



250.20

STATE OF CALIFORNIA
Gavin Newsom, Governor

MINUTES

WEDNESDAY, MAY 6, 2020
SAN JOAQUIN RIVER CONSERVANCY

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GOVERNING BOARD

Mike Karbassi, Chairperson
Councilmember, City of Fresno

Steve Brandau, Vice-Chairperson
Supervisor
Fresno County Board of Supervisors

Brett Frazier, Supervisor
Madera County Board of Supervisors

Santos Garcia, Councilmember
City of Madera

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

Board Meeting Location:

Consistent with Governor Newsom's Executive Order N-29-20, the public and Board members participated in a meeting via Zoom and teleconference. Public comment was accepted per the agenda.

MEETING AGENDA

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chairperson Karbassi called the meeting to order at 10:00 a.m. and led the pledge of allegiance.

A. ROLL CALL

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

Ms. Gavina confirmed a quorum was present.

Legal Counsel Present: David Pai, Deputy Attorney General
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 public comments.

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 March 4, 2020

Mr. Frazier moved to approve the Consent Calendar; the motion was seconded by Ms. Forhan. The motion passed as follows:

Roll Call Vote:

| Name | YES | NO | ABSTAIN |
|--------------|-----|----|---------|
| Mr. Karbassi | X | | |
| Mr. Brandau | X | | |
| Mr. Frazier | X | | |
| Mr. Garcia | X | | |
| Ms. Auston | X | | |
| Mr. Janzen | X | | |
| Ms. Vance | X | | |
| Mr. Gresham | X | | |
| Mr. Donnelly | X | | |
| Mr. Cash | X | | |
| Ms. Lucchesi | X | | |
| Ms. Forhan | X | | |
| Mr. Gibson | X | | |

F. REGULAR SESSION ITEMS

F-1 ACTION ITEM: Authorize Bond Funds to Augment the Sycamore Island Fishing Pond Enhancement Project Construction Budget, Department of Water Resources

Staff Recommendation: It is recommended the Board approve an augmentation of \$200,000 in Prop 12 and Prop 40 bond funds for an existing project to implement the Sycamore Island Fishing Pond Enhancement Project. The augmentation would bring the total project grant to the Department of Water Resources (DWR) to \$2,217,058.79 to complete construction. Wildlife Conservation Board (WCB) authorization would be requested at their May 20, 2020 meeting.

Mr. Shelton stated the Department of Water Resources (DWR) has been working on several phases of a fishing pond enhancement project. Mainly, this will consist of constructing a fishing pier that is ADA compliant and a restroom facility. They have completed the process of getting permits and doing final designs. During their bid process, bids came in higher than they expected. Between the Conservancy, Wildlife Conservation Board (WCB), and DWR, we were able to limit the funding augmentation requests to \$200,000. DWR is able to cover some of the additional costs. Mr. Shelton also mentioned that there was a typo in the board item, as the total project grant was indicated at \$2,217,058.79; however, the actual cost is \$1,606,627 total ground amount. They are requesting \$200,000 more to carry the project out. DWR has delivered well in the past, and Mr. Shelton feels that once Sycamore Island is reopened, the enhancement will be a very good asset to the Parkway. The Conservancy is recommending approval of the extra \$200,000. WCB will have to approve this, as well and it will be on their agenda for their Board Meeting later this month. Mr. Shelton mentioned that if the Board does not feel it is a worthwhile project, it can be pulled from WCB's agenda. However, we would like to move forward with this project in order to take advantage of all the permitting and final design that has been accomplished.

Mr. Donnelly asked to clarify the total grant.

Upon inquiry from Mr. Donnelly, Ms. Raus report that the \$ 2.2 million was the total amount of the entire project and was a typo, and the actual amount of the grant if approved by the Board would be \$1,806, 627.

Mr. Janzen moved to approve the action item; the motion was seconded by Ms. Forhan. The motion passed as follows:

