



STATE OF CALIFORNIA
Gavin Newsom, Governor

MINUTES

WEDNESDAY, DECEMBER 4, 2019
SAN JOAQUIN RIVER CONSERVANCY

Board Meeting Location:

Fresno Metropolitan Flood Control District
5469 E. Olive Ave., Fresno CA 93727
and
California Natural Resources Agency
1416 Ninth Street, Ste. 1311
Sacramento, CA 95814

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

GOVERNING BOARD

Brett Frazier, Chairperson
*Supervisor,
Madera County Board of Supervisors*

Santos Garcia, *Councilmember
City of Madera*

Steve Brandau, *Supervisor
Fresno County Board of Supervisors*

Garry Bredefeld, *Councilmember
City of Fresno*

Kacey Auston, *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*

Bryan Cash, *Assistant Secretary
Natural Resources Agency*

Jennifer Lucchesi, *Executive Officer
State Lands Commission*

Karen Finn, *Program Budget Manager
Department of Finance*

Bryn Forhan
Paul Gibson
Vacant
Citizen Representatives

John M. Shelton
Executive Officer

MEETING AGENDA

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mr. Garcia called the meeting to order at 10:43 a.m. and Ms. Vance led the pledge of allegiance.

A. ROLL CALL

| Name | Present | Telecon- ference | Absent | Late |
|---------------|---------|---------------------|--------|------|
| Mr. Frazier | | | x | |
| Mr. Garcia | x | | | |
| Mr. Brandau | | | x | |
| Mr. Bredefeld | | | x | |
| Ms. Auston | x | | | |
| Mr. Janzen | | x | | |
| Ms. Vance | x | | | |
| Mr. Gresham | x | | | |
| Mr. Donnelly | x | | | |
| Mr. Cash | x | | | |
| Ms. Lucchesi | | x | | |
| Ms. Finn | | | | |
| Ms. Forhan | x | | | |
| Mr. Gibson | x | | | |

Ms. Gavina confirmed a quorum was present.

Mr. Janzen listened to the meeting by phone from a location other than the location on the notice; he was not part of the quorum or eligible to vote. Ms. Halberstadt confirmed he could participate in discussion.

Legal Counsel Present: Deborah Halberstadt, Deputy Attorney General

Staff Present: John Shelton, Executive Officer
Rebecca Raus, Associate Governmental Program Analyst
Vanessa Gavina, Staff Services Analyst
Heidi West, Program Manager, San Joaquin River Conservancy
Projects, Wildlife Conservation Board (WCB)

B. 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))

There were no additions to the Agenda.

C. POTENTIAL CONFLICTS OF INTEREST

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

There were no potential conflicts of interest.

D. PUBLIC COMMENT & BUSINESS FROM THE FLOOR

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 not on the agenda and 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.

There were no comments from the floor.

E. CONSENT CALENDAR

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

E-1 ACTION ITEM: Approve Minutes of September 25, 2019

Mr. Garcia asked if there was any questions or comments regarding the previous minutes.

Mr. Gibson stated that page 12 of the minutes was inaccurate because it stated at that “the members unanimously passed the motion as follows”; however, there were three dissenting votes. It was suggested to remove the word “unanimous” from the motion.

E-2 ACTION ITEM: Approve Board Meeting Calendar for 2020

Staff Recommendation: It is recommended the Board approve the schedule for the San Joaquin River Conservancy Governing Board meetings reserved for the 2020 calendar year.

Ms. Vance informed the Board that in regards to the meeting calendar for 2020, there are four dates she will be unable to attend, and hence, will have her alternate present.

