



Reach 3 and 4A Landowners Meeting  
 Thursday, March 1, 1:30 – 4:30 p.m.  
 Los Banos Community Center  
 645 7<sup>th</sup> Street, Los Banos  
 Meeting Notes

## Attendees

Shelly Abajian	Office of Senator Dianne Feinstein
Shane Burkhart	SB Farms
Roy Catania	Landowner
Steve Chedester	San Joaquin River Exchange Contractors Water Authority
Connley Clayton	Landowner
Ronald Cunha	Nickel Family Farms, LLC
Lawrence Harman	Harman & Sons
Richard Harman	Harman Bros. Landowner
Larry Harris	Wolfsen
Katrina Harrison	Bureau of Reclamation
Brian Heywood	CDM Smith
Reggie Hill	Lower San Joaquin Levee District
Randy Houk	Columbia Canal Company
Richie Iest	Landowner
Anusha Kashyap	CDM Smith
Stephen Lee	Bureau of Reclamation
Katie Lichty	Circlepoint
Bill Luce	Friant Water Authority
Mari Martin	SJR Resource Management Coalition
Palmer McCoy	Henry Miller Reclamation District
David Mooney	Bureau of Reclamation
James Nickel	Nickel Family Farms, LLC
James O'Banion	O'Banion Ranches
Mike O'Banion	Landowner
David Pombo	D&D Pombo
Patti Ransdell	Circlepoint
Paul Romero	Department of Water Resources
Dan Royer	Wolfsen, Inc
Ken Samarin	Samarin Farms
Brent Stearns	San Juan Ranch
Chris White	Central California Irrigation District

## **Introductions, Meeting Objectives and Agenda**

Patti Ransdell, facilitator, opened the meeting with introductions and the group reviewed the agenda.

The purpose of the meeting is to discuss the implementation of seepage projects and set up appointments for site visits with interested landowners. The role of the Seepage and Conveyance Technical Feedback Group in the development of the Seepage Management Plan and Seepage Project Handbook was mentioned.

## **Program Update**

Dave Mooney gave an overview of the Program Environmental Impact Statement/Report (PEIS/R), Interim Flows, Phase I projects and plans for fish reintroduction.

- Reclamation is working on the responses for comments for the PEIS/R. The final document is anticipated to be complete by the end of April or early May.
- Landowners can become involved in the process including environmental document review, site-specific meetings and technical feedback groups. Dave reminded the group that they can contact San Joaquin River Restoration Program (SJRRP or Program) staff if they have questions about the Program.
- Dave reviewed the 2012 Interim Flows recommendations from the Restoration Administrator.

## **Seepage Management Plan**

Katrina Harrison provided an overview of the plan and operations process to increase flows while avoiding impacts. The goal is to do this by holding flows low in the river until seepage projects are implemented.

- Katrina presented elements of the seepage management plan.
- Stakeholder Question: A meeting attendee asked if water is turned off when there is a seepage problem and what the response process is for seepage issues? *Response: The landowner should contact Reclamation through the seepage hotline in case of a seepage problem. The seepage hotline is answered at all times. Reclamation will schedule a site visit to evaluate the seepage problem. The average response time is two days from the day Reclamation is contacted. The flows are turned off or reduced if necessary based on the assessment made during the site visit.*
- Landowners who are concerned about potential crop damage due to current seepage problems should contact Reclamation to get a groundwater monitoring well installed.

## **Seepage Project Handbook**

Dave Mooney led a discussion on the Seepage Project Handbook (SPH). The SPH defines procedures for moving forward towards constructing seepage mitigation projects to protect landowners from seepage problems due to flow releases to the San Joaquin River.

- The goal is to reach a maximum restoration flow capacity of 4,500 cubic feet per second (cfs) from Reach 2B down. Based on different years and the time of year, flows will vary.

