

North Delta Water Agency Board of Directors Meeting

14120 Grand Ave, Walnut Grove, CA 95690
Wednesday, February 6, 2013 at 9:30 a.m.

Minutes

Call to Order

Vice Chair Neil Hamilton called the regularly scheduled meeting to order at 9:30 a.m. on Wednesday, February 6, 2013. A quorum was determined at that time. Those present:

Directors

Neil Hamilton, Division 5
Ken Ruzich, Division 4
Steve Mello, Division 1
Topper van Loben Sels, Division 2

Staff

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

Absent

Henry Kuechler, Division 3

Others

Mark Wilson, Clarksburg
John Lewallen, Tyler Island
Meda Benefield, MPWD

Approval of Minutes

**Motion and second to approve the minutes of the October 3, 2012 meeting as corrected.
Motion unanimously approved.**

Finances

Motion and second to approve the financial reports as presented. Motion unanimously approved.

The Board reviewed the handout of delinquent 2011-12 assessments.

Motion and second to authorize Downey Brand to file a claim against the Department of Parks and Recreation and the State Lands Commission. Motion unanimously approved.

NDWA has already filed a claim against CalTrans for delinquent assessments. Director Ken Ruzich stated he would contact the City of West Sacramento and Washington Unified School District and encourage both to send in their payments. Steve Mello volunteered to contact T & S Stokes/West Coast PCS.

Engineer's Report

Gary Kienlen distributed water quality charts and reported that water quality is currently within the contract's criteria. He also submitted annual charts for 2012 for four monitoring stations. Annual charts for the additional three stations will be submitted at the next Board meeting.

Legal Report

Kevin O'Brien reported that DWR has not signed the agreement reducing NDWA's contract payment by the amount of Fish & Game's assessment. Staff will continue to prod DWR.

DWR has given its verbal approval to extend the existing water quality MOU between DWR and NDWA to include future water quality changes made by the SWRCB. However, the MOU has not yet been signed. Kevin stated he would call to set a meeting with DWR staff.

The City of West Sacramento is exploring ways to reduce its water costs and is looking into relying on the NDWA contract for water rights for those who reside in the NDWA.

Manager's Report

Included in the packet was a report on assessment adjustments that have been made.

Melinda Terry has been called to testify in the Cortopassi lawsuit. Steve Mello has also been called to testify. Kevin O'Brien advised those testifying that the Agency should remain neutral in the case.

Dr. Pyke submitted documents regarding his alternative project for the BDCP with a request for funding to continue researching the idea. The Board discussed the merits of the project and noted that the Agency is not allowed to give public funds to an individual.

The Board discussed the Portfolio Based BDCP Conceptual Alternative being proposed by NRDC and other water districts that would build a smaller 3000 csf tunnel and invest the savings in upgrading levees; completing projects to meet ESA findings; and investing in water supply projects that would reduce reliance on Delta water.

Report on Delta Activities

The second BDCP Admin Draft chapters are expected to be released this month. The first Admin Draft of chapters and EIR/EIS are available on the BDCP website, but very few of the supporting documents or appendixes are posted yet. The Board discussed the financial issues facing the BDCP and the need for NDWA to continue making comments.

Last September NDWA submitted a letter requesting a cost-benefit analysis on the BDCP. Recently, the BDCP staff announced a cost-benefit analysis would be done and has begun the process. Melinda shared her concerns with the methodology; scope of work; and lack of independence over the report. She will submit comments on behalf of NDWA citing the concerns.

The Delta Stewardship Council finished its final draft Plan, EIR and Rulemaking package. In the Plan, policies are being converted to regulations and the general public consensus is the language is vague and authority is questionable. The Council will make final edits to the documents at the March DSC meeting and approve final documents at their May meeting. The OAL will review the Delta Plan regulations to make sure they are consistent with statutory authority and existing law.

At a recent Delta Protection Advisory Committee (DPAC) meeting, Mike Machado, DPC, suggested dissolving the DPAC due to lack of participation. Melinda and other appointed members of the Committee objected to the recommendation and reminded the group that the advisory committee was required by law. Melinda is working with Delta stakeholders to participate in the DPAC and elevate the committee to become a more useful resource for the DPC.

Topper van Loben Sels discussed the letter included in the packet regarding mitigating BDCP impacts on Delta farmlands. He shared his concern that DWR is indicating it cannot mitigate loss to farmlands.

Gary Kienlen reviewed the State Water Resources Control Board (SWRCB) draft Plan for South Delta water Quality and did not see anything in the plan that would affect our contract.

The Board reviewed, discussed and approved NDWA's draft letter requesting the Delta Watermaster to properly recognize and portray the North Delta water use rights in future Term 91 water rights reports or discussions.

NDWA will submit comments on the Delta Region portion of the CA Water Plan.

The courts have ruled that DWR made procedural errors in its eminent domain cases and DWR is now going back and correcting its mistakes and resubmitting to the CA Water Commission for approval. Melinda is not aware of any land side geo-tech drilling that has been performed for the BDCP preliminary engineering information needed to prepare the BDCP EIR/EIS.

Public Comment

Gary Kienlen reminded attendees that the deadline to report water diversions is June 30, 2013 and the State Board is taking the deadline seriously.

Steve Mello shared that periodic inspections on project levees have restarted.

Adjournment

The meeting was adjourned at 11:50 a.m. on Wednesday, February 6, 2013.

Respectfully Submitted,
Margaret Sorensen, Administrative Assistant