

Minutes of the Board Meeting of the
TRUCKEE-CARSON IRRIGATION DISTRICT
 Regular Session Board Meeting Minutes
February 1, 2022

The Board of Directors of the Truckee-Carson Irrigation District, in the counties of Churchill and Lyon, State of Nevada, met in regular session at the Office of the District, 2666 Harrigan Road, Fallon, Nevada, on **Tuesday, February 1, 2022** at 9:00 a.m.

The following Directors were present constituting a quorum:

Present:	Eric Olsen	President
	David Stix Jr.	Vice-President
	Robert Oakden	Secretary
	Lester deBraga	Treasurer
	Joseph Gomes	Director
	Abraham Schank	Director
Absent:	Wade Workman	Director
Others Present:	Rusty Jardine	General Manager
	Helen-Marie Morrow	Finance Manager (Zoom)
	Kelly Herwick	District Water Master
	Cody Biggs	Construction/Maintenance Manager
	Michele Wisnefski	Assistant Secretary to the Board

Teleconference/Zoom Guests	Representing
Jack Worsley	Bureau of Reclamation
Laurie Nicholas	Bureau of Reclamation
Robert Martinez	Bureau of Reclamation
Dan Lahde	Bureau of Reclamation
Robert Owen	Bureau of Reclamation
Jason Villarreal	Bureau of Reclamation
Josh Voorhees	Bureau of Reclamation
Bethany Chagnon	US Fish & Wildlife Service
Isaac Metcalf	Nevada Department of Wildlife
Julie O'Shea	Farmer's Conservation Alliance
Rajja Bushnell	Farmer's Conservation Alliance
Leanna Hale	Fallon Paiute-Shoshone Tribe
Rachel Dahl	The Fallon Post

In-Person Guests	Representing
Jacob Ward	Nevada Department of Wildlife

The following agenda items are not necessarily in the order they were heard or decided but in the order as appearing on the agenda.

1. Call to Order

President Olsen called the meeting to order in accordance with NRS 241 at 9:01 a.m.

2. **Pledge of Allegiance**

The Pledge of Allegiance was led by President Olsen.

3. **Approval of the Agenda**

A motion was made by Director Gomes to adopt the agenda as presented, seconded by Treasurer deBraga, request for comment and the motion was unanimously approved.

4. **General Public Comment**

There was no public comment.

5. **Miscellaneous Correspondence**

Rusty Jardine, General Manager reported on the Directors' election schedule – February 17, 2022 is the first day to declare candidacy and March 16, 2022 is the last day to file for candidacy. Jardine also referenced the letter from the Family Farm Alliance (FFA) regarding the revised definition of the "Waters of the United States" (WOTUS).

President Olsen signed the Old Lahontan Power Plant (OLPP) Transfer Agreement. A photo of such will be provided to The Fallon Post.

6. **General Manager and Staff Reports**

• **Rusty Jardine, General Manager**

Rusty Jardine, General Manager reported for Mark Solinski; routine maintenance is being performed on New Lahontan Dam.

• **Cody Biggs, Construction & Maintenance Manager**

Cody Biggs, Construction & Maintenance Manager reported crews were trimming trees on the T-line. Concrete crews are installing structures on the Fallon-Paiute-Shoshone Reservation; they will then move to the T-Line and V1 to install two (2) meters. Crews are re-doing two (2) drain crossings. Carson River cleaning will begin the end of February. Director Gomes and Jason Villarreal, Bureau of Reclamation inquired regarding a General Permit from the Nevada Division of Environmental Protection (NDEP). Jardine responded a General Permit would be sought in conjunction with Churchill County in coordination with the Carson Water Subconservancy District (CWSD).

• **Kelly Herwick, District Water Master**

Kelly Herwick, District Water Master provided the attached report detailing current conditions and the February forecast.

Dan Lahde and Josh Voorhees, Bureau of Reclamation provided a presentation and answered questions regarding Operations Criteria and Procedures (OCAP) policy and the 2020 annual determination and disincentive credits.

• **Mike Adams, Systems & Technologies Manager**

Not present to report.

- **Mark Solinski, Hydroelectric Manager**
Not present to report

7. **City of Fernley – General Updates**
Not present to report.

8. **United States Fish & Wildlife Service (USFWS) – General Updates**
Bethany Chagnon, Deputy Project Leader, Stillwater National Wildlife Refuge reported that USFWS is repairing levees in preparation for the irrigation season. The agency is working to hire an additional seasonal maintenance worker. In addition, this fiscal year, USFWS plans to begin the public scoping process associated with boating regulations at the Refuge.

