

North Delta Water Agency
Board of Directors Meeting
14120 Grand Ave, Walnut Grove, CA 95690
Tuesday, February 2, 2010 at 9:30 a.m.

Minutes

Call to Order

Chair Henry Kuechler called the regularly scheduled meeting to order at 9:33 a.m. on Tuesday, February 2, 2010. A quorum was determined at that time. Those present:

Directors

Neil Hamilton, Division 5
Henry Kuechler, Division 3
Steve Mello, Division 1
Ken Ruzich, Division 4
Carel van Loben Sels, Division 2

Others

Mark Wilson, RD 999
Meda Bennefield, Maine Prairie WD
Bob Webber, RD 999
Mike Hardesty, RD 2068

Staff

Gary Kienlen, MBK Engineers
Kevin O'Brien, Downey Brand
Margaret Sorensen
Melinda Terry

Approval of the Minutes

Motion and second to approve the minutes of the January 13, 2010 Board of Directors meeting. Motion unanimously approved.

Prop 218 Process

Gary Kienlen reported that his office is still waiting on the last pieces of landowner information for Yolo County. The Engineer's Report cannot be finalized without that information. Kevin O'Brien reported that his office is researching whether the agency can include set ranges of increasing rates for the future. Staff suggested it is time to reprint the contract and the brochure. It was suggested that the amendment to the contract be added to the contract when it is reprinted.

BDCP

Melinda Terry reported that it was a busy month for the Steering Committee with meetings every week. Several Steering Committee members have concerns with the modeling but the modeling information requested by NDWA has not been made available yet. Karla Nemeth contacted committee members last week to determine if they were going to support approval of documents slated for decisions this month on operations, effects analysis, intake locations, and conveyance facilities. Steering Committee members with concerns were encouraged to give conditional approval and submit a letter explaining their issues of concern. Melinda was the only committee member that did not give approval. Melinda expressed her concern about BDCP documents arriving later and later and not having time to review them before the meeting, yet being asked to give approval.

Melinda asked the Board if it wanted the BDCP modeling consultant to make a presentation at the March meeting. The Board agreed that it would be useful to interact with the modeler.

State Water Resources Control Board

Kevin O'Brien stated that the SWRCB will hold an informational proceeding in late March to develop Delta flow criteria. Downey Brand will be presenting testimony on behalf of several clients. Kevin shared that it's likely that any criteria set during these proceedings will be used in future work such as the BDCP.

Motion and second to approve up to \$10,000 towards a share of the expenses in order for Downey Brand to represent our interests during the SWRCB proceedings.

Motion unanimously approved.

Steve Mello asked about the new law and process for reporting water diversions. The Board expressed concern that many landowners are unaware of the new law and severe penalties for failing to report diversions by July 1, 2010. The Board discussed several ways of how the reporting could be handled by landowners and suggested the Agency send a letter to North Delta landowners explaining the new law and filing deadline. The Board agreed that the notice would only need to be mailed to landowners with agricultural diversions, not developed areas such as West Sacramento. Gary Kienlen was asked how many landowner mailings this effort would entail. Gary said his staff would need to take a look at that and report back to the Board. The Board directed Downey Brand to prepare a letter on this issue.

Legislation

Melinda reviewed the legislative report prepared by Downey Brand regarding Delta legislation approved last year. NDWA lost a seat on the Delta Protection Commission. By majority vote of the Reclamation Districts within NDWA, Topper van Loben Sels will be the NDWA representative to the DPC. One goal of the DPC is to adopt a regional economic sustainability plan. It will be important for NDWA to participate in the process to develop the DPC sustainability plan.

Melinda Terry expects the members of the Delta Stewardship Council (DSC) to be announced very soon. The Council will develop a Delta Plan by 2012. Melinda will contact the new DSC members once they are announced and educate them on the NDWA contract.

Recent legislation also created a Delta Water Master to enforce diversion regulations in the Delta, but no one knows how this will work or who will be appointed to the position.

Report on Delta Activities

Melinda reported that there was a good turnout for the recent League of Women Voters forum on the Delta.

The Lower Yolo Bypass Planning Forum will meet on February 26th.

Jonas Minton, Planning and Conservation League, spoke at a recent North Delta CARES meeting.

Engineer's Report

Gary Kienlen distributed water quality charts and reported that water quality is currently within the contract's criteria. He informed the Board that MBK Engineers had been asked to participate in developing the Delta Plan. The firm is internally evaluating any conflict of interest issues before determining whether or not it will participate.

Manager's Report

NDWA requested an amendment to its legislation be included in the Local Government Omnibus Bill this year. The amendment would clarify that if an election is held for a Director's position, only landowners within that specific division would vote.

Recent rain resulted in water overflowing into the Yolo Bypass at Fremont Weir, but DWR staff didn't notify the Reclamation Districts affected until hours after the event. Melinda shared her concerns about BDCP's proposal to change the Fremont Weir gates from 33 feet to 17.5 feet, as it appears that new DWR staff are not sufficiently trained to anticipate flood events. Melinda shared these concerns regarding flood issues with the Steering Committee. Engineers working on the Fremont Weir gates proposal are scheduled to meet with local flood control managers on February 11th.

Public Comment

None.

Adjournment

The meeting was adjourned at 11:26 p.m. on Tuesday, February 2, 2010.

Respectfully Submitted,
Margaret Sorensen, Administrative Assistant