

MINUTES OF REGULAR MEETING

Reclamation District No. 341
Sherman Island

9:00 a.m.
Tuesday, February 13, 2024

306 Second Street
Isleton, California

The Board proceedings are also available via tele-conference, and you may participate in Public Comment in this manner. If you wish to comment, please speak and your comments will be considered. Members of the public are encouraged to observe and participate in the teleconference. District directors and members of the public may participate in the meeting using the telephone conference line listed below. Conference Line Number: 1-877-336-1829 Access Code: 3653607

CALL MEETING TO ORDER

Trustee Rob Black called the meeting to order at 9:03 a.m. Jesse Barton conducted the meeting. In an effort to control the discussion, the Board will speak, followed by District staff and employees, and the public will have the final opportunity. He called roll call. Present: Trustees: Jas Gill, Mark Icanberry and Rob Black; District Attorney: Jesse Barton; Accountant: Perla Tzintzun-Garibay; Engineer: Martin Berber and Neil Favor; District Manager: Morgan Johnson; District Superintendent: Joel McElroy; DWR: David Julian and David Baron; Landowner(s): Joshua Cabral, Jamie Renwick, and Ceci Giacomia; District Secretary: Cindy Hill

PUBLIC COMMENTS

Jamie Renwick reported human excrement along the levee road. It is located right before you get to the County Park.

DISTRICT MANAGER'S REPORT

Morgan shared that District had a high-water wind event. Ed and Tim patrolled that night. The power was out. Delta Division (DWR) put gravel on the leak at the #1 discharge pipe. Tara notified the District that the air resource program has been moved to March. The fence issue under this agenda item will be discussed under agenda item #11.

APPROVAL OF MINUTES

The Board reviewed the minutes of the regular meeting January 9, 2024 and Special Meeting of January 31, 2024. It was MSP (Jas Gill/Mark Icanberry) to approve the regular meeting minutes of January 9, 2024, and Special Meeting of January 31, 2024, as written. This passed 3-0.

ACCOUNTS PAYABLE AND RECEIVABLE

Perla Tzintzun-Garibay reported the accounts payable for February 13, 2024. The transfer of \$155,000 from the general fund is required to cover the current months' cash

disbursements pending approval of \$115,795.25. Financial statements reflect an ending balance of \$55,279.08 after the before mentioned transactions are approved.

Notes:

- 01/16 Check 10941 to AT&T Mobility for \$223.57, due to timing of due date
- 1/19 ACH payment to Kludt Oil for \$2,265.94
- 1/24 Deposit \$571.32 – Assessment payments (Charles McCaslin \$37.93) (Steve Cardone \$150), RD 536 Jan rent (\$131.67), RD 1601 shared habitat payment (\$251.72)
- 2/07 EFT to PERS for \$4,392.51
- 2/13 Payroll E-check to Mark Icanberry: Gross \$700, Net \$638.75

Balance in general fund account \$31,031.74

Perla reported PG&E is high due to a wet January. Ceci inquired about the high cost of repairing the tires. Martin said the tires were for the backhoe. Perla sent the financials to the Board prior to the meeting for their review and Rob Black signed off on the invoices. Jas Gill asked if Perla had been in contact with Vincent on the DWR invoice. She said she will send an email asking for status. It was MSP (Jas Gill/Mark Icanberry) to approve the February 13, 2024, accounts payable, transfers, and submitted invoices. This passed 3-0.

ASSESSMENT CALL NO 27

Perla reported outstanding assessments include Malladi for 2022 & 2023. There is a recorded lien against Malladi's property. Calpine has committed to having the payment in today. The District will not continue to send notifications due to the amount of outstanding assessment for each owner.

RENEWAL OF SUBLEASE WITH RD536

Jesse Barton presented an extension of the lease agreement to RD 536 for 5 years. This is consistent with the primary rate. There is a \$25.00 increase in rates. Jess recommends approval. It was MSP (Jas Gill/Mark Icanberry) to approve the sublease to RD 536.

NEW ASSESSMENT PROP 218

Jesse Barton recommended the Board table this item until additional documentation is received. The Board agreed.

VIOLATION OF DISTRICT RULES AND REGULATIONS

Martin Berber reported he sent a notice of violation to DWR on two DWR parcels – lack of /inappropriate cattle fencing was cited. He said the District gave DWR 30 days to resolve the issue. He received an email from Vincent Wong in response to the violation. Vincent communicated with the tenants. Martin does not think DWR is going to do anything on it as it is too burdensome for DWR and the tenant. Martin said these are non-conforming encroachments and the leases have been in place since 2009 prior to the establishment of the rules and regs. Jesse said just because rules may not have been enforced back then does not mean they cannot be enforced now. Morgan said the land

has been pastured since 1990. Jesse said the Board can give DWR more time or we can take enforcement action. Jesse recommended the Board digest the situation. Jas said he thought 30 days' notice was too short – DWR typically needs more time to make decisions (he estimated 60 days). Rob Black asked how this has been dealt with the Delta Field Division. Jas said that this is done through the Real Estate Branch and needs to be coordinated with DWR. Joel said the fence was installed when the Antioch Bridge was constructed. Martin said this is 4,139 feet of fence. DWR has looked into the situation. DWR has to go back to the agreement with the tenant.