- Reclamation will review existing records along with data collected during site evaluations to gather as much information as possible. All the data collected will help develop a Site Evaluation Report. This report will evaluate various seepage mitigation methods and develop a list of potential projects that would be best suited for the specific seepage site. Appraisal level design will be performed for all projects listed in this report. The landowner will have a chance to review the report. Following the Site Evaluation Report, a Project Report will be developed containing the feasibility design of the final, selected project.
- Stakeholder Question: Is “no project” alternative an option if a landowner is okay with a small amount of seepage on their land. *Response: Reclamation would revise thresholds up to accommodate this condition if the landowner is okay with some amount of seepage.*
- Stakeholder Question: The California State Lands Commission meeting (held on March 1, 2012 between 11 a.m. and 12 p.m.) discussed the river channel moving over time. How would that affect the location of the seepage mitigation measures, for example, the placement of a tile drain? *Response: A tile drain or any mitigation measure would be placed at the site where it would optimize seepage mitigation under present day conditions.*
- Stakeholder Question: Landowners voiced concern about the continuation of the fish reintroduction program before solving the seepage problems. *Response: Reclamation will limit the flows to the amount that will not cause material adverse seepage problems as a result of Interim or Restoration flows. The goal is to restore flow capacity defined by the Settlement with minimal or no impacts to third parties i.e. landowners.*
- Stakeholder Question: There was a question about the timeline for implementing projects from start to finish. *Response: The timeline is about one to two years for projects.*
- Stakeholder Question: There was a question about how deep a slurry wall can be. *Response: Maximum of 100 feet. For deeper mitigation measures, the depth might be increased.*
- During appraisal level design, Reclamation will look at a reasonable range of alternatives, estimates of costs, and project feasibility. Reclamation will work with landowners to weigh the options during the plan formulation meeting / phase.
- Stakeholder Question: There was a question about what will happen if a landowner does not want what Reclamation proposes to do. *Response: Reclamation hopes that they can work with landowners to find a mutually acceptable agreement.*

***Action Item: Have a Right Of Way/Policy person from Reclamation attend a meeting to discuss the ramifications if a landowner and Reclamation disagree over the best course of action for a parcel.***

- Stakeholder Question: There was a question about the disposal of tile drain water and permitting. *Response: Reclamation is working with the Regional Water Quality Control Board to work out an agreement. There are benefits to having the water back in the river (i.e., reduces Reclamation’s need to purchase water) and/or back in canals (i.e., agricultural use). A cost share agreement for the system operations and maintenance (O&M) could be an option if landowners wish to run the drain system when the SJRRP is not releasing flows. The SJRRP would only pay for O&M during Interim or Restoration flows.*

- The group discussed Operation and Maintenance (O&M) options. Reclamation is happy to look at additional opportunities, including cost sharing. [Input cost share details here from the above response/my comment] Water discharge choices were discussed. Discharge options will depend on water quality and ownership of water.
- Stakeholder Question: There was a question about water discharge into the river. For example, if an agreement is made and later the regulations change and the water can't go back into the river—what happens with the discharge water then? *Response: There are usually clauses for renegotiating the terms in these situations.*
- Stakeholder Question: There was a question about a situation with a landowner who wants to plant an orchard but doesn't want to wait five years so they put an interceptor line in. How would reimbursement work? *Response: Reimbursement can be tough because Reclamation is required to follow the environmental compliance process and this could be seen as circumventing the process. If there is a project that a landowner wants to do, let Reclamation know and they will try moving the project schedule up.*
- **Seepage Project Overview**
- Katrina led the group in an overview of seepage project implementation for the first round of first tier projects.
- Reclamation will conduct technical evaluations and put together maps. While doing technical evaluations, flows will be held below thresholds.
- After evaluation is complete, projects will be implemented. Temporary projects will be put in place in Reaches 2B and 4B. These temporary solutions will allow flows to rise until the permanent projects are installed.
- Katrina gave an overview of the criteria used to select first tier parcel groups.

Katrina invited everyone to look at the maps on priority parcel groups so people can look at their properties. The group dispersed to view maps throughout the room.

