

**Minutes of Wednesday, February 1, 2017**  
**North Delta Water Agency Board of Directors Meeting**  
14120 Grand Ave., Walnut Grove

**Call to Order**

Chairman Mello called the board of directors meeting to order at 9:33 a.m. on Wednesday, February 1, 2017. A quorum was determined at that time. Those present:

Directors

Steve Mello, Division 1  
Jack Kuechler, Division 3  
Ryan Mahoney, Division 4  
Tom Hester, Division 5

Staff

Melinda Terry, Manager  
Cindy Tiffany, Assistant Manager  
Rebecca Smith, Downey Brand  
Gary Kienlen, MBK Engineers

Others

See attached sign-in sheet.

**Approval of the Minutes**

No corrections or additions were made to the December 7, 2016 minutes.

**MOTION by Director Mahoney to approve the December 7, 2016 minutes. Seconded by Director Mello, and unanimously approved by a voice vote. (AYES: Mello, Mahoney, and Hester. ABSENT: van Loben Sels, Kuechler)**

**Introductions**

Michael George introduced Micah Green, a new water rights analyst with the Office of the Delta Watermaster. He will be working on water use reporting, focusing on the basis of water rights claimed in those reports.

**Manager Report**

Melinda explained that DWR sent a letter with the December invoice with the new 5-year payment adjustment amount and stating there is no contract authority for DWR to credit NDWA for lands owned by the CA Dept. of Fish and Wildlife (CDFW). The assessment amount for CDFW properties is significant, approximately \$130,000. Per the advice of legal counsel, NDWA paid the higher amount, but submitted with a letter informing DWR that NDWA was submitting the payment in protest. Legal counsel will advise the Agency on next steps.

**Legal Report**

Rebecca Smith reported that NDWA's 2015 comment letter on WaterFix SDEIS/RDEIR was apparently not received by DWR/USBR and therefore had to be resubmitted. January 31, 2017 was the deadline to also submit comments on the Final EIR/EIS, so Downey Brand sent in additional comments on behalf of NDWA. The EIR/EIS cannot be legally challenged until DWR and USBR have approved and certified the documents, which has to wait until the biological opinions are issued by federal fish and wildlife agencies. In the meantime, testimony and evidence has concluded for Part 1 of the WaterFix Petition hearings, but will be followed by rebuttal evidence and testimony, and closing briefs. Part 2 will start once biological opinions are issued.

According to Michael George, the Delta Science Program organized an independent peer review of the WaterFix biological opinions. The resulting comments from the panel were critical of the documents they

reviewed and could cause the federal fish agencies to delay release of the biological opinions so they can make some adjustments in accordance with the science panel findings and recommendations. Release of the biological opinion is therefore not expected until late spring or summer 2017.

### **Engineering Report**

Gary Kienlen distributed water quality graphs, noting salinity levels are currently well within the Contract criteria at all NDWA monitoring locations. He also handed out flyer on current reservoir conditions and noted that snowpack is currently 177% of average. The Delta as seen more inflow in January than the entire 2016 water year and the Four River Index is already at 11.2 maf, so the drought provision of the Contract will not be triggered this year. Despite the wet winter, he has not heard anything in terms of the Governor declaring the Drought Emergency is over.

### **Financial Report**

Cindy Tiffany presented the Quarterly Financial Reports and reviewed a spreadsheet she prepared showing current balances and projections of revenues and expenses over the next 40 years. She also informed the board about the legal and engineering expenses NDWA has incurred for work associated with WaterFix project and will continue to keep the board apprised of monthly costs at each meeting. The board agreed with Chairman's statement that the expenditures are necessary to fulfill the statutory responsibility of the Agency to take all reasonable actions to enforce the Contract and ensure a dependable supply of water within NDWA of suitable quality.

**MOTION by Director Kuechler to accept the Quarterly Financial Reports. Seconded by Director Hester and unanimously approved by a voice vote. (AYES: Mello, Kuechler, Hester, and Mahoney ABSENT: van Loben Sels)**

### **Sustainable Groundwater Management Act**

Anna Swenson of the Freshwater Trust reported that establishment of a Northern Delta Groundwater Sustainability Agency (GSA) is moving forward with 17 reclamation districts committed to participating. In response to questions about costs to participate, she said Erik Ringelberg is currently developing an estimate so she cannot give a definitive answer yet, but will provide as soon as that information is available. Director Mahoney reported that Solano Irrigation District has decided to file as a GSA using their own boundaries rather than participating in the Solano Subbasin GSA, which may trigger other local agencies to form their own GSA as well.

### **Delta Activities Report**

#### *SWRCB/Delta Watermaster*

Michael George announced that the deadline to comply with SB 88 water use measurement reporting has been moved from January 1, 2017 to April 1, 2017. They have also realized there are functional problems with measuring devices, so a Delta consortium has been formed to develop measurement alternatives using algorithms instead of devices. This group will get an additional extension of time for implementation.

He also provided an update on the consumptive use studies and status of Phase I and II of the Delta Water Quality Control Plan. The Phase I SED proposes 40% increased flows in the San Joaquin River to benefit fish and relaxation of salinity standard in the South Delta. The deadline to submit comments on the Phase I SED is March 17<sup>th</sup> and the SWRCB will likely adopt the SJR standards sometime in the Fall. Phase II released a scientific basis report for the Sacramento River watershed, analyzing a range of tributary inflows from 35% to 75% unimpaired flows.

#### *Delta Protection Commission*

Melinda reported that the Delta Protection Commission (DPC) released a 250-page Feasibility Study on Delta levee funding that proposes new water use fees and property assessments as potential funding mechanisms. The deadline to comment on the draft study is March 1, 2017. Erik Vink, DPC Executive Director, explained the purpose and intent of the study and also thanked the board for their continued support of the Delta Leadership program.

**Closed Session**

The board adjourned into closed session to confer with legal counsel on the NDWA protest of CA WaterFix petition at 11:36 a.m. The board reconvened in open session at 12:08 p.m. and Chairman Mello announced there were no reportable actions taken during closed session.

**Adjournment**

Chairman Mello adjourned the meeting at 12:09 p.m.

Respectfully submitted by Cindy Tiffany, Assistant Manager

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