Jesse will collaborate with Martin and Neil to draft a response to Vincent's email. We may give more time, but the situation needs to be addressed.

Neil Favor spoke on Campos: Joel notified WBE that Mr. Campos was importing fill to his property again; he is stockpiling it on the levee section. Mr. Campos was contacted by phone after seeing the photos. Mr. Campos admitted to placing the material on the levee toe and is using heavy machinery to move the material around the property. Neil reminded the Board that the District retroactively approved an Encroachment Permit for Mr. Campos to maintain a levee access ramp and fill placed at the levee toe within the District levee easement. As part of the EP, Mr. Campos agreed not to add any additional material to the ramp or levee toe and obtain a permit from Sacramento County for a continued deposition of material on his property. Mr. Campos has not obtained a permit from the County. Mark said the imported material needs to be tested for grading permits. Jesse confirmed that a grading permit from the County is needed for anything in excess of 350 cubic yards. Mr. Campos is currently ill and unable to attend today's District Meeting. There are two issues: Mr. Campos should not be placing any material in the District's Right of Way and material being hauled in has miscellaneous trash and debris. Neil asked if the Board would consider addressing this issue with the Unauthorized Encroachment Penalty Schedule. He said that if Mr. Campos is not affecting District property, there is little that the District can do. Jesse said that the County would oversee the grading permit. Jesse suggested we find out if the materials have been moved off the levee.

OUTRIGGER MARINA DAMAGE AND REMEDIATION

Martin provided the quote from Galindo Construction; the quote is \$176,755.00 for the removal and disposal of the debris. We have not received any responses to our emails to Sacramento County or State Lands Commission. Joel said most of it is contained and they have not noticed the debris floating down the river. Morgan said the beavers were eating into the dock. Jesse said we should send a letter to the County, State Land, and the bank regarding the damage, need for remediation, and the squatters.

ENCROACHMENT PERMIT NO 2023-3 (ROSAS FENCE)

Martin reported he met with Morgan to go over plans for Javier Rosas fencing. They decided that permanent fencing should be installed at the toe road and that the existing fencing from the berm should be removed. This should give the District access to maintain the areas. Joel agreed that this is a good solution.

ENCROACHMENT PERMIT NO 2023-4 (HWY 160 SPILL CLEAN-UP)

Martin reported Ancon was onsite on Thursday, February 8th, 2024, from 9pm – 4am for the backfill of the spill cleanup. Ancon did not backfill soil to the original delineated limits, stating that they only plan to remove and compact soil directly on the contaminated area. Martin reported Highway Specialty Co. was on site from 8:30pm – 11pm to replace the damaged guard rails. They installed new guard rails and guard rail supports. Apex Testing Labs was on site to perform tests to ensure Ancon met compaction. The specifications called for 90% relative compaction, but Ancon could only get 82% compaction due to the high moisture content. He said they plan to have Ancon come back and recompact the soil after the soil has had time to dry. They will schedule a site visit with Ancon and Caltrans to inspect the site and determine additional work that needs to be done. Jas asked if this would hold up in bad weather. Martin confirmed it would.

ENCROACHMENT PERMIT NO 2023-5 (PG&E IDLE LINE REMOVAL)

Martin provided a background - on January 22, 2024, a meeting was held with PG&E to discuss the removal of four towers that are within the District's jurisdiction. PG&E provided the estimated depths of the existing concrete foundations are approximately 10-12 ft and the piles are approximately 50 ft deep. The complete removal of the existing structures is deemed too destructive. PG&E informed the District that they plan to remove the existing concrete foundation 2-3 ft below grade and backfilled with material following standard specifications. Towers will mostly be removed using existing access roads. One tower will need to be accessed via helicopter. The estimated completion time is mid-August. Rob said as long as we have a record of what is there with good cover over it, we should be ok. Martin said it could also serve as a good pad for staging rock. The Board agreed to remove the top which is 2-3 below grade concrete and backfill the material. We would not see the concrete. David Julian said one of the towers has a DWR camera that we would like to remove. He spoke with Martin about renting a cherry picker through the SMFA to remove the camera.

