

# **RECLAMATION DISTRICT NO. 108**

## **Minutes of the Regular Meeting Of the Board of Trustees**

August 20, 2015

President Durst called the Regular Meeting of the Board of Trustees to order at 8:30 a.m. on Thursday, August 20, 2015 at Reclamation District No. 108 headquarters, Wilkins Slough, Colusa County, California.

**Trustees Present:** Fritz Durst, Roger Cornwell, Sean Doherty, Jon Leonard and Mike Miller

**Trustees Absent:** None

**Others Present:** Lewis Bair, General Manager  
Bryan Busch, Assistant Manager  
Chad Navarrot, Operations Manager  
Cathy Busch, Executive Secretary  
Beverly Walls, Bookkeeper

Kevin O'Brien, Legal Counsel  
Steve Beckley, PR Consultant  
14Members of Public  
(See Attached List)

**Agenda –** It was moved by Trustee Cornwell, seconded by Trustee Doherty and unanimously approved to approve the Agenda as presented.

### **Open Forum**

President Durst welcomed the public to the meeting and opened the Public Forum. Manager Bair gave an overview of the changed approach to delta conveyance improvements, Bay Delta Conservation Plan (BDCP), and how they will potentially impact the District. The conveyance portion of the project is now called CalWaterFix. The second issue discussed was the State Water Resource Control Board (SWRCB) proceedings related to both the CalWaterFix change in point of diversion as well as the update to the Delta Water Quality Control Plan. The result of these two actions will first determine what changed requirements are necessary to protect the Delta and then in a second proceeding, who is responsible for meeting these new, and likely more substantial, water requirements. The SWRCB has focused on more water as the solution and not relied on their authority to improve habitat conditions through their Plan of Implementation. Manager Bair reported that the Settlement Contractors and several partnering NGO's are taking on projects to improve salmon recovery, such as the Knights Landing Outfall Gates Fish Barrier Project. These actions are in the early stages of being incorporated into a more effective SWRCB Plan of Implementation that is accountable and hopefully offsets the water only approach.

Attorney O'Brien reported on the 2006 litigation regarding our Settlement Contracts with the U.S. Bureau of Reclamation (USBR) that stated that USBR renewed the contracts without going through the proper consultation; therefore they were not properly renewed. The 9<sup>th</sup> Circuit Court determined that USBR needed to go through a proper consultation process, which USBR is currently completing. Manager Bair also reported that a new 60-day notice was filed by the Natural Resource Defense Council (NRDC) that they intend to file suit against the USBR and Settlement Contractors regarding 2014 and 2015 operations. The 60-day notice is part of the process for filing suite for a violation of the Endangered Species Act (ESA).

President Durst gave an update on the Sites Reservoir Project. Four seats on the JPA have been added for three large Tehama-Colusa Canal district investors and one seat to represent a group of smaller districts. The JPA has hired a new General Manager, Mr. Jim Watson which will help get the Project moving forward.

Manager Bair reported that the District was considering becoming a Groundwater Sustainability Agency (GSA) for the District. The GSA's formed within a Groundwater Planning Area are required to coordinate on that plan. The GSA then takes on considerable efforts to ensure that the water management required for sustainable groundwater management are met. Several districts have started the process of creating the GSA for their own areas. If local government cannot manage the groundwater basins, the SWRCB has the authority will step in and take over.

The meeting was opened for questions.

The Public Forum closed at 9:55 a.m.

## **ADMINISTRATION**

**Public Participation:** There were no further comments from the Public at this time.

**Consent Agenda** – After discussion, it was moved by Trustee Leonard, seconded by Trustee Doherty and unanimously approved to approve the consent agenda, including the Minutes of the July 16 Board meeting and Special Board meetings held on July 16 Tract 6 Committee and August 4, 2015 Special Board meeting with one correction.

**Accounts Payable** – After discussion, it was moved by Trustee Cornwell, seconded by Trustee Miller and unanimously approved to approve the accounts payable: Maintenance Fund in the amount of \$1,351,491 including payment to the Irrigation Fund for \$627,501 for lost revenue from the water transfer and on-line payments to be ratified in the amount of \$24,750 and payments made in July to be ratified \$779,998 and Irrigation Fund in the amount of \$580,648, include System Rental of \$469,829 and payments to be ratified in the amount of \$95,499 for power. Manager Bair reported that Operations Manager was looking to replace a quad. This purchase would be within the current budget.

## **BUSINESS ITEMS**

**1. Operation's Report** – Operations Manager Navarrot reported on District-wide maintenance. He reported that he had a surplus in the Capital Outlay Budget and asked to purchase a Honda Quad to replace the old one that no longer ran. It was the consensus of the Board to purchase a Honda quad.

**2. Bay Delta Conservation Plan (BDCP) and Water Changing Dynamics** – CalWaterFix is a partnership between State and the federal water contractors. Currently the project shows a very small benefit for south of Delta water contractors. As part of the Project, USBR will decide if it should petition for change of point of diversion. If filed, the District will have a short time to file protest on change petition. The plan is to have three efforts moving forward to resolve issues related to the current project: 1) Operational issues; 2) working with the fisheries; and 3) resolving the challenges related to the Cooperative Operating Agreement COA, which is how the State and federal projects account for exported water and Delta inflow obligations. These issues will take intense work on behalf of the Board, staff, legal and engineering support team for the next several years.

