

North Delta Water Agency Board of Directors Meeting

14120 Grand Ave, Walnut Grove, CA 95690
Wednesday, October 2, 2013 at 3:00 p.m.

Minutes

Call to Order

Chair Henry Kuechler called the regularly scheduled meeting to order at 3:11 p.m. on Wednesday, October 2, 2013. A quorum was determined at that time. Those present:

Directors

Neil Hamilton, Division 5
Henry Kuechler, Division 3
Steve Mello, Division 1
Topper van Loben Sels, Division 2

Absent

Ken Ruzich, Division 4

Staff

Gary Kienlen, MBK Engineers
Angela Bezzone, MBK Engineers
Joe Schofield, Downey Brand
Margaret Sorensen
Melinda Terry

Others

Bob Webber, RD 999
Mary Kuechler, RD 2060
Tim Neuharth, RD 349

Approval of Minutes

**Motion and second to approve the minutes of the August 7 2013 meeting as corrected.
Motion unanimously approved.**

Manager's Report

Melinda Terry briefed the board on recent BDCP finance meeting committee, including her accusation against the state of conducting a fraudulent process for the BDCP development when the consultant claimed the projects proposed in the BDCP would result in an economic benefit to the Delta region. In her opinion, each economic report released by BDCP is worse than the last with the most recent one failing to account for the costs to Delta region pursuant to unmitigated impacts of the 48 "Significant and Unavoidable" impacts in the EIR/EIS or any of the total 750 impacts identified. Pursuant to Manager's comments at BDCP finance work group meeting, the Board discussed ending active participation in future BDCP work groups or public meetings. She informed the board withdrawal from future BDCP proceedings and work groups was probably moot since there won't be any more meetings until the release of the Public Draft of BDCP EIR/EIS which will then trigger a formal comment period. The Board directed staff to concentrate efforts on developing written comments to submit once the EIR/EIS is released rather than attending more worthless BDCP meetings. Manager has met with Kevin O'Brien and Scott Shapiro to begin planning process for coordinating review of BDCP EIR/EIS pursuant to CEQA/NEPA process and timelines, with Gary Kienlen to join future meetings on the matter.

She also briefed the board regarding her dismay over the biased one-sided water exporter views on habitat projects expressed during a recent DSC Independent Science Board (ISB) Delta boat tour which led to her submitting written testimony the following day. She expressed significant concern regarding the adverse impacts associated with complying with aquatic habitat requirements in the federal

Biological Opinions and BDCP which are necessary to maintain Endangered Species Act (ESA) take authorization for the operation of existing South Delta and future North Delta CVP/SWP pumping facilities as posing potential conflict with NDWA Contract provisions.

Representatives of CCVFCA and NDWA have held an initial planning meeting to discuss options on how best to staff the two organizations once the current administrative assistant leaves in early 2014. The initial options discussed included hiring another full-time policy person to assist Melinda and the need to investigate further possibly hiring a part-time administration person or using an outside entity/consultant to handle financial and other administrative duties of both agencies.

Manager is working on a scope of work to seek assistance of an independent contractor to coordinate and conduct public outreach to North Delta landowners to encourage the recording of more Subcontracts, including providing legal descriptions and notary service to make process easier and faster for landowners. She will present a formal proposal to the board once it is fully developed.

Update on Delta Activities

The USBR invited NDWA to participate as a cooperating agency in the Yolo Bypass Salmonid Habitat Restoration and Fish Passage (Yolo Bypass EIR/EIS).

Motion and second to enter into a MOU with the USBR to become a cooperating agency under NEPA on the Yolo Bypass EIR/EIS. Motion unanimously approved.

Included in the Board packet was a memo and scope of work regarding NDWA's financial participation in a coalition effort to fund MBK Engineers to work with DWR/USBR on revising the BDCP CalSIM model to better reflect an accurate operation of SWP/CVP facilities. The documents outline the costs and issues involved with the project and a list of agencies sharing the costs.

Motion and second to authorize up to \$10,000 for the modeling work and signature of the Letter of Agreement. Motion unanimously approved.

The Board was provided a copy of the Manager's response to a Jerry Meral Op-ed regarding BDCP, citing the 48 unavoidable impacts imposed on the Delta region. Manager will be a speaker on a panel of Delta representatives discussing BDCP at an ACWA Region 10 informational workshop despite concerns raised about her participation by Metropolitan Water District to ACWA leadership.

Staff has not had recent interaction with the Delta Conservancy, so is unaware of any important activities they are involved in. Melinda will continue her efforts to be included in monthly meetings of state and federal agencies discussing development of habitat projects in the Delta that may pose conflict with assurances and protections provided by DWR in NDWA Contract.

Manager attended a Water Education Foundation tour of the Delta of some of the projects included in a list of near-term actions proposed by the Delta by the Coalition to Support Delta Projects. DWR hosted a tour for southern CA reporters and MWD board members, but excluded public attendance or Delta representation and participation. Restore the Delta organized Delta activists to demonstrate with signs and handing out BDCP information from a local perspective during the tour.

Manager informed the new DPC Executive Director, Erik Vink, about the BDCP's EIR/EIS total of 750 adverse impacts which includes 48 "Significant and Unavoidable" impacts and they will meet again to discuss the DPC's role in disclosing the potential adverse impacts to the Delta identified in the EIR/EIS and their compatibility with the Delta Reform Act, DPC Land Management Plan, and other Delta protection laws. Manager plans to also provide future briefings to the Board regarding her review of the EIR/EIS and the specific adverse impacts identified.

The SWRCB has two new board members, including a new chairperson, Felicia Marcus. Manager has met separately with the new chairperson and another SWRCB member, discussing the 48 unavoidable significant impacts in the BDCP EIR/EIS and other issues related to their regulatory role concerning approval and implementation of BDCP permits and projects, as well as explaining the NDWA Contract and water quality MOU with DWR.

Manager briefed the Board regarding public comments she made about BDCP adverse impacts on Delta agriculture to a Joint Meeting of the CA Water Commission and CA Food & Agriculture Board. They requested she also submit written comments in order to be able to expand on concerns related to BDCP and the lack of Delta representation in the presentations scheduled for their joint meeting.

The Delta Stewardship Council is in process of developing a plan to implement the Delta Plan.

Manager briefed Board regarding her participation in CA Water Plan meetings and concerns regarding the inadequate description of the Delta's water use and protections in the Delta Regional Report section due to focus on Delta's role in being hub of water supply to export service areas of the state.

Legislative hearings were recently held regarding BDCP financing and governance and revisions to the water bond legislation, including reducing the amount, continues to be worked on despite recent public polling indicating low percentage of support from likely voters.

Legal Report

Despite approval by DWR legal counsel for signature by Director Mark Cowin of an updated version of existing water quality MOU and renewal of an expired agreement regarding DFG assessments, they are still stalled due to inability to gain signature/approval of the DWR Director. Joe Schofield reminded the Board that the NDWA Contract protects landowners from any water reductions associated with the SWRCB's update of the Bay-Delta Water Quality Plan (D-1641) and that update of the water quality MOU with DWR is intended to resolve the need for the Agency to participate in those hearings.

Engineer's Report

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

Public Comment

None

Adjournment

The meeting was adjourned at 4:36 p.m. on Wednesday, October 2, 2013.

Respectfully Submitted,
Margaret Sorensen, Administrative Assistant