ENCROACHMENT PERMIT NO 2024-1 (USGS BENCHMARKS)

Neil reported by email dated January 5, 2024, we received an EP application for the construction of seven benchmarks on the San Joaquin River levee; no application fee has been received. The benchmarks would be installed in the Spring and data will be read twice; once at install and once 6 months after installation. USGS informed us that they have NO plans to remove the benchmarks after they are done with their study. Jesse asked what the purpose of this work is. Neil said both areas are cracking and there is subsidence. Neil said this is near the ag shop. They have benchmarks that are not currently used for reading near the scour pond. Neil said that they do not have plans to remove them from the levee. Morgan recommended asking if they have information from previous readings that may be beneficial to the District. Martin reminded the Board that USGS had benchmarks on the setback levee and the Board had asked them to remove them. USGS refused to do this. Neil said he will reach out to them and notify them that if they do not have the intent to remove the benchmarks the permit will be denied.

ENCROACHMENT PERMIT NO 2024-2 (ADGATE GATES & FENCING)

Martin reported Steve Adgate submitted an EP application for the installation of two gates and barbed wire fencing on his property. He is concerned for safety. No application fee has been requested. He provided exhibits of Steve's 3 proposed options. Jesse said it appears he is requesting to encroach on DWR property. Jesse asked Joel and Morgan what impact the fence will have on District operation. Morgan said it would be added costs as we will not be able to maintain the area as well; he prefers no fences on the levee. Mark asked if other landowners have gates. Martin said no. Rob said we are removing fences and asked why we would approve the installation of another fence. Ceci said she understands that Steve Adgate is concerned that the District is using his ramps. Martin said that we have access to those ramps – this was done when they were installed. It was MSP (Rob Black/Jas Gill) to decline the request for an Encroachment Permit as this will restrict the District from levee and maintenance access. The Board voted to decline the request 3-0.

MARTIN REQUESTED THE BOARD TO DISCUSS AGENDA ITEMS 16/17/18.**PUMP NO 1 DISCHARGE PIPE REPLACEMENT/PUMP NO 3 REHABILITATION/PUMP NO 4 REPAIR**

Martin reported they are currently working on contract documents and specifications for construction in the spring. They plan to bring this to the Board during the April meeting – this will cost between \$50,000 and \$75,000. Joel said pump 1 has another leak. Jas asked if we are replacing the pipe. Martin said that we will replace it with pipe that we have onsite. This is a landside pipe. Martin said the pipe through the levee is in good condition – this was installed during the emergency. Joel said there is a leak that needs to be addressed – it will have to be done from a barge. Martin said that pump 1 has the most benefit per cost. Neil Favor reported on pump 3 - the spool was fabricated and machined to align tube and shaft – it will be fully painted and assembled by the end of this week and should be online by the end of the month. Martin said we have not been invoiced for this work – it should be about \$25,000. Neil reported that Shannon & Wilson will prepare a modified proposal consisting of modified pile supports for the trash rack, and geotechnical design parameters for the sheet piles. We are providing a 25% down payment of \$15,870.00 to Hydro Component Systems to begin the trash rack fabrication process. We will update the trash rack design based on the design parameters provided by Shannon & Wilson and prepare an updated trash rack plan set and cost estimate. Martin said it will be between \$550,000 to \$650,000 to repair pumps 1, 3, & 4. They estimate pump 4 at \$225,000. Martin asked the Board what they would like to prioritize. Jesse said W&B should prepare a priority list. Mark shared that he is concerned with ongoing issues with pumps. Morgan asked if the Board is committed to bringing the island back to where it was – as it is not currently in good shape. Rob said we need actual costs for the trash rack. Martin said pump 4 went down mid-January and is not dewatering the island. He said he met with Irrigation Resources and Don Pedro Pump. Irrigation Resources proposed to pour a concrete floor and wingwall to prevent gravel from getting sucked up

by the pump; Don Pedro Pump would conduct the necessary repairs to the damaged pump as a subcontractor to Irrigation Resources. Don Pedro Pump quoted \$34,213.79 for repairs to the pump. Irrigation Resources quoted \$185,883.92 for the concrete floor which also includes dewatering of the sump. Total quoted cost is \$220,097.71. Perla asked if pump 4 is an emergency situation. Jesse said he thinks the basis for an emergency declaration is slight, but he would need more pictures and information. Rob asked about the risk to the island on pump 4. Morgan said that the risk is the landowner could sue the District for not maintaining the island. Martin said the priority would be pump 4, then pump 1, then pump 3. Morgan and Joel agree with the priority list. Jesse said the District may not be able to complete the work in that order due to financial reasons. Perla provided an overview of incoming funds. Mark asked how much in reserves will the District have after the assessment call. Perla said without any new projects the District will be in the red. She said at the end of the year we will probably break even. Jesse recommends that Perla work with Martin. Martin said the plan is to go to bid on pump 1. He would like approval to prepare a bid and specs for pump 4 and to go to bid on pump 1. It was MSP (Jas Gill/Mark Icanberry) to authorize going to bid on pump 1 and the preparation of a bid and specs on pump 4 in anticipation of requesting the Board to approve going to bid in a future meeting. This passed 3-0.

