 46e)

Staff Recommendation: It is recommended the Board consider evolving discussions with the San Joaquin River Restoration Program (SJRRP) and preliminary design work by the California Department of Water Resources (DWR), and provide direction as follows:

1. Approve proceeding with California Environmental Quality Act (CEQA) review of an equalization saddle, berm improvements, including riparian planting, and modest floodplain improvements, with the intent that this project alternative will best meet the needs and funding capabilities of the Conservancy and SJRRP; and

2. Approve incorporating into the proposed project a borrow and floodplain restoration site located on the Fresno side of the river, to provide the greatest benefits at the least cost.

Ms. Marks provided an overview of the project components, as well as the various design alternatives contemplated by the Board during its November meeting. Following the November 2013 meeting, Conservancy and DWR staff met with SJRRP staff, and discussed potential cost-sharing for the different design alternatives. The SJRRP expressed a strong interest in potentially funding 50 percent of the project alternative that includes an equalization saddle connecting the Van Buren unit and Sycamore Island, isolating the gravel pit, berm improvements for flood protection, moderate floodplain restoration, and off-stream fishing at the site.

Per the Board's direction, DWR staff developed a cost estimate of approximately $2.1 million to construct a culvert to connect the Van Buren Unit and Sycamore Island properties, representing a least-cost alternative for the Conservancy and baseline for contribution toward a cooperative, multiple-benefit project with the SJRRP.

Ms. Marks described DWR's newly developed proposal to reduce project costs by utilizing an adjacent borrow site on the Fresno side of the river for fill rather than importing material from far off-site. Balancing cut and fill between both sides of the river would accomplish floodplain restoration on both sides of the channel over a greater acreage, while reducing total project costs.

Board Comments:

Mr. Donnelly asked about increased permitting requirements and costs associated with expanding the project site. Ms. Marks responded that additional environmental review and permitting would be necessary due to the larger size of the project; those costs were included in the projected costs provided in the staff report.

The Board discussed their role in reviewing and approving the project. It was noted that other agencies will be involved in approving permits, including the California Department of Fish and Wildlife, Central Valley Flood Protection Board, and U.S. Army Corps of Engineers.

The Board discussed the temporary bridge needed to haul fill soil across the river, and whether in some way it could meet the needs for a future Parkway trail crossing.

Chairman Brandau asked if the proposed excavation could affect the design of a future permanent bridge. Ms. Marks replied that a bridge would likely be upstream and abutments would be situated far back from the channel, and therefore would not be affected by the project.

Chairman Brandau expressed his support for the concept of using local fill to generate greater habitat while reducing costs.

Public Comments:

Mr. Richard Sloan, 1509 E. Fallbrook, Fresno, expressed support for the expanded project, and asked whether nearby soil stockpiled by the past gravel mining could possibly be used for fill. Ms. Marks said it would be used for some elements, but would not meet the needs of the entire project.

Mr. Dave Koehler, Executive Director, San Joaquin River Parkway and Conservation Trust, voiced support for the expanded project, noting the multiple benefits and the potential for the SJRRP to share in the project costs. Mr. Koehler stated that the Parkway Trust owned the sand and gravel rights on the upland portion of Spano River Ranch, and asked that the Trust be involved as excavation plans are developed.

Mr. Koehler reported that the Parkway Trust spent over $150,000 for planning and preliminary design for a bridge crossing upstream of the project site, noting that the potential channel crossing identified in the River West-Madera master plan was largely based on the Trust's planning and design efforts. He advocated for a bridge near the project site, citing support from local developers and the potential for the crossing to become a valuable bicycle commuter route. The Parkway Trust could potentially secure grant funding for the bridge, if the planning process was further along.

