

**Minutes of Wednesday, September 7, 2022**  
**North Delta Water Agency Board of Directors Meeting**

In-Person Meeting at 3050 Beacon Blvd Ste 203, West Sacramento, CA and via Teleconference

**Call to Order**

Vice Chairman Mello called the board of directors meeting to order at 9:32 a.m. on Wednesday, September 7, 2022. A quorum was determined at that time. Those present:

Directors

Steve Mello, Division 1  
Justin van Loben Sels, Division 2  
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  
Gary Kienlen, MBK Engineers  
Yuen Lenh, MBK Engineers

Others

Brett Baker  
Lindsay Kammeier  
Lou  
M. Washington  
Mark Wilson

**Approval of Minutes**

Minutes for a regular board meeting and a special board meeting, both held on August 3, 2022, were presented. No additions or corrections were made to the minutes of either board meeting.

**MOTION** by Director M. van Loben Sels to approve the minutes as presented for the regular board meeting on August 3, 2022 convened at 9:30 a.m. and the special board meeting on August 3, 2022 convened at 1:00 p.m. Seconded by Director Slater and unanimously approved by a voice vote. (AYES: Mello, Kuechler, J. van Loben Sels, M. van Loben Sels and Slater)

**Approval of Resolution**

Resolution presented to authorize the NDWA to continue holding remote board meetings during the COVID pandemic as allowed by the state.

**MOTION** by Director Kuechler to approve Resolution No. 2022-009 extending the ability to hold remote board meetings during the COVID pandemic. Seconded by Director Slater and unanimously approved by voice vote. (AYES: Mello, Kuechler, J. van Loben Sels, M. van Loben Sels, and Slater)

**Engineering Report**

*Water Quality and Hydrologic Conditions Update*

Gary Kienlen reported that water quality is within compliance at all seven monitoring locations. The D-1641 salinity objectives ended on August 15<sup>th</sup>, so now DWR is required to operate the SWP to meeting the year-round salinity criteria in the NDWA 1981 Contract. Reviewing the water quality graphs, he noted that salinity levels were trending up at the end of July, but then began to level off. Current Delta inflow is 9,900 cfs. Delta

Cross Channel Gates have been open since July 1, but are scheduled to close in August. Reservoir storage is higher than previous dry years, but are still low: Shasta @1.57 maf; and Oroville @ 1.30 maf.

Gary also provided an update on curtailments. In the legal Delta, post-1914 with a priority date of 1948 or later have been curtailed, but water users within the NDWA are not curtailed due to the 1981 Contract requiring the State to furnish water within the Agency, not otherwise available under water rights of water users (Article 8).

## **Drought Report**

### *Temporary Emergency Drought Barriers*

Melinda reported that several weeks ago NDWA asked DWR to provide the Agency a draft reimbursement MOU for the installation of temporary drought barriers in north Delta, but to date, NDWA has not received a draft from DWR. She will have Austin Cho reach out to them once again, and if necessary, she will contact Jacob McQuirk regarding this delay. On a related note, at the last board meeting, Jacob McQuirk gave a presentation on the Miner and Steamboat Slough barriers, and agreed to provide NDWA a draft copy of their monitoring plan. She followed up with him, but he said the monitoring report is not ready yet, but he will forward a copy as soon as it's available.

### *Art. 4 Special Claims Process*

DWR provided the Agency final application forms for the Special Claims Process it established in July. All of the necessary DWR application forms are available on our website, or you can contact our office to have documents sent to you. The deadline for landowners to apply is April 1, 2023.

## **Legal Report**

### *Water Quality Control Plan Update*

Kevin O'Brien provided reminder that there will be an information Special Board Meeting on Friday, September 9<sup>th</sup> where he will make a presentation describing the Voluntary Agreement MOU guiding development of non-flow alternatives to be proposed in the update of the Bay Delta Plan (D-1641). The intent is to educate the board on flow and habitat restoration projects being proposed that can affect water quality and water surface levels with NDWA boundaries. Discussion of NDWA's historical and future engagement in the Bay Delta update will also be included.

## **Manager Report**

### *Report on Meetings, Presentations, and Correspondence*

The ad-hoc committee on NDWA reserve policy will meet again next week. Staff and consultants will also be meeting to discuss developing a comment letter on the Draft EIR for the Delta Conveyance Project. She is still working on finalizing a draft resolution regarding the DCP as requested by the Delta Counties Coalition, but it will need to be reviewed by legal counsel before presenting to the board for consideration. She will be on a panel at a water conference hosted by the Municipal Water Agency of Orange County on September 16<sup>th</sup>.

## **Delta Activities Report**

### *SWRCB/Delta Watermaster*

Lindsay Kammeier provided the report for the Delta Watermaster's office. The Delta Dry-year Response Pilot Program received \$10 million appropriation in the State Budget for implementation in 2023. They have not finished analysis of this year's data, but the timeline for the next round of water consumption reduction projects is scheduled to begin receiving applications in early October and close by mid-October. Staff will then

take two weeks to review the applications and notify grant winners in the first week of November. There will be a minimum of 100 acres and a maximum of 1,000 acres. She also described a new reverse auction process that will be implemented. She answered questions about the new process and a couple of board members expressed concerns about a decline in landowner participation. A draft of the revised program is not finished yet, but she will send a copy to the Agency as soon as it is available.

#### *Delta Habitat Projects*

Comments are due for the Yolo Bypass/Cache Slough Masterplan on September 14th.

#### *Delta Conveyance Project*

Comment letters for the DCP draft EIR are currently due October 27<sup>th</sup>.

#### *Delta Stewardship Council*

The Council released a notice on the rulemaking for the revised Delta Levee Investment Strategy. The previous version was withdrawn in order to update the funding prioritization list pursuant to new LiDar data on levees. This new version is substantially the same as the previous regulations and still includes language that defines levee rehabilitation as an improvement which is inconsistent with flood board regulations defining rehabilitation as maintenance.

#### *Delta Conservancy, Delta Protection Commission, and CVP/SWP Activities*

No new information to report.

#### **Announcements**

Sept 9<sup>th</sup> NDWA Special board Meeting – Informational meeting on Voluntary Agreements.

Sept 14<sup>th</sup> – Deadline to submit scoping comments on Yolo Bypass/Cache Slough Master Plan.

Sept 15<sup>th</sup> – Delta Protection Commission Board Meeting.

Sept 22<sup>nd</sup>/23<sup>rd</sup> – Delta Stewardship Council Meeting.

Oct 5<sup>th</sup> – NDWA Board Meeting.

#### **Public Comments**

Brett Baker asked if we were commenting on the Notice of Preparation released by the State Water Resources Control Board proposing changes to Delta flows and Southern salinity levels for the San Joaquin River Basin. Scoping comments are due this coming Friday and both Central and South Delta will be submitting comments. He agreed to send NDWA a copy of those comments. NDWA will consider whether to comment once a draft EIR is eventually released in the future.

#### **Adjournment**

Chairman Mello adjourned the meeting at 10:58 a.m.

Respectfully submitted by Cindy Tiffany, Assistant Manager