9. **Bureau of Reclamation – Lahontan Basin Area Office (LBAO) Representative(s) – General Updates**
Robert Martinez, Newlands Project Coordinator reported that LBAO is cooperating with the City of Fernley regarding the Fernley Takeout project and have reminded the City to contact the District regarding operations on the Truckee Canal. Martinez also addressed the Truckee Canal Extreme Maintenance (XM) project; specifically, the creation of a Memorandum of Understanding (MOU) regarding design and construction, and a commitment from the Board regarding the outage required for construction. Also, interest on the repayment contract will start to accrue as expenditures occur relative to construction. In addition, the Derby Dam Fish Screen is scheduled for “testing” to examine the impacts of remote operations from the District office to the physical location of the Fish Screen.

Jack Worsley, Area Manager briefed the Board regarding the XM Repayment Application process. The Application is currently at the Regional Office, and will then move to the Denver Policy and Budget Office and then to the Commissioner for decision. Additional funding outside of the Aging Infrastructure Account is available for the District. LBAO will support the District, as will FCA, in obtaining that funding.

President Olsen and Dan Lahde discussed progress regarding implementation of TCIDWORKS. Software release is expected in 2023.

Additional discussion was had regarding Project efficiency, including lining reservoirs and canals to reduce seepage loss.

10. **Fallon-Paiute Shoshone Tribe (FPST) – General Updates**
Leanna Hale, Land & Water Manager reported that the S7-3 lateral project is moving forward. The District and A&K are installing a water control structure at the R-Line. FPST and the Bureau are collaborating to line the S-Line Reservoir to increase efficiency. FPST is also considering lining the R-Line – depending on funding. In addition, FPST has submitted a water right transfer application to the Office of the State Engineer in order to irrigate off Reservation farm land. The District and FPST also discussed scheduling a pre-irrigation season meeting.

11. **Naval Air Station Fallon (NASF) – General Updates**
Not present to report.
12. **Natural Resources Conservation Service (NRCS) – General Updates**
Not present to report.
13. **Nevada Department of Wildlife (NDOW) – General Updates**
Jacob Ward, Wildlife Technician, NDOW reported that the Carson Lake Pasture Management Plan process is progressing with a draft expected before the next hunting season. In addition, staff is working on fences and roads. Lastly, the cattle that made it into the Carson Lake Pasture, discussed at the January meeting, have been removed.
14. **Farmer’s Conservation Alliance (FCA) – General Updates**
Julie O’Shea, Executive Director reported that FCA is working on funding scenarios for District projects. Evaluation of water loss in the Carson Division and work on the System Improvement Plan (SIP) with sequencing of projects within the Plan is also planned; grant funding for those projects will be pursued.
15. **Determination of the Annual Rate and Levy of Assessment for Operation and Maintenance (O&M) of the Newlands Reclamation Project**
Deliberation and decision was had relating to the setting of a rate and levy of an assessment upon the lands in the District. The Board of Directors is required to set the rate and levy an assessment upon the lands in the District at its February meeting – pursuant to NRS 539.670(1). The levy and assessment must be sufficient to raise the annual interest on the outstanding bonds or any contractual obligation. The District has no outstanding bonds. The foremost contractual obligation of the District is the contract for the operation and maintenance of the Newlands Federal Reclamation Project, Nevada. General Manager Jardine did not recommend any change at this time. The current rate is \$47.90 per water righted acre.

A motion was made by Treasurer deBraga to set the O&M rate at the current rate for fiscal year 2022-2023, seconded by Secretary Oakden, request for comment and the motion was unanimously approved.

16. **Determination of the Rate and Levy of Annual Assessment on All Lands in the District (District General Assessment)**
Deliberation and decision was had relating to the determination of the rate and levy of an annual assessment on all lands in the District for deposit in a capital improvement fund for purposes including the construction, reconstruction or maintenance of the District and any appurtenances necessary thereto, and for ordinary and current expenses of the District as provided for by NRS 539.480(3-8). The rate for the assessment is adjusted on July 1 of each year by an amount equal to the product of the maximum amount applicable during the immediately preceding 12-month period, multiplied by the lesser of 4.5 percent or the average percentage of increase in the Consumer Price Index (CPI) for West Urban Consumers for the immediately preceding 5 years (NRS 539.480(8)). The rate of assessment for fiscal year 2021-2022 is \$6.10. The new rate as adjusted by the CPI is \$6.29 for fiscal year 2022-2023.

