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John M. Shelton
Executive Officer

1250.20

STATE OF CALIFORNIA
Gavin Newsom, Governor

MINUTES

WEDNESDAY, OCTOBER 7, 2020
SAN JOAQUIN RIVER CONSERVANCY

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

Mr. Karbassi called the meeting to order at 10:06 a.m. and led the pledge of allegiance.

A. ROLL CALL

Name	Present	Telecon- ference	Absent	Late
Mr. Karbassi	X			
Mr. Brandau				10:04
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. Lukenbill	X			
Ms. Forhan			X	
Mr. Gibson				10:10

Ms. Gavina confirmed a quorum was present.

Legal Counsel Present: Christina Morkner Brown, 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.

Ms. Sharon Weaver, Executive Director of the San Joaquin River Parkway and Conservation Trust (Parkway Trust), commented that she had a question regarding the River West settlement agreement approved during the last meeting. She understood that there is a payment for an easement on the landfill property as part of the settlement agreement. It was noted that perhaps the Conservancy could acquire or spend that money for the easement on their own, although previously, she presumed that the Conservancy did not actually have the authority to do that as a state agency, and only either the Wildlife Conservation Board (WCB) or the Department of General Services (DGS) could approve that sort of transaction. She also inquired about the settlement agreement in the hopes that someone would address it at some point during this meeting.

Mr. Karbassi thanked her and asked if there were any other public comments. With none given, he moved forward to the Consent Calendar.

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 August 12, 2020

Mr. Gibson noted there was a minor typo on page three, paragraph three of the Minutes. The word should have been "irrigated cropland" and not "irrigate cropland."

Ms. Lukenbill added that her name was listed in the Roll Call Vote for the E-1 Consent Calendar, but she was not present at that meeting.

Mr. Frazier moved to approve the amended minutes from Consent Calendar; the motion was seconded by Mr. Janzen. 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. Lukenbill			X
Mr. Gibson	X		

F. REGULAR SESSION ITEMS

There are no regular session items.

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. Weaver mentioned that the Parkway Trust's program staff has been working on virtual field trip programs to give students who are currently attending school virtually, the opportunity to feel like they are temporarily outdoors. Fresno Unified has approved their curriculum for first and second graders. They are working on a third-grade curriculum right now and they are excited about the opportunity to teach some of the elementary school students about the River in a new and unique way. The Parkway Trust also has a family program that they are starting at Sycamore Island. It is a scavenger hunt, which will be available the last three weekends of October, and they are starting to take signups for that now. Overall, they look forward to allowing people to get outdoors and enjoying some time at Sycamore Island with their families.

G-1b. River Tree Volunteers.

Mr. Richard Sloan, Founder of River Tree Volunteers, was not present for the meeting. Mr. Karbassi gave a brief update. He mentioned that River Tree Volunteers recently had another cleanup event, along with the San Joaquin River Socials, which was beneficial since there is a great deal of trash in that area. He added that they are doing a great job.

G-1c. San Joaquin River Access Corporation (SJRAC)

Mr. Barry Bauer shared that they have recently experienced an unprecedented number of public vehicular access attempts along the River and onto their parcels. According to Mr. Bauer, the San Joaquin River Access Corporation has always allowed pedestrians and cyclists access and day-use on their Palm and Nees parcels. They only lock their gate to prevent unmanaged vehicular traffic from entering the area. Specifically over the last five months, May through September, they have experienced nine incidents of their locks and chains being vandalized or cut off on the Old Gravel Haul Road gate. He stated that they are buying their locks by the box and he is presenting these facts for information and planning purposes. He feels illegal vehicular traffic below the bluff needs to be aggressively managed to avoid problems. He also added that Richard Sloan at River Tree Volunteers has a key to the gate and frequently uses the property at Palm and Nees to launch and recover canoes and kayaks for their river cleanup events.

G-2 Deputy Attorney General Report

Ms. Christina Morkner Brown indicated there was nothing to report from the Attorney General's Office but did note that she was back to serving as counsel to the San Joaquin River Conservancy.

G-3 Executive Officer Report

Mr. Shelton mentioned that due to the COVID-19 response, the Conservancy's office at the Fresno Metropolitan Flood Control District is still closed to the public; however, staff still gets into the office on a weekly basis. Also, there have been problems with the phone system. He reminded everyone that they could leave a message with staff, and it would be forwarded to him, or they can contact him via his email address at John.Shelton@sjrc.ca.gov.

