

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

September 16, 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.

County	Public Interest	Landowner	Agency (non-voting)
Butte	<u>Jane Dolan</u>	<u>Shirley Lewis</u>	
Colusa	<u>Gary Evans</u>	<u>Walt Seaver</u>	
Glenn	<u>Leigh McDaniel</u>	<u>Don Anderson</u>	
Shasta	<u>Glenn Hawes</u>	<u>Dan Gover</u>	
Sutter	<u>James Gallagher</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			Mark Cowan
Bureau of Reclamation			(Buford Holt)

SRCAF: Resource Conservation Assistant Rob Irwin, and Administrative Assistant Ellen Gentry.

Other identified attendees: Assemblyman Jim Nielsen; Ralph Keeley, Field Representative, Congressman Herger’s office; Kelly Moroney, USFWS; Dan Frisk, USFWS; Kathy Brown, USFWS; Jan Knight, USFWS; Gregg Werner, TNC; Tom McCubbins, TCRCD; John Merz, SRPT; Les Heringer, M&T/Llano Seco Ranch; Tamara Miller, MPM Engineering; Tom Varga, City of Chico; Jeff Sutton, TCCA; Kim Davis, Senator Aanestad’s office; Ashley Indrieri, Family Water Alliance; Aric Lester, DWR; John Blacklock, Citizen; Barbara LeVake, SVLA; Rebekah Funes, CSU Chico; Bill Graves, Landowner; Todd Manley, NCWA; Todd Hansen, Tri County News.

1. Unscheduled Matters

Assemblyman Jim Nielsen

2. Consent Calendar

Jane provided copies to the Board for an amendment to the May 20, 2010 Board notes (page 2 re: M&T Pumping Plant, striking the last paragraph) to read: “Jane commented that while it is understood staff has the ability under our work plan to convene a meeting, the Board directs that staff place on our next agenda an action item the consideration of determining the M&T/Llano Seco Wildlife Pumping Plant to be a Hard Point as described in the Handbook. Leigh McDaniel commented that this agenda item should include the sewer outfall of the City of Chico. Jane accepted that as a friendly amendment and to be part of the motion and Ron, as second to the motion, agreed. In discussion, Jane commented that the determination could be in the form a finding of the Board, a letter to be directed to certain parties, a Resolution or some other form, but this consideration needs to be placed on our agenda as an action item so that public is informed and the Board can take action. Motion passed.”

Ron Warner moved to adopt the amended minutes, of the May 20, 2010 Board meeting, seconded by Jane Dolan. John Merz took exception, reporting that a stakeholders meeting was requested at the last meeting. Motion passed.

Marc Faye moved to receive the Executive Committee notes of May 20, June 17 and July 17, seconded by Ron Warner. Gary requested clarification of the AB1233 “Ex-Officio” term change needed in the Bylaws (June 17 Ex. Com. Mtg. notes under Unscheduled Matters). Under the new legislation, SRCAF cannot have Ex-Officio Board members that are non-voting. A new term needs to be used so that they can remain at the table without voting. This will be covered under the Bylaws agenda item today. Clarification was also requested about the approval of questions for the hiring process (July 17 Ex. Com. Mtg. Notes under Hiring Committee for Manager). Interview questions are developed by the Hiring Committee and are approved by the CSUC Human Resources department. Motion passed.

3. Board Member Reports

Curtis Anderson, DWR, reported Scott Rice has information on FloodSAFE activities, which will be provided to Ellen. It was noted that under the CVFED Program, residences receiving flood protection from state levees will start receiving informational brochures in late-September, explaining the flood control system and risk of flooding.

4. Bylaws

Bylaws Committee Chair Jane Dolan reported that copies of the marked up amended Bylaws were made available to the Board. She reviewed the requested amendments in detail. Discussion followed.

Jane moved to add “or adjacent to” (Article 2, Section 2 paragraph 1), add “or Alternate(s)” throughout document where Director(s) is mentioned, and update names and agency offices held (Article 2, Section 2, paragraph 3); seconded by Leigh McDaniel. Motion passed.

Jane moved to make the quorum change (Article 2, Section 5), seconded by Jim McKeivitt. Lynnel Pollock noted that this may include the appointed alternate. The motion was amended to include “or alternates”. Motion passed with Leigh McDaniel and James Gallagher opposed.

Marc Faye reported the Bylaws committee worked on these Bylaw changes and it was mailed out. He objected to spending so much time on it. Jane responded there was not a strong consensus on committee changes.

Jane moved to adopt language regarding un-excused absences (Article 2, Section 7), seconded by Ron Warner. Motion passed with Leigh McDaniel opposed.

Jim moved to include “within the county that appoints them” (Article 2, Section 2, paragraph 2), seconded by Marc Faye. Motion did not pass.

Final copies of the Bylaws will be sent to the Board and Advisory Committee.