Roll Call Vote:

| Name | YES | NO | ABSTAIN |
|--------------|-----|----|---------|
| Mr. Karbassi | X | | |
| Mr. Brandau | X | | |
| Mr. Frazier | X | | |
| Mr. Garcia | X | | |
| Ms. Auston | X | | |
| Mr. Janzen | X | | |
| Ms. Vance | X | | |
| Mr. Gresham | X | | |
| Mr. Donnelly | X | | |
| Mr. Cash | X | | |
| Ms. Lucchesi | 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, Executive Director of the San Joaquin River Parkway and Conservation Trust (Parkway Trust), shared a video they put together for their annual report that featured some of their highlights this year. The video showcased projects like the Spano Habitat Enhancement Projects; education programs, such as the outdoor enrichment program for preschool aged youth; and recreation through nature hikes and river tours. Ms. Weaver gave an update stating that they are actively underway on their River Center improvements project, and a solar power system is currently being installed. They will be working on the picnic shelter soon. Part of the picnic shelter components have been delivered, and they are still working on construction aspects before it can be put in place. Also, during one of their staff meetings the previous week, the project team was out in the field at Spano River Ranch to analyze the soil for the next phase of habitat

enhancement on that property. She said they have been able to hold onto their staff in the midst of the shelter in place order, and they are hoping to continue forward without losing any of their people.

G-1b. RiverTree Volunteers.

Mr. Shelton spoke on behalf of Mr. Richard Sloan, who was not present at the meeting. Mr. Shelton mentioned that one the core issues for RiverTree is cleaning up homeless encampments. They have had several cleanups and have been careful to limit the amount of people they have had out by putting them in small groups in which they are able to socially distance. Volunteers did work at River Vista, the Liddell property, and Riverbottom Park. They had a big cleanup around the River West properties near Highway 41 and on into Wildwood Native Park. Mr. Sloan found hazardous materials on two different occasions. The material was dumped onto the County of Madera's Cobb Ranch area. Boardmember Frazier's Chief of Staff was able to get a hold of the Madera County Hazardous Materials Specialist to get it cleaned up. RiverTree was also involved in the removal of used oil that was dumped in small containers on the Fresno County side. Additionally, on a separate cleanup, RiverTree Volunteers removed all the fish/bird netting over at the Liddell property. They have been able to donate some of the netting to the Perez's at Bluff Pointe Golf Course. Caglia Waste Facility offered to take the recyclable waste.

G-1c. San Joaquin River Socials

Ms. Jessica Vaughn, founder of the group, spoke a briefly about the mission of the group. She founded this group in response to the recent Milburn shooting that resulted in a murder. Many community members came together to discuss solutions to help monitor the Milburn overlook area and deter any questionable activity. She mentioned their first meeting was a success and was attended by Mr. Karbassi, along with other members of the community. The second meeting was postponed due to COVID-19, but another meeting might take place as soon as the Governor lifts restrictions.

G-2 Deputy Attorney General Report

Ms. Deborah Halberstadt stated that she has no updates from the Department of Justice at this time.

G-3 Executive Officer Report

Mr. Shelton mentioned he would like to report on 1 to 2 project complexes at each meeting going forward. As most of our projects have multiple parts to them, covering a project complex will put individual projects into context. For this report, he focused on Ball Ranch, Ledger Island, and the Willow Unit. He spoke about work with Tesoro Viejo. The McCaffrey and Lyle's Diversified have been working on a large community development in Madera County. They own property that is adjacent to Ledger Island and have a corridor of land that goes along Peck's Winery. This corridor of property connects Friant Avenue in Fresno County over to the River, and since they also own property on the Madera side, allows for a connection between Fresno and Madera Counties by using our bridge between Ball Ranch and Ledger Island. This connection would use the Conservancy's

planned trail system. In order to do this, they are going to go across State land's Commission (SLC) owned land. We are working with them while they are applying for a lease with SLC for the use of these lands. SLC will be the CEQA lead and Tesoro Viejo has hired a consultants to complete the work. We hope to achieve a CEQA document to be able to replace or repair the bridge. The CEQA document will facilitate the Conservancy's efforts to extend the Eaton trail through Ball Ranch to Ledger Island. We should be able to work with the Tesoro Viejo Conservancy to help us operate the area so that it can be officially opened for public use. In addition, we have had discussions with the Parkway Trust regarding opening it up as an unimproved area in the meantime, but it got hindered by COVID-19 response. The hope is to formally open it soon to the general public.

There is also an ongoing project with River Partners. The Conservancy approved funding for CEQA analysis and a restoration plan for Ball Ranch. We requested that this CEQA coverage also allows for the control and removal of invasive weeds, such as Tree of Heaven.