He mentioned that the Parkway Trust is up and running again with Sycamore Island. Wildwood Native Park is also open. However, it is important for people to keep social distancing when they are outside and for them to wear masks.

Mr. Shelton focused his update on River West. He presented the core project, which has the multipurpose trail, then showed the Eaton Trail Extension and the parking lot at Perrin Avenue. The Eaton trail goes to each one of the access points. The parking lots are currently at a conceptual level of design. A diagram of the Perrin Avenue parking lot and the environmental impact report was shown. He shared that we do not have full engineering or have the estimated costs, so it cannot go out to bid until the Conservancy is aware of what those bids are expected to be. Furthermore, construction and a construction grant cannot be

approved until that information is known. So, there would need to be a final design and permitting step to continue the process.

Mr. Shelton showed the Alternative 5B access at North Palm and mentioned a more in-depth, detailed design is needed. The City of Fresno referred to this as 60% of design in previous discussions. He indicated it needs to go beyond that to get it to the point where a bid can be put together. Although there is a promising idea of what we want to do with the design, there is work still to be done on the modified Alternative 1. This is very conceptual at this point: the number of parking spaces, a bus parking area and turnaround, and restroom facilities has been approved, but final designs are needed on all three parking areas, all restroom areas, the bus parking turn around and trail, and the roads that go into the bus parking turn arounds.

Mr. Shelton presented a loose budget for the River West Eaton Trail Extension. The first stage is the application development. It will take a while for our collaborator/partner to put in a grant request to do the final design and then put together bid packets. Conservancy staff has had a meeting with the City of Fresno, which seems willing to do this. Andrew Benelli, who has worked on this in the past, and Scott Mozier will start putting together their application for the grant. The reason it will take a while is this has to be timed to be presented to both the Conservancy Board and the Wildlife Conservation Board (WCB). The deadline would be in November to go into our December meeting. However, that would not give staff enough time to make it to WCB's November meeting. The next meeting we can aim for is in February. However, in order to make WCB's February meeting, the Board would need to review and approve it by the end of the calendar year. If it all works out, then staff would need some time to get the grant in place, which would take us to the beginning of April next year. Mr. Shelton mentioned that the estimate from talking to city engineers is about a year to a year and a half for this project to get the final design and permitting. Once all of that is completed, they would send out a bid packet. It seems that the City is willing to help the Conservancy complete this and put in a grant application for approval to build. That will likely not happen until June of 2022. There is some time before it actually goes into the construction phase. Construction can have delays from various things, but if we push on this, we may be able to get the construction done in about a year to a year and a half.

Mr. Shelton then turned it over to the Board for any comments.

G-4 Board Members' Reports and Comments

Ms. Vance asked Mr. Shelton to clarify whether he mentioned if they would need permits from the City of Fresno. To her understanding, she is uncertain if it is needed on state property.

Mr. Shelton agreed, saying that the permits would be for Spano Park and some of their land. One of these would be for easements from the Metropolitan Fresno Flood Control District, so we would work through and possibly hook up to any of their utility systems. Currently, he believes they are all going to be standalone. It

will mainly be to get equipment in and out. The major permits, timewise, will be working with DFW on the Lake and Streambed Alteration permit and potentially a consultation for listed species.

Ms. Vance added that those usually take four to six months. She is hoping that the City's timeline will not push forward the entire project where it does not need to.

Mr. Shelton stated that he believes the main drive regarding time is engineering. The City's engineering staff are understaffed right now. He had a meeting with both Mayor Lee Brand and Mayor-elect Jerry Dyer, and both noted that they could possibly give Scott Mozier's group the ability to hire. He added that there is a freeze occurring with the City because of the budget issues related to the downturn in the economy. However, he feels that if they are getting money externally to do some work, they can move forward and fill these positions. Mr. Shelton noted that filling positions could take a while, especially when interviews are restricted due to COVID-19 precautions.

Mr. Donnelly inquired about the timing. If the City's delay is due to COVID-19 and hiring, is there a specific time frame where the Board should consider hiring a possible private consultant to do this work or the Conservancy?

