

**Minutes of Wednesday, August 2, 2023**  
**North Delta Water Agency Board of Directors Meeting**  
In-Person Meeting at 3050 Beacon Blvd Ste 203, West Sacramento, CA

**Call to Order**

Chairman Mello called the board of directors meeting to order at 9:30 a.m. on Wednesday, August 2, 2023. Pursuant to Government Code section 54953(b)(3), Directors Jack Kuechler and Mark van Loben Sels attended remotely via publicly accessible teleconference locations identified on the agenda. A quorum was determined at that time. Those present:

Directors

Steve Mello, Division 1  
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  
Anne Williams, MBK Engineers  
Gary Kienlen, MBK Engineers  
Yuen Lenh, MBK Engineers

Others

Harvey Correia	Jay Zigler, Delta Watermaster
Jacob McQuirk, DWR	Vanessa Schmoker
Ben Kolber	Bruce Blodgett, DPC

**Closed Session**

The board adjourned into closed session at 9:32 a.m. with legal counsel to discuss three items:

- i. Litigation regarding WaterFix Environmental Impact Report under CEQA. (Gov. Code 54956.9(d)(1))
- ii. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9 (two cases)

The board reconvened in open session at 10:27 a.m. and Chairman Mello announced there was no reportable action taken in Closed Session.

**Drought Barrier Project Presentation**

Jacob McQuirk with DWR gave a presentation on the status of the temporary drought barriers, including two proposed for installation within NDWA's jurisdiction. The West False River Barrier was installed in 2015, 2021, and 2022 to protect water quality in the interior Delta water quality. No installation necessary in 2023 due storm events improving drought conditions. DWR is seeking permits for this barrier to be installed two times in a 10-year period in future drought periods between April 1 and November 30. He expects the final EIR for the 10-year approval to be released before the end of the year, with the intent to submit permit applications to CDFW, SWRCB, USACE, etc. in early 2024.

The two barriers proposed for potential installation in Steamboat and Miner Sloughs would only be needed in the most dire drought conditions. In order to be prepared for this possibility, DWR is still working on contingency planning, engineering, and design work for these two barriers, but has retracted permits. All geotechnical drilling was completed as of June of 2023, so projects are on shelf for now. The plan is to have the geotechnical reports completed and to update the engineering design in 2024. He committed to sharing the results on the geotechnical reports with the Agency when completed. In response to a question about impacts to downstream water quality from Steamboat and Miner Slough barriers installation, Jacob responded that modeling results indicate there are some effects that may need to be mitigated. This could include DWR reimbursing water users for installation of temporary overland water diversion infrastructure to mitigate water availability and quality. DWR would enter into individual agreements with impacted landowner to mitigate adverse water quality and supply effects.

### **Approval of the Minutes**

No additions or corrections were made to the minutes for the board meeting held on June 7, 2023.

**MOTION** by Director Kuechler to approve the minutes of the June 7, 2023, Board Meeting as presented. Seconded by Director Slater and unanimously approved by a voice vote. (AYES: Mello, Kuechler, M. van Loben Sels and Slater ABSENT: J. van Loben Sels)

### **Directors Election Process**

Cindy Tiffany announced there is a Directors Election this year for Division 2 and 4. Candidate packets are available for pickup at 3050 Beacon Blvd., Ste 203, West Sacramento, CA. Notice published in Sacramento Bee on August 28, 2023. Candidate packets need to be completed and returned to that address no later than 5:00 p.m. on August 18, 2023.

### **Financial Report**

Cindy Tiffany reviewed quarterly financial documents, noting there is approximately \$3 million in the LAIF reserve account. Director Mello noted the Agency earned \$35,000 in interest so far this year. Cindy confirmed that recent hikes in interest rates has resulted in higher yield for the Agency's reserves deposited in LAIF. She also reported that the final June 2023 CPI was at 2.3%, so the NDWA assessments for 2023-2024 would increase by the higher amount of 3% per the resolution that was passed in June 2023 for assessment rates. We do not receive assessment payments until December. She is working on scheduling the biennial audit to be conducted.

**MOTION** by Director M. van Loben Sels to approve current financial statements as presented. Seconded by Director Slater and unanimously approved by voice vote. (AYES: Mello, Kuechler, M. van Loben Sels and Slater ABSENT: J. van Loben Sels)

### **Engineering Report**

#### *Water Quality and Hydrologic Conditions Update*

Yuen Lenh with MBK reported that all seven monitoring stations are currently below 1981 Contract criteria. She reminded the Board that under the Contract, the criteria will change again in mid-August. Reservoir capacity levels are doing well: Oroville 92%, Shasta 86% and Folsom 87%. Reservoirs will be operated to comply with flood control rules. The Delta is currently in balance and Term 91 remains lifted. Delta Cross Channel gates have been open since the end of June.

