

Minutes of Wednesday, October 7, 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 9:35 a.m. on Wednesday, October 7, 2020. A quorum was determined at that time. Those present:

Directors

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

Staff

Melinda Terry, Manager  
Cindy Tiffany, Assistant Manager  
Meredith Nikkel, Downey Brand  
Gary Kienlen, MBK Engineers  
Anne Williams, MBK Engineers  
Matt Wickersham, Alston & Bird

Others

Bryan Busch  
Michael George  
Osha Meserve

**Closed Session**

The Board convened into Closed Session with legal counsel at 9:35a.m. to discuss the following existing and anticipated litigation (5 items):

- i. Litigation regarding Coordinated Operations Agreement (COA) Amendments pursuant to Gov. Code 54956.9(d)(1);
- ii. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9 (four items).

The board reconvened in open session at 10:28 am and Chairman Mello announced that no reportable action was taken during closed session.

**Approval of the Minutes**

No additions or corrections were made to the August 5, 2020 or the September 21, 2020 Special Board meeting minutes.

**MOTION** by Director Slater to approve the August 5, 2020 and the September 21, 2020 minutes as presented. Seconded by Director M. van Loben Sels and unanimously approved by a roll call vote. (AYES: Mello, J. van Loben Sels, M. van Loben Sels and Slater, ABSENT: Kuechler)

**Financial Report**

Cindy Tiffany reviewed the current financial statements and answered questions regarding transactions. She also provided an update on status of searching for a new bank, and changing the employee health insurance. Currently, we not only receive employee health insurance from our ACWA membership, but also our General Liability Insurance.

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

## **Information Briefing**

Osha Meserve gave a presentation on the DWR Geotech drilling planned to investigate soil conditions in support of pursuing the Delta Conveyance Project. South and Central Delta Water Agencies have teamed up to fund legal challenges to these temporary entry permits like they did in 2010. If land owners in the North Delta Water Agency boundaries want to join in these legal challenges, they are asking for those landowners to help contribute to the legal fees. She showed all 320 sites DWR has identified for drilling, explaining that drilling will proceed in smaller groupings. DWR is currently proceeding with a small subset of 38 sites that are all on private land. Sacramento and San Joaquin Counties are also expected require DWR to apply for well permits for each of these drilling sites.

## **Engineering Report**

Anne Williams presented water quality graphs, noting salinity levels are currently well within the 1981 Contract criteria at all monitoring locations. She also reported that MBK has restarted coordination meetings with DWR and plan to continue these through fall and winter.

## **Legal Report**

### *Water Quality Control Plan Update*

Meredith Nikkel reported there is currently nothing new to report on the Delta Water Quality Plan update.

## **Manager Report**

### *Correspondence*

Melinda Terry reported that the State Water Resources Control Board (SWRCB) has not responded to NDWA letter inquiring about necessity of a diversion permit for the Fremont Weir notch project. However, the SWRCB did provide a written determination to DWR that a water rights diversion permit is not necessary for the Fremont Weir notch project.

### *San Joaquin Valley Water Blueprint*

Melinda reported she has started to look into the SJ Valley Water Blueprint, which relies on 2.4 million acre feet of water deliveries from the Delta to replace a reduction groundwater supplies due to overdrafting of the underground aquifer. This is a response to SGMA and they need water. She will continue to monitor as this effort moves forward.

### *Cooperating Agency with USACE*

Melinda discussed her recommendation that the NDWA request to be a Cooperating Agency under NEPA for the environmental analysis to be developed for the Delta tunnel project. The Agency was previously a Cooperating Agency with the U.S. Bureau of Reclamation for the BDCP. Now, there is an opportunity for the NDWA to once again apply for this status with the U.S. Army Corps of Engineers, which is the federal lead agency tasked with developing an EIS for the new Delta Conveyance Project. This federal process allows the NDWA to review and comment on administrative drafts of the EIS, and to participate in regular planning meetings with the USACE.

**MOTION** by Director J. van Loben Sels to allow NDWA to enter into an agreement as a Cooperating Agency with the USACE for the Delta Conveyance Project. Seconded by Slater and unanimously approved by a roll call vote. (AYES: Mello, J. van Loben Sels, and Slater ABSENT: Kuechler and M. van Loben Sels)

## **Delta Activities Report**

### *Water Supply Quality*

October 20th is the deadline to submit scoping comments on the Notice of Intent to Prepare an Environmental Impact Statement for construction of the Delta Conveyance Project and on the Dredge and Fill Permit for the same project. Melinda will submit scoping comments for NDWA on the NOI to the USACE, but not on the Dredge and Fill Permit.

Melinda briefed the board on recent Delta activities including: State Water Project contract amendments to extend them through 2085 and make changes the Delta Water Charge and a planning effort announced by the U.S. Bureau of Reclamation to modify the Delta Cross Channel (DCC) through installation of new mechanized gates that can be operated remotely. Director Mello asked if the Bureau plans to widen the DCC channel. Melinda will reach out to the Bureau for response.

### *SWRCB/Delta Water Master*

Michael George provided further information on the SJ Valley Water Blueprint Project objective to identify an additional 2.4 million acre-feet of water, which is the average amount they have been over drafting from the aquifer on an annual basis. As SGMA is implemented, finding replacement water will become a bigger issue. They are not looking to reduce their use at all, but want to get more from the Delta. In contrast, he reported that Metropolitan Water District of Southern California (MWD) made a presentation to the Water Forum that focused on reducing its reliance on the Delta.

The Watermaster announced that annual water use reporting in the Delta this year has been successful. His office will now be focus on quality assurance and control on this reporting, to address over reporting of water use and duplicate reporting. He noted that the Delta alternative compliance plan to meet SB88 water measurement reporting is moving forward. The next consortium meeting is the evening of October 15th.

The Delta Channel Maintenance group is currently focusing on a test area of Old River. Neither KSN nor MBK is bidding on this project, but will help guide the consultant selected to do this. The Delta Counties coalition has joined in this channel maintenance group and that has brought Wade Crowfoot to the table and has helped elevate this issue. This issue has been now added to the resiliency portfolio.

### *Delta Protection Commission*

October 28th is the deadline to submit an application to serve on the National Heritage Area Advisory Committee.

### *Delta Stewardship Council*

There is currently a vacancy on the Council due to Randy Fiorini's term expiring. Unsure when the Governor will announce his replacement. The DSC has initiated the process for developing a new Delta Levee Investment Strategy.

## **Public Comment**

There was no public comment.

## **Adjournment**

Chairman Mello adjourned the meeting at 12:17 pm

Respectfully submitted by Cindy Tiffany, Assistant Manager