

**Sacramento River Conservation Area Forum
Board of Directors Meeting
Summary**

May 20, 2010
3:00pm

Monday Afternoon Club
Willows, CA

Chair Brendon Flynn called the meeting to order at 3:00 p.m., followed by self-introductions. It was determined there was a quorum of voting members present (underlined). Names listed in parentheses represent absences.

<u>County</u>	<u>Public Interest</u>	<u>Landowner</u>	<u>Agency (non-voting)</u>
Butte	<u>Jane Dolan</u>	<u>Shirley Lewis</u>	
Colusa	<u>Gary Evans</u>	(Walt Seaver)	
Glenn	<u>Leigh McDaniel</u>	<u>Don Anderson</u>	
Shasta	<u>Glenn Hawes</u>	(Dan Gover)	
Sutter	<u>Stan Cleveland, Alt.</u>	<u>Brian Fedora</u>	
Tehama	<u>Ron Warner</u>	<u>Brendon Flynn</u>	
Yolo	<u>Lynnel Pollock</u>	<u>Marc Faye</u>	
Resources Agency	<u>Jim McKeivitt</u>		
DWR			(Curtis Anderson)
DFG			Sandy Morey
Central Valley Flood Control Board			(Lady Bug Doherty)
USFWS			Kathy Wood
USACE			(Alicia Kirchner)
Bureau of Reclamation			(Buford Holt)
SRCAF: Executive Director	Beverley Anderson-Abbs,	Resource Conservation Assistant	Rob Irwin, and
Administrative Assistant	Ellen Gentry.		

Other identified attendees: Russell Young (Farmer, Past SRCAF Chairman); Mike Inamine (DWR); Scott Rice (URS); Ralph Keeley (Field Representative, Congressman Herger's office); Denise Rist, (CA Dept. of Parks & Recreation); Tony Chappelle (WCB); Lewis Bair (RD108); Kelly Moroney (USFWS); Gregg Werner (TNC); Greg DeYoung (Westervelt Ecological Service); Tom McCubbins (TCRCD); John Merz (SRPT); Les Heringer (M&T/Llano Seco Ranch); Tamara Miller (MPM Engineering); Quene Hansen (City of Chico); Jeff Sutton (TCCA); Kim Davis (Senator Aanestad's office); Ashley Indrieri (Family Water Alliance); Dan McManus (DWR); Barbara Castro (DWR).

1. Unscheduled Matters

Brendon Flynn presented Russell Young with a Certificate of Appreciation in recognition of his outstanding leadership as a member of the SRCAF Board of Directors for 2000-2010. Russell has served as Chair, Vice Chair, Secretary/Treasurer, Past Chair, and Landowner Representative for Sutter County. Russell addressed the group briefly saying it has been an interesting ten years. SRCAF has survived and will go a long way in the future. He thanked the Board and wished them much success.

Tony Chappelle reported WCB is considering two projects for funding on Thursday: 1(Codora Riparian Restoration and 2) the South Bonnyview Fishing Access Improvements, considering allocation to the City for improvements to South Bonnyview access (boat ramp). Codora has been to the TAC and Board for letters at various phases, the South Bonnyview project has not been.

Stan Cleveland, Alternate for James Gallagher, asked about receipt of Board packets. Packets to Board members are mailed ten working days in advance of the meeting. It is the duty of Board members to pass the materials to the alternate and see that they are kept informed.

2. Consent Calendar

Ron Warner moved to adopt the minutes of the March 18, 2010 Board meeting and accept the Executive Committee meeting notes, seconded by Don Anderson. Leigh McDaniel questioned the procedure for acceptance of the Executive Committee notes. Brendon deferred to formality. Jane suggested using the word "received" rather than "accept". Ron and Don amended the motion and second to read "and the Executive Committee notes for March 18, 2010 were received by consensus". Motion passed, with the abstention of Stan Cleveland.

3. Board Member Reports

Sandy Morey reported that DFG and USFWS are working together to allocate staff to work on permit streamlining to help facilitate restoration on private lands. They are looking at where the most need is for those types of projects.