5. M&T Pumping Plant

Assemblyman Jim Nielsen thanked the Board for allowing him to speak and gave opening remarks regarding M&T and SRCAF, providing Ellen with a formal letter. He reviewed the varied interests and affected parties regarding the Delta, and the first Delta task force. He noted similar problems happening in the North state at that time and the need for involvement and communication. As a result, the Forum was formed, and here we are 25 years later. He stressed his appreciation for the Board’s dedication. The original vision included landowners, farmers, city and counties along the Sacramento River, not solely dictated by government and agencies. The Forum is greater today than it was then. He has kept in touch with what is going on, giving input, attending meetings and

talking about his vision. He said he has no formal role other than history, but offered facilitation with landowner needs and concerns in order to be good neighbors.

Jim stated there needs to be a declaration of hard points for Llano Seco Ranch, M&T Ranch and the City of Chico. M&T affects thousands in the City of Chico. Not doing so would be harmful to the future of the Forum and he argued that this group should be kept as a Forum. He suggested that the Forum could become a conservancy with some consideration. A model is something he has interest in and he has partnership with the Sierra Nevada Conservancy area. He expressed his respect for multi interests. Brendon was also interested and will be meeting with him tomorrow.

Jim was impressed with how seriously the Board takes its responsibility and the mission of the SRCAF, noting the Forum is a force. He also thanked the state and federal agency representatives for their effect. He viewed the Forum as an important place and thanked the Board again for their dedication and help in the future. He said, "This is not about legacy, but about our grandchildren; it's wonderful we can do something about that."

Brendon commented that the meaning of Nielsen's Letter to the Editor regarding SRCAF has been affirmed today. Leigh asked how Jim saw the Forum's potential role with IRWMP. Jim said it is complementary and integrated with what they are trying to achieve. It is inseparable with what SRCAF is about. He suggested conjoining in this respect, attending their meetings and inviting them to come to ours. He encouraged the group to continue negotiating to work problems out and to work together. Jim offered to facilitate in any way possible.

Glen Hawes moved to send a letter as requested designating the M&T Pumping Plant and City of Chico Outfall facilities as "hard points" to be protected from river meander, Jane seconded.

Discussion ensued. A timeline of the pumping plant was submitted by staff to the Board. Jim McKeivitt noted the SRCAF Handbook says to protect if appropriate. He added that studies are not complete. Brendon added that how it will be protected has not been discussed. Les added that moving the pumping plant is out of the question. Curtis asked if this is the first determination of a formal list of hard points. Brendon noted the language in the Handbook is "limiting meander where appropriate, such as" and not necessarily an individual definition; Hamilton City, Woodson Bridge, Butte City Bridge, and the Glenn Colusa Irrigation District's intakes were offered as examples.

Brendon reviewed email and correspondence in Board packets from TNC, Eric Larsen, M&T and the City of Chico. The letter from the City of Chico clarified both the City of Chico Water Pollution Control Plant Outfall and Diffuser installed in 1961 and the City of Chico Water Pollution Control Plant Outfall and Diffuser installed in 2010.

Jim questioned the implications of protection, which alternative will be chosen and effects it will have on the river. Les commented that the Environmental Review will explain that. Jim noted that that environmental review would include determining the best alternative for protection.

Brendon reviewed the process. When a project is proposed, it goes before the TAC for review, provides EIR/EIS documentation, then comes before the Board where it is determined if it meets the principles and guidelines of the SRCAF Handbook.

John Merz added that the process in place needs to be respected and that there are multiple objectives. He added that, until now, the general public has not had an opportunity to review this project. He recommended the Board stay cognizant of the process and that all stakeholders should be involved, consequently it is inappropriate to resolve this issue today.

Barbara LeVake was in support of the motion and encouraged the Board to act accordingly and support unanimously.

Jeff Sutton expressed his support, talked about partnership projects and noted that this is a landmark moment for the Forum.

Tom Varga commented on the cost to move the City of Chico outfall and expressed his support of the motion as well.

Todd Manley indicated interest in protecting hard points. He added that there are critical enhancement of resources locally for this project and that it should be rewarded as an example.

Gregg Werner asked if this action endorsed one of the alternatives that will be considered in the assessment. If there is no endorsement, there is no issue. He asked for clarification on the motion.

It was clarified that this motion is not supporting an alternative at this time. Shirley Lewis asked for a roll call vote. Motion passed.

Brendon and Jane both thanked Les for the on site visit and dinner.

6. Safe Harbor

Brendon reported that staff provided the Board with a timeline on the Programmatic Safe Harbor (SHA), dating back to 2000. The Agreement has been online for months, is in the Federal Register and ready for signature. An informational workshop was held August 11 to answer questions from members of the Board, but attendance was limited. Previous concerns brought up during the extended comment period had been addressed and information was mailed in packets along with an amended version of the agreement to address those items. He noted that the Board had ample opportunity to comment on the SHA and should limit further discussion and take action.

