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

MINUTES

SAN JOAQUIN RIVER CONSERVANCY GOVERNING BOARD

Wednesday, June 18, 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

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

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

CALL TO ORDER & PLEDGE OF ALLEGIANCE

Chairman Steve Brandau called the meeting to order at 10:05 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 (teleconference)				10:20
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, 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. Dave Koehler, Executive Director, San Joaquin River Parkway and Conservation Trust, provided the Board information related to the possible development of public access to the river and to the proposed River West Fresno project via a private access road at Palm and Nees avenues in Fresno. He distributed a letter to the Board members in attendance (attached) and described the issues and constraints that must be addressed to develop a public trail, vehicle access road, and /or parking area in that location. There are numerous easement, landowner, and regulatory issues. Mr. Koehler encouraged the Conservancy and City of Fresno to lead a team of the property owners and agencies to address and overcome the challenges.

In response to Chairman Brandau's question about where parking might be located, Mr. Koehler responded that the possibility of developing diagonal parking on the access road and other possibilities should be analyzed.

Mr. Brandau expressed support for developing parking close to the river and to the proposed multipurpose trail to provide increased Americans with Disabilities Act access.

Ms. Marks noted that the Palm Nees access was discussed with many attendees at the River West Fresno, Eaton Trail Extension Environmental Impact Report (EIR) public scoping meeting held June 17. Public access at the location is a reasonably foreseeable future project to be discussed in the EIR.

There was a brief discussion among Board members and Mr. Koehler about public support and opposition to various alternative vehicle access and parking proposals for the River West Fresno project area. Mr. Gibson noted that he attended the scoping meeting, where many attendees expressed concern over providing vehicular access to the project from Riverview Drive and Bluff avenues; those opposed strongly favored access at Palm and Nees.

Mr. Richard Sloan, RiverTree Volunteers, suggested providing one-way vehicular access to and from River West via the Palm/Nees access road, since two lanes may not be feasible due to the surrounding topography and regulatory constraints. He noted that a parking lot near the river could serve as a staging area for a future bridge.

Ms. Ortega arrived via teleconference at 10:20 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 May 21, 2014

It was moved by Mr. Janzen and seconded by Mr. Holley to approve the minutes as presented. The motion was unanimously passed by the voting members. Ms. Forhan abstained, as she 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		
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		

F. CONSENT CALENDAR

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

F-1 Accept Report on Near-Term Priorities for Land Acquisitions, Habitat Enhancement, Public Access, and Recreation Projects Recommended by the Conservancy Interagency Project Development Committee (continued from the May 21, 2014, meeting)

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

It was moved by Mr. Holley and seconded by Ms. Forhan 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. Max Rodriguez	X		
Mr. Donald E. Holley	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		

G. DISCUSSION

G-1 Authorize Bond Funds to Augment the Fish Hatchery Visitor Improvement Project Construction Budget, Department of Fish and Wildlife and Department of Water Resources

Staff Recommendation: It is recommended the Board approve an augmentation of \$300,000 in bond funds for an existing project to provide habitat enhancement, public access, and recreation improvements at the Department of Fish and Wildlife (DFW) San Joaquin Fish Hatchery. The augmentation would bring the total project contract with the Department of Water Resources (DWR) to \$2,530,000 as necessary to solicit bids (possibly as early as November 2014) and complete construction. Wildlife Conservation Board (WCB) authorization would be requested at their August 28, 2014, meeting.

Mr. Morgan provided an overview of the project components, identified the roles of the organizations involved, and described the issues responsible for the project's delay and request for additional funding: 1) parking lot redesign to accommodate a new leach field, 2) unexpected swale and drain pipe design resulting from County of Fresno storm water drainage requirements, 3) multipurpose trail alignment redesign due to the planned salmon conservation facility, 4) the U.S. Fish and Wildlife Service requiring a two-year protocol level survey for California Tiger Salamander, 5) design changes required to accommodate the new Stormy Creek and Small Fry Trail project, and 6) increased construction costs resulting from the delayed construction schedule. The original budget and proposed increased budget were reviewed.

