

<h1>TNBC</h1> <p>The Natomas Basin Conservancy</p> <p>www.natomasbasin.org</p>	<p>Regular Meeting of the Board of Directors</p>	<p>Upcoming Regular Meetings</p>	
	<p>4:00 p.m.</p> <p>2150 River Plaza Drive, #460</p> <p>Sacramento, CA</p>	<ul style="list-style-type: none"> • November 3 • December 1 • February 2 	<p>October 6, 2010</p>

#	Section	Item	Type	Pg.	Discussion
1	Call to Order	Call to Order of the Regular Meeting of the Board of Directors	Admin.	Ø	○ The Board President will call the meeting to order if a quorum is present. Announcements by the Board President or Executive Director may be made at this time.
2	Action	Approval of the Minutes	Action	2.1	⊕ The Board President will request approval of the minutes of the Board of Directors meeting of September 1, 2010.
3	Action	Agreement recognizing change in legal services	Action	2.8	⊕ The Board requested staff and Conservancy legal counsel present for its consideration an agreement that ensures the Conservancy's continued representation by Ed Quinn, acting as Conservancy legal counsel, in view of his recent change of law firm affiliation. The agreement presented here requests the Board's authorization of the Conservancy's Executive Director to execute and deliver an agreement which continues the services of Ed Quinn of the firm Best, Best & Krieger as Conservancy legal counsel.
4	Action	Selection of a biological monitoring services consultant	Action	2.15	<p>⊕ The Conservancy's Board and staff have engaged in prior discussions about the conduct of the NBHCP's required biological effectiveness monitoring. Two months ago, the Board determined it was time to initiate a new biological monitoring contractor selection process as a part of market testing (cost, service and competency) and to generally demonstrate openness to Conservancy contracting.</p> <p>As a result, Conservancy staff prepared a Request for Proposal (RFP) process for use in selecting a biological monitoring contractor moving forward, beginning in 2011. The proposal included a three-year contract with two one-year options to renew beyond the initial three years.</p> <p>At the September 1, 2010 Board of Directors meeting, the Board authorized the release of the RFP and requested proposals be presented to it for its consideration. That action was immediately implemented according to the schedule outlined in the September 1, 2010 Board</p>

of Director agenda packet and restated in the table below:

**Planned Timetable
Biological monitoring contractor RFP***

Event	Date
TNBC Board approves RFP for release	September 1, 2010
Release and distribution of RFP	September 3, 2010
Responses due by 5:00 p.m.	September 29, 2010
TNBC Board reviews proposals; selects	October 6, 2010
Agreements signed by both parties	October 27, 2010

**subject to change*

Staff will share with the Board its evaluation of the proposals submitted and request that the Board authorize the Conservancy's Executive Director to execute and deliver an agreement for biological monitoring services, after review and approval by legal counsel as to form.

Staff requests that the Board designate a back-up RFP response. Should the primary selected RFP respondent and the Conservancy not come to final agreement on the terms of the engagement, then the authorization of the Board for the Conservancy's Executive Director to execute and deliver an agreement between the biological monitoring consultant and the Conservancy would be shifted to the Board-selected back-up RFP respondent.

Finally, Conservancy staff will share the process and results of the RFP process with the NBHCP Technical Advisory Committee (NBHCP TAC). While the NBHCP TAC's approval is not required, it will be helpful to have the benefits of the NBHCP TAC's observations before signing an agreement with a biological services contractor.

