

# North Delta Water Agency Board of Directors Meeting

14120 Grand Ave, Walnut Grove, CA 95690  
Wednesday, April 4, 2012 at 9:30 a.m.

## Minutes

### Call to Order

Chair Henry Kuechler called the regularly scheduled meeting to order at 9:36 a.m. on Wednesday, April 4, 2012. A quorum was determined at that time. Those present:

### Directors

Henry Kuechler, Division 3  
Steve Mello, Division 1  
Ken Ruzich, Division 4  
Topper van Loben Sels, Division 2

### Absent

Neil Hamilton, Division 5

### Others

Mark Wilson, RD 999  
Mike Hardesty, RD 2068  
Bob Webber, RD 999  
John Lewallen  
Chris White, SJRECWA  
Jim Burchell  
Curt Schmutte, SFWCA  
Byron Buck, SFWCA

### Staff

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

### Approval of Minutes

**Motion and second to approve the minutes of the February 1, 2012 meeting. Motion unanimously approved.**

### Yolo Ranch Habitat Project Presentation

Byron Buck and Curt Schmutte gave a presentation explaining the Yolo Ranch Habitat Project. They reviewed the history of the area, details of the project and coordination efforts with RD 2068. RD 2068 will use the 1.5 M cubic yards of excavated material to reinforce a portion of its levee. The project would be flood neutral. The Board corrected the claim that the area had once been tidal marsh. The land was originally swamp and overflow. The Board shared its concern about future assessment payments and safe harbor for neighbors.

### **Coordination Opportunities**

Jonas Minton, Planning and Conservation League, is convening a group today to test coordinating and implementing conservation projects that everyone can agree on and that would be easily completed. Suggestions for projects can be submitted to that group.

Osha Meserve, Erik Vink, Restore the Delta, and other Delta groups have been informally coordinating efforts to cover all of the meetings and topics regarding Delta issues.

Chris White, San Joaquin River Exchange Contractors Water Authority, gave a presentation on his agency including its history, challenges, projects and pending lawsuits. Melinda shared NDWA's concerns about the BDCP canal project.

### **Manager's Report**

The Directors were reminded that they needed to complete ethics training this year.

**Motion and second to add an item to the agenda (ACWA Health Benefits Resolution) that needs immediate action. Motion unanimously approved.**

**Motion and second to approve resolution 2012-02 consenting to join the Health Benefits Program of the ACWA JPIA, ratifying the action to terminate the Health Benefits Authority, and authorizing NDWA to execute all necessary documents. Motion unanimously approved.**

The Isolated Lands Ad Hoc committee reported that one parcel has been reclassified as isolated. The committee included a requirement that if the land use changes in the future, the Agency would be notified.

The Agency has met with DWR regarding updating its MOU to include the new SWRCB standards, consistent with Article 2 of the NDWA Contract.

The Agency has met with DWR and Fish & Game to discuss a new agreement for DWR waiving assessment payments from Fish & Game. Staff is waiting to hear whether the new agreement is accepted.

### **Engineer's Report**

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

Gary also shared that it would cost between \$3,000 and \$5,000 for MBK to enhance the Agency's database in order to streamline the direct billing process.

**Motion and second to authorize up to \$5,000 for MBK's work on the Agency's database. Motion unanimously approved.**

The Agency has requested new monitoring stations from DWR as part of the expected BDCP changes. Gary Kienlen distributed a chart with current monitoring stations and encouraged the Board to begin thinking about where new monitoring sites should be located. The Agency may hold public hearings to invite suggestions from landowners.

### **Legal Report**

The Board reviewed the proposed resolution outlining a policy for handling delinquent payments on those assessments that are billed directly by the Agency.

**Motion and second to approve Resolution 2012-01 establishing a delinquent assessment policy, modified to include a threshold of \$1,000. Motion unanimously approved.**

### **Report on Delta Activities**

The BDCP draft EIR is now available on the BDCP website and comments are due April 16. The second meeting of Cooperating Agencies will be held April 10. Melinda hopes to receive more details about the plan at the meeting.

The Delta Stewardship Council's 6th draft Delta Plan will be released soon. Although there are significant changes in the new draft, there are still problems. The Plan recommends the SWRCB take no action on existing water rights until the applicant has exhausted regional self-reliance ability.

The Delta Conservancy has released its Draft Strategic Plan and comments are due April 20.

The new Water Master position, filled by Craig Wilson, has been investigating illegal water diversions. Although it was predicted that many illegal diversions would be found, that has not been the case.

DWR has not brought any new parcels to the California Water Commission for condemnation. Melinda predicts that actual drilling on those sites that have been condemned will begin sometime this summer.

### **Legislation**

Melinda reviewed HR 1837, AB 2000, AB 2421, and SB 250. The Board discussed the bills, but determined it was too early to make a decision about positions.

**Motion and second to authorize Melinda Terry to submit a position letter on these bills if it becomes necessary or beneficial. Motion unanimously approved.**

### **Other Items**

Steve Mello shared that he will be a panelist for a May 2nd workshop co-sponsored by Delta Protection Commission.

### **Public Comment**

Mark Wilson informed the Board that Osha Meserve has been reviewing BDCP documents on behalf of North Delta organizations. She is on a short timeline to finish and he needs to raise additional funds to pay for her efforts. He asked the Board for help both with suggestions of who to ask for donations and help with contacting those suggestions.

### **Adjournment**

The meeting was adjourned at 12:25 p.m. on Wednesday, April 4, 2012.

Respectfully Submitted,  
Margaret Sorensen, Administrative Assistant