Cheryl Moxley, DFW, provided a presentation covering the Stormy Creek and Small Fry Trail project and the Department's other numerous in-kind contributions and facility improvements.

Public Comments:

Richard Sloan, RiverTree Volunteers, voiced strong support for the hatchery project and credited Ms. Moxley as the project's visionary.

Board Comments:

Ms. Forhan said that it would enhance transparency and accountability if future augmentation requests provided the number of hours billed by contractors for each service. She asked if the relocated leach field and subsequent project parking lot redesign were due to an error on DWR's part, and if the Conservancy was absorbing the cost. Mr. Morgan responded that although DWR received the leach field design plans in advance, there were discrepancies between the original plans and the as-built design.

Ms. Forhan asked if the proposed budget included contingency funding. Ms. Marks stated that a ten percent contingency was built into the construction line item.

Dr. Single commented that the coordination between DFW and DWR was very good. He clarified that the Department of General Services was contracted to design the salmon conservation facility, which created a number of complications and delays for the visitor improvements project. Although DFW felt strongly that tiger salamanders would not be found within the project site, they were required to conduct a two-year survey. Dr. Single also noted the improving economy was resulting in increased construction cost estimates.

It was moved by Mr. Rodriguez and seconded by Ms. Forhan 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. Steve Brandau, Chair	X		
Mr. Max Rodriguez	X		
Mr. Donald E. Holley	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		

G-2 Authorize a Change in the Scope of Work and Bond Funds to Augment the Access Road and Berm Improvement (Gravel Pit 46e) Design and Environmental Compliance Project, Department of Water Resources

Staff Recommendation: It is recommended the Board approve an augmentation of \$73,000 in bond funds to accommodate a change in the scope or work for the access road, berm improvement, gravel pit isolation, and habitat enhancement project within the River West area at Gravel Pit 46e. The augmentation would bring the total project contract with the Department of Water Resources to \$305,000 as necessary to complete environmental review, permitting, and design of an expanded project using a local fill source and creating floodplain terraces on both banks of the river. Wildlife Conservation Board authorization would be requested at their August 28, 2014, meeting.

Ms. Marks provided an overview of the project components, objectives, and proposed budget, which were consistent with the Board direction provided during the May 21 meeting. The proposed expanded scope of work to include a borrow site and floodplain improvement on the Fresno side of the river requires an increase in the budget; however, the change is expected to reduce construction costs.

Board Comments:

Mr. Holley commented that in general a number of projects require funding augmentations for one reason or another. He voiced concern over increasing funding for contracts awarded under competitive bidding processes—such augmentations could be the result of underbidding.

Ms. Marks explained that Conservancy engineering and construction projects must be conducted by DWR, Department of General Services, or Caltrans, and the budgets are cooperatively developed. Although the contract was not competitively bid, DWR was selected as the best agency to provide the environmental review and floodplain design for the project. The requested augmentation would fund an expanded scope of work, not increase the budget to complete the existing scope.

Upon inquiry from Mr. Rodriguez about the process, Ms. Marks replied that staff works with the contracting agency to create a scope of work and budget before the contract is approved.

Mr. Gibson asked if the berm improvement project had the potential to compliment or interfere with the proposed Eaton Trail Extension project. Ms. Marks replied that the planned project includes a trail aligned on the riverbank at the proposed borrow site; the berm improvement project would be completed before the trail extension, and the trail would be developed on the new bank.

Public Comments:

There were no comments from the public.

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

ROLL CALL VOTE:

Name	Yes	No	Abstain
Mr. Steve Brandau, Chair	X		
Mr. Max Rodriguez	X		
Mr. Donald E. Holley	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		

G-3 Authorize Bond Funds and Grant to the San Joaquin River Parkway and Conservation Trust for Owl Hollow Improvements

Staff Recommendation: It is recommended the Board authorize Conservancy bond funds and a grant to the San Joaquin River Parkway and Conservation Trust in an amount not to exceed \$860,340 for the engineering design and construction of public access, recreation, and education improvements at Owl Hollow, a six-acre site owned and operated by the River Parkway Trust. Wildlife Conservation Board authorization would be requested at their August 2014 meeting.

