

**Minutes of Wednesday, February 3, 2016**  
**North Delta Water Agency Board of Directors Meeting**  
14120 Grand Ave. (Walnut Grove Community Church), Walnut Grove

**Call to Order**

Chairman Mello called the board of directors meeting to order at 9:31 a.m. on Wednesday, February 3, 2016. A quorum was determined at that time. Those present:

Directors

Steve Mello, Division 1  
Topper van Loben Sels, Division 2  
Jack Kuechler, Division 3  
Kenric Jameson, Division 4  
Tom Hester, Division 5

Staff

Melinda Terry, Manager  
Cindy Tiffany, Assistant Manager  
Kevin O'Brien, Downey Brand  
Gary Kienlen, MBK Engineers  
Sarah Harper, MBK Engineers

Others

See attached sign-in sheet.

Absent

Kuechler arrived during agenda Item #3.

**Approval of the Minutes**

No corrections or additions were made to the January 6, 2016 minutes.

**MOTION by Director van Loben Sels to approve the January 6, 2016 minutes. Seconded by Director Jameson, and unanimously approved by a voice vote. (AYES: Mello, van Loben Sels, Hester, Jameson – Absent: Kuechler)**

**Financial Reports**

Cindy Tiffany reported that NDWA had received the Assessments from Sacramento County and expected to receive Yolo County Assessments soon, and answered questions on the quarterly financial statements. She will be mailing delinquent letters on unpaid direct bill assessments over the next few weeks and will provide the board a delinquent dollar amount for the board at the next meeting.

**MOTION by Director van Loben Sels to accept the Financial Reports as presented. Seconded by Director Hester and unanimously approved by a voice vote. (AYES: Mello, van Loben Sels, Hester, Kuechler, Jameson)**

**Manager Report**

Melinda Terry provided a synopsis on the January 26, 2016 Special Board Meeting on the DWR Claims Procedures. The letter requesting reimbursement for drought related Agency costs, such as barrier negotiations, was mailed to DWR. Staff will inform the Board once the Agency receives a response.

Due to the SWRCB hearing schedule on the WaterFix change of diversion petition, the Board decided to meet monthly instead of every other month at least through summer, with a March 2<sup>nd</sup> as the first additional meeting.

**Ad- Hoc Committee Reports**

Directors van Loben Sels and Kuechler reported on the Groundwater Ad-Hoc Committee, distributing a two-page summary of the issues and process involved in forming a Groundwater Sustainability Agency (GSA) they discussed with legal counsel. They reviewed the various options and logistical issues for NDWA to consider due to having portions of five different groundwater basins within its boundaries. Director van Loben Sels will contact each of the board members by February 12<sup>th</sup> to get their input and additional questions they would like legal counsel to answer. After completing their outreach, the ad-hoc committee will present recommendations regarding NDWA's role and costs associated with forming GSA's at the March meeting.

The Manager briefed the board on the status of the Solano County's efforts to initiate formation of GSA's in their groundwater basin, including her participation in an interview conducted by the county's consultant, Ag Innovations. She contacted Solano staff to sign the MOU, but was told execution was currently on hold, so not sure when NDWA will be able to officially sign.

Kevin O'Brien reported that the ad-hoc committee on developing an op-ed describing Agency and Contract history had one conference call and he emailed them an initial draft, but it will require more work. He will try and have a revised version ready for March meeting.

### **Delta and Drought Report**

Delta Watermaster, Michael George, reported that draft regulations on the implementation of the new water diversion monitoring and reporting requirements mandated by SB 88 were approved by the State Water Resources Control Board (SWRCB) in January. He explained the deadlines for compliance and requirement for all diversions more than 10 acre feet to install measuring devices or offer an alternative measuring method, and answered questions regarding approval of alternative methods, testing accuracy of devices, and extension of deadlines. He noted that monthly diversion reporting has been suspended due to recent rainfall and DWR submitted a new 2016 Drought Contingency Plan to the SWRCB, but were not satisfied with the modeling or public outreach efforts and requested additional work in these areas be done by February 15, 2016.

Melinda Terry reported that a human right to water resolution was recently approved by the SWRCB, but did not appear to affect the Agency's contractual rights. DWR has been in the field talking to landowners about installation of drought barriers, however Paul Marshal with DWR said they probably will not need to this year, but still have to plan for them just in case.

The Department of Finance has posted the budget request for the Delta Habitat Conservation and Conveyance Program (DHCCP) in charge of WaterFix design and construction, proposing to convert 38 positions from part-time to full-time, including three real-estate positions initiating land acquisitions and condemnation. DWR recently released a working draft biological assessment (BA) for Waterfix, which according to NRDC relies on willing sellers supplying the water needed to meet water quality objectives, which could mean water quality will be degraded if water sales are insufficient. A Draft construction agreement between DWR and a Joint Power Authority comprised of water contractors was also released that allows them decision-making authority over the WaterFix project. The agreement will not be signed by the parties until a final Record of Decision is approved, scheduled around summertime.

Last month's Delta Protection Commission (DPC) meeting had panel of regulatory agencies describing the sequencing of WaterFix permits they were responsible for approving, and the March meeting will focus on the project's proposed mitigation measures.

Since the Administration has abandoned permitting BDCP as Natural Communities and Conservation Plan (NCCP) and replaced with WaterFix, the project cannot be incorporated into the Delta Plan as originally assumed in 2009, so the Delta Stewardship Council (DSC) has initiated a process to develop water conveyance policies to add to the Delta Plan. The Conveyance Principles recently approved by the Council to guide development of conveyance policies will be reviewed and discussed at the March NDWA board meeting.

### **Legal Report**

Kevin O'Brien reported on the SWRCB's pre-hearing conference to discuss procedural issues regarding the WaterFix diversion change petition hearings, including request he made on behalf of his Sacramento Valley clients to delay deadlines for protestors to submit evidence and testimony after DWR. Until the water board renders a decision on procedural matters, he will continue to work on having the Agency's witness testimony and MBK technical memos done by the current March 1st deadline. He also informed them about a preliminary settlement meeting with Northern CA and export contractors, and the board of directors approved his request to allow Mike Hardesty, RD 2068 Manager, be a representative of NDWA in those discussions.

DWR has not responded to a revised supplemental agreement for the Special Claims Process to extend the drought damage period to extend beyond August 15, 2015.

### **Engineering Report**

Gary Kienlen distributed water quality graphs, including one showing the entire 2015 calendar year, noting salinity levels are currently within the Contract criteria. Responding to an inquiry of whether he expected the Contract drought provision to be triggered in 2016, he said it was not likely because the two year average of the Four River Index would probably be above 9 million acre feet. However, he cautioned that a final determination is not made until May 1<sup>st</sup>.

Melinda reported that Contra Costa is not planning on running new modeling for the Waterfix project for NDWA to use. Gary will talk to MBK's modeling staff and provide an estimate for hydrodynamic modeling by the March 2nd meeting.

### **Closed Session**

The board adjourned into closed session to discuss one item: SWRCB's adjudicatory proceedings on WaterFix diversion change petition. Upon reconvening in open session, the chairman announced the board had taken action to appoint an ad hoc committee comprised of Directors Mello and Kuechler to develop the dismissal terms the Agency would submit with WaterFix protest testimony on March 1<sup>st</sup>.

### **Announcements**

There will be an additional board meeting scheduled for March 2, 2016, 9:30 am, to be held at the Walnut Grove church if available. A new location will be announced if necessary.

### **Adjournment**

Chairman Mello adjourned the meeting at 12:13 pm

Respectfully submitted by Cindy Tiffany, Assistant Manager