Motion: Ms. Forhan moved to approve the Consent Calendar, with the minutes amended as recommended; the motion was seconded by Mr. Gibson. The motion passed as follows:

Roll Call Vote:

| Name | YES | NO | ABSTAIN |
|--------------|-----|----|---------|
| Mr. Garcia | x | | |
| Ms. Auston | x | | |
| Ms. Vance | x | | |
| Mr. Gresham | x | | |
| Mr. Donnelly | x | | |
| Mr. Cash | x | | |
| Ms. Lucchesi | x | | |
| Ms. Finn | x | | |
| Ms. Forhan | x | | |
| Mr. Gibson | x | | |

F. REGULAR SESSION ITEMS

F-1 ACTION ITEM: Authorize Bond Funds and Grant to the San Joaquin River Parkway and Conservation Trust to Implement Habitat Enhancement Project at River West Fresno

Staff Recommendation: It is recommended the Board approve \$588,000 in Prop 40 bond funds and a grant agreement with the San Joaquin River Parkway and Conservation Trust to implement the River West Fresno E-Pond Habitat Enhancement Project on 23 acres of Conservancy property within River West Fresno. Wildlife Conservation Board (WCB) authorization would be requested at their February 2020 meeting.

Mr. Shelton stated that we have a written staff report and a proposal from San Joaquin River Parkway and Conservation Trust (SJRPCT) within the packet. The Conservancy has worked with the Wildlife Conservation Board (WCB) to ensure that this application complies with their process also. The SJRPCT is requesting \$588,000 dollars that will come out of Prop 40 bonds. The Wildlife Conservation Board staff are verifying that it is the appropriate bond funding to use and that there are enough remaining funds for this project. This is for twenty-three acres of riparian upland habitat, which is at the E-Pond within the River West properties, and contiguous with an existing enhancement project that at the H- Pond. This proposed project would use some of the same irrigation infrastructure, such as the existing well. Another key portion of this is the plant establishment activities. Within the write up, there are numerous project goals and objectives.

A summary of the project is to establish a self-sustaining native plant community that will achieve a sufficient survival rate and canopy cover, control non-native invasive plants, improve the scenery and recreation activities, provide shade and screening for the future Eaton Trail Extension Project, and to use an adaptive management approach. Planting area is configured to enhance

the River West recreation facilities of the core project and would not negatively impact Alternative 1 if pursued. The proposed planting area is close to the existing well, allowing SJRPCT to connect the new irrigation lines to the existing system. This is a relatively long project, mostly due to the maintenance of the plantings that assures desired survival rates. Also, adding to the project length is the required monitoring and reporting. The majority of the field activities will take place in the first year. Mr. Shelton mentioned that the motivation for having this in today's board meeting is so we could get it to the WCB's Board in time to start the project this growing season, including the need for local nurseries to prepare seedlings and acquire other plant material. The design and environmental review is roughly six months. There will be very little ground disturbance needed other than planting and a little work for some soil characterization. The SJRPCT staff does need a little bit of time to be able to design the irrigation system to make sure that it works. The site preparation, irrigation system, and planting of the vegetation is about a six month process. If this project is approved, then it will go to WCB for authorization at their February 26th Board Meeting. SJRPCT has been successful on a number of restoration projects and do a great job putting them together and then implementing.

Mr. Donnelly stated if there was some reason we were unable to use Prop 40 funds for this project that staff would need to consider the life and age of the funding, in addition to the length of the project. He then inquired of the Board if they would still support the project irrespective of whether or not funds from Prop 84, Prop 12, or Prop 40 are used. He stated that the Conservancy could not use Prop 1 funding because it did not go through the competitive grant process. However, it would be possible to use another source of funding if the Board was fine with the decision.

It was moved by Mr. Gibson and seconded by Ms. Forhan to approve staff's recommendation for Item F-1.

The Roll Call Vote:

| Name | YES | NO | ABSTAIN |
|---------------------|------------|-----------|----------------|
| Mr. Garcia | x | | |
| Ms. Auston | x | | |
| Ms. Vance | x | | |
| Mr. Gresham | x | | |
| Mr. Donnelly | x | | |
| Mr. Cash | x | | |
| Ms. Lucchesi | x | | |
| Ms. Finn | x | | |
| Ms. Forhan | x | | |
| Mr. Gibson | x | | |

G. ADMINISTRATIVE AND COMMITTEE REPORTS

Information Items. No action of the Board is recommended.