Stan Cleveland reported the Sutter County Board of Supervisors will be doing outreach for levee repair and upgrading at Lower Butte Creek - Sutter Bypass. Assistance is needed with the Sutter Bypass relief valve and flow easements need to be adhered to. There is a large amount of sediment in the Bypass that will have to be addressed to maintain flows. More information will be forthcoming. It was recommended someone come to a TAC meeting for discussion and to maintain contact with staff.

Ron Warner reported that Tehama County is hoping to see work on the Kopta Slough project. A bridge project on Dibble Creek was approved Tuesday. Work is being done in the creek bed for relocating the bridge. Mitigation needs for this project have become very expensive.

4. M&T Pumping Plant

Les Heringer distributed copies of a letter, written to Brendon Flynn, to Board members and presented a slide show on the history of the pumping plant. According to the letter, "In January 2010, soundings were conducted to determine the extent of the on-going sedimentation around the pumping plant and fish screens. It was determined that sedimentation is moving downstream below the surface of the water and will soon encroach upon the pump's fish screen and intake structure." The letter goes on to say, "The new sediment must be removed by an underwater dredging operation." Costs for this process are undetermined.

Les requested a determination of this part of the river as a "hard point", (citing page 1-5 of the SRCAF Handbook, in reference to Bank Stabilization). In reference to the M&T letter (pg. 2, 5th paragraph), the request is for "a determination from the Board of Directors that the existing infrastructures on the river, that provide water supplies to significant acreages of agriculture, private, state and federal wetlands and a city's sanitation plant outfall, providing for public health and safety for 100,000 residents, be considered 'hard points' and 'is deemed necessary and appropriate to be protected from river movement.'"

Discussion centered on the pumping plant already being considered a hard point, with or without a letter from the SRCAF Board. Stan pointed out that hard point on the opposite bank is another responsibility, and disagreed about declaring it as a hard point. Alternatives exist.

John Merz stated we are not seeing the complete picture. Riprap is already in place on both sides of the river. The EIA is not done, and this presentation and request are inappropriate and misleading. Les is asking to shorten the process, which is an insult to the process. A more in depth discussion is necessary.

Jim McKeivitt added that without the environmental studies, an alternative cannot be endorsed. The Forum should not take any action until the studies and environmental documentation are complete, especially when talking about hard points and protection from erosion. We need to know what we are supporting.

Ron Warner added that this issue would have to be set as an action item. It is for informational purposes only today. The definition of action items was reviewed.

Kathy Wood asked for an update on where M&T is with the environmental work at the next Board meeting.

Gregg Werner gave a summary of a meeting with Assemblyman Nielsen at which it was agreed that TNC would investigate the potential to amend the Conservation Easement on the Shaw property and that a meeting of Stakeholders would be held to reestablish the information and look at the alternatives to move the CEQA/NEPA process forward. He requested that the Forum hold the meeting.

Jane made a motion that it is within our plan for staff to convene a meeting of stakeholders so that this can be on the agenda for action at the next Board meeting, seconded by Ron Warner. Leigh McDaniel added that the

motion should address both M&T Ranch and the City of Chico, and state that the Board would give consideration for an action at the next Board meeting. It was determined that was the intent of the motion. Jane indicated the action did not necessarily have to be for a letter, it could be a resolution or finding, but it needs to be on the agenda so that the public knows we are considering action for this item. She said there will be no assumption as to what the vote will be. Motion passed.

5. Assemblyman Nielsen Letter to the Editor

Ron Warner asked Beverley for a summary of the meetings with Assemblyman Nielsen. Beverley and Board members (Brendon Flynn, Jim McKeivitt, Glenn Hawes) have had four meetings with Nielsen, and he called Tuesday, prior to the Board meeting, to clarify his intent regarding his Letter to the Editor. He indicated that his intent was directed at TNC and that he would like to attend a Board meeting to clarify that personally, but was unable to attend today.

Gary said he had also spoken to Nielsen, but got a different story. In reading from a 2005 letter addressed to Burt Bundy (copy not made available), he said Nielsen was not happy with the position we've taken over the years – a one sided support.

Ron said he also had a conversation with Nielsen, similar to Beverley's. He had indicated he had no problem with SRCAF and that he wanted to come before the Board to clarify his position.

Ashley said the SRCAF needs to be more landowner friendly and that we need to change the track we're on. She said this is not what Nielsen intended and that numerous times he has reiterated that.

