

North Delta Water Agency
Board of Directors Meeting
14120 Grand Ave, Walnut Grove, CA 95690
Wednesday, October 5, 2011 at 9:30 a.m.

Minutes

Call to Order

Chair Henry Kuechler called the regularly scheduled meeting to order at 9:36 a.m. on Wednesday, October 5, 2011. 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
Brett Baker
Russell van Loben Sels, Glide-In Ranch
Belan Wagner, WKBK&Y
John Lewallen

Staff

Gary Kienlen, MBK Engineers
Steve Saxton, Downey Brand
Margaret Sorensen
Melinda Terry

Approval of Minutes

Motion and second to approve the minutes of the August 3, 2011 meeting. Motion unanimously approved.

Financial Reports

The Board reviewed the financial reports in the packets. An updated Budget was distributed which included additional direct billing income for each of the counties.

Motion and second to approve the financial reports, Motion unanimously approved.

Reclassification Appeals

The Board had received no new information on the Hamilton properties.

Motion and second to deny the appeal request for the Hamilton properties. Motion approved. (Neil Hamilton abstained)

The Board continued its discussion on the Glide-In Ranch appeal. Steve Saxton provided a memo to the Board outlining the issue and summarizing the possible outcomes/decisions. Attorney Belan Wagner expressed his disappointment that the Agency's engineer or attorney did not meet with him to review the documentation before the Board meeting. The Board discussed the issue

including history of the Babel Slough, whether the evidence provided to date is substantial enough for the Board to reclassify the lands in question. The landowner asked about how delaying the decision by the board affects their property tax bill and whether they should pay the amount currently assessed or wait until the Board makes a final ruling, since the decision could alter the amount owed. The Manager explained that the assessment, as it applies to any parcel, may be corrected, cancelled, or a refund granted by order of the Board or Manager, as long as it's within the current fiscal year. At the request of the landowner, the Board tabled the decision in order to allow the landowners to meet with the Agency's manager and engineer and to review additional evidence on the matter. Staff will report back regarding the discussion and any new evidence at the next regularly scheduled Board meeting.

Report on Delta Activities

Several BDCP workgroups are scheduled to meet in November. Melinda reported the Memorandum of Agreement between the State and water export agencies stipulates that continued funding of BDCP EIR/EIS development, including preliminary engineering, will only be provided upon written approval of water exporters if certain timelines and work product are met. At the recent BDCP Public Meeting Melinda questioned Dr. Jerry Meral, Deputy Secretary of the CA Natural Resources Agency about whether the EIR is programmatic or site-specific approval of the conveyance facilities. He indicated the BDCP is programmatic for habitat restoration, which means they will need additional site-specific EIR/EIS documents, but that construction of conveyance facilities could proceed without additional EIR/EIS or permits which will all be part of the final BDCP. Melinda informed the Board that BDCP proponents met with officials in Washington DC, but did not include any Delta representatives. If there is an opportunity for in-Delta representatives to organize a trip to Washington DC, the Board agreed to send Melinda.

The Delta Stewardship Council is scheduled to release its EIR on October 7. Melinda attended the Covered Activities workshop and questioned why levee maintenance was exempted but not levee improvements. In the Delta Plan, the section Delta as a Place is not very well defined. The Board discussed how the Delta could be protected if the Plan doesn't seem to understand what it is.

The Delta Conservancy will hold a public meeting on October 18 on Delta Planning.

The Delta Protection Commission continues its work on the Economic Sustainability Plan and is working on a Strategic Plan for the Delta. The economic team from UOP working on the ESP indicated there was no way to replace the economics of Delta farming with tourism. Melinda attended the Strategic Plan meeting and offered suggestions on outreach to the Delta residents.

In September, the California Water Commission conducted its first hearing on parcels that are identified for eminent domain in order for DWR to conduct geo-technical drilling as part of the BDCP EIR/EIS. In order to use eminent domain for a property, four findings must be made including: DWR must prove the parcels are necessary; and the selected parcels must have the least private injury. At the hearing, several landowners testified that there was no good faith effort by DWR to resolve or mitigate the issues of concerns landowners have with the drilling activities. In October, the Commission will hear more information and could make its decision on whether to approve the Resolutions of Necessity authorizing DWR to condemn the parcels through eminent domain.

Manager's Report

Melinda was a participant on a water import committee panel for San Diego Water Authority. SDWA would like a feasible, affordable solution for BDCP, but is currently skeptical of the cost and scope of the current facilities being proposed in BDCP.

Jonas Minton, Planning and Conservation League, will be speaking with stakeholders in the Delta about convening a group to discuss Near-Term Actions in the Delta.

Tom Zuckerman and Alex Dambacher have proposed a through-Delta corridor and Dr. Pike also has another conveyance alternative. Melinda will arrange a presentation of one of these alternative proposals at future Board meetings.

Engineer's Report

Gary Kienlen distributed water quality charts and reported that water quality is currently within the contract's criteria. Gary also informed the Board that SWRCB water right fees were increased to \$150 per permit and \$.05 per acre foot.

Public Comment

Mark Wilson shared that he appreciated Melinda's input at the DPC Strategic Plan meetings and hopes she will continue attending.

Adjournment

The meeting was adjourned at 11:48 p.m. on Wednesday, October 5, 2011.

Respectfully Submitted,
Margaret Sorensen, Administrative Assistant