Ms. Marks described the site, noting its proximity to the San Joaquin River, the River Parkway Trust's River Center, the Lewis S. Eaton Trail, and the intervening land owned and operated by Vulcan Materials. The Parkway Trust utilizes a deeded access easement for site ingress and egress to Owl Hollow. Vulcan mining operations are scheduled to conclude by 2017; at that time there may be the opportunity to acquire lands or rights to connect the River Center and Owl Hollow. In the near-term, Owl Hollow would be used for supervised, scheduled activities such as guided canoe trips, weekend nature walks, and River Camp, and would serve as a much-needed public rest stop for boaters on the river, during daylight hours year-round. Public access and boating rest stop improvements at Owl Hollow are among the recommended high priority projects of the Interagency Project Development Committee.

Ms. Marks provided an overview of the project improvements and budget, noting that the River Parkway Trust would contribute matching funds in the amount of \$75,000, and had already obtained at its cost the property, preliminary plans, permits, and California Environmental Quality Act compliance. Although some of the County's Conditional Use Permit requirements were unanticipated, such as the potable water system and well, and water tank for fire prevention, the infrastructure improvements protect public health and safety.

Ms. Sharon Weaver, Deputy Director of the River Parkway Trust, outlined the multiple project benefits, and elaborated on the planned short- and long-term use of the site, citing the their commitment to operate and maintain it. She clarified that the budget line item for the well included the cost of obtaining a public water system permit.

Board Comments:

Mr. Rodriguez asked Ms. Weaver about the expected depth of the well. Ms. Weaver stated that although she did not know how deep the well would be, she did not anticipate it being very deep due to its proximity to the river. She noted that chlorination may be required.

Mr. Brandau asked if signs would be placed along the river making the public aware of the rest stop. Ms. Weaver said that signs would normally be installed at the site to display the funding sources and to

inform the public about appropriate uses and rules. She stated that signs on the river were a great idea that would require coordination with adjacent landowners and the State Lands Commission.

Dr. Single noted there were standards in the Parkway Master Plan for signs to discourage people from exiting the river near DFW ecological reserves.

Mr. Brandau asked staff to include upstream signage in the project. Ms. Marks suggested that signage could be installed at the two nearest publicly owned properties, Rank Island and the Willow Unit. Lost Lake Park and the Ledger Island Bridge were other potential sign locations.

Mr. Gibson voiced support for the project, stating that he believed the public wanted high-quality facilities built in the Parkway versus portable toilets and older, outdated facilities.

Mr. Janzen also voiced support for the project.

Mr. Gibson initiated a brief discussion about the two Vulcan parcels adjacent to Owl Hollow. Ms. Weaver explained that negotiations to buy those properties for the Parkway were suspended by Vulcan. Mr. Gibson raised the possibility of acquiring the properties in the future and creating a non-motorized boat launch; ownership or access rights on the intervening land would also need to be acquired.

Ms. Forhan asked if fall 2015 was the earliest construction could start. Ms. Weaver responded that the proposed construction schedule was conservative, to allow time for obtaining additional permits. The Parkway Trust would expedite construction to the extent possible.

Public Comments:

Ms. Shelli Haaf, Staff Attorney, California State Lands Commission, stated that the Commission is supportive of the Owl Hollow project, but requested and recommended the Board condition approval of the project on the River Parkway Trust entering into a boundary agreement and lease for the boat dock with the Commission. A preliminary staff review of the Owl Hollow site shows that a portion of the site is state sovereign land, lying below the low water mark.

Ms. Weaver said the Parkway Trust was willing to work with the Commission to resolve the issues.

Ms. Moxley voiced support for increased public access points and signage along the river to provide for safe boating.

Mr. Richard Sloan, RiverTree Volunteers, voiced support for the project, stating that he hoped the site restroom would accommodate a large number of boaters.