CEMEX put in an application requesting an extension of the Conditional Use Permits (CUPs) to extend the life of their existing permit for another thirty years at their operation plant and for a 100 years at their quarry site. The quarry site is located across the river from Ledger Island and is contiguous with Lost Lake and the Conservancy's Beck Ranch property. Mr. Shelton indicated that they are not increasing their footprint, but rather plan to quarry the bedrock materials. There have been discussions with CEMEX about the ability to extend the Eaton trail through their properties. According to their reclamation plans, they need to keep a buffer between the plant and Friant Road and between the quarry site and the San Joaquin River. We are proposing to put a multipurpose trail between the plant site and Friant Road. To connect this trail to East Birkhead Avenue, we would still have to get through the DFW's Willow Unit of the San Joaquin River Ecological Reserve, but the Conservancy has spoken to Ms. DFW's staff about the possibilities of an easement. The Master Plan illustrates the trail going between the Plant and the River; however, Mr. Shelton noted it would be better for the Willow Unit if it was positioned next to Friant Road so it would not bisect the Ecological Reserve. This potential trail would go through Ball Ranch using the existing gravel road alignment and cross the bridge to Ledger Island. Sometime in the future, there is the possibly of constructing a bridge that will get us across from Ledger Island to the quarry site area. In the meantime, CEMEX has offered to include a multipurpose trail that will go from Friant Road at the South end of the quarry site to the River and then along the River up to Lost Lake Park. Once this trail is connected to Lost Lake Park it will join onto the trail that goes to the San Joaquin River Fish Hatchery and comes out of the FINS parking lot.

The Sierra Resource Conservation District (SRCD) is working on a project in the Sierras to reduce fuel loading. Many trees have been taken down by Fresno County/utility companies and sometimes stacked in log decks on private property. The SRCD has a grant to remove these log decks to reduce wildfire fuels, but they would like to put them to beneficial use. Mr. Shelton spoke to Steve Hayes, District

Manager of the SRCD, regarding storing the logs on Conservancy property and utilizing them as vehicle barriers by putting them along our roads and using them as natural fences. Additionally, they could be used in our restoration activities. By “planting” them in the ground at our restoration areas, they will decompose and add organics and carbon to the soils. Although this may take thirty years or more for the decomposition, the additional soil carbon will be beneficial for restoration process. They discussed storing the logs in an area at Ball Ranch, next to the “Large Pond” on the gravel road that ends at Little Dry Creek. Staff from the SRCD mowed grass in the surrounding area and have begun placing logs. They also unloaded logs at our Wildwood property around the parking lot to act as a fence since the existing fence is starting to deteriorate.

Mr. Shelton gave an update on the Van Buran/Valley Children’s Hospital/ HWY 41 Bridge. There is a proposal by the City of Fresno to look at an alternatives analysis for a bicycle/pedestrian bridge across the River near Highway 41. In the past, we have also had discussions with Valley Children’s Hospital about connecting to a multiuse trail that connects to the Eaton Trail. Supervisor Frazier will aid the Conservancy in working with Madera County to move forward with River West Madera plan for the Van Buran property. This plan includes a parking lot, entrance road, and restroom facilities.

On the western end of the Parkway, the Conservancy is planning to extend the multiuse trail from Highway 99 to the Milburn Overlook. There is a trail out at Riverside Golf Course, but it currently dead ends at Riverbottom Park. There was a plan continue the trail through Riverbottom Park by the City of Fresno, but because of some extenuating circumstances, that has been put on hold. We believe that eventually we can build that trail through Riverbottom Park and connect it to Liddell and the Milburn Overlook. Parts of this trail will be more challenging. There is small footpath that goes from Riverbottom Park to Liddell that possibly is on SLC’s fee title land or on their public access land, but the Bluff is right next to the River at that point. He suspects that if they do anything in that area, they will have to have significant support from the adjoining neighborhood. It might only be a footpath for hiking and potentially mountain biking, but not for multipurpose trail. From Riverside down to Camp Pashayan and Highway 99, there is one unknown issue: there is a residential development that is believed to be happening near the Fresno County Horse Park. If it gets built, there may be the opportunity to obtain an easement through there to extend what the Riverside Trail. If this development does not happen, then the Conservancy may be able to work with the land owner to purchase an easement for a trail. We also have talked to the operator of the Fresno County Horse Park to see what his thoughts are regarding the multiuse trail. He is both supportive of the trail and interested in helping where he can on the Horse Park area. The Horse Park land owned by PG&E so any planning will need to involve the utility.