MAYBERRY SLOUGH SETBACK LEVEE HABITAT

Jesse reported he spoke with Todd Gardner with CDFW. He will be speaking with Molly regarding work going forward.

DWR “SUBSIDENCE MITIGATION FUNDING AGREEMENT” – AGREEMENT TO BUILD SEVERAL HUNDRED ACRES OF WETLAND IN THE WESTERN AND CENTRAL PORTION OF THE ISLAND IN AN EFFORT TO REVERSE SUSIDENCE, SEQUESTER CARBON, AND REDUCE GREENHOUSE GASES.

a. **Clean-up of the Project area by Gornto Ditching**

David Julian reported that Gornto’s contractor license is active, therefore we can use them for work. He said they have been cleaning ditches by Whales mouth and have identified leaks and need for repairs. He will speak with Antonio about junk clean-up. They are done in the interior, but still have work in the buffer area.

b. **Removal of beaver dam in Whale’s Mouth perimeter ditch**

David Julian reported he met with CDFW to show them the beaver issues. He was granted a beaver depredation permit.

c. **Repair of perimeter berm leakage at Whale’s Mouth through construction of a bentonite cutoff wall or the installation of a recirculation pump.**

David said there is nothing to report at this time.

d. **Moving a drainage ditch adjacent to the Sherman Island Cross Road, the repair of replacement of several risers within Whale’s Belly, the repair of several siphons, and the installation of new culverts in Pump 3 Canal. The**

Board will discuss the status of the Whale’s Mouth maintenance contract with Gornto Ditching. The Board will also receive an update on the riser that was incorrectly installed in the Pump 3 canal.

Neil reported on the construction remediation. They are currently finalizing plans and specifications for bidding in March and possible award at the April meeting.

e. **An operational plan that will coordinate wetland operations with District Operations.**

Neil reported they are internally reviewing the operations plan prepared by David Julian. Ceci asked about the as-builts – Martin said this was not a part of the scope of work.

PROJECT FUNDING AGREEMENT SH 17-1.1 SP - PHASE 1 OF SAN JOAQUIN SETBACK LEVEE/HABITAT BENCH MULTI-BENEFIT PROJECT (STATIONS 175-199)

Neil reported the scope of work was submitted to DWR and CDFW by email dated January 16, 2024. The Biological Resource Evaluation and Aquatic Delineation Report was submitted to DWR and CDFW by emails dated January 30 and February 5, 2024. They have been coordinating with PG&E Land to update legal descriptions for new pole alignment. They ordered two Condition of Title Reports for two DWR parcels related to the project (APN 158- 0010-030 & 158-0020-034) to describe existing easements. He said they are also working on the Draft Initial Study Mitigated Negative Declaration; the goal is to circulate the draft next month. Jas asked if there are any possible opportunities for funding. Neil said there is an opportunity with the Sac County Department of Transportation Maintenance Division. Neil will also reach out to the Delta Conservancy to see if they have funds.

PROJECT FUNDING AGREEMENT SH 23-1.0 (HIGHWAY 160 EMERGENCY WATERSIDE REPAIR)

Jesse reported the funds available for this work are State general funds. He said there is a restriction on the funds, and they should not be used as part of a PFA. He is working with David on this. The existing PFA agreement will essentially be terminated, and they will have to change the type of agreement for funding. David is working with Martin. The invoices will have to be resubmitted under the new project agreement.

ENGINEERS REPORT

Neil reported there are no additional updates.

SUPERINTENDENT REPORT

Joel reported the goats are working at the old office and will be moving to the east levee near the no. 3 pump. He said they are spraying, and Delta Rentals is working at Whales Mouth; they are digging a new ditch. Brad and Joel will be attending a spray class in Dixon. Ed is taking time off March 18-22. He marked off an area on Three Mile Slough that needs additional rock. Joel said there are 15-20 dead lambs on DWR parcels along the irrigation canal.

CLOSED SESSION

Anticipated Litigation Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9

No reportable action.

There being no further business to come before the Board, the public meeting was adjourned at 11:34 A.M. for closed session. Closed Session adjourned at 11:59 A.M. Meeting adjournment 12:00 P.M.

X _____

The presiding Trustee of the February 13, 2024, meeting hereby certifies that the above minutes were approved as read.