A motion was made by Mr. Brandau to approve staff's recommendation as presented in the staff report, contingent upon the River Parkway Trust entering into a boundary line agreement and lease with the State Lands Commission, and including adequate public access signage for the project. Mr. Holley seconded the motion and the Board unanimously approved it on the following vote:

ROLL CALL VOTE:

Name	Yes	No	Abstain
Mr. Steve Brandau, Chair	X		
Mr. Max Rodriguez	X		
Mr. Donald E. Holley	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		

H. ADMINISTRATIVE AND COMMITTEE REPORTS

H-1 Organizations

H-1a San Joaquin River Parkway and Conservation Trust

Mr. Koehler thanked the Board supporting the Owl Hollow grant.

H-1b RiverTree Volunteers

Mr. Sloan reported on recreational events and cleanups on Conservancy-owned properties over the last month, and assisting with the design and construction of a seven-acre Woodward Park garden dedicated to cancer survivors.

H-2 Deputy Attorney General

Mr. Crow had nothing to report.

H-3 Executive Officer

Ms. Marks announced that over 200 people attended the public scoping meeting held at the Pinedale Community Center on June 17 for the River West Fresno, Eaton Trail Extension EIR. The various figures and project alternatives would soon be available on the Conservancy website.

Ms. Marks complimented Mr. Koehler on his presentation to the Board regarding potential trail and river access at Palm and Nees, and for preparing the letter and map distributed to the Board and staff to describe this complicated situation. She offered to prepare a reference packet for the Board to assist them with responding to citizen inquiries regarding the many complexities associated with the River West Fresno project.

Mr. Janzen asked for clarification of Mr. Koehler's comments regarding the public access easements on the Palm Nees private road; he stated that information about these possibilities should be included in the EIR. Ms. Marks explained that Mr. Tutelian was successful in convincing the City of Fresno to

prevent the easement he granted as a condition of development from being used as the sole access point for the River West Fresno project from Fresno.

H-3a Committee Reports

Ms. Marks noted the Ad Hoc Board Committee for Development of Parkway Operations and Maintenance Resources would be focusing on ways to fund future operations and maintenance for the River West Fresno project. The notes of the May 28, 2014, meeting were included in the packet.

H-4 Board Members' Reports

None.

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.

Mr. Koehler reported he was contacted last fall by Michael Linton, the negotiating party for Vulcan Materials. Mr. Linton is responsible for developing a plan this year for Vulcan to sell its lands after mining is completed. The Parkway Trust is actively working with the Conservancy, Vulcan Materials, and other agencies in hopes that some or all of Vulcan's property eventually becomes part of the Parkway. He also noted that a mined area located near Rice Road and the Sportsmen's Club is being reclaimed for riparian habitat, with the upland portion being reclaimed as farmland.

The Board convened in closed session at approximately 11:58 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: Vulcan Materials, Fresno County (potentially involving all or portions of APNs 576-010-01, 02, 03, 17, 18, & 23; 579-020-06, 07, 10, & 11; 579-090-01, 03S, 15S, 24S, & 25S)

Negotiating Parties: Michael Linton, Vulcan Materials Co.

Agency Negotiators: Melinda Marks, San Joaquin River Conservancy;
Scott McFarlin, Wildlife Conservation Board

At 12:12 p.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

Notice of the June 17, 2014, 4:30-7:00 p.m., River West Fresno, Eaton Trail Extension EIR Public Scoping Meeting, Pinedale Community Center, 7170 N. San Pablo Ave., Fresno, CA was included in the Agenda.

K. NEXT BOARD MEETING DATE

The July 16, 2014, Board meeting is hereby cancelled. The next meeting of the Board will be held August 20, at 10:00 a.m. (Please note an earlier start time is observed March through October.)

L. ADJOURN

Chairman Brandau adjourned the meeting at 12:13 p.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,

A handwritten signature in blue ink, appearing to read "Melinda S. Marks", with a long horizontal flourish extending to the right.

Melinda S. Marks, Executive Officer