## **Legal Report**

### *Site Reservoir Water Rights Application*

Kevin O'Brien reported that the Agency requested an extension of the deadline to file a protest with the State Water Resources Control Board. The Agency representatives will be meeting with Site Project Authority representatives to discuss their recent water rights application submitted to the State Water Resources Control Board (SWRCB) and potential impacts to NDWA water users. The protest period for the water rights application has been extended until the end of August, so it is likely the Agency will need to have a Special Board Meeting before the end of the month in order to decide whether to file a protest or not before the deadline.

### *Bay-Delta Water Quality Control Plan Update*

The SWRCB is expected to release the environmental document analyzing incorporation of Voluntary Agreements into update of Delta Water Quality Control Plan by the end of the month. Once released, NDWA should really look at the difference in timing of flows.

## **Manager Report**

### *Report on meetings, presentations, and correspondence*

Melinda reported on her recent attendance at a NorCal Water Summit jointly convened by Congressmen Doug LaMalfa and Mike Thompson. Agency representatives continue to meet monthly with DWR State Water Project staff regarding water quality issues. NDWA submitted a comment later on the SWP Long-Term Operations Notice of Preparation of an EIR which was included in the board packet.

## **Delta Activities Report**

### *SWRCB/Delta Watermaster*

Delta Watermaster Jay Zigler provided an update on the Delta Alternative Compliance Plan (DACP), a tool for reporting water diversion measurement pursuant to SB 88. He currently has 90% of water users within the Delta signed up for this plan. Harvey Correia had questions about using Open ET and the DACP. Jay said he would contact Harvey directly to respond. Website for the program is [www.delta.acp.com](http://www.delta.acp.com).

### *Delta Habitat Projects*

The Solano Resource Conservation District filed a certification of consistency with the Delta Stewardship Council for the Ulatis Creek Habitat Restoration project. Yolo County filed a CEQA lawsuit against the Yolo Bypass Salmonid Habitat Restoration and Fish Passage Project for failing to disclose the full diversion capacity being installed.

### *Delta Conveyance Project*

State Budget trailer bills proposed by the Governor proposed are intended to speed-up infrastructure construction, including the Delta tunnel project. Delta legislators demanded and where successful in removing the Delta Conveyance Project from the trailer bill. Congressman Josh Harder recently introduced federal legislation to stop construction of the Delta tunnel.

### *Delta Conservancy Activities*

The Delta Conservancy announced is offering funding to farmers to manage shallow flooding in their fields to create short-term wetlands habitat for migratory birds between end of August and mid-October. The deadline to [apply](#) is noon on Monday, August 14, 2023

### *Delta Protection Commission*

Bruce Blodgett announced that the next DPC meeting will be held on September 21<sup>st</sup>, but a location has not been decided. He also announced that they will be starting up the Delta Leadership Group again in January so they will begin their applicant search soon. The DPC is still focused on their NHA, which the final deadline is March 2024, but they have put up road signs so you may see those going up.

### *Delta Stewardship Council*

It was reported that there is a vacancy on the DISB. There have been recent amendments to the DLIS but have not investigated to see what has changed.

### *CVP/SWP*

As previously mentioned, DWR announced it is preparing an Environmental Impact Report (EIR) for the long-term operations of the State Water Project (SWP) and the Agency already submitted a comment letter.

### **Announcements**

August 18<sup>th</sup> – NDWA Candidate Packets due by 5p.m. at 3050 Beacon Blvd., Ste 203. W Sacramento

Aug. 24/25 – Delta Stewardship Council Mtg., 9:00 p.m.

Sept. 21<sup>st</sup> – Delta Protection Commission Mtg., location TBD, 5:00 p.m.

Sept. 28/29 – Delta Stewardship Council Mtg., 9:00 p.m.

Oct. 4 – NDWA Board Mtg., 3050 Beacon Blvd., Ste 203, W. Sacramento, 9:30 a.m.

### **Public Comments**

Harvey Correia commented that his Drought Claim filed with DWR in April was recently paid in full. Ben Kolber said he's had a tough time with DWR paying his claim. It is a larger claim, and DWR keeps asking him for more information beyond what was required in the Claims Application prepared by DWR. To allow discussion of this topic, Melinda will put it on the October agenda.

### **Adjournment**

Chairman Mello adjourned the meeting at 11:55 a.m.

Respectfully submitted by Cindy Tiffany, Assistant Manager