A motion was made by Treasurer deBraga to increase the District General assessment from \$6.10 to \$6.29 for the 2022-2023 fiscal year, seconded by Director Oakden, request for comment and the motion was unanimously approved.

17. Annual Report to State Engineer

Rusty Jardine, General Manager reported on the contents of an annual report to be made to the State Engineer as provided for by NRS 539.205. Report contents will include activities relative to the Truckee Canal Extraordinary Maintenance (XM) Project.

18. Annual Health Care Agreement with Anthem Blue Cross and Blue Shield (March 2022-February 2023)

Deliberation and decision was had relating to approval of the Annual Health Care Agreement with Anthem Blue Cross and Blue Shield (March 2022-February 2023) for all eligible District employees and Directors.

Treasurer deBraga recommended the Board approve the Annual Health Care Agreement with Anthem Blue Cross Blue Shield. There is no increase from last year other than a 1.5% increase for dental coverage. Lisa Schloemer with A&H Insurance, Inc. is the new broker.

A motion was made by Treasurer deBraga to approve the Annual Health Plan Agreement with Anthem Blue Cross and Blue Shield, seconded by Director Gomes, request for comment and the motion was unanimously approved.

19. Setting of Dates and Format for Annual Water Users' Meetings

Deliberation and decision was had relating to setting of annual water user meetings (dates and times), determination of format (in-person or virtual), and advertising for participation by water right holders in the Newlands Federal Reclamation Project.

A motion was made by Treasurer deBraga to schedule the water users' meetings in-person, in Fallon and Fernley, on March 2nd and March 3rd, subject to availability, seconded by Secretary Oakden, request for comment and the motion was unanimously approved.

20. Proposal by The Ferguson Group for Advocacy Services (Old Business)

Mark Limbaugh and Lane Dickson of The Ferguson Group (TFG) of Washington D.C. presented to the Board, at the January Board meeting, their proposal to provide advocacy services for the District, including, without limitation, pursuit of potential funding from federal sources, for purposes of implementing improvements to the Truckee Canal as described in the Record of Decision for Truckee Canal Extraordinary Maintenance. There was no decision by the Board at that time regarding approval of the proposal by The Ferguson Group for advocacy services.

The Board revisited the proposal by TFG. Rusty Jardine disclosed that he has known Mark Limbaugh for many years. Deliberation followed and included discussion

regarding term of contract and associated costs. President Olsen and Director Gomes consented to a “fair and impartial” vote.

A motion was made by Vice-President Stix to approve a contract with The Ferguson Group (TFG) for a term not to exceed 3 months and \$30,000, including an \$8,000 monthly retainer and miscellaneous expenses, seconded by Treasurer deBraga, request for comment and the motion was unanimously approved.

21. **Proposal by Capitol Hill Consulting Group for Government Funding Assistance**
Jack Victory and Stratton Edwards of Capitol Hill Consulting Group of Washington D.C., presented to the Board their proposal to provide advocacy services for the District in connection with procurement of federal support dollars with which to provide extraordinary maintenance to the Truckee Canal in Fernley.

Deliberation followed. Jack Worsley, Area Manager, LBAO and Julie O’Shea provided comments. President Olsen disclosed that Jack Victory had worked for him as a teenager. Director Gomes disclosed that Jack Victory is a relative. Board members expressed their concerns regarding hiring a lobbyist; namely the amount and source of financial expenditure, the necessity to take action quickly, and whether or not the desired results would be achieved. Additional deliberation followed. The Board decided not to approve a contract with the Capitol Hill Consulting Group.

22. **Rules and Regulations Governing Distribution and Use of Stockwater**
The Board briefly deliberated the formation of rules governing the distribution and use of stockwater during the irrigation season and any time outside the irrigation season. Vice-President Stix requested that the Board consider a separate season for stockwater delivery. It was determined that consideration of rules and regulations governing distribution and use of stockwater begin at the February O&M Committee meeting with recommendations forwarded for Board consideration at the March meeting.

