

# North Delta Water Agency Board of Directors Meeting

14120 Grand Ave, Walnut Grove, CA 95690  
Wednesday, September 1, 2010 at 9:30 a.m.

## Minutes

### Call to Order

Treasurer Ken Ruzich called the regularly scheduled meeting to order at 9:32 a.m. on Wednesday, September 1, 2010. A quorum was determined at that time. Those present:

#### Directors

Steve Mello, Division 1  
Ken Ruzich, Division 4  
Carel van Loben Sels, Division 2

Karen Medders  
Alex Westhof, DPC  
Mike Hardesty

#### Absent

Neil Hamilton, Division 5  
Henry Kuechler, Division 3

#### Staff

Gary Kienlen, MBK Engineers  
Sara Harper, MBK Engineers  
Joe Schofield, Downey Brand  
Margaret Sorensen  
Melinda Terry

#### Others

Meda Benefield, Maine Prairie WD  
Bob Webber, RD 999

### Approval of the Minutes

**Motion and second to approve the minutes of the July 7, 2010 Board of Directors meeting. Motion approved.**

### Conflict of Interest Code

**Motion and second to approve resolution 10-06 approving the conflict of interest policy. Motion unanimously approved.**

### National Heritage Area Presentation

Alex Westhof, Consultant for DPC, gave a presentation on National Heritage Areas (NHA). DPC is completing a feasibility study to designate the legal Delta as a NHA. He distributed and reviewed a handout that describes the process and benefits of NHAs and stated the study would take about 18 months to complete. Board members raised concerns including managing the area once it's declared an NHA; source of funding for the project and financial sustainability; public input opportunities; land use restrictions; and the ability of landowners to opt out of the plan.

### BDCP

Melinda Terry led a discussion regarding the agency's role and continuing participation on the BDCP Steering Committee. She noted concerns about the process including adequacy of information; delays in receiving reports and modeling; incomplete chapters; inability to participate in secret subgroups; inadequate transparency of process; and how many of these are violations of the BDCP Planning Agreement. The benefit of participating on the Committee has been that BDCP participants are now aware of our contract and have been utilizing the modeling tool we provided them. The EIR will not be released until April 2011, yet the Steering Committee is planning on releasing an incomplete draft HCP/NCCP in November 2010. It remains unclear how

the Draft Plan will be portrayed, since it will be incomplete and we cannot validate its modeling. The Board discussed the possibility of releasing an official Minority Report to address issues and concerns the Agency has.

### **Report on Delta Activities**

The Delta Stewardship Council adopted an Interim Delta Plan and will release a draft plan in November, which will go through CEQA process and will have regulatory authority.

The Delta Conservancy will continue meeting on the first Wednesday of the month through the end of 2010, but will re-visit their meeting schedule for 2011, to avoid conflicting with NDWA Board meetings. Topper van Loben Sels said the DPC is closer to selecting its new Executive Director.

Congressman Mike Thompson was the guest speaker at the North Delta CARES meeting.

The Yolo Bypass Planning Forum decided to not submit a letter with recommendations on projects to the BDCP.

### **Legislation**

The last day of the legislative session was yesterday. The Legislative website has not been updated yet with information about SB 565 or AB 2092. Melinda indicated that she would follow up on Senator Feinstein's bill designating the Delta as an NHA.

### **State Water Resources Control Board (SWRCB)**

The SWRCB has issued its flow criteria required by last year's Delta legislation. Craig Wilson has been appointed as the Delta Water Master. Of the 10,000 water diversion reports that have been submitted, the Board has reviewed 400.

### **Engineer's Report**

Gary Kienlen distributed water quality charts and reported that water quality is currently within the contract's criteria. He noted that for several days, there has been a sudden spike in the water quality at about 11 pm each night. He is unsure why this has occurred and will follow up.

### **Prop 218 Process**

The Commissioners met yesterday and resolved some final issues with the engineer's report. MBK will edit the report and provide it to the Directors prior to the next meeting. At the October meeting, the Board will review the report and then approve the report at the November meeting.

### **Manager's Report**

The manager's report was included in the packet.

### **Public Comment**

DWR will be working with locals to improve the North Bay Aqueduct and will be holding a public meeting on September 23. Melinda will request DWR make a presentation to the Board on the proposed project.

### **Adjournment**

The meeting was adjourned at 11:59 a.m. on Wednesday, September 1, 2010.

Respectfully Submitted,  
Margaret Sorensen, Administrative Assistant