Mr. Shelton discussed progress with the River Vista bridge-remnant removal. The Conservancy is working with both Counties on this project. Fresno County is the lead on building a new bridge at Friant, and we are attempting to get them to

include in their project the removal of the bridge remnants and construction of a parking area. We believe removing the bridge and developing a gravel lined parking area would fit in with the project that they are already working on. However, there is the issue of a bicycle/pedestrian crossing with the new bridge. We will be meeting with County Supervisor Brandau and other County staff regarding this project. We understand that there is some pushback from Caltrans about putting a bicycle/pedestrian crossing along the bridge; yet at their executive level, he believes there is actually a push to include bicycle crossings. It is just a matter of following up on this and getting everybody to look at it the same way. Supervisor Brandau and his staff have all said that they are all very much in favor of making this an efficient project.

Concerning the Circle V property, Mr. Shelton has had several discussions with Native American groups and others about the potential of making it into a Native American Cultural and Environmental Resources Center. This is a preliminary idea at this point, but we are attempting to utilize the two houses on this property. It is an attractive piece of property with a breathtaking viewshed, and has great access to Highway 41. Since it will be slightly challenging to join with the rest of the parkway trails because there is a large gap between that property and other properties we own, using it for an extension to the multiuse trail is not likely at this point. On a related note, the CCC's are almost under contract to do fire abatement at this property, which they have done the past few years.

Regarding the Lost Lake Park Facilities Master Plan, we are currently waiting on the County to put together their grant application for that project. They have lost some staff and have had major turnover, so it has been difficult for them to complete. In spite of this, they would still like to move forward with it.

The last project Mr. Shelton discussed is the potential for an office in the Parkway. There is the possibility to move the Conservancy offices to the Circle V property. If they are remodeled or rebuilt to some degree and brought up to code, one of the houses could make a nice office space. There are a couple of other places we have been were looking at, but currently, it is just an idea that we are brainstorming on. Most likely, this will take a while for anything to happen, but it would be constructive to be in the Parkway at some point.

Mr. Karbassi asked if there were any questions.

Ms. Sharon Weaver thanked Mr. Shelton for the comprehensive report. She stated that the CEMEX project that Mr. Shelton had discussed is a very significant expansion plan for the CEMEX quarry, and the company is currently processing an application requesting a 100-year extension for their operations on Friant Road. She revealed the expansion on the quarry site is to a 600 foot deep gravel pit, which would make it the second largest strip mine in California. She believes it will have major environmental impact to the River, if approved. She urged the Board to direct staff to participate in the environmental review process and comment on the environmental review documents as they are received, with an eye toward

protecting the River system. She mentioned she was concerned that because CEMEX is willing to build a trail, environmental issues related to their project will be overlooked.

Mr. Shelton responded that we will be heavily involved in the environmental review process, and we will discuss any interests or concerns that the Parkway Trust and other partners have about it. He does agree that this is a significant project, and it is something we have to pay very close attention to. Although Fresno County will be leading the decisions, we can raise concerns. We will be working with CEMEX where we can to make sure it fits in with the Parkway as well as possible. We are hoping to go beyond mitigation and ask for some enhancements to the River and Parkway.

Ms. Vance added that she agrees it is a big project, and the Department of Fish and Wildlife (DFW) is watching it closely, not only as a trustee agency, but also as an adjacent landowner. With the proposed depth of the mine, there is the possibility that the underlying hydrology of the river could lose some of its subsurface water as a result of having a lower point of gravity due to having a low pit in the adjacent properties that are owned by the Conservancy and DFW. There are some significant issues that we should be watching as a landowner, in addition to trying to work cooperatively as a neighbor.

G-4 Board Members' Reports and Comments

Mr. Gibson thanked Mr. Shelton for the detailed report, and stated that the way it was compiled with all the maps was incredible and very helpful, particularly during a difficult time when we do not have the ability to meet directly in the boardroom.

H. CLOSED SESSION

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

There were no public comments.

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

H-2 Government Code Section 54957.0 (b) (1)

Public Employee Performance Evaluation
Title: Executive Officer

H-3 CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9
Subdivision (a) of Government Code Section 54956.9.
One potential case

REPORT OUT OF CLOSED SESSION

There was nothing to report on item H-1; and we will update the public with regard to item H-2, at a later time. Concerning item H-3, Ms. Halberstadt reported that the Board agreed to have her draft an agreement waiving rent for Bluff Pointe Golf Course for the number of days it has been closed due to the shelter in place. This is contingent upon Executive Officer confirming the days of the shelter in place, source of income, and whether it is based on per-user income.

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 10:00 a.m. Wednesday, June 3, 2020, 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.

Ms. Forhan adjourned the meeting at 11:43 a.m.

Respectfully Submitted,

DocuSigned by:

BD85257A1B334F2
John M. Shelton
Executive Officer- San Joaquin River Conservancy