Upon inquiry from Mr. Donnelly, Mr. Shelton answered that the timeline illustrated was considered with the City moving forward in hiring. He believes if the Conservancy runs this, we will face similar issues regarding the timeline. When the project is looked at in its entirety, it will take a while to get there. He believes when Andrew Benelli shared that final design and permitting would likely take them a year to a year-and-a-half, he was not including hiring. However, Mr. Shelton is hoping that once they get the approval, hiring will begin. Also, there might be some unforeseen delays, but it is to be expected.

Chairman Karbassi addressed Mr. Donnelly's concern and added that there would be support in the administration, regardless of who is mayor. He stated that he would like to stick to this timeline or a faster timeline if possible. He mentioned they would know a lot more about our timeline once the City's budget process is completed in a couple of weeks. By the next meeting, he should have a much better idea of that. The Public Works staff is supportive and wants to help, but Mr. Karbassi expressed that maybe they can wait. Chairman Karbassi told Mr. Donnelly if he had questions, this discussion can be revisited after the budget has been approved to see if they have found a way to allocate those positions because the City is committed to helping the Conservancy move forward. He stated that if that does not happen, the Board can explore the idea of an outside firm. He then opened it up for public comment.

Ms. Sharon Weaver asked if the Board could update the status of the part of the settlement agreement that involves payment to the San Joaquin River Access Corporation for the easement over the landfill. She also inquired if this will be a standard State agreement that requires the grantee to agree to 25 years of operations and maintenance of the project.

Mr. Shelton replied that David Pai, The Conservancy's Department of Justice Attorney, has been handling our settlement discussion and working through some of the issues with the purchase of the public easement. The Conservancy is working through the Wildlife Conservation Board for the funding.

Ms. Morkner Brown stated that her understanding is that the easement is currently going through WCB. They have the authority to enter the easement and then hold that for the Conservancy or transfer the entitlement over to the Conservancy.

Mr. Shelton said that this funding is somewhat different than usual. John Donnelly's staff at WCB are the experts on land purchases and easement purchases, and they are helping us with this process to ensure it is reviewed and acceptable to the State system.

Mr. Donnelly commented that it is consistent with the settlement, in which they are planning to take the easement acquisition to the Wildlife Conservation Board in November.

Mr. Shelton addressed Ms. Weaver's second question regarding the standard State agreement. He stated that it would come up during the construction grant application process. It has yet to be determined who will operate this, either the applicant or potentially one of their cooperators. He mentioned that it had been the discussion, at this point, to make sure we are ready for that stage when it happens. He is currently working to put together a Joint Powers Authority (JPA) with the City and the two Counties, Madera and Fresno. It is possible that the JPA would be the ones who would operate this, but there is a long way to go on discussions regarding the JPA and to find out exactly how to get it in place. Other State Conservancies are part of JPAs that are in place for operations, and it is useful to utilize. However, for it to happen, we will need to go through the process carefully.

Ms. Vance asked Mr. Shelton if a standing agenda item could be added regarding these updates so that the Board could keep track of the progress.

Mr. Shelton said he would aim to do so, but that he would certainly have it in his written report. Hopefully, there is enough to have a discussion, depending on how much information there is. He said Ms. Vance is always welcomed to give him a call. Since this is a very high profile and important project, it will most likely be one of the main things that will be discussed moving forward. Another thing that was discussed was the potential to put together a subcommittee. In the past, that was useful in helping the Board and staff figure out the direction we wanted to proceed, regarding the approval of the Alternative 5B and the performance measures. It would be beneficial to do something similar. There will be questions concerning the final design, but there are a few areas where there is flexibility regarding some of the design parameters. Mr. Shelton recommended a subcommittee be formed, and it be as public as possible.

On another matter, Ms. Vance disclosed that due to the damage of Creek fires, a watershed task force had been formed. She asked if Mr. Shelton is participating in that directly or indirectly because there have been conversations of Ball Ranch

potentially being used as a staging area. She queried if Mr. Shelton could provide her an update on that.