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

| Name | Yes | No | Abstain |
|---|---|---|---|
| **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. Michael McKown** | X | | |
| **Ms. Karen Finn** | X | | |
| **Mr. Paul Gibson** | X | | |
| **Ms. Carolyn Nolan** | X | | |

G-2 Accept Recommended Priorities for Land Acquisitions, Habitat Enhancement, Public Access, and Recreation Projects, Developed in Consultation with the Conservancy Interagency Project Development Committee

Staff Recommendation: It is recommended the Board consider the recommended land acquisition, habitat enhancement, public access, and recreation project priorities developed by the Conservancy's Interagency Project Development Committee, and direct staff to develop proposals for funding and authorizing near-term high priority projects as they become feasible and viable. Each land acquisition and project proposal shall be subject to appropriations, cash flow management, California Environmental Quality Act (CEQA) compliance, operations and maintenance resources, the development of partnerships, and approval of the Board.

Ms. Marks provided an overview of the purpose and makeup of the Interagency Project Development Committee, and described the process used to prioritize possible Conservancy projects. This review was one of many periodic evaluations and updates of the Conservancy's priorities. The projects receiving the highest support for near term implementation consisted of the following: the equalization saddle and gravel pond isolation project connecting the Conservancy's Van Buren Unit and Sycamore Island, Ball/Cemex plant and Jenco Farms acquisitions, San Joaquin Fish Hatchery visitor improvements, Sycamore Island ADA access and boat launch improvements, and River Vista Park and remnant bridge demolition. A table displayed in the staff report and presentation presented the available bond funding, projects ranked in priority, and the declining fund balance if each project was implemented.

Board Comments:

Ms. Finn and Mr. Donnelly raised the concern that land acquisitions should continue to be among the highest priorities in order to meet the Conservancy's legislative mandate to acquire 5,900 acres of land from willing sellers. Ms. Marks clarified that land acquisitions with current willing sellers were all among the high priorities; other properties would become high priorities when they were offered for sale provided they meet acquisition criteria.

Mr. Gibson noted that generating and following-up on leads is very important to accomplish land acquisition goals.

Ms. Finn also noted that the report as written identifies "low priority" projects, which suggests that they are not necessary. Ms. Marks agreed that this was not the intended conclusion. The high priority projects are intended to be those that, given the limits of the remaining balance of funds and the timing for expenditure, are most ready, have potential resources for operation and maintenance, are already in-progress, etc. The exercise was also designed to illustrate that additional funds will be needed to implement the current list of possible projects, with much more required for full build out of the Parkway.

Ms. Nolan asked about the low priority assigned to the Landmark Bridge planning and environmental review. Ms. Marks stated that the committee's recommendation reflects, at least in part, the rationale that although current funding could cover the cost of environmental review, it could not cover the construction costs, and operations and maintenance resources are not available.

There was discussion among Board members of revising the report to: identify near-term, intermediate, and long-term priorities and move "other unidentified land acquisitions" into a high priority,

Mr. Janzen stated that he believed the costs associated with habitat restoration and operations and maintenance of trails are excessive.

Staff committed to revising the staff report to more accurately reflect that land acquisition continues to be a top Conservancy priority, and to make it clear that all of the projects would be valuable Parkway improvements to implement the Parkway Master Plan, but that some are lesser priorities in light of the limits of available capital funds, operations resources, and timing and project readiness.

Mr. Borgeas suggested that the Board recommendation would be to accept the report as overall guidance; however, the Board would have the flexibility to implement projects as they become viable.

**It was moved by Dr. Single and seconded by Mr. Holley to continue the item, direct staff to revise the report to reflect the Board's comments, and bring it back for acceptance at the next regularly scheduled meeting. The Board unanimously approved the motion on the following vote:**

| Name | Yes | No | Abstain |
|---|---|---|---|
| **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. Michael McKown** | X | | |
| **Ms. Karen Finn** | X | | |
| **Mr. Paul Gibson** | X | | |
| **Ms. Carolyn Nolan** | X | | |

Mr. Borgeas left at 11:30 a.m. to attend another meeting.

