

MINUTES OF SPECIAL MEETING

Reclamation District No. 341
Sherman Island

9:00 a.m.
Wednesday, September 25, 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 9:00 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 Julianna Galindo; District Manager: Morgan Johnson; District Superintendent: Joel McElroy; DWR: David Julian; RVWA: Don Ross and Chris Kraft; Landowner(s): Jamie Renwick and Ceci Giacomina. District Secretary: Cindy Hill

PUBLIC COMMENTS

Don Ross reported a successful fall clean-up last Saturday, September 21. He said there were 48 volunteers. Waste Management donated a container for the debris; they gathered 4000 lbs. of debris which included 24 tires. Antioch Firestone took the tires for us. Chris Kraft said that some of the areas had horrible trash which included needles. The porta-potties are set to be picked up mid-October.

Chris asked about the tower work. Martin said the tower is set to be removed January 2025.

DISTRICT MANAGER'S REPORT

Morgan said there is nothing to report that is not already an agenda item.

APPROVAL OF MINUTES

The Board reviewed the minutes of the regular meeting on August 13, 2024. It was MSP (Jas Gill/Rob Black) to approve the regular meeting minutes of August 13, 2024, as submitted. Since Mark Icanberry was not present at the August meeting, he cannot participate in the review This passed 3-0.

ACCOUNTS PAYABLE AND RECEIVABLE

Perla Tzintzun-Garibay reported the accounts payable for September 25, 2024. A transfer of \$20,000 from the general fund is recommended to cover the current months' cash disbursements pending approval of \$185,616.42. Financial statements reflect an ending balance of \$61,206.34 after the above-mentioned transactions are approved.

Notes:

- 8/16 EFT to Kludt Oil for \$3,429.46
- 8/20 Check 11079 to AT&T Mobility for \$223.65
- 8/20 Deposit \$170.40 – US Bank Rebate Q2 2024
- 9/4 Deposit \$3,388.06 – Assessment 28 payments (\$2,195.06), Zenith Insurance refund -Workers Comp
- (\$1,193.00)
- 9/04 EFT to Kludt Oil for \$250.79
- 9/06 EFT to PERS for \$3,365.15
- 9/06 Deposit \$6,761.28 – Assessment 28 payments
- 9/10 Deposit \$6,032.48 – Assessment 28 payments

Balance in general fund account \$81,254.57

Perla reported the District will need to register warrants this month totaling \$200,000. These will be in \$25,000 increments (warrants 4362 – 4369). Perla said we were able to pay down \$225,000 of warrants last month plus interest. Martin Berber asked if we are tracking interest paid; Perla said yes, we have paid about \$5,000 YTD. Martin stated that the District still owes funds on Birds Landing in the amount of \$299,000. Perla sent the financials to the Board prior to the meeting for their review and Rob Black signed off on the invoices. It was MSP (Rob Black/Mark Icanberry) to approve the September 25, 2024, accounts payable, transfers, invoices, and warrants. This passed 3-0.

ASSESSMENT CALL NO 28

Perla reported assessments receivables are \$725,817.99. There are a dozen outstanding assessments; DWR has reported they are in the process of paying their invoice. Jesse typically does not send delinquency notices immediately due to payments possibly being in the mail, this will be discussed at the October meeting.

NEW ASSESSMENT PROP 218

Jas Gill reported he is still waiting on DWR executives to provide feedback regarding the availability of funds if the District moves forward on a new assessment. Jas recommended that Jesse bring the contract from SCI to the October meeting. He will report to DWR the District's financial situation including the need to register warrants in the amount of \$00000 this month – he said he will advise them of the need to move forward with the Prop 218. Jesse said that SCI is the most cost-effective engineering firm to manage the Prop 218 processes.

