

**North Delta Water Agency**  
**Board of Directors Meeting**  
14120 Grand Ave, Walnut Grove, CA 95690  
Wednesday, April 7, 2010 at 9:30 a.m.

## **Minutes**

### **Call to Order**

Chair Henry Kuechler called the regularly scheduled meeting to order at 9:41 a.m. on Wednesday, April 7, 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

Richard Elliot  
Donis Pacini Whaley, Sutter Island  
Steve Heringer, RD 999  
Steve Barsoom, RD 999  
Bob Webber, RD 999  
Mark Wilson, RD 999

#### Others

Meda Bennefield, Maine Prairie WD  
Mike Hardesty, RD 2068  
Brett Baker  
Patrick Soluri  
Osha Meserve  
Debbie Elliot

#### 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 March 3, 2010 Board of Directors meeting. Motion unanimously approved.**

### **BDCP**

In March, the BDCP Steering Committee discussed terrestrial conservation measures including the need for 80,000 aquatic acres and also 40,000 - 50,000 additional acres for terrestrial species. Melinda Terry shared concerns about the meaning of the terms protecting and preserving and questioned whether that included agricultural practices. Other organizations expressed concern about the lack of specific information regarding species and the rationale behind the conservation measures and requested to see avoidance and minimization measures for species added to documents. Melinda noted that the covered activities document was presented but did not include in-delta activities or the North Bay Aqueduct. Melinda said the biggest open issue at the moment is the cost of project and who will pay. That cost discussion is scheduled for the next Steering Committee meeting.

Chuck Hanson has been asked to make a presentation at NDWA's May Board meeting regarding how many conservation acres are planned for the North Delta area. The Board shared concerns about protections for agricultural practices; public properties being fully utilized for habitat needs; the need for buffer zones between conservation projects and adjacent lands; and take coverage for NDWA Contract diverters.

## **Legislation**

AB 1676 (Fuentes) imposes penalties on elected officials who do not live within the boundaries of the district or agency they represent. NDWA directors are only required to own land within their division, not live within their divisions.

**Motion and second to oppose AB 1676 unless amended. Motion unanimously approved. Staff was directed to send opposition letter to committee.**

SB 808 (Wolk) would extend the sunset date of the delta levee subventions program.

**Motion and second to support AB 808. Motion unanimously approved. Staff was directed to send support letter to committee.**

SB 991 (Wolk) would appropriate funds from the water bond for flood control projects. The agency will monitor this bill.

SB 1334 (Wolk) would require DWR to cooperate with local agencies on land use permit authorities. The Agency will monitor this bill.

SB 894 is the Senate Local Government Omnibus bill which includes our amendment to the Agency Act clarifying that only landowners within each division vote to elect that division's director. No other organizations had an issue with our amendment. A support letter will be sent.

AB 1594 (Huber) would require a vote of the legislature before a peripheral canal could be built. Discussion regarding wording of bill, affect on the Contract, and previous vote on the bill. The Agency will monitor this bill.

AB 1797 (Berryhill) would require DWR to complete a feasibility study by 2012 on the Delta Corridors Plan as part of the State Water Resources Development System.

**Motion and second to support AB 1797. Motion unanimously approved. Staff was directed to send support letter to the committee.**

AB 2336 (Fuller) would require the Delta Stewardship Council, when adopting the Delta Plan, to assess adverse impacts of invasive species on native species. The Agency will monitor this bill.

AB 2092 (Huffman) would allow the Delta Stewardship Council to adopt a fee for water contractors in order to fund the Council's activities. The Agency will monitor this bill.

## **Prop 218 Process**

Kevin O'Brien and Gary Kienlen reported that an official budget is still being developed for the Board's approval. A recommendation for a proposed annual assessment amount will be presented at the May meeting for the Board's consideration. Because the budget is still in draft form and also assessor information from Yolo County is still being compiled, the timeline for the landowner election will be delayed. Melinda Terry suggested that the vote not be delayed past August.

Topper van Loben Sels reported that he had sent letters to each of the Reclamation District trustees within division 2 and will be contacting them in a month to meet with them and discuss the contract.

### **State Water Resources Control Board (SWRCB)**

The Board reviewed a draft letter which explains reporting requirements for water diverters and discussed changes to the letter, including adding the SWRCB's website address that has more information on filing a statement of use report. The Board discussed who letter should be mailed to and suggested that the letter could be sent out with the notice of public meetings to be held on the Prop. 218 vote to save money. A decision on the mailing was postponed until the next meeting. Osha Meserve informed the Board that her law firm is considering hosting a workshop for Delta landowners to further educate landowners on the new law and its requirements.

A SWRCB Notice of Public Hearings was distributed to the Board regarding a possible cease and desist order for water diverters in South Delta. The Board discussed the notice in relationship to North Delta water rights pursuant to the Contract.

### **Report on Delta Activities**

The Delta Stewardship Council met for the first time and selected Phil Isenberg as its chair. The Council only dealt with general organizational housekeeping items, including approving Joe Grindstaff as an Interim Executive Director.

Topper van Loben Sels reported that the Delta Protection Commission held its second meeting since its reorganization. He noted the current challenge for the commission is to prepare a Delta Economic Stability package by July 1st.

Steve Mello and Melinda attended a Restore the Delta meeting where three goals were presented: completion of a documentary on the Delta; No on the upcoming water bond issue campaign; unified lobbying and communication efforts.

North Delta CARES recently had Jeffrey Mount as a guest speaker.

### **Engineer's Report**

Gary Kienlen distributed water quality charts and reported that water quality is currently within the contract's criteria.

### **Manager's Report**

Melinda participated as a panelist at the California Municipal Utilities Association. Her presentation focused on Delta myths, including the myth that Delta levees are collapsing. Neil Hamilton and Melinda met with RD 150 and explained the Agency's contract. Melinda met with Assemblyman Bill Berryhill and discussed the contract. She attended the Delta Water Users Annual member dinner; the Delta Levees meeting and the Sacramento Valley Landowners Association. Melinda and Mike Hardesty attended a meeting with the Assistant Secretary of the Army, Civil Works, with other members of the BDCB Steering Committee and Delta County Supervisors.

### **Public Comment**

None.

### **Adjournment**

The meeting was adjourned at 12:20 p.m. on Wednesday, April 7, 2010.

Respectfully Submitted,  
Margaret Sorensen, Administrative Assistant