Brian also read from a letter (copy not made available) and said we can't reinterpret Nielsen's letter; it's clear we need to have an open mind.

Jim said Nielsen recognizes we are a Forum, not a regulatory authority; that is our function. He reminded Nielsen that our agency Board members are ex officio and have no vote; there is only one who represents the public interest at large. Nielsen recognized the role of the Forum; but people expect us to become an approving agency. We find projects that go through the process either do or do not meet the standards as set forth in the Handbook. SRCAF is neutral.

Brendon said we will anticipate the Assemblyman attending in the future when his schedule and the agenda allow. He indicated Nielsen has indicated to him that he had some level of frustration with past activities but he has hope in positive, future outcomes.

6. Safe Harbor

This agenda item was sent to staff as an action item after the original agenda and board packets were sent, due to the short notice on the amended agenda it was included as informational. Discussion ensued regarding SRCAF administering the Safe Harbor. There was some confusion as to whether SRCAF would be serving as a regulatory authority or the permit holder of the SHA. The idea of SRCAF serving as the permit holder was to act as the liaison between the landowner and agencies, allowing landowners to access the regulatory assurances without direct contact with agencies. Brendon recommended the Board review the SHA for the responsibilities of the permit holder which are outlined pretty clearly in the document. The document is available on the SRCAF website: <http://www.sacramentoriver.org/SRCAF>

Shirley asked about the Good Neighbor Policy replacing the SHA. The SHA is addressed in the Good Neighbor Policy (Adopted March 15, 2007), indicating that the SRCAF would be the permit holder.

Jim reminded the group that the current Working Landscapes grant was approved by the Board, which included funding for development and implementation of the SHA.

Shirley expressed concerns about the SHA as related to the Cattlemen's Safe Harbor for Butte, Shasta, Tehama, and Glenn counties. She said that landowners found out about it by people coming on their property to establish baselines. She read from an attorney's letter (copy not made available) regarding the Cattlemen's SH indicating language that could have consequences on or near properties.

Jim noted that the voluntary agreement only affects neighbors regarding the Endangered Species Act; landowners wanted assurances in order to do restoration. Shirley added that there is protection in the Right to Farm Act. Stan said the SHA is an excellent product and asked if it was possible for another entity to serve as the permit holder.

Gary moved that the Board direct staff to pursue where the process is and see if it is possible to find another permit holder for the SHA; Ron seconded. Jim objected to any action since it was not on the agenda as such and Board members should have the opportunity to be here. He requested DFG and USFWS speak at the next meeting. Brendon suggested exploring the possibility if the Board were to remove itself from this agreement. Staff was directed to bring back information to the full board for options. Marc asked that staff prepare a review of the SHA timeline for the full board, noting that the Board previously agreed to the SHA, and would rather see a review of the implications of administering the program. Gary added that all this information would be inclusive in the request to staff as indicated in his motion.

Motion passed with three no votes: Jim McKeivitt, Marc Faye, and Glenn Hawes.

Additional questions from the audience included how the policy is run as a 501(c)(3), and the Status of the SHA biological opinion at USFWS. Kathy Wood noted the SHA was submitted to the Federal Register, the comment period closed in April and that she will find out the status of the biological opinion next week.

7. Activities

In consideration of time constraints, Beverley stated that her Board Report, provided in Board folders, could serve instead of her making a formal report of activities. Please direct questions to staff via email regarding the Board Report.

She also pointed out (under item #5) that landowner assistance is being requested with a small private restoration, within the Bend Area in Tehama County. The landowner would like a baseline survey done for elderberry and possibly other species under the Safe Harbor so that he will be eligible for the Incidental Take Permit once the program is in place. Also, a Shasta County landowner is interested in a baseline survey as a project to reconnect a side channel that was blocked years ago moves forward. The landowner is also interested in some habitat restoration. Staff is meeting next Thursday to look at the channel.

Rob has been preparing a landowner incentive library, which is available on the SRCAF website. This will be presented at the next Board meeting.

8. Strategic Plan

Jim McKeivitt moved that staff move deliverable dates forward by one year to account for the time lost beginning January 2009, seconded by Glenn Hawes. Motion carried.