IRRIGATION CANAL

Joel McElroy reported that the District was able to clean from one side. They removed the berries and the fence. He said they continue to work with the dozer to break up the material. The flow has been restored. Morgan said there is an area upstream that needs to be taken care of as well. Joel said the syphons are a daily problem; they have to be primed each day. Martin said he will follow up with Vincent Wong to ensure if a new fence is erected, they are aware they must follow the District rules and regulations. Morgan said more work needs to be done; however, the District does not have funds available at this time. Joel said the volume of work that needs to be done will probably require a bid – this is needed to maintain the capacity of the canal. Future work will consist of building the canal back up due to subsidence. Martin asked if the SMFA can pay for some of this work as the wetlands will require an improved canal to provide water to the Belly. David said it depends on how much money is left in the SMFA. This will remain on the capital improvement plan.

OUTRIGGER MARINA DAMAGE AND REMEDIATION

Julianna Galindo reported the dock slips and boats remain at the site. The temporary gangway has been removed. On September 24, 2024, W&B requested an update from the State Lands Commission on the status of the site cleanup and we are awaiting a response. Julianna sent a photo of the site to the State Lands Commission. She said Raghu Malladi contacted W&B about acquiring an Encroachment Permit for the installation of permanent fencing on the levee. W&B informed Mr. Malladi that an EP will not be presented to the Board until his past due assessments are paid. As of August 27, 2024, Mr. Malladi owed the District \$4,128.40. To date, we have not received a response from Mr. Malladi. Jesse said that Mr. Malladi has cleaned up some of the area, however there is a lot more to do onsite. Julianna said that she will continue to work on this and provide updates.

PG&E BIRDS LANDING

Martin reported drawings and specifications have been completed for the Standby Barge. He said the plan is to mobilize a barge of 2,000 tons of Class IV RSP (500 lb. rock) and a crane barge to place the rock in case of an emergency during the tower demolition. PG&E will pay for the mobilization and standby costs. If the rock is not used in response to an emergency, it will be placed along the Sherman Lake levee section to continue reinforcing the waterside slope. If the District takes ownership of the rock, we will pay for it through subventions. Mark is concerned that the District does not have a plan with work prioritized and feels that each project is costing more to the District. Morgan said this project has been in the process for several years. Jesse said he understands Mark's concerns that the District is in the red. Rob said we decided to use the barge for safety reasons and that it's an additional benefit of using the rock if we don't end up needing it for Birds Landing. Martin will send another copy of the District's capital improvement plans to Mark for review. Martin asked the District to go to bid for the barge; he said the bids will be presented to the Board at the November 12th regular meeting. The tower demolition is still scheduled for January 2025. It was MSP (Mark Icanberry/Jas Gill) to go to bid for the barge. This passed 3-0.

Morgan asked Rob if there is any monitoring scheduled for when the tower drops. Rob will check back with DWR but has notified them already that this will happen in January.

MUTUAL AID AGREEMENT

Jesse reported the District will not have access to the Rio Vista Fire Department when the Rio Vista bridge is down due to scheduled closures beginning October 18. Jesse spoke with the River Delta Fire Department and Reclamation District 1601 regarding access to service from River Delta Fire Department. Jesse stated he is being proactive in a situation since the District may not have aid when the bridge is closed. Ceci said this seems like a positive step to providing safety to the District. Jesse said that the mutual aid agreement is permanent as they will also assist the District when we need help with sand bagging. This agreement is between the District and River Delta and not the residents. It was MSP (Mark Icanberry/Rob Black) to approve the Mutual Aid Agreement. This passed 3-0.

ENCROACHMENT PERMIT NO 2021-3 (ADGATE ADDITIONS)

Martin reported work on the Adgate home is mostly complete. He is requesting a refund of the deposit he made for the work. Martin said this has been approved; it is a part of the financial report.