**H.** ADMINISTRATIVE AND COMMITTEE REPORTS

H-1 Organizations

H-1a San Joaquin River Parkway and Conservation Trust

Mr. Koehler provided an overview of their upcoming River Camp program in Firebaugh, their collaborative partnership with the West Hills Community College work-study program, and fundraising through Indiegogo.com.

Mr. Koehler also commented on the U.S. Bureau of Reclamation's unprecedented water releases from Friant Dam to provide water for the exchange contracts, and described the impact the increased flows were having on their regularly scheduled canoe trips. The Trust is working on public awareness for safe recreation on the river.

H-1b RiverTree Volunteers

Mr. Sloan stated that although the Friant Dam releases were impacting their seasonal canoe trips down the San Joaquin, the ponds at Spano River Ranch were serving as great alternate sites for various water recreation and educational events. Mr. Sloan reported on cleanups on Conservancy-owned properties over the last month, and listed the youth and educational organizations that provided assistance. RiverTree also planted a number of trees at Woodward Park for a garden project dedicated to cancer survivors, and worked on the upper San Joaquin River Trail.

Mr. Holley asked Mr. Sloan how often the same Conservancy sites required cleaning. Mr. Sloan replied that although the sites differ, the immediate area surrounding the Van Buren Unit gate was being cleaned by RiverTree almost daily.

There was brief discussion about abandoned watercraft on the San Joaquin River. It was noted that there are sections in the California Harbors and Navigation Code as well as the Public Resources Code that address the issue, but enforcement is required.

H-2 Deputy Attorney General

Mr. Crow had nothing to report.

H-3 Executive Officer

Ms. Marks announced that Mr. Morgan 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 Mr. Morgan's vacated position in the coming months.

Ms. Marks also reported on AB1506 passing the Assembly, various water bond bills that include funds for the state conservancies for watershed conservation, and participation in a joint state conservancies meeting via telephone in May.

H-3a Committee Reports

The notes of the April 21, 2014, meeting of the Ad Hoc Board Committee for Development of Operations and Maintenance Resources for San Joaquin River Parkway were included in the packet.

H-4 Board Members' Reports

Mr. Donnelly reported that the Ledger Island Bridge Flood Protection Improvement Project and the River West Pump and Irrigation Improvement Project would be considered by the Wildlife Conservation Board during its meeting on May 22.

Mr. Janzen reported that the Friant Water Users Authority recently filed a lawsuit against the U.S Bureau of Reclamation to stop the releases from Friant Dam for the exchange contractors.

I. EXECUTIVE SESSION

Public Comment:
Prior to convening in Executive Session (closed session), members of the public may address the Board on Executive Session agenda items.

There was no public comment. The Board convened in closed session at approximately 11:47 a.m.

I-1 Government Code Section 54596.8
Consultation with real property negotiators concerning terms of negotiations, including price and terms of payment

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

| | |
|---|---|
| Negotiating Parties: | David Wasemiller, Realtor, agent for Ball Family Trust |
| Agency Negotiators: | Melinda Marks, San Joaquin River Conservancy<br>Scott McFarlin, Wildlife Conservation Board |

At 11:57 a.m. Mr. Crow reported out of Executive Session that the Board received an update and directed staff to continue with negotiations.

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

June 17, 2014, 4:30-7:00 p.m., River West Fresno, Eaton Trail Extension Environmental Impact Report Public Scoping Meeting, Pinedale Community Center, 7170 N. San Pablo Ave., Fresno, CA

**K.** NEXT BOARD MEETING DATE

**The next meeting of the Board will be held June 18, at 10:00 a.m.** Ms. Marks announced that the July meeting will be canceled. (Please note an earlier start time is observed March through October.)

**L.** ADJOURN

Chairman Brandau adjourned the meeting at 12:00 p.m.

Respectfully Submitted,

Melinda S. Marks, Executive Officer