Mr. Shelton mentioned that it was briefly covered in the written report because he does not know exactly how it will fit within the scope of things. The Sierra Resource Conservation District (SRCD) has been working with Heidi West and Rebecca Raus to put together an application to utilize biogas coming from the forest. Mr. Shelton mentioned this was all done before the Creek fire happened. Consequently, there was a lot more biomass coming out of the forest, and it would be advantageous to do something with it. There is already quite a bit of logs stored at Ball Ranch, along the old gravel road and just below the main pond. The concept is to work with SRCD to figure out how to use this for either traffic control to replace fence lines or other things. He spoke to Steve Hayes, the Director for SRCD, and informed him that staff would work with him to figure out what we want to do and how to do this. Mr. Shelton is not certain if he can be directly involved since he is not up in the watershed, but he will be working indirectly with groups interested in doing this. His understanding is that the SRCD has already received a grant to do some of the recovery work that is up there. The Conservancy does not have an application yet demonstrating how this will commence, but Mr. Shelton's intent is to be able to show how the biomass, as either logs or chip material, can be used in areas like the San Joaquin River. He shared that it would also be useful to other areas like county or city parks, such as Woodward Park, Lost Hill, or Winton Park, by utilizing this material as carbon that will keep going into the ground. Furthermore, instead of hauling it 200-300 miles to other regions or burning it as a woodpile or forest fire, it could be used in a more effective way.

Ms. Vance said she was uncertain if they specified it was for biomass at the watershed meeting, and maybe she did not understand the connection. Ms. Vance stated she wanted to bring up another topic that might be of interest to the board and shared that the San Joaquin River flows are probably going to be affected for a while because the SCE projects that feed the Millerton reservoir are not operational or not operating the way they normally do, and in-flows are really affected. She is not sure what that will mean for our properties, but there might be flows atypical for this time of year.

Mr. Shelton added the Sierra Resource Conservation District, at the old Auberry mill site, has a biomass converter for biomass regeneration. They also have a chipper and a sawmill. The Conservancy is not looking to get any power coming from there, but the SRCD is looking for different ways to utilize the biomass coming out of the forest. It would be used as Mr. Shelton previously mentioned. He said that he had had discussions with Madera and Oakhurst SRCD, and a few others. There are many people considering this, and he is hoping that they can do something worthwhile.

Chairman Karbassi asked if there were any more questions from the Board or the public. With none given, he moved to closed session

H. CLOSED SESSION

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

None.

H-1 Government Code Section 54956.8

Consultation with real property negotiators concerning terms of negotiations, including price and terms of payment.

Property: Slenders
Madera County (APNs 048-280-009 and
048-280-011)

Negotiating Parties: Andrew and Arlete Slenders

Agency Negotiators: John M. Shelton, San Joaquin River Conservancy
Daniel Vasquez, Wildlife Conservation Board (WCB)

H-2 Government Code Section 54956.8

Consultation with real property negotiators concerning terms of negotiations, including price and terms of payment.

Property: Lanes
Fresno County (APNs 576-020-01, 576-020-02, 576-020-03, 576-020-04, 576-020-05, 576-020-08, 576-020-09, 576-020-10, 576-020-11, 576-020-12, 576-020-13, 576-020-14, 576-020-15, 576-020-16, 576-020-17, 576-020-21, 576-020-22, 576-020-23, 576-020-24, 576-020-25, 576-020-26, 576-020-27, 576-020-28, 576-020-29, 576-020-30, 576-020-31, 576-020-32, 576-020-33, 576-020-34, 576-020-35, 576-020-36, 576-020-38, 576-020-39, 576-020-40, 576-020-41, 576-020-42, 576-020-43, 576-020-44, 576-020-45 and 576-020-46)

Negotiating Parties: Judith Gagnebin

Agency Negotiators: John M. Shelton, San Joaquin River Conservancy
Daniel Vasquez, Wildlife Conservation Board (WCB)

H-3 Government Code Section 54956.8

Consultation with real property negotiators concerning terms of negotiations, including price and terms of payment.

Property: Johnson
Fresno County (APN 300-250-26)

Negotiating Parties: Erick Johnson

Agency Negotiators: John M. Shelton, San Joaquin River Conservancy
Daniel Vasquez, Wildlife Conservation Board (WCB)

REPORT OUT OF CLOSED SESSION

Ms. Morkner Brown reported that there were no final decisions on any properties.

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 6, 2021, 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. Karbassi adjourned the meeting at 12:06 p.m.

Respectfully Submitted,

DocuSigned by:
John M. Shelton
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John M. Shelton
Executive Officer- San Joaquin River Conservancy