G-1 Organizations' Reports: If time allows, the following oral reports will be provided for informational purposes only, and may be accompanied by written reports in the Board packet.

G-1a. San Joaquin River Parkway and Conservation Trust

Ms. Sharon Weaver, the Executive Director of the San Joaquin River Parkway and Conservation Trust, thanked the Board for approving the latest grant proposal, and stated that they are excited to be closing out the Spano H-Pond project this coming year and to be starting on this new project. She mentioned that whenever she takes visitors down to the site, they are often enthusiastic to see the improvements, and she is eager to do similar work elsewhere.

G-1b. RiverTree Volunteers

Mr. Richard Sloan from the RiverTree Volunteers mentioned that they have been pretty busy over the past couple of months, mostly due to problems of abandoned homeless camps along the river. He reported that as of recent, there were only two active camps near the river from Palm and Nees to Highway 41 (HWY 41). These camps were both against the bluff, pretty close to the HWY 41 Bridge, and not along the River itself. When many of the campers left, they also left a lot of waste, so they are proposing to do a cleanup on December 15th of this area. A trend that he is noticing, besides many hypodermic needles left in the camps, is a number of the homeless people are getting access to bows and arrows. He said that he finds this disturbing, and it adds the element of perceived danger out there along the river.

RiverTree Volunteers is a member of the San Joaquin River Trail Council, and as such, they are pushing the San Joaquin River Trail, which will ultimately go from HWY 99 all the way to the town of Mammoth. Initially, it was perceived as a 75 mile trail along the end of Millerton Lake to Red's Meadow, connecting trails like the Lewis E. Eaton trail, a number of forestry trails, the old French trail (which is a historic trail in Madera County from Matellian Bar up to Clary Meadow). He further stated that they are making some pretty good progress. RiverTree is also in the process of creating a seven mile long trail, that hasn't been there before, along the Fresno side of Redinger Lake to connect the horseshoe bend trail with the Redinger Lake trail. Consequently, he feels they need nine bridges, six of which are in the initial Master Plan for the San Joaquin River Parkway. Hence, they are really interested in the connection between Palm and Nees and Sycamore Island. He mentioned that one bridge is a necessity: the old HWY 41 Bridge gets an awful lot of traffic; and the modernization of that bridge has left no safe lanes for pedestrian or equestrian traffic to cross. He believes the same is going to happen for the reconstruction of the Road 206 Bridge. RiverTree volunteers are hoping that an accommodation will be made for pedestrian/equestrian traffic to cross the San Joaquin River at Friant. He also mentioned that we need to figure out how to get a bridge across the Friant-Kern Canal.

G-2 Deputy Attorney General Report

Ms. Deborah Halberstadt noted that there is nothing to report.

G-3 Executive Officer Report

Mr. Shelton mentioned that he is a new grandfather, and recently took some time off. He showed a picture of his new grandson, Donovan John Bittner. Separately, the Conservancy has had a couple of meetings with WCB staff, one focusing on

grant implementation strategy, and the other focusing on land acquisition strategies. Both meetings included both our land agent, Daniel Vasquez, and our bond manager, Heidi West. Staff also had discussions regarding management between different state agencies to start focusing on things related to our master plan.