ENCROACHMENT PERMIT NO 2022-4 (PG&E D-1262 GAS TRANSMISSION DIG)

Julianna reported PG&E Contractor, Michels, remobilized on Tuesday, September 24 to resume excavation. She said PG&E is planning 6-day work weeks for the next 3 weeks, project end date is Friday, October 11. Julianna said W&B will be on-site during all excavation and backfill activities. W&B informed PG&E that groundwater collected during excavation could be discharged into the wetlands. PG&E responded that they could not discharge into the wetlands under the terms of their permits. As a result, all water will be discharged on project access roads as dust control.

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

Martin reported PG&E began removing conductors from the towers on September 24, 2024. PG&E plans to dismantle the towers within the District's jurisdiction from September 28, 2024 – October 7, 2024. He said PG&E will remove the concrete foundations to a depth of 3 ft below grade and backfill. The foundation removal for the tower located on Threemile Slough will not occur until 2025 at the earliest since PG&E has to acquire additional permits since the work will occur on Project levee. Martin said they will remove the cameras and bring them to the District yard – this was confirmed by Joel. Morgan said the remaining concrete on the North side of Mayberry needs to be removed – Martin will remind them.

ENCROACHMENT PERMIT NO 2024-6 (CALTRANS HIGHWAY 160 REPAVING)

Martin reported grinding and repaving the Highway has been ongoing. He said W&B gave Caltrans authorization to raise serious settlement locations on the levee by removing all the aggregate base and placing levee fill material to the Highway subgrade.

Martin reported on the illegal dumping of Asphalt Grindings:

- Rey Campos executed a Disposal Permit (attached) with Anrak Corporation to allow for the dumping of asphalt grindings on his properties along Sherman Island Cross Road and Sherman Island East Levee Road.

- Mr. Campos has had asphalt grindings dumped on neighboring properties including DWR and Sacramento County right-of-way (Martin provided photographs to the Board).
- W&B notified DWR, Sacramento County, and Caltrans of the illegal dumping.
 - Caltrans' position is that the dumping should only occur on properties listed in the Disposal Permit.
 - Sacramento County informed W&B that their grading ordinance only applies to dumping of earthy material and not grindings. However, they have forwarded the information to their Code Enforcement group for them to investigate.
 - DWR informed W&B that they will be reaching out to Mr. Campos directly on the dumping of grindings as well as other issues.
 - Martin received a letter from County DOT advising that their Code Enforcement group will investigate, however they want the materials removed as soon as possible. They will also determine if there are any violations against Mr. Campos.

Martin said there are grindings dumped on the Campos Sherman Island property that need to be addressed – Martin will include this on the October agenda. Joel asked if anyone knows why the east levee road will be closed October 1st/2nd. He said there are several signs posted.

MAYBERRY SLOUGH SETBACK LEVEE HABITAT

Jesse distributed an Indemnity Agreement between the District and Yolo County Resource Conservation District. Jesse shared background: DWR did not like the way that the District was maintaining the setback levee and wanted their contractor (Yolo County RCD) to maintain the setback levee habitat. He said in order for this to be done there should be a Lake and Streambed Alteration Agreement in place. The District has one, however there is concern that if the RCD works under this agreement and they make a mistake or have an issue there is not a mechanism to assign responsibility. This Indemnity Agreement will protect the District. The Agreement reflects the RCD will provide services and will report to the District Manager or Supervisor. It was MSP (Jas Gill/Rob Black to sign the Indemnity Agreement. This passed 3-0.

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 SUBSIDENCE, SEQUESTER CARBON, AND REDUCE GREENHOUSE GASES.