**3. Implementation of the Sustainable Groundwater Management Act (SGMA)** – Attorney O'Brien distributed copies of a Memo regarding Election to Become Groundwater Sustainability Agency. He reviewed the memo with the Board and stated that the District had until October 20, or Colusa County that filed to become a GSA for the whole County would be presumed the GSA. The GSA will have broad fee levying and groundwater management authorities. Attorney O'Brien reviewed the process to become a GSA. After further discussion, it was moved by Trustee Cornwell, seconded by Trustee Leonard and unanimously approved to direct Manager Bair to publish the required legal notices in both Yolo and Colusa Counties as

directed by legal counsel. It was suggested that President Durst and Manager Bair meet with the District's Colusa County Supervisor to discuss this matter.

**4. Water Operations** – Assistant Manager Busch reported that the District's Settlement Contract and senior water rights run through October 31. As of November 1, the District will not be allowed to divert water. Only riparian water right holders will be allowed to divert water after that date unless term 91 is lifted making the District's winter water right usable. It is projected that the District will use the remaining base water during September. There was discussion regarding rice decomp in October and the appropriate cost considering it would be Project Water. In the past the charge was based on the per-acre-foot rate (\$15.15) plus the USBR cost (\$9.25). After further discussion, it was moved by Trustee Doherty, seconded by Trustee Miller and unanimously approved to allow 3,500 acres of one-time flood rice decomp water at the rate of \$25.00 per acre. The process will include the field being ready for water before the Water User calls to be put onto the list. The Board discussed the ban on pre and post irrigations. After discussion, it was Assistant Manager Busch's recommendation that the ban on pre and post irrigations be lifted. It was moved by Trustee Cornwell, seconded by Trustee Doherty and unanimously approved to lift the restriction on pre and post Irrigations after September 1 with recycled water irrigations being lifted immediately.

Assistant Manager Busch reported that the estimated cost for the operation of District Landowners' wells is \$183,000, which includes \$20 per acre-foot for capital cost plus the cost of power for approximately 1,800 acre-feet of water. After discussion, it was moved by Trustee Doherty, seconded by Trustee Leonard to direct staff to pay landowners for the groundwater pumping as costs are submitted. The motion passed with Trustees Miller and Cornwell abstaining.

**5. Knights Landing Outfall Gate Project (KLOG)** – Manager Bair reported that the contractor was given permission to start some of the construction on KLOG.

**6. 2015 Mid-Year Budget Review and Proposed Adjustments** – Manager Bair reviewed the 2015 Budget with the Board. A Finance Committee meeting will be setup to review the mid-year budget and report at the September Board meeting. Manager Bair also reported that Mr. Gage Houser will be at the September Board meeting to discuss the District's investments.

## **INFORMATION REPORTS**

### **NCWA's Report**

Trustee Cornwell reported on the NCWA Meeting held August 19. He said that there was discussion regarding the search for funding sources for fish recovery projects. President Durst reported that there will be a dinner in October for the Salmon Recovery Program for both Board members and staff.

**Attorney's Report** – Nothing Further.

**Sites Report** – President Durst said that the Sites JPA is looking to see what can be approved by a member representative and what can be approved by a member agency. The question was how much debt can the member representative approve before coming to the Board for authorization. It was moved by Trustee Miller, seconded by Trustee Leonard to place a ceiling of \$20 million dollars of JPA debt before requiring approval of the member Boards. It was further moved by Trustee Miller seconded by Trustee Leonard and unanimously approve to rescind the prior action and to add this as an action item to the September Board meeting.

**Assistant Manager's Report** - Assistant Manager reported on the proposed Bird Program by the Nature Conservancy. He said that because of TNC funding cuts, only 250 acres would be funded for a bird project in 2015. After discussion, staff was directed to move forward with TNC on the Bird Project. It was the consensus of the Board to authorize Manager Bair or Assistant Manager Busch to sign a Project Agreement with TNC.

**Manager's Report** – Manager Bair reported that Steve Beckley has agreed to help the District next year with its District communications. For the balance of this year staff with support from Mr. Beckley we put out monthly newsletters and continue the social media effort.

Manager Bair announced that the Knights Landing Ridge Drainage District will hold a groundbreaking ceremony for the Levee Repair Project that is starting construction on September 2. He also announced that this is an election year for President Durst, and Trustees Cornwell and Doherty. Nomination petitions are due back at the District no later than September 11 by 5:00 p.m.

The Board discussed the El Dorado Maintenance Project and Trustee Cornwell and Attorney O'Brien departed the meeting while there was discussion. It was suggested that both attorneys

from both RD108 and River Garden Farms make contact to discuss this issue. Manager Bair said that he would ask Trustee Cornwell for a response to the letter sent to RGF.

### **RECESS**

At 12:33 p.m. the meeting recessed for lunch. Those present at the meeting were invited to join the Board for lunch. The meeting reconvened at approximately 1:15 p.m.

### **ADJOURNMENT**

There being no comments from the public and no further business to come before the board, the meeting was adjourned at approximately 12:40 p.m.

Respectfully Submitted

Lewis Bair  
General Manager