5	Action	Agreement amending the Implementation Agreement No. 1 with the Sacramento Area Flood Control Agency (SAFCA)	Action	2.18	<p>⊕ With SAFCA, the Conservancy entered into an agreement titled the "Master Agreement" dated March 9, 2009 for the purposes of managing certain SAFCA mitigation lands. Later, on June 4, 2009, the two parties entered into an agreement titled the "Implementation Agreement No. 1" wherein the Conservancy agreed to operate, manage and maintain the Brookfield tract in the northern part of the Natomas Basin, and do so in accordance with a site-specific management plan (SSMP). SAFCA was to record an easement on the tract in favor of the Conservancy, place the Brookfield tract in a condition that would allow the SSMP to be implemented, and provide the Conservancy with the funds necessary to implement the SSMP on the Brookfield tract.</p>
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6	Action	Natomas Central Mutual Water Company (NCMWC) and its efforts to secure necessary permitting for a new screened diversion on the Sacramento River and the Conservancy's role in the process	Action	2.47	<p>○ The NCMWC, as a part of its efforts to secure funding for a fish-screened diversion (the "project") on the Sacramento River, has for years been trying to work out an agreement that satisfied state and federal agencies that the project had the effect of no harm upon the NBHCP's Covered Species or that any harm was reduced or minimized.</p> <p>A draft agreement has been settled on, and the Conservancy has been asked to play a role in, and be a signatory to, the Memorandum of Understanding (MOU) between the NCMWC, U.S. Fish and Wildlife Service, California Department of Fish and Game and the Conservancy.</p> <p style="text-align: center;">NATOMAS CENTRAL MUTUAL WATER COMPANY'S TAKE AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES FOR THE LONG-TERM OPERATIONS AND MANAGEMENT OF CONVEYANCE FACILITIES IN THE NATOMAS BASIN</p> <p style="text-align: center;">THIS DOCUMENT WAS PREPARED BY:</p> <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;"> <p style="text-align: center;"><i>Natomas Central Mutual Water Company</i> 2601 West Elkhorn Boulevard Rio Linda, California 95673 (916) 419-5936</p> </div> <p style="text-align: center;">FOR:</p> <table border="1" style="margin: 10px auto; width: 80%; border-collapse: collapse;"> <tr> <td style="padding: 2px;"><i>U.S. Fish and Wildlife Service</i> Endangered Species Division 2809 Cottage Way, Suite W-2605 Sacramento, California 95825</td> <td style="padding: 2px;"><i>California Department of Fish and Game</i> North Central Region 1701 Nimbus Road, Suite A Rancho Cordova, California 95670</td> </tr> </table> <p style="text-align: center;">AND AS PLAN OPERATOR:</p> <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;"> <p style="text-align: center;"><i>The Natomas Basin Conservancy</i> 2150 River Plaza Drive, Suite 460 Sacramento, California 95833 (916) 649-3331</p> </div> <p style="text-align: center;">September 2010</p> <p>This item requests the Board of Director's authorization of its Executive Director to execute and deliver this agreement after review as to form by Conservancy legal counsel.</p>	<i>U.S. Fish and Wildlife Service</i> Endangered Species Division 2809 Cottage Way, Suite W-2605 Sacramento, California 95825	<i>California Department of Fish and Game</i> North Central Region 1701 Nimbus Road, Suite A Rancho Cordova, California 95670
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7	Discussion	City of Sacramento report	No action	∅	○ Report from the City of Sacramento. HCP-related activity and other topics.
8	Discussion	Financial statement review	No action	2.97	○ A financial statement update will be provided for the period ended August 31, 2010 (unaudited).
9	Discussion	Draft budget for 2011	No action	2.117	○ Staff will provide the Board with another look at the draft 2011 budget prior to submitting it for adoption in November or December.
10	Discussion	Status report of RFPs outstanding	No action	∅	○ The release of the audit services and investment advisor services RFPs generated quality responses. Conservancy staff will update Directors on the status of the responses to date.
11	Discussion	Metro Air Park HCP alternative fee payment structure proposal	No action	2.123	○ The Metro Air Park Property Owners Association (MAPPOA) has been in discussions with Conservancy staff about a potential alternative fee payment proposal. The proposal essentially bifurcates MAPPOA's HCP fee, with the immediate needs portion of the fee being paid prior to ground disturbance as is current practice, and then the remainder of the HCP fee paid in perpetuity through an assessment on Metro Air Park property owners.
12	Discussion	SAFCA NLIP project update report; Fisherman's Lake Reserve Area	No action	∅	○ Staff will provide a status report on the impact of SAFCA's NLIP project upon the Conservancy's Fisherman's Lake Reserve Area. Staff has been in extensive meetings with SAFCA personnel and consultants (engineers, environmental consultants, agronomists, etc.) on the matter. It appears there will be substantial enhancements to the west side of Fisherman's Lake, which if implemented correctly, could result in a net habitat improvement for selected NBHCP Covered Species.
13	Discussion	Sutter Pointe activity; initial discussions	No action	∅	○ Staff will brief the Board on recent discussions with Sutter County officials and development proponents of the Sutter County (Measure M) development area.
14	Public Comments	Public Comments	No action	∅	○ Opportunity for members of the public to address the Conservancy's Board of Directors.
15	Executive Director's Report	Executive Director's Report	No action	ⓘ	○ Various matters for Board members' general information.
16	Adjournment	Adjournment	Admin.	∅	○ Official adjournment of the meeting.