

**Minutes of Wednesday, February 3, 2021**  
North Delta Water Agency Board of Directors Meeting  
Teleconference

**Call to Order**

Chairman Mello called the board of directors meeting to order at 9:33 a.m. on Wednesday, February 3, 2021. 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  
Kevin O'Brien, Downey Brand  
Gary Kienlen, MBK Engineers  
Anne Williams, MBK Engineers

Others

Erik Vink  
Lindsay Kammeier  
Michael George

**Closed Session**

The Board convened into Closed Session with legal counsel at 9:34 a.m. to discuss the following items:

- A. Conference with Legal Counsel: Anticipated Litigation (one case)
  - i. Initiation of litigation pursuant to Government Code Section 54956.9(d)(4).

**Closed Session Report**

The board reconvened in open session at 9:47 am and Chairman Mello announced that there was no reportable action taken during closed session.

**Approval of the Minutes**

Minutes were presented for the regular December Board Meeting and three Special Board Meetings. No additions or corrections were made to the minutes.

**MOTION** by Director Kuechler to approve the minutes as presented for regular Board Meeting on December 2, 2020 and three Special Board Meetings on December 2, 2020, January 7, 2021, and January 28, 2021. Seconded by Director Mello, and unanimously approved by a roll call vote. (AYES: Mello, Kuechler, J. van Loben Sels, M. van Loben Sels, and Slater.)

**Officer Elections**

Governing statutes require annual election of Chairman and Vice Chairman. The board also appoints a Director to serve as Treasurer.

**MOTION** by Director Kuechler nominating Director Mello as Chairman, Director Kuechler as Vice Chairman, and appointment of Director Slater to serve as Treasurer. Seconded by Director Slater, and unanimously approved by a roll call vote. (AYES: Mello, Kuechler, J. van Loben Sels, M. van Loben Sels, and Slater.)

**Financial Report**

Cindy Tiffany presented current financials. Expenditures are currently on track with the budget. We have received assessment revenues from San Joaquin, Solano, and Yolo Counties, but Sacramento County is delayed. She also provided an update on the status of the FY 2020-21 Direct Bill Assessment collection and delinquencies. Melinda directed Kevin to check if a State Claim was filed against CalTrans.

**MOTION** by Director M. van Loben Sels to accept the financial statements as presented. Seconded by

Director Mello and unanimously approved by roll call vote. (AYES: Mello, Kuechler, J. van Loben Sels, M. van Loben Sels, and Slater.)

## **Engineering Report**

### *Water Quality Update*

Anne Williams distributed water quality graphs, noting salinity levels are currently well within the Contract criteria at all NDWA monitoring locations. She also distributed graphs showing the water quality during the entire 2020 year, noting some gaps in data due to faulty USGS gages that have since been repaired or replaced. We are waiting for the first Bulletin 120 of the year to set February criteria, but the Sacramento River has been well below the January criteria. Director Mello said he had issues with siphons not working due to the low water levels during January.

### *Drought Conditions*

Gary Kienlen reported that the snow pack in Northern California is about now about 70% of average, which is better than 25% average prior to January. Precipitation is currently only 54% of average. The run off total for the two-year 4-River Index is above 9 million acre-feet, so Article 4 Emergency Provisions in the Contract will not be triggered. Shasta Reservoir is 70% of average and Oroville is at 54% of average.

Michael George announced that due to the low snow pack the SWRCB is concerned about drought conditions and will discuss drought planning at their February 16 meeting. They are working with water managers to help share ideas on better planning to help avoid any curtailments, but there is an internal discussion about potential drought notices. The Division of Water Rights has received TUCPs for the Russian River and Eel River watersheds, but none currently in Delta.

## **Legal Report**

### *Delta Water Quality Control Plan Update*

Kevin reported not much activity to report on the Water Quality Plan update.

Michael George said at the February 2nd SWRCB Board Meeting there were 17 public comments about the voluntary agreements being stalled and urging board members to move forward with the completion of the Water Quality Plan Update without them. The SWRCB wants current status of the Water Quality Plan update from staff in a workshop in March.

## **Manager Report**

### *Correspondence*

Melinda Terry announced the only update is our Contract Payment was submitted to DWR in December.

## **Delta Activities Report**

### *SWRCB/Delta Water Master*

Michael George reported that diversion measurement requirement extensions are now through January 2022 in anticipation of the consortium finishing the linking of Open ET reporting tool to State reporting system, which is being funded by SDWA. Any water user will have an opportunity to pay for this service, and it will be less than installing a diversion measuring device.

He is also working on cleanup of water use reporting and the Division of Water Rights has developed new regulations for diversion change of ownership, which may be initially adopted as an emergency regulation. To reduce confusion, he is also moving forward with legislative clean up to have all water use reports due at same time and coinciding with standard water year. and report all reports around the same time.

The Delta channel maintenance group continues to meet. SDWA has engaged a company to pull soil samples in 10 locations. Director Mello offered to share documents he has on previous channel maintenance efforts.

#### *Delta Conveyance Activities*

DWR released screening of alternatives and announced creation of a Community Benefits Program to identify local projects to offset impacts from tunnel project construction and implementation of an Outreach Program.

#### *Delta Conveyance Project*

Geo-tech soil exploration has begun on Staten Island for the DCP and they are currently negotiating temporary entry permits. In January the DCA announced screening of project alternatives. They reviewed proposals by Congressman Garamendi and Dr. Pyke, but both were screened out for failure to meet project requirements.

Michael George announced the project is no longer going to include the Clifton Court Forebay. They will use the Bethany Reservoir instead. He said the DCA announced development of a community benefits program, so locals should consider making project recommendations. One area already being discussed is improvements to transportation and tourism. Director Mello suggested better flood control for Legacy Communities.

#### *Delta Habitat Activities and Delta Conservancy*

Nothing to report on Delta habitat projects, but the Delta Conservancy is still moving forward with the carbon credit grant program to fund the conversion of farm land to wetlands.

#### *Delta Protection Commission*

Erik Vink reported the Commission continues making progress on updating the Economic Sustainability Plan (ESP) and the National Heritage Area Management Plan Advisory Committee is working on developing the plan. He continues working on ensuring DWR is distributing Prop 1 money to Delta levee programs and not for habitat projects in the Yolo Bypass, with goal of DWR making better funding decisions in future.

#### *Delta Stewardship Council*

The DSC is moving forward on implementing their Delta Levee Investment Strategy amendments and still trying to pull the Subvention Program into their prioritization process. The Council also released a draft report on climate change: Delta Adapts. Gilbert Cosio is working with Melinda on drafting comments for CCVFCA to submit by the March 16 deadline.

#### **Announcements**

Director Mello said Tyler Island landowner received entry permit request from CA Department of Fish and Wildlife for Nutria detection. Director Kuechler also received one. He said CDFA is being flexible, but has concerns over proposed 5-year timeline. Melinda will ask CDFA to make a presentation to the board on their efforts to eradicate this pest from the Delta.

The Feb. 15<sup>th</sup> comment deadline for Delta Adapts report has been extended to March 16<sup>th</sup> and the DSC's February meeting is two days with a report by Michael George on the 26th.

#### **Public Comment**

No public comment.

#### **Adjournment**

Chairman Mello adjourned the meeting at 11:22 a.m.

Respectfully submitted by Cindy Tiffany, Assistant Manager.