

SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
GROUNDWATER PUBLIC HEARING/BOARD OF DIRECTORS MEETING

MINUTES OF APRIL 28, 2021
1:30 p.m.

President McDonald called the meeting of the Board of Directors to order at 1:30 p.m. by teleconference and Zoom meeting; all those in attendance stood for the pledge of allegiance led by President McDonald.

ROLL CALL:

BOARD MEMBERS PRESENT:

Melody McDonald, President
Richard Corneille, Vice President
David E. Raley, Director
Robert Stewart, Director
John Longville, Director (Arrival 1:33 p.m.)

BOARD MEMBERS ABSENT:

None

GENERAL COUNSEL PRESENT:

David Cosgrove, Rutan & Tucker

STAFF PRESENT:

Daniel Cozad, General Manager
Betsy Miller, Land Resources Manager/Assistant General Manager
Erwin Fogerson, Senior Engineer/Project Manager
Katelyn Scholte, Assistant Engineer
Athena Lokelani, Administrative Specialist

GUESTS PRESENT:

David E. Smith, East Valley Water District

1. PUBLIC PARTICIPATION

President McDonald announced that any person present, who so desired, may make an oral presentation to the Board of Directors. There being none, the meeting continued with the posted agenda items.

2. ADDITIONS/DELETIONS TO AGENDA

There were none.

3. PUBLIC HEARING RELATED TO THE ADOPTION OF THE GROUNDWATER CHARGE

President McDonald opened the Groundwater Public Hearing. The recommended increase for the groundwater charge is \$0.69, from the current rate of \$13.85 to \$14.54 per acre foot for all groundwater

production with the recommended sustainability component of \$22.04 per acre foot to be phased in over time, ranging from \$2.50-\$20 per acre foot. Staff has not received any oral or written comments on the groundwater rate or sustainability component. President McDonald asked if anyone had comments on Resolution No. 584. Mr. Cosgrove stated that there had been many earlier considerations by the Board of this item, including the Engineering Investigation Report (EI), Groundwater Producers Public Meeting on March 24, and Groundwater Public Meeting on April 14. He indicated that these, along with all staff materials, will be part of the administrative record. Mr. Cosgrove noted that revisions were made to the groundwater resolution, Resolution No. 584, in response to comments from the Board. He said that Section 5B(2) of the resolution was added to clarify language pertaining to credits and exemptions related to the Groundwater Council (GC) members. Section 6(F) was also revised at the request of Vice President Corneille to explain revenues from non-GC members, describe how they were derived, and estimate potential revenue sources. Mr. Cosgrove noted that a sentence would be added to the end of Section 6(F), "The remaining funds are to be paid by the District's capital and groundwater reserves, lease payments from Valley District and Western and Exchange Plan management reimbursements." Mr. Cosgrove noted that Section 7 indicates the method utilized by the District to segregate sustainability funds. Director Raley spoke in opposition to the sustainability component. President McDonald closed the Groundwater Public Hearing.

It was moved by to adopt Resolution No. 584 by Vice President Corneille and seconded by Director Longville as amended. The motion carried 5-0, with all Board members present voting in the affirmative.

**President McDonald: Yes
Vice President Corneille: Yes
Director Longville: Yes
Director Raley: Yes
Director Stewart: Yes**

4. CONSENT CALENDAR

It was moved by Director Longville and seconded by Director Stewart to approve the Consent Calendar: Item A: Board Minutes, April 14, 2021, and Item B: Outreach Workshop Minutes, April 14, 2021. The motion carried 5-0, with all Board members present voting in the affirmative.

**President McDonald: Yes
Vice President Corneille: Yes
Director Longville: Yes
Director Raley: Yes
Director Stewart: Yes**

