

**Minutes of Regular Meeting
of
The Natomas Basin Conservancy**

August 3, 2022

Offices of the Natomas Basin Conservancy
(Meeting held virtually)

5:00 p.m.

Notice of meeting posted on Conservancy website.

1.A. Call to Order. Shirey called the regular meeting to order at 5:08 p.m., noting a quorum was present.

Board Members Present: Melinda Bradbury, Chandra Chilmakuri, David Christophel, Steve Cohn, Michael Johnston, John Shirey, and Gabrielle Stadem.

Board Members Absent: Chris Norem.

Staff Present: John Roberts, Kim Burns, Jennifer Skupic, Yvonne Melkonian, Jennie Bradford, and Spencer Rees, IT consultant.

Legal Counsel Present: Ethan Walsh.

1.B. Emergency Action Item. BKS tract Giant garter snake enhancement project at Pond O. Reason for late notice: unless the Board entertains the matter now, any selected contractor for the BKS tract Giant garter snake enhancement project at Pond O would not have time to conduct the work before the September 30 cut-off date for disturbance on preserves (e.g., the “GGS construction deadline”). If this deadline was missed, the project would be delayed until after the May 1, 2023, missing an opportunity to provide enhanced habitat for GGS, and given high inflation, the project would likely cost more next year. Also, the unexpected availability of contractors at this time was not expected to be repeated next spring. (See further justification in item 6.B. of these minutes.)

Request: Add agenda item BKS tract Giant garter snake enhancement project at Pond O to the August 3, 2022 Board of Directors agenda.

Action: Moved/Seconded: Christophel/Cohn

Yes: Melinda Bradbury, Chandra Chilmakuri, David Christophel, Steve Cohn, Michael Johnston, John Shirey, and Gabrielle Stadem.

Passed: Resolution No. RS 22.08.01.

2. Public Comments. Shirey called for public comments. None were heard.

3. Consent item, Approval of minutes. Shirey called for approved of Consent Item, Approval of the June 1, 2022 Board of Directors meeting minutes.

4. Consent item, ICF Biological Effectiveness Monitoring Program Update. Shirey called for approval of Consent Item, ICF Biological Effectiveness Monitoring Program Update. This item updates the program document used for effectively measuring the mitigation of the NBHCP’s Covered Species. Management requested the ICF Biological Effectiveness Monitoring Program update not to exceed \$40,000.00.

Request: Approval of the consent agenda item – Minutes of the June 1, 2022 Board of Directors meeting and ICF Biological Effectiveness Monitoring Program Update not to exceed \$40,000.00.

Action: Moved/Seconded: Johnston/Cohn

Yes: Melinda Bradbury, Chandra Chilmakuri, David Christophel, Steve Cohn, Michael Johnston, John Shirey, and Gabrielle Stadem.

Passed: Resolution No. RS 22.08.02.

5. Addition of new mitigation land; revision to the maintenance agreement with Triangle. This item requested Board approval to amend the land maintenance agreement between the Conservancy and Triangle to include coverage of the AKT tract. This property is expected to be tendered to the Conservancy by SAFCA soon as consideration for smaller parts of three properties SAFCA is acquiring for the Natomas Levee Improvement Project.

The provision for added properties is already contained in the existing agreement between the Conservancy and Triangle. This contract was approved by the Board of Directors on October 7, 2020, Resolution #20.10.03. That agreement notes that adding acres is based on a formula as follows:

2022 – \$355/acre
2023 – \$366/acre
2024 – \$377/acre
2025 – \$388/acre

Request: This item requested the Board’s authorization for either the Executive Director or Chief Financial Officer to execute and deliver a revised land maintenance contract such that existing terms and conditions are applied pursuant to existing contractual provisions and that the revised land maintenance provision of the existing agreement covers the anticipated acquisition of the AKT tract in the Conservancy’s Fisherman’s Lake Reserve Area, which is approximately 50 acres in size.

Action: Moved/Seconded: Johnston/ Chilmakuri

Yes: Melinda Bradbury, Chandra Chilmakuri, David Christophel, Steve Cohn, Michael Johnston, John Shirey, and Gabrielle Stadem.

Passed: Resolution No. RS 22.08.03.

6.A. Restoration of Betts pasture for Swainson’s hawk benefit. This item requested the Board of Director’s approval to engage the current land maintenance contractor, Triangle Properties, Inc., on the Conservancy’s Betts tract to conduct irrigated pasture restoration measures on the 37-acre Betts tract pasture. The purpose is to attempt to restore the pasture’s ability to be efficiently irrigated.

This item reflects prior year Conservancy action that was responsive to mosquito control authorities. The Betts pasture was a source of mosquito control measures by the mosquito district that had adverse biological impacts on the property. It was poorly irrigated and drained, which was attributed as the cause of mosquito populations. These were the conditions that the Conservancy found the property in upon acquisition.