23. **Consent Agenda Items**
Matters borne by the consent agenda are considered routine and/or informational in nature. Any deliberation and/or decisions made relating to the consent agenda may be given by the Board in a single action without comment, discussion, or public input as a single Board action. Any item on the consent agenda may be removed there-from, upon the request of a Director or member of the public, and thus be made the object of full and complete deliberation and decision making. Action relating to the consent agenda may be undertaken at any time during the course of the meeting. Items on the consent agenda for this meeting are as follows:

- Approval of Director’s compensation as provided for by NRS 539.080.
- Approval of Board Meeting Minutes of January 4, 2022.

A motion was made by Treasurer deBraga to approve the consent agenda items including the Director’s Compensation for the month of January, 2022 and the Board meeting minutes of January 4, 2022 , seconded by Director Gomes, request for comment and the motion was unanimously approved.

24. Committee Reports

- **Operations & Maintenance (O&M) Committee**

David Stix Jr., Committee Chairman raised concerns regarding stock water delivery. Specifically, there are a number of water-right holders who are paying the fee associated with stockwater delivery and are unable to receive such water. Discussion was had regarding repairs to those lines, including access to such lines and timing of delivery. It is understood that stockwater is a part of the water-right holders' allocation under the Orr Ditch Decree and that delivery of stockwater is provided only during the irrigation season. Chairman Stix requested that the Board consider a separate season for stockwater delivery. It was determined that consideration of rules and regulations governing distribution and use of stockwater begin at the February O&M Committee meeting with recommendations forwarded for Board consideration at the March meeting.

- **Carson Lake Pasture (CLP) Committee**

Lester deBraga, Committee Chairman reported that the Committee recommends approval of the 2022 grazing season rate at \$7.20 rate per head and approval of the contract for management of grazing (also known as the "Cowboy Contract") for the 2022 grazing season.

A motion was made by Treasurer deBraga to approve the 2022 grazing season rate at \$7.20 per head and approval of the contract for management of grazing (also known as the "Cowboy Contract") for the 2022 grazing season, seconded by Director Gomes, request for comment and the motion was unanimously approved.

Committee Chairman deBraga also reported that the consensus of the Committee was to maintain the current Committee membership composition until a Master Agreement between the District and the Nevada Department of Wildlife is negotiated.

Discussion was had regarding the Grazing Manager's discretion regarding entry and exit of cattle in a short water year. The consensus was that the Grazing Manager's recommendation would be forwarded to the Committee for deliberation and decision, and would be subject to final approval by the Board of Directors if considered necessary by the CLP Advisory Committee.

Discussion regarding operations also included concerns that less than the 1,888 head of cattle permitted by NDOW entered the Pasture in 2021. Discussion followed regarding how to fill the Pasture area to capacity should there be insufficient numbers in 2022. Discussion continued with the consensus that current grazers should be given first priority to bring more cattle, by percentage of the insufficient number, not to exceed the limitations per Policy. A waiting list of "new applicants" would then be offered space in the Pasture if space is available.

- **Finance Committee**

Finance Committee Recommendations:

Treasurer deBraga (Finance Committee Chairman) reported that the Finance Committee met on January 31, 2022.

A motion was made by Treasurer deBraga to approve the Treasurer's report and Finance Committee recommendations; including check numbers 42165 through 42259, online, phone and automatic payments, and transfer of \$64,131.16 to pay bills, seconded by Director Gomes, request for comment and the motion was unanimously approved.

- **Negotiations Committee**

There was no meeting held for the month of January 2022. A Truckee Canal Extreme Maintenance (XM) Repayment Contract negotiation session is scheduled for February 22, 2022.

- **Policy Committee**

There was no meeting held for the month of January 2022.

- **Employee Relations Committee**

There was no meeting held for the month of January 2022.

- **Public Relations Committee**

There was no meeting held for the month of January 2022.

- **Revenue/IT Committee**

There was no meeting held for the month of January 2022.

- **Truckee Canal Safety Commission**

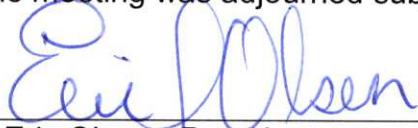
There was no meeting held for the month of January 2022.

25. Additional Public Comment

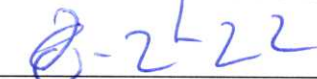
Secretary Oakden mentioned The Fallon Post article about Jack Worsley. Rob Martinez, Newland Project Coordinator mentioned that the Bureau is providing funding to the State Engineer for the Newlands Project Water Right Mapping project.

26. Adjournment

The meeting was adjourned subject to the call of the Board President at 12:22 p.m.



Eric Olsen - President



Date



Robert Oakden - Secretary



Date