5. COMMITTEE REPORTS/ACTION ITEMS

A. AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT FOR ON-CALL BIOLOGICAL SERVICES WITH ORIGIN BIOLOGICAL

Ms. Miller introduced this item for discussion, noting its inclusion in the package on pages 19 to 23. The original contract for services was approved by the Board in March 2020. She reviewed the history of the contract as outlined in the table shown on package page 20. The two amendments requested today total \$84,500. Amendment 4 is \$59,500 and is specific to Wash Plan Implementation, and Amendment 5 is \$25,000 related to Mill Creek Spreading Grounds permits. The Amendment 4 costs include trapping for the first year of Wash Plan implementation for the San Bernardino kangaroo rat (SBKR) and required

monitoring of slender horned spineflower and California gnatcatcher. The Amendment 5 costs include the work needed to obtain both state and federal permitting for Mill Creek; this is a one-time cost. Director Stewart asked if the costs for Amendment 4 are for the initial year study after the protocols are established. Ms. Miller said that Amendment 4 would occur at a minimum of once a year for the first three years of the Wash Plan implementation. The protocol development is a one-time cost, but the trapping will be done annually for the first three years. Vice President Corneille asked if Origin Biological is Mikael Romich's firm. He suggested considering other firms. Mr. Cozad said that the District had a three-year relationship with a previous firm, so the District has a history of recompeting biological contracts from time to time. Vice President Corneille congratulated the staff and the District for the article on the Plunge Creek Conservation Project in the Highland Community News. A brief discussion ensued regarding consulting firms. Director Raley asked how much of the money will not be reimbursed and how is the District keeping track. Ms. Miller said that Amendment 4 would be reimbursed through the endowment that the Conservation Trust holds, and the District will pay amendment 5 from the Land Resources Enterprise; this is not reimbursable.

It was moved by Vice President Corneille and seconded by Director Stewart to approve Amendment 4 and Amendment 5 in an amount not to exceed \$84,500. The motion carried 5-0, with all Board members present voting in the affirmative.

**President McDonald: Yes
Vice President Corneille: Yes
Director Longville: Yes
Director Raley: Yes
Director Stewart: Yes**

B. REQUEST FOR LETTER OF SUPPORT FOR SBVMWD SEVEN OAKS DAM WATER CONSERVATION COMMUNITY PROJECT FUNDING REQUEST

This item begins on package page 24. Mr. Cozad said that San Bernardino Valley Municipal Water District (Valley Municipal) is engaging in a feasibility study to gain congressional authorization related to the storage of water behind Seven Oaks Dam (SOD) and would like the District's support. He said that Valley Municipal would like to include water conservation as an officially authorized purpose. Mr. Cosgrove provided the history of SOD and water rights issues. He indicated that the District could support Valley Municipal's request. Director Stewart asked how this would affect others that are opposing the way the dam is operated. Mr. Cozad indicated that is likely neutral since the District would only be supporting the feasibility study, and settlement of the litigation is likely needed for the effort to move forward.

It was moved by Director Longville and seconded by Director Stewart to authorize the Board President to sign and submit a letter of support as shown within the package. The motion carried 5-0, with all Board members present voting in the affirmative.

**President McDonald: Yes
Vice President Corneille: Yes
Director Longville: Yes
Director Raley: Yes
Director Stewart: Yes**

6. INFORMATION ITEMS

A. ACTIVE RECHARGE TRANSFER PROJECTS STATUS REPORT NO. 6

Mr. Fogerson introduced this item for discussion, noting its inclusion on package pages 29 to 45. Staff is working on the feasibility study scope for procurement. The content of the study was agreed to by the San Bernardino County Flood Control District (Flood Control). Staff is preparing an RFP to send to those on its consultant's list. Mr. Fogerson said that the development of the Program Management Plan is ongoing. He reviewed the two separate projects for Mill Creek. The District's current project looks at existing facilities and their maintenance and functionality, where the ARTP project is looking at expanding on existing diversion structures enhancing recharge. This item was received and filed.

B. FUTURE AGENDA ITEMS AND STAFF TASKS

Director Raley requested that the Ad Hoc Trails Committee revisit the Trails Plan developed in 2016.

7. UPCOMING MEETINGS

There were none discussed.

8. CLOSED SESSION

There was none held.

9. ADJOURN MEETING

It was moved by Vice President Corneille and seconded by Director Stewart to adjourn. The motion carried 5-0, with all Directors present voting in the affirmative.

**President McDonald: Yes
Vice President Corneille: Yes
Director Longville: Yes
Director Raley: Yes
Director Stewart: Yes**

At 2:26 p.m., the meeting adjourned to the regular Board of Directors meeting scheduled for 1:30 p.m. on May 12, 2021, via Zoom.


Daniel B. Cozad
General Manager