Gary Evans questioned the use of the word “must” (Page 11, Section 6. “Neighboring Landowner” Agreements, fifth paragraph, second sentence) when Cooperators choose to terminate a Cooperative Agreement. Gary felt the language locks the neighbor in if the net benefit needs to be realized.

Curtis noted that this concern had been addressed at the workshop; and that the language meant that if the original cooperator opts out and a Neighboring Landowner wants to stay in, then the Department would have the discretion to allow the continuation of the agreement. But it did not mean that a Neighboring Landowner would be barred from voluntarily terminating the agreement. Kathy Woods clarified that the Department would make the determination based on whether allowing the Neighboring Landowner to remain in an Agreement would continue to provide a net conservation benefit to the covered species.

Kathy said the legal agreement says landowners are always entitled to terminate the agreement, and in the process would be allowed to return the property to baseline conditions without violating the ESA. Kathy Woods said the Agreement could have used the word “will”. Sandy Morey noted the next paragraph clarified the intent being suggested. Curtis suggested amending the language to clarify the intent of this section by using the word “will”.

Jane Dolan said the Agreement is presented from the agency’s perspective. Landowners haven’t had someone to represent what wording would be used. Brendon said that landowners had the opportunity to wordsmith the document at the workshop.

Gary contended the Forum shouldn’t administer the SHA, but instead, the state association of resource conservation districts would be an appropriate administrator.

Jim McKeivitt moved to approve and sign the SHA document as written, seconded by Marc Faye.

Jane said we don’t have language that’s amenable to those with concerns and that this puts the Forum in a place of regulatory function.

Jim amended the motion to table this agenda item and have all seven landowners to work on language. James noted that landowners should be served by an attorney who would review the SHA, and added that the SRCAF should be going forward without consensus.

Jim noted we have been working on landowners’ assurances from endangered species for many years. The only way to get this done is through a Section 7 or an SHA. He reiterated it is a voluntary agreement.

Lynnel commented that in the Handbook there's talk about permit streamlining. It is also mentioned that SRCAF will pursue a SHA for landowners. There was a lot of consensus and buy in from people in the area, including the Landowner Assurances Committee and the history dating back to 2000.

Gary discussed bonded or insured approved projects and true neighboring landowner assurances. Brendon noted the SHA can't cover predation. Marc added that we are enhancing concepts along the river; facilitating is in line with what we're supposed to be doing to continue enhancement. Jim added that the SH gives assurances from what landowners need; there is no down side. Lynn commented that representatives in Yolo County have had a SHA program administered by another non-profit for four or five years and that there was never any opposition or comment about it. It has been available for landowners to use, and certainly did not cause this type of discussion.

Kathy Woods was asked if she was aware of any problems brought up with existing SHAs. She said there has not been a problem anywhere in the country. James felt we should be asking landowners instead. Brendon reported that there are already some that have expressed an interest in voluntarily enrolling. Ron has been approached by landowners in Tehama County in favor of the Agreement. Leigh said he has had more than a few opposed. James commented that volunteer action could have impacts on those who don't get involved. Brendon commented that has already been happening with endangered species and nuisance pests.

Funding and quotes are available for liability insurance. Jane suggested asking agencies if there are other appropriate agencies to administer the Agreement. Brendon noted that a portion of one of our grants speaks to the SHA. SRCAF will be obligated to work toward this Agreement by taking money for the grant.

Lynnel seconded Jim's motion to table this agenda item. Motion passed with Leigh and James opposed.

7. Board Committee Reports

The SRCAF Hiring Committee is scheduling interviews for Sept. 24. Committee members include: Shirley Lewis, Lynnel Pollock, Brendon Flynn, Jim McKevitt, Leigh McDaniel and Walt Seaver. Leigh is unavailable Sept. 24, but will send in his candidate list. Ellen and Rob are understaffed. Ellen arranged for a Certificate of Appreciation to be made to Beverley Anderson-Abbs at the DWR All Employees meeting, Sept. 13, in Red Bluff. Brendon attended and made the presentation.

The Financial Capacity Committee is looking at watershed, conservancy, DOC, CVPIA and 3406(b)(1) other grants. The current grants end March 31, 2011.

Tom McCubbins, TAC Chair, gave the TAC report for the Aug. 3 and July 6 meetings. Meeting notes can be seen in their entirety at www.sacramentoriver.org/srcaf. Former TAC Vice Chair Denise Rist has changed jobs. Michael Fehling has taken her place and is recommending Laura Westrup as the new TAC Vice Chair.

8. Next Meeting Date

The next meeting date was scheduled for November 18, 3-5:00PM, at the Monday Afternoon Club in Willows. Several Board members will be unable to attend. Ellen was asked to poll the Board for additional meeting dates (Dec. 2 or 9), and notify the Board accordingly. Since this time, the Board recommended December 9 as the next meeting date.