

# North Delta Water Agency Board of Directors Meeting

14120 Grand Ave, Walnut Grove, CA 95690  
Wednesday, April 6, 2011 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 6, 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

Meda Benefield, Maine Prairie WD  
Mark Wilson, RD 999

### Staff

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

### Approval of Minutes

**Motion and second to approve the minutes of the February 2, 2011 meeting. Motion unanimously approved.**

### Financial Reports

The Board reviewed the financial reports for the Agency. Staff distributed a breakdown of the expenses incurred for the Prop 218 election as of the end of March.

**Motion and second to accept the financial reports. Motion unanimously approved.**

### Report on Delta Activities

The BDCP Steering Committee has not begun meeting yet. Melinda, Gary Kienlen and Mike Hardesty met with Natural Resources Secretary John Laird and Deputy Secretary Jerry Meral to reinforce purpose of the Agency, its 1981 Contract, and issues of concern for the Agency in terms of ongoing Delta planning. They indicated the timeline for the BDCP process may need to be extended to 2014 and that participation in the BDCP will be expanded, particularly to include Delta Counties. They are also considering a different approach than the Steering Committees and are considering breaking issues into smaller workgroups with more local participation to help facilitate decisions. Melinda expressed support for trying a new course since the previous process was dysfunctional and failed to accomplish goals, but tempered it with concern that NDWA staff

limitations could result in being excluded from important discussions and decisions under their new process. Overall, she felt the two were more open and interested in Delta assurances.

The Delta Stewardship Council has released the 2nd Draft of its Delta Plan and Melinda will submit comments on behalf of the Agency. Concerns about the plan include failure to indicate a productive agriculture economy and healthy fish population in its Vision for 2100. A new draft will be released every month through June. Monthly workshops are being held as well.

The Delta Conservancy is up and running and staff toured the Yolo Bypass in March, including Natural Resources Secretary John Laird.

The Delta Protection Commission is still focusing on its three projects: completing an economic sustainability plan, considering modification of the primary zone, and studying establishing a National Heritage Area.

North Delta CARES gave Yolo County Supervisor Mike McGowan and Natural Resources Deputy Secretary Jerry Meral a tour of the Clarksburg District.

### **Manager's Report**

Letters that were sent on behalf of the Agency were included in the packet. Also, the manager's report was included in the packet.

### **Legal Report**

Kevin reported that he will work on the BDCP Cooperating Agency Request and bring some information back to the Board at the next meeting. Mark Wilson asked about Coordinating Agency status as opposed to Cooperating Agency. Kevin will look into whether that is a better option for the Agency.

John Herrick, attorney for South Delta Water Agency, expressed concern about the Engineer's Report for the Prop 218 process. He assumed that the report acknowledged weaknesses in riparian rights. Staff responded with a letter explaining that there was no intent to define riparian rights. The report simply uses water rights to categorize benefits of the contract.

### **Engineer's Report**

Gary Kienlen distributed water quality charts and reported that water quality is currently within the contract's criteria. He also distributed the annual chart that shows water quality for the 2010 year.

### **Prop 218**

Henry Kuechler reported that as expected, a number of landowners have made inquiries about the criteria for re-classifying their lands. A few landowners have questioned the classifications, in particular whether their parcels should be reclassified as isolated lands because they lack legal (if not physical) access to a water diversion point. For that reason, it has been proposed that a Review Committee be formed to look into any classification questions that landowners wish to bring forward. The work of the committee will be carefully defined and limited: the committee's review will be strictly limited to the classification methodology used by the Engineer's Report, which relies exclusively on historic studies, SWRCB records, and other existing information about water rights and other classification criteria; no changes to parcel classifications will be made without the landowner providing documentary evidence such as a lack of lawful access to, or of new or different water right as evidenced by a deed, permit, license, etc.; the Committee will make no water rights determinations. Even though the information available to develop the Engineer's

Report was not perfect, it was nevertheless comprehensive and reliable. It is therefore not expected that the Review Committee will be engaged in extensive analysis or numerous requests for review.

**Motion and second to establish a Review Committee consisting of Gary Kienlen, Melinda Terry and Mike Hardesty. Motion unanimously approved.**

Melinda reported that some landowners have asked how much money will be held in the surplus funds account. The Board did not set a goal, but will evaluate the Agency's budget and surplus annually. A handout on the ballot tabulation process and public participation was distributed. The ballots will be counted on April 21st and, if needed, the 22nd. The public is welcome to watch the ballots being counted and that information for location and code of conduct will be posted on the NDWA website. The ballot results will be announced at the May 4th Board of Directors meeting.

An independent campaign letter was reportedly sent out by a group of landowners to encourage a yes vote on the ballot.

**Public Comment**

None

**Adjournment**

The meeting was adjourned at 11:20 a.m. on Wednesday, April 6, 2011.

Respectfully Submitted,  
Margaret Sorensen, Administrative Assistant