

**Minutes of Wednesday, August 5, 2020**  
**North Delta Water Agency Board of Directors Meeting**  
Remote Meeting Held via Teleconference

**Call to Order**

Chairman Mello called the board of directors meeting to order at 9:36 a.m. on Wednesday, August 5, 2020. A quorum was determined at that time. Those present:

Directors

Steve Mello, Division 1  
Justin van Loben Sels, Division 2  
Jack Kuechler, Division 3  
Mark van Loben Sels, Division 4  
Tom Slater, Division 5

Staff

Melinda Terry, Manager  
Cindy Tiffany, Assistant Manager  
Gary Kienlen, MBK Engineers  
Kevin O'Brien, Downey Brand  
Anne Williams, MBK Engineers

Others

Bryan Busch  
Erik Vink  
Michael George  
Mark Wilson

**Closed Session**

The board adjourned into closed session to confer with legal counsel on one item: Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section: 54956.9.

The board reconvened in open session at 10:11 a.m. and Chairman Mello announced that no reportable action was taken during closed session.

**Approval of the Minutes**

Minutes for June 3, 2020 board meeting were presented. Director Mello asked that on page three in the second paragraph that wording is changed to, "benefit the Greater Sandhill Crane agreeing not to convert his lands to vines or trees."

**MOTION** by Director Slater to approve the June 3, 2020 minutes as amended. Seconded by Director Mello, and unanimously approved by a roll call vote. (AYES: Mello, J. van Loben Sels, Kuechler, M. van Loben Sels, and Slater)

**Financial Report**

Cindy presented Fiscal Year End 2019-20 Financial Statements and current 2020-21 Financial Statements.

**MOTION** by Director Kuechler to accept the financial statements as presented. Seconded by Director Mello, and unanimously approved by a roll call vote. (AYES: Mello, J. van Loben Sels, Kuechler, M. van Loben Sels, and Slater)

## **Engineer Report**

Anne Williams, MBK, reviewed water quality graphs, noting salinity levels are well within the Contract criteria at all NDWA monitoring locations. She also reported that MBK is working with Cindy on the last assessment load file for Yolo County and will be done by next week.

## **Legal Report**

Kevin O'Brien reported that the Voluntary Agreement process intended to develop flow alternatives for the Bay-Delta Water Quality Plan Update has stalled out. Secretary Crowfoot is interested in restarting the negotiations again, but Kevin doubts they will resume until after the November elections. In the meantime, it is unclear when water board staff will release Substitute Environmental Document (SED) for recommended unimpaired flows for the Sacramento River.

## **Manager Report**

The July Manager Report has been distributed. One item of interest is a recent settlement agreement between fishing organizations and the SWRCB that requires additional analysis before Temporary Urgency Change Petitions (TUCPs) can be approved.

Administrative issues include Manager's approval of COVID-19 plan for the workplace and Cindy is still investigating alternative banks and employee healthcare plans. CalPERS is an option, but that will not be available to the Agency until 2022 because NDWA apparently had an old healthcare plan dating back to 1994 that was never used or cancelled. CalPERS cancelled the plan in 2016 for non-use and there is a minimum of a 6-year waiting period to rejoin. Cindy will continue looking into other options.

## **Delta Activities Report**

### *Delta Activities*

No significant actions to report on the tunnel project, habitat restoration, or Delta Stewardship Council.

### *SWRCB/Delta Watermaster*

Michael George thanked everyone for submitting annual water use reports by the deadline. Compliance in the Delta has improved greatly, with only around 50 water users who have not filed their annual report.

He also thanked the board for their second installment of \$25,000 contribution to development of OpenET. The BETA version was released in July for testing by three users. They plan to have the system online and ready for all users in 2022 and the consortium has been working to allow OpenET as an alternative compliance with SB88 in lieu of installing measurement devices. On July 21st he reported to SWRCB on this alternative plan of compliance and received unanimous approval from the board to continue. In response to question, he stated legislative changes are unnecessary because the law already allows use of alternative plan of compliance.

He announced formation of an informal group established to develop options to address sediment build-up in Delta channels and invited NDWA to participate. The most recent meeting included Bureau of Land Management, DWR, SWRCB, SDWA, CDWA, State Water Contractors, San Luis Delta Mendota Water Authority, and Region 5 RWCB. The solution will most likely include some type of dredging. Melinda said John Herrick, South Delta Water Agency Manager, made a presentation on this topic to the DPC last year, so it's good to see the issue is getting traction. Melinda stated that dredging channels will improve flood flow capacity and encouraged him to also invite Delta engineering firms to participate as they have expertise to offer. He agreed to follow-up with her.

Michael expanded on the settlement terms of the recent agreement between fishing groups and the water board. One of the main issues in the agreement deals with temperature. A temperature plan was submitted to the

SWRCB by the Bureau. A temporary plan was approved through September with additional protocols added by the water board and will include a workshop that includes effected users of the protocols. In response to question from Melinda, he confirmed that the water board is also required to do a more in-depth public trust analysis when emergency TUCPs are submitted.

He reported blue-green algae is a growing problem in the Delta, mostly in recreational areas, but if there are any other sightings, let him know and he will pass it on to the correct people. Another item of interest is a groundwater plan being developed, San Joaquin Valley Blueprint, which proposes to replace 4.2 million acre-feet of water per year that is currently being over-drafted. Some of the replacement water is expected to come from the Delta, as well as more water transfers, increased use of JPOD (joint operation of SWP/CVP), and extending the water transfer period. He recommended NDWA review the plan and the significant impacts it can have on Delta water supply and quality.

*Delta Protection Commission.*

Erik Vink reported the Delta Protection Advisory Committee is resuming their regular meeting schedule via teleconference, but the Commission's re-start of the LURMP update is delayed due to staff changes.

**Public Comment**

There were no public comments.

**Adjournment**

Chairman Mello adjourned the meeting at 11:33 a.m.

Respectfully submitted by Cindy Tiffany, Assistant Manager