

Minutes of Wednesday, August 7, 2019
North Delta Water Agency Board of Directors Meeting
14120 Grand Ave. (Walnut Grove Community Church), Walnut Grove

Call to Order

Chairman Mello called the board of directors meeting to order at 9:32 a.m. on Wednesday, August 7, 2019. A quorum was determined at that time. Those present:

Directors

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

Staff

Melinda Terry, Manager
Cindy Tiffany, Assistant Manager
Gary Kienlen, MBK Engineers

Others

See attached sign-in sheet.

Closed Session

The board adjourned into closed session to confer with legal counsel on three items:

- i. State Water Resources Control Board adjudicatory proceeding regarding Petition for Changes in Water Rights of the Department of Water Resources and U.S. Bureau of Reclamation for the California WaterFix Project (Gov. Code 54956.9(d)(1))
- ii. Litigation regarding WaterFix Environmental Impact Report under CEQA. (Gov. Code 54956.9(d)(1)).
- iii. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9.

The board reconvened in open session at 10:08 a.m. and Chairman Mello announced the Board will hold a Special Board Meeting on September 4th at 9:30 am. Only agenda item will be a closed session on a legal matter.

Approval of the Minutes

Minutes for both the April 10, 2019 and June 5, 2019 regular board meetings were presented. No changes were requested.

MOTION by Director Mahoney to approve the April 10, 2019 and June 5, 2019 minutes as presented. Seconded by Director Mello, and unanimously approved by a voice vote. (AYES: Mello, van Loben Sels, Kuechler, Mahoney and Slater)

Financial Report

Cindy presented Fiscal Year End 2018-19 Financial Statements and current 2019-20 Financial Statements. Gary Kienlen reported that MBK's assessment management costs are double the amount budgeted in FY 2019-20 due to a larger number of parcel splits than anticipated.

Cindy reported on the Delinquent Assessments for 2018-2019. The total outstanding balance is \$3,372.80 with majority amount of \$2,829.40 owed by CalTrans and the remaining \$543.40 owed by 21 landowners. Sam Bivins will draft a memo advising board on options for dealing with these remaining outstanding direct bills.

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

Gary Kienlen reported that the final Consumer Price Index (CPI) was less than the 3%, so pursuant to the Agency's assessment policy to apply the higher of the two, the 3% was used to set the NDWA assessment base rate at \$3.83. The minimum parcel rate will be \$9.96. He distributed a spreadsheet with all of the new assessment rates for FY 2019-20.

Engineer Report

Gary Kienlen distributed water quality graphs, noting salinity levels are currently well within the Contract criteria at all NDWA monitoring locations.

Legal Report

Melinda reported she attended one of the Delta Water Quality Plan voluntary agreement plenary meetings. The discussion focused on fish rather than Delta water quality. A draft agreement was supposed to be ready in June, but is pushed back until the Fall. Michael George said the negotiations are being managed by parties representing nine different tributaries, with each developing voluntary actions to benefit fish. He acknowledged there are some environmental organizations that may oppose the final product. With the withdrawal of the twin tunnels project, he suggested there may be an opportunity to identify projects that will benefit the Delta in terms of flood protection and ESA impacts. Board members suggested mechanism for moving or screening intakes, alternatives for dealing with SGMA compliance, and safe harbor protections, but said having a sunset on the assurances won't work.

Manager Report

Melinda announced August 15th is the deadline to submit application for director elections in Divisions 2, 4, and 5.

Delta Activities Report

SWRCB/Delta Watermaster

Michael George announced the release of Draft EIS on the Re-initiation of Consultation on the Coordinated Long-Term Operation of the Central Valley Project and State Water Project, which includes analysis of the recent amendments to the COA Agreements. Deadline to comment is August 26, 2019. Delta Science Plan was released in June and he anticipates a Notice of Preparation to be released towards end of year on a single tunnel Delta conveyance project. He also announced there is 100% compliance with annual water use reporting requirements, but he issued notice to revoke one license in the North Delta with additional \$20,000 fine.

Delta Habitat Projects

Director Kuechler reported that Little Egbert project is still in the preliminary planning process. Lookout Slough project originally had a private entity responsible for the project that would have to adhere to county ordinances, but Solano County is concerned compliance with these ordinances not apply if project responsibility is switched to DWR. DPC Executive Director Erik Vink announced that Solano County Planning Commission approved General Plan amendments to protect farming, but the Delta Stewardship Council sent a letter to the county raising concerns that the amendments are inconsistent with the Delta Plan. has issue with these planning amendments.

Gary Kienlen announced that DWR is implementing the North Delta Flow Action again this year to re-route Colusa Basin drain water into the Tule Canal. This is a project to create food for the smelt.

Melinda reported that a Record of Decision was issued for the habitat restoration project that proposes modification of the Fremont Weir to inundate the Yolo Bypass on a more frequent and longer duration to benefit fish. The project must still obtain additional permits, including a 401 certification and permission from the Central Valley Flood Protection Board, and also needs to purchase additional easement rights within the bypass. Therefore, construction will probably not proceed until 2021. The SWRCB has not responded to letter sent by Downey Brand pointing out that project requires a point of diversion permit to evaluate effects on downstream water users. Michael George said the water board's position is that the project proposes restoration of a natural channel, so does not require a diversion permit. He advised SWRCB staff to call Meredith Nikkel to discuss.

Melinda asked Michael George if he had any information on the blue-green algae outbreaks in the Delta. He stated that algae blooms are primarily in the South Delta where there is lots of sediment build up in the channels that creates warm, slow-moving shallow waters that are perfect growing conditions. A coalition is developing a proposal recommending implementation of a channel maintenance program to dredge and reuse the material on the land side of the levee.

Delta Conservancy

Erik Vink of the DPC announced that the Delta Conservancy is developing guidelines to fund Delta as Place projects. Director Slater said that RD 150 & 999 submitted an application for project on Elk Slough, but the approval decision has been postponed.

Delta Protection Commission.

Melinda reported that NDWA is a signatory on a coalition letter objecting to the deletion of existing policies in the DPC Land Use and Resource Management Plan (LURMP). Erik said he will be reaching out to each entity on the letter to discuss their concerns and alternative policies proposed by DPC staff.

Director Slater expressed concerns with recent presentation on the update of the Agriculture Chapter in the Delta Economic Sustainability Plan (ESP) that minimized impacts of salinity intrusion on farming. Erik agreed that the presenter did a poor job on describing the salinity portion. Update is still being developed, but plan to have outside review of draft to determine if the methodology is correct.

Announcements

Correction to the agenda: next NDWA board meeting is October 2, not October 9th.

Adjournment

Chairman Mello adjourned the meeting at 12:24 p.m.

Respectfully submitted by Cindy Tiffany, Assistant Manager