

Minutes of Wednesday, March 2, 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 9:32 a.m. on Wednesday, March 2, 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
Rebecca Smith, Downey Brand
Gary Kienlen, MBK Engineers
Angela Bezzone, MBK Engineers

Others

See attached sign-in sheet.

Welcome and Introductions

Chairman Steve Mello called the meeting to order at 9:32 a.m. with brief introductions of Directors, staff, and audience.

Sustainable Groundwater Management Act (SIGMA)

Director Jack Kuechler and Manager Melinda Terry provided a brief overview of NDWA activities associated with coordinating with other agencies interested in forming a Groundwater Sustainability Agency (GSA) within the agency's boundaries. Several of these other agencies were in attendance to provide an update on the status of their efforts to form a GSA in their groundwater basin.

Doug Heberle, representing Woodbridge Irrigation District (WID), disclosed that WID was one of several agencies that filed to form a GSA in late January. Since then, all of these agencies have been negotiating their respective jurisdictions because overlapping boundaries are not allowed in the Sustainable Groundwater Management Act (SGMA). WID would like maintain the Thornton area in the GSA and hopes the NDWA will support their request.

Darrell Eck with Sacramento County announced that the Sacramento Groundwater Authority filed GSA papers, so expect other agencies to follow suit, however the area in question in terms of coverage within this basin is the Delta. If no agency claims the Delta in their GSA boundaries, then it will be "white area" that the County could become responsible for pursuant to SGMA law. The Sacramento County Water Agency is an eligible agency and currently serves Walnut Grove and Isleton, and the Lower Cosumnes Resource Conservation District may also be eligible. If multiple agencies file, then GSA boundaries will need to be worked out.

Chris Lee with Solano County Water Agency said their basin continues to work with their facilitators to outreach to eligible agencies within the basin in order to move forward with discussion on forming a GSA. No agency has filed to form a GSA yet, so intent is to determine whether agencies in the basin prefer one GSA or multiple, and develop the necessary agreements to implement once consensus is reached.

Tim O'Halloran, General Manager of the Yolo County Flood Control & Water Conservation District stated that

their county already has a formalized water management group, the Water Resources Association of Yolo County which would serve as the GSA through a joint powers agreement. Yolo County is going to submit a basin boundary modification request to create one basin within Yolo County in order to consolidate sub basins that lie within the county lines. They are interested in receiving input from NDWA and other affected agencies regarding where the new basin boundaries should be drawn before the March 31, 2016 deadline. RD 2068 has already requested to not have their portion of Yolo County be included in Yolo's GSA, and instead have their entire district within the Solano basin. Formation of the Yolo GSA is still under development, but they have discussed dividing the basin into zones/management areas which would each have their own chapter in the Groundwater Sustainability Plan (GSP).

Erik Ringelberg, a consultant with several Local Agencies in the North Delta (LAND), said he is working with reclamation districts to implement a joint powers agreement (JPA) for the purpose of forming a GSA. Based on the interested RDs, this proposal would also require boundary modification to create a new North Delta sub-basin. He recommended this approach to accommodate the unique groundwater hydrology in the Delta, existing development limitations in the Delta Primary Zone, and current groundwater surplus conditions. The interested RDs will need to vote on forming a JPA for this purpose.

Rebecca Smith representing the NDWA's law firm, Downey Brand, provided information on the process and procedures that agencies interested in forming a GSA must complete in order to comply with SGMA statutes.

Hong Lin, a regional coordinator with DWR, answered questions regarding filing deadlines for forming a GSA in San Joaquin County and to requesting groundwater basin changes. She noted that agencies can only claim areas within their existing boundaries in a GSA. The deadline to file for basin boundary modification is March 31, 2016, but there will be another opportunity when an interim update of Bulletin 118 is done sometime in 2018-19 timeframe. The entity filing for the boundary modifications must obtain 75% approval of eligible agencies within the newly proposed sub-basin area.

Groundwater Ad- Hoc Committee Report

Jack Kuechler provided the report for the groundwater ad-hoc committee, recommending the NDWA should not file to form a GSA with a brief explanation of the reasons. The committee further recommended that the NDWA continue working with agencies on agreements necessary to form GSAs in each groundwater basin, including the possible formation of a new sub-basin in the North Delta by RDs. In addition, NDWA, Downey Brand, and MBK should all write letters supporting basin boundary changes to accommodate the GSA formations that are being contemplated.

Approval of the Minutes

No corrections or additions were made to the February 3, 2016 minutes.

MOTION by Director Kuechler to approve the February 3, 2016 minutes. Seconded by Director Hester, and unanimously approved by a voice vote. (AYES: Mello, van Loben Sels, Hester, Jameson, Kuechler)

Manager Report

Melinda Terry announced that the Delta Protection Commission will be discussing WaterFix mitigation measures at their March 17th meeting and the Delta Stewardship Council recently adopted principals related to water conveyance to guide development of policies over the next two years they intend to insert into the Delta Plan.

Legal Report

Rebecca Smith reported that the State Water Resources Control Board extended the deadlines for protestors to submit evidence and testimony for the WaterFix diversion change petition hearings. NDWA's must present

their written documents on June 15th with oral presentations beginning on July 26, 2016. DWR's evidence and testimony is due March 30, 2016, with the presentation of their case in chief currently scheduled to begin on May 5th. NDWA legal counsel continues to work with NDWA staff and witnesses on development of the agency's testimony and evidence in accordance with this revised schedule.

Engineering Report

Gary Kienlen distributed water quality graphs, noting salinity levels are currently within the Contract criteria. In response to a question by Chairman Mello about the Four River Index flows, he reported that this year's 12.3 maf volume was well above the contract's drought criteria so it's unlikely the drought provision would be triggered again. He added that the improved flows did not necessarily mean water quality would be good, however, the most recent version of the State's Drought Plan specifically mentions the intent to meet NDWA Contract criteria this year.

Closed Session

The board did not hold a closed session.

Adjournment

Chairman Mello adjourned the meeting at 12:30 p.m.

Respectfully submitted by Cindy Tiffany, Assistant Manager