Jesse reported this is a proposal for a carbon offset verification of this project. This will verify carbon sequestration for carbon credits. This agreement covers the consideration of hiring a firm, SCS Global, that will verify and quantify the carbon sequestration. He said this agreement has been negotiated between DWR and SCS Global. Tyler Anthony with DWR will manage this process. David Julian reported that they have developed a carbon protocol for the different wetlands on both Sherman and Twitchell which DWR earns credits. This requires DWR to document the management of the land and the carbon sequestration. Jesse stated this is 100% paid through SMFA at a cost of \$16,800. There will be no cost to the District. Jesse's fees will also be charged to the SMFA. Jesse said he

reviewed the contract. He said it is a standard consulting contract. Morgan asked if this verification process was originally covered under the SMFA. David said the SMFA was developed years ago, but it does reference carbon; he said it was written broadly. It was MSP (Rob Black/Jas Gill) to approve the consulting agreement for a carbon offset verification services. This passed 3-0.

Martin reported on the Whales Belly warranty work, remediation work, recirculation pump. As well as Whale's Mouth perimeter ditch PG&E crossing, siphon No 2 replacement, and maintenance agreement:

- **Whale's Belly**

- **Warranty Work**

- Gornto began the widening of the Pump No. 3 Canal on August 29, 2024; widening of the canal towards the wetland was completed on September 19, 2024.
 - W&B couldn't achieve the full design canal width by widening only towards the wetland since a 30-foot buffer is required between the canal and the wetland berm for maintenance.
 - Gornto still needs to widen portions of the canal away from the wetland, but work won't be able to begin until the cattle fence is relocated. Additionally, Gornto still needs to replace 24-inch HDPE pipe crossings with 48-inch pipe and reconstruct the crossing underneath Calpine's gas line.
 - Gornto began replacement of 2 risers within the Little Whale's Belly on September 20, 2024. Riser work is expected to be completed today, however Gornto will have to replace all hardware installed with Stainless Steel equivalents – this will be a credit invoice.
 - Gornto will be providing a cost for the 2 risers constructed which will be deducted from their credit invoice.

- **Remediation Work**

- Contract No. 341-2024-4 was executed with Dutra on September 5, 2024.
 - By email dated September 23, 2024, W&B received authorization from the US Fish and Wildlife Service to continue working until October 31st.
 - Dutra plans to begin work on Monday, September 30.
 - Dutra's subcontractor will be relocating the cattle fence along the Pump No. 3 Canal under Change Order which was approved by David Julian. This will allow Gornto to complete the canal widening.
 - As part of the Phase 1 Remediation work, W&B will have Dutra remove the riser within the Pump No. 3 Canal that the DWR tenant uses to backup water for cattle. W&B has instructed DWR to inform the affected tenant.
 - Jas asked if the fence is outside of the gas line – Martin said it is running parallel to the gas line and he has coordinated with PG&E.

- Morgan asked about the pipe in pump 3 canal – he asked if they were able to find the additional 48-inch pipe. Joel said he has the pipe at the District shop.
- Morgan asked if we need crossings to go over the siphons in Whale’s Belly – Martin said it is a good way to protect the siphons during canal cleaning. Martin confirmed the crossings will need to be maintained by the SMFA.
- **Recirculation Pump**
 - Morgan and David are working on the installation of a recirculation pump – they need to determine the size of the pump to meet the amp service. David and Morgan will work together on this.
 - On August 28, 2024, a PG&E application was submitted to provide electrical service to a future recirculation pump on the Pump No. 3 Canal near Sherman Island Cross Road.
 - The PG&E account is in the name of the District and an engineering deposit in the amount of \$3,000 is being made to PG&E from SMFA.
 - The recirculation pump will provide an additional water source for the Whale’s Belly wetland units while also reducing District drainage costs.
- **Whale’s Mouth**
 - **Perimeter Ditch PG&E Crossing**
 - Contract No. 341-2024-3 was executed with Dutra on September 5, 2024.
 - Work will commence once PG&E is done with their repair work on October 11.
 - **Siphon No. 2 Replacement**
 - DWR would like to replace one of the Whale’s Mouth siphons through the District’s levee. The work will be done through the District and paid for by SMFA. Additionally, DWR will acquire an Encroachment Permit for replacement and operation of the siphon.
 - **Maintenance Agreement**
 - The current Agreement with Gornto Ditching expires on December 31, 2024.
 - W&B will begin preparing Drawings and Specifications for bidding early next year.
 - Jesse recommended Martin work with David to determine if we need separate contracts or if they should be done together.
 - David said he is still working with O&M on the maintenance of the fish screen – once this is done, they will be ready to install.