With precision leveling, renovation of the irrigation system and improved surface drainage, it is believed the pasture can be placed back into irrigation and not be a land use that rises to the level of mosquito district control measures as happened in the past.

The NBHCP Covered Species expected to benefit from this work are the Swainson's hawk, the Loggerhead shrike and the Tri-colored blackbird.

This is expected to be a multiple-year project. The total cost is not expected to exceed \$25,000.00. Some off-setting revenue can be expected in future years from limited grazing fees. Bradbury requested that a memo to file be prepared about the planned work.

Request: The Board was asked to authorize the Executive Director or Chief Financial Officer to execute and deliver a contract as more fully described above for Betts tract pasture renovation.

Action: Moved/Seconded: Bradbury/Christophel

Yes: Melinda Bradbury, Chandra Chilmakuri, David Christophel, Steve Cohn, Michael Johnston, John Shirey, and Gabrielle Stadem

Passed: Resolution No. RS 22.08.04.

6.B. BKS tract Giant garter snake enhancement project at Pond O. Action requested.

The Board was asked to authorize the Conservancy's Executive Director or Chief Financial Officer to execute and deliver all necessary documents for the purpose of engaging a contractor to conduct work on the Conservancy's BKS tract. The work entails modifying and enhancing the Pond O structure for the benefit of the Giant garter snake, a "primary" Covered Species in the NBHCP. It calls on the adaptive management provisions of the NBHCP where the Conservancy is encouraged to use information it has learned to make modifications for the benefit of one or more of the NBHCP's Covered Species, in this case, the Giant garter snake.

Reason for late notice. The need for the request on the August 3, 2022 Board of Directors meeting was that unless the Board entertains the matter now, any selected contractor would not have time to conduct the work in time to comply with the September 30 cut-off date for disturbance on preserves (e.g., the "GGS construction deadline"). Additionally, Conservancy management did not believe it would be possible to get multiple competitive bids in for the Board's consideration due to a well-known shortage of construction labor, with contractors evidencing they are booked up with existing work, and a roughly doubling of diesel fuel prices, a major expense item on such projects. However, multiple bids were submitted and referred to Conservancy management mid-morning, Wednesday, August 3, 2022. All three bids submitted were from reputable companies, two of whom have conducted substantial work for the Conservancy in the past. The Conservancy engaged a construction manager for this project. The construction manager circulated a plan set and bidding documents. The low bid was lower than Conservancy management had estimated for the job. All three bidders indicated they could get to the project prior to the September 30 deadline.

Funding. The project will be funded by non-HCP funds. The monies will come from a restricted fund for projects intended to go above and beyond the requirements of the HCPs for Giant garter snake benefit.

Request: This item recommended the Board authorize the Conservancy's Executive Director or Chief Financial Officer to execute and deliver all necessary documents to award a contract to

and engage Triangle Properties, Inc. in the amount of \$44,240.00 to conduct the Pond O project at the BKS tract and begin the work as soon as practicable, but no later than September 30, 2022.

Action: Moved/Seconded: Johnston/Christophel

Yes: Melinda Bradbury, Chandra Chilmakuri, David Christophel, Michael Johnston, John Shirey, and Gabrielle Stadem.

Passed: Resolution No. RS 22.08.05.

7. City of Sacramento Report. Cheryl Hodge with the City of Sacramento attended the meeting. No comments were made.

8. County of Sutter Report. No representative of Sutter County attended the meeting.

9. Financial Statement and Mid-year Budget Review. Burns presented the unaudited June 30, 2022 financial statements and discussed why no mid-year budget was recommended at this time.

10. Financial and Budget Impact; Macroeconomic Perspective. Management shared with the Board two matters having to do with backgrounding on budget and finance matters. One is the “macroeconomic” perspective on the present time period in the 50-year NBHCP permit, and financial progress to date. The other has to do with a macroeconomic perspective regarding investment returns and its impact on the HCP fee.

11. RD 1000. Kevin King, General Manager RD 1000, spoke to the Board regarding proposed upcoming rate increases.

12. Executive Director’s Report. Roberts reviewed the Executive Director’s Report with the Board.

13. Adjournment. Shirey called for a motion to adjourn the regular meeting of the Board of Directors.

Request: Meeting adjournment at 7:10 p.m.

Action: Moved/Seconded: Cohn/Chilmakuri

Yes: Melinda Bradbury, Chandra Chilmakuri, David Christophel, Steve Cohn, Michael Johnston, John Shirey, and Gabrielle Stadem.

Passed: Resolution No. RS 22.08.06.

Attest:

Chandra Chilmakuri, Secretary

Date