An important thing to consider is that there is some work that can be done with the Department of Fish and Wildlife such as getting easements to be able to make the Eaton Trail go from Old Friant Road up to Lost Lake. If we can combine that with our ideas of working with Cemex regarding other potential easements, a trail might actually materialize. However, it relies on a couple of bridges, in which one of those we are already working on with the Tesoro Viejo project. This is our existing bridge that goes between Ledger Island and Ball Ranch. A staff report from the Department of Water Resources says it needs to be replaced since it is not structurally sound, especially for vehicles. We would need to figure out a way to make it structurally sound for people, and, hopefully, also for bicycles, equestrians, and emergency vehicles. The Conservancy has asked that as the State Land's Commission (SLC) goes through the CEQA process, to consider a replacement as part of their alternatives to this. That would allow us to have CEQA coverage, and then it go into a process down the line of getting approval to look at doing an actual design. The other bridge is from the upstream end of Ledger Island back to Fresno County. Although our updated Master Plan has a conceptual layout for the bridge at this location it is not a set area. In a previous Cemex field trip, it was mentioned that that according to their permitting and reclamation plans, there is the ability to work with them. The Conservancy has not approached them for any easements yet, but will get Daniel Vasquez to start examining it to see what can be done. Part of the discussion was how to work through our bond measures and bond funding. We still have over \$30 million in bonds that are directed towards the Conservancy. The priority is to start moving through these, but to not deplete them in too quickly either. We need to show the public that we are actually spending them wisely.

The other project that we have going is a team to work on SMART Objectives for the Parkway. SMART is an acronym that is defined in a couple different ways, but can be thought of as: Specific; Measurable; Achievable; Resilient; and Time bound. The idea behind it is to take policies and goals and make them into specific objectives. The group that it is comprised of are biologists that work both on fisheries and terrestrial issues. Mr. Shelton mentioned that he'd love to be able to do this on a couple other issues such as education and recreation. This is just at its beginning stages and is basically a volunteer effort from the other organizations: American Rivers; Trout Unlimited; San Joaquin River Parkway and Conservation Trust; and the Department of Fish and Wildlife.

We also had a meeting with the Department of Fish and Wildlife's Land Unit. The Land Unit is the one who manages the Ecological Reserves. There was good discussion about the Milburn Unit about how we can move forward and potentially do some grants to work on some of their lands. We are already doing that, but it is the Department of Water Resources who is doing that work (Milburn Pond). Mr. Shelton would like to get the DFW involved and moving forward. Currently, we have one of their staff members who has put together a grant for us in the past for our FINS project up at the hatchery. She did a phenomenal job, and many people were impressed with the project. Her supervisors have said that she is available to

work on grant processes. She was a part of meeting, along with John Battastoni of the Land's Unit. We discussed how to site a trail through the Willow Unit, and how to make smart, efficient boundaries between the Willow Unit and Ball Ranch. The plot lines of the different areas that they control and we control, are not straight lines, and if we have to build fences, straight lines would be more efficient. Since there is a canal ditch that supplies water to the CEMEX plant, it could make a very good location to keep people from going from one area to the other.

Another meeting we had was with the City of Fresno and some of the people from the San Joaquin River Access Coalition regarding bridges. As a result, the Conservancy is collaborating with the City of Fresno to determine options for pedestrian crossing at the HWY 41 Bridge. There may be an option to design a bridge that will cantilever off the old bridge to provide for the Conservancy's multipurpose trail connection between Fresno and Madera counties. For those who haven't followed this process on the old bridge, Caltrans will turn over the ownership and management to the City of Fresno and the County of Madera after finishing their work. There were also talks about other bridges that could be put in place. However, the HWY 41 Bridge is the one that has the opportunity to happen relatively quickly. The first thing we need to know is a ballpark estimate and what our options are. The City of Fresno said they are capable of trying to put an idea together, and if it looks reasonable, we can bring them before the Board and start working on the process.

Mr. Shelton stated that he attended the California Land Conservation Summit at Falling Leaf Lake in October. Mr. Donnelly was also there. It was a productive meeting where they had discussions about how to work within the State of California and other state conservancies. Many land-trust non-profit organization/coalitions were also there, along with the Secretary of Resources. Another group the Conservancy has been working with is the Central California Off Road Cyclists, (CCORC). It's a group of mountain bikers, gravel riders, and some road bikers. We are in the process of figuring out a way of getting CCORC more access out in the Van Buran properties, which are publicly accessible thanks to work done from the SJRPCT. The idea is to get an agreement with them to be able to do volunteer work to managed and maintain bike trails.