PUBLIC ENTITY AGREEMENT 34600015864

Perla reported there was a final invoice submitted. Martin said all work is done.

PUBLIC ENTITY AGREEMENT WITH DWR (SHERMAN LAKE RSP)

Jesse distributed a new public entity agreement contract for the Sherman Lake Rock Slope Protection. He said it is \$700,000; it is in arrears, so the District will have to carry the costs. The turnaround for reimbursement is 60-90 days. David is requesting approval of a resolution and Notice of Exemption for CEQA. It was MSP (Jas Gill/Mark Icanberry) to approve the public entity agreement for Sherman Lake Rock Slope Protection and declare the work exempt from CEQA. This passed 3-0.

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

Julianna Galindo reported:

PG&E Overhead Utility Easements – She provided a recap regarding the need for PG&E utility easement is required for the project to proceed. She said that DWR requested the District to submit an encroachment permit application which includes a Phase 1 ESA, land appraisal, legal description, title report and engineering report. DWR EP application is being reviewed by W&B; once reviewed it will be sent to Jesse for review. Julianna said they received an updated contract from PG&E on September 20 with a current contract amount of \$423,481.24 – this was reduced from \$452,721.16. She said a Phase 1 was completed. Julianna reported W&B recommends the District sign the contract and withhold payment to PG&E until a resolution is reached on the new powerline easement on DWR land. Martin said they will follow up to determine a due date. This will be reviewed and brought to the District for review next month.

Scope of Work – Julianna reported CDFW will not approve the SOW until the District can show detailed plans to avoid special status species on the waterside of the project area. The site was surveyed on June 25 and August 20th with biologists from SWCA. She said a memo outlining the results from the special status species survey was received on September 11. This will be included with the revised SOW. Julianna said they are currently working on an updated waterside grading design.

PROJECT FUNDING AGREEMENT SH 24-1.0 SP (MULTI-BENEFIT PROJECT ON SHERMAN ISLAND).

Julianna Galindo reported they received the cultural resources report from Eileen Barrow & Associates. No historic properties were found. She said Shannon & Wilson completed geotechnical exploration on September 13, 2024. In addition, the topographic survey was received from American Aerial Mapping. Work has begun on finalizing the grading design. Additionally, all temporary flight panels from the aerial survey have been removed.

ENGINEERS REPORT

DWR Cattle Fence Relocation – Martin reported W&B provided 3 quotes to DWR for the relocation of cattle fences on both the Cabral and Elgorriaga leases. DWR informed W&B that they will begin negotiations with the tenants for cost sharing the new fencing.

SUPERINTENDENT REPORT

Joel reported they have been mowing. There will be a levee inspection on 10/3/24 with DWR. He said the power pole on the Elgorriaga leased land is about ready to fall down. He said this is the power supply for the earthquake monitor. The cows have destroyed the fencing around it. Joel said this will cut off power to the earthquake monitoring system. Joel will send photos to Rob. Joel said the Bean Pot field that belongs to Mr. Cabral is overgrown. He said they have not maintained it and he cannot get into the canal area to clean it out. Joel said the District was denied financial assistance on the tractor with the County Air Resource Board. Morgan said this will now go to the State Air Resource Board. Jesse recommended that they work through Tara to get funds from the State. Joel received a text from the staff regarding the signage on the east levee closing the road on October 1st/2nd – they said it is gone.

There being no further business to come before the Board, the public meeting was adjourned at 11:21 A.M.

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The presiding Trustee of the September 25, 2024, meeting hereby certifies that the above minutes were approved as read.