- Landowner (James O' Banion) identified seepage in 2006 on Parcel Group 69. This location will be incorporated into the SJRRP's database.
- James Nickel and Ronald Cunha identified two locations of high groundwater on Parcel Group 162: west of Well SJR W-9 and north of SJR W-7. These locations will be incorporated into the SJRRP's database.

After looking at the maps, Katrina went over parcel group projects that have been initiated. Reclamation wants to set up meetings with attendees at this meeting to initiate projects for those parcel groups.

### **Landowner Perspective and Discussion on Project Implementation**

Katrina Harrison invited landowners to express comments and concerns about the project process, specific projects, or provide any additional suggestions during this section of the meeting. Landowners were asked if they have any additions or comments on the project approach chart with check boxes that was presented.

- Stakeholder Question: There was a question about project initiation. *Response: Reclamation would like to start projects with as many landowners as are willing and would like to schedule site visits.*
- Stakeholder Question: A landowner asked how parcel groups can be identified. *Response: Parcel Groups were identified on the large maps that were shown at the meeting and are also posted on the SJRRP website at [www.restoresjr.net](http://www.restoresjr.net). The packets with property information that were passed out to landowners also have the parcel group information.*
- Stakeholder Question: There was a question about how long the individual projects will take to get started. *Response: Reclamation expects one to two years. Reclamation expects a minimum of 10 months to get finalized environmental compliance and feasibility design for each project.*

Katrina discussed the projects for inside vs. outside of levees. With exception of one area, what happens on one group should not affect other landowners. Regional approaches inside the levees may not be as important as outside the levees.

- A landowner commented that her parcel near Mendota Pool on the west side, on the inside of the canals may also be another exception to this. Katrina will have a discussion with her about this.
- Stakeholder Question: There was a question about how many affected lands are on the outside of canals. *Response: In Reach 4a, all of the first tier project areas are outside of the canals.*

Katrina summarized meetings, reviews process and deliverables with landowners.

- Stakeholder Question: There was a question about options for streamlining the environmental processes. *Response: Reclamation is working to speed up the Section 106 process and would like to hear other suggestions.*
- Stakeholder Question: There was a question about redoing the environmental process after testing. *Response: This only has to be done if the project site is moved outside of the 100-foot radius from where the environmental assessment was done.*
- There was a discussion about the distinction between project ownership and O&M and how this would come in to play regarding future repairs, etc.
- Stakeholder Question: There was a concern about lifespan of the project and ownership. For example, if in 20 years something breaks and needs another project how would that issue be addressed? *Response: Reclamation has some estimates for long term maintenance costs and operations. Thinking ahead to the long term may affect the type of project that is put into place in an area.*
- Stakeholder Question: There was concern about how the changing political environments in the future could affect continued funding for these new projects and whether Reclamation would hold to agreements. *Response: Reclamation encouraged input from landowners on how they can provide more confidence. Reclamation hopes to gain landowner confidence by establishing several initial projects.*
- A landowner commented that he is concerned about assurances that in 25 years, water will still be pumped out of his field. There was a discussion about whether O&M could be paid over time or in a lump sum up front.

- There was a discussion about the portion of the Settlement regarding petitioning for changes in flows. There is no end date to the settlement.
- There was a discussion about Endangered Species Act (ESA) protection in the Settlement for landowners. The 4D rule is a blanket take protection under ESA for landowners conducting otherwise lawful activities that make take endangered species.
- Reclamation acknowledges the challenges in figuring out what can be done to meet long term needs and is working on finding a long term solution.

### **Next Steps**

Patti Ransdell concluded the meeting by reminding landowners to get a copy of the checklist and invited them to sign up for site visits or one-on-one discussions. Landowners were also invited to call the seepage hotline or send an email if they decide later to set up a site visit, or if they have additional comments or input. Patti also reviewed the action items that were established.

### ***Action items***

***Action Item: Have a Right Of Way/Policy person from Reclamation attend a meeting to discuss the ramification if a landowner and Reclamation disagree over the best course of action for a parcel.***

The meeting was adjourned.

### **Site Visit Sign Ups**

David Pombo  
Ken Samarin