We also had a meeting with the Fresno Sportsman's Club. They have a nice facility, and there might be some potential to work with them in the future. Another important thing that was mentioned was a reporter from Valley PBS spent some time out on the parkway, and he was putting together a half-hour program that should be available soon. He talked to other partners that the Conservancy has collaborated with to be able to get a feeling for the whole parkway, and not just what has made it to the editorial pages of the Fresno Bee for River West.

Mr. Shelton reported was that the Sierra Nevada Alliance and the Conservancy are all putting together a grant-writing course. This is a class that the Sierra Nevada Conservancy has conducted throughout the Sierra Region. The Sierra Nevada Alliance is also sponsoring this effort. The Conservancy will be hosting this two-day class for this area. They want fifteen people to be able to start with a concept, and at the end of the process, be able to have a grant proposal. Since the Conservancy is hosting, we are able to fill some of the slots and help design it in a way that works with both the WCB and us. There are roughly 10-12 slots taken but

there are a few more that can be filled. From the Conservancy staff, Vanessa Gavina will be going to the course. The Department of Fish and Wildlife was queried to see if staff might be interested. We also offered it up to some other groups that we work or have previously worked with, like the County of Madera, because they are working on some of the processes right now for grants. The other agency considered is the County of Fresno because we are trying to work on a project for Lost Lake. Our hope is that we can move our partners through this process, and at the end of the training have several grant proposals that we can bring to the board.

Mr. Donnelly inquired where the grant-writing course was going to be held.

Mr. Shelton replied that it would be held at the Fresno Metropolitan Flood Control District in a conference room. He noted that Heidi West, Rebecca Raus, and he would be there as observers, and possibly to help attendees. He also mentioned that it is free, except for meals and refreshments. Mr. Shelton expressed it would be a good thing to get some of the small, local nonprofits to be involved, and that he is trying to reach out the Fresno Building Healthy Communities to see if we can get them access. He is uncertain of what kind of grant they would want to write up, and if it would involve the Conservancy or something else, but nevertheless, he feels it would be important. He also said that if anyone has any ideas, there were a few more spaces left in the course.

G-4 Board Members' Reports and Comments

Mr. Donnelly reported the Wildlife Conservation Board approved two of the San Joaquin River Conservancy projects at their last meeting. One was a Ball Ranch Planning and CEQA Project with a grant to River Partners. The second was the San Joaquin Milburn Isolation Project that is for CEQA, planning, and design of that project with a grant to the Department of Water Resources.

H. CLOSED SESSION

Before convening in closed session, members of the public will be provided the opportunity to comment on Executive Session agenda items.

Ms. Weaver inquired if there were any updates that they were able to share, or if they will be able to make a report out of closed session and give the public any kind of update where negotiations stand with the San Joaquin Access Coalition?

Ms. Halberstadt responded that they will be discussing the litigation in closed session, and cannot provide anything to the public at this point, but as the process moves along, hopefully, she will be able to give an update soon.

H-1 CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

Subdivision (a) of Government Code Section 54956.9.

San Joaquin River Access Corporation v. San Joaquin River Conservancy and specified Board members, Superior Court of California, County of Fresno Case #19CECG01138

Ms. Halberstadt stated there is nothing to be reported out of closed session at this time.

I. **NOTICE OF ADVISORY AND BOARD COMMITTEE MEETINGS, OTHER PUBLIC MEETINGS RELATED TO CONSERVANCY MATTERS**

None.

J. **NEXT BOARD MEETING DATE**


The next Board meeting is scheduled for 10:30 a.m. Wednesday, January 8, 2019, location to be determined.

K. **ADJOURN**

Board meeting notices, agendas, staff reports, 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 the Conservancy at (559) 253-7324.

Mr. Garcia adjourned the meeting at 11:39 am.

Respectfully Submitted,



John M. Shelton
Executive Officer- San Joaquin River Conservancy