9. Board Committee Reports

The Executive Committee reported insurance companies have been contacted and estimates have been received (see Board Report). CSUC Research Foundation holds liability coverage for all SRCAF activities. Beehive Insurance (Great American Insurance Company) has a D&O only coverage available. All other estimates included the cost of General Liability coverage.

Beverley has contacted CSUC RF regarding a request of funds from the grant for insurance. It would be appropriate to make that request from DFG as well. Marc suggested putting it off until such time that the Safe Harbor Agreement is in place. Jane suggested a risk assessment before buying and indicated that she would inquire the CSUC RF representative talk to the Board. Ron agreed.

Jim reported the Financial Capacity Committee met in April regarding base funding. The meeting resulted in the need to analyze and separate Strategic Plan goals for beneficiary sources. Jim is planning another Committee meeting.

The Bylaws Committee met and provided a markup of proposed bylaw changes to the Board. Changes were reviewed. Any additional changes were to be sent to staff ASAP. The Board recommended action at the next meeting.

Beverley gave a brief TAC review. State Parks has withdrawn their request for letters regarding PT149 and PT148. No action is required. Tom McCubbins, Tehama Co. RCD, was highly recommended and has

volunteered to serve as TAC Chair, replacing Ryan Bonea. Brendon accepted Tom as TAC Chair on behalf of the Board. Denise Rist, CA Dept. of Parks and Recreation, will continue to serve as TAC Vice Chair.

10. DWR/DFG Response to Corps Levee Vegetation Policy

Mike Inamine, DWR, provided information regarding the DWR and DFG response to comments on USACE levee vegetation policy. The joint comment letter (provided) reflects the importance of coordinating public safety improvements with protection of fisheries and wildlife habitats associated with Central Valley state-federal flood protection system.

The CVFPP coming out in 2012 is a system wide approach. DWR and USACE have been collaborating over many years, but there are disagreements with how to manage vegetation. The USACE no-vegetation on levees policy led to the Roundtable in February 2009, providing a balanced approach to interim levee management while the CVFPP is being prepared. The USACE issuance of the 2009 ETL 1110-2-571, coupled with the proposed national Vegetation Variance Process, were a cause for concern by DWR and DFG.

Codified and mandatory requirements were to strip all vegetation off levees before going through a variance. Project levees are to be free of vegetation aside from perennial grasses, unless you receive a variance. The letter states, "DWR and DFG accept the concept that new levees should be constructed and maintained in compliance with the ETL, but a more regionally adaptable approach that recognized the integration of woody vegetation is imperative for existing levees."

Vegetation can be incorporated into safe levees and has been done successfully in the past. Drilling programs are being conducted to understand what is under these levees so strategic decisions can be made. Information is being gathered. Comments are posted. The framework agreement between resources agencies, DWR and USACE that vegetation remain on levees until the 2012 plan comes out has inherent value. Unless it impairs public safety, it would stay in place. The levee repairs program is responsible for critical repairs.

Basic issues included much of system being comprised of legacy levees and removal of some vegetation would ruin levees. The cost to undertake removal was estimated between \$6.5 and \$7.5 billion. In a risk factor analysis, woody vegetation is way down on the list. Risk factors that are the worst will be addressed first. Clear cutting could result in unintended public safety consequences, resulting in under seepage, through seepage and erosion. Stripping levees would also be devastating to the environment. The biggest issue would be the burden of complying with environmental laws shifting to the state. Variance and ETL discretionary actions are taken by the federal government.

Jim asked if USACE has indicated action if locals didn't remove or refused to remove vegetation. Mike said the PL84-99 status would be maintained until 2012. Levees not in compliance can be uncertified, removed from FEMA and PL84-99 after 2012. Jim asked about planting for mitigation. Mike said the State could decide to do the work alone if there is a critical repair but that is a difficult path. Money already spent is at risk too. Districts are very supportive and renegotiating biological opinion on work already paid for. If we had to remove mitigation planting, it would be a disaster.

For more information contact Mike Inamine at (916) 574-1481, inamine@water.ca.gov.

11. Next Meeting Date

The next meeting date was set for July 15, 3:00-5:00PM, at the Monday Afternoon Club in Willows.