

Minutes of Wednesday, August 3, 2022
North Delta Water Agency Board of Directors Meeting

In-Person Meeting at 3050 Beacon Blvd Ste 203, West Sacramento, CA and via Teleconference

Call to Order

Chairman Mello called the board of directors meeting to order at 9:31 a.m. on Wednesday, August 3, 2022. A quorum was determined at that time. Those present:

Directors

Steve Mello, Division 1
Justin van Loben Sels, Division 2
Jack Kuechler, Division 3
Mark van Loben Sels, Division 4
Tom Slater, Division 5

Staff

Melinda Terry, Manager
Cindy Tiffany, Assistant Manager
Kevin O'Brien, Downey Brand
Anne Williams, MBK Engineers
Gary Kienlen, MBK Engineers
Yuen Lenh, MBK Engineers

Others

Paul Webb
Laurence Camping
Jacbo McQuirk
kbuchnof
Gilbert Cosio
Michael George

Maureen Martin
Amber McDowell
Erik Vink
Bryan Busch
Lisa Crowley

Drought Barrier Presentation

Jacob McQuirk, DWR Branch Manager, provided a presentation on the status of two drought barriers proposed for installation on Miner and Steamboat Sloughs in June 2023 if severe drought conditions persist. Their purpose is to keep more water in the Sacramento River to repel salinity intrusion. Locations were selected to reduce impacts to local water diversion intakes. Design is still preliminary, but right now looking at four 48-inch culverts with gates to control flow and allow fish passage. Removal would be completed by November 15, 2023. The West False River drought barrier would also be installed.

DWR is currently engaged with U.S. Army Corps of Engineers on Section 404 permitting process to allow cultural resources analysis and geotechnical explorations; and 408 with the Central Valley Flood Protection Board, but no final permits or designs have been completed. Once geotechnical exploration is completed in September of 2022, then DWR will be able to complete project design. Melinda Terry asked about monitoring. Jacob said the water quality monitoring plan is extensive, and he would send her a copy. There will also be a biological monitoring plan in place. No new water quality and surface level monitoring stations are planned to be installed, but they will supplement existing DWR station data with USGS stations and other data readily available.

Melinda inquired whether DWR would be willing to share data results with NDWA and local Reclamation Districts from the monitoring and geotechnical exploration. Jacob confirmed DWR would share all geotechnical exploration and water monitoring data/reports with NDWA and local maintaining agencies.

Melinda pointed out that the fish agencies prevented installation of Steamboat and Miner Slough barriers in 2014 and 2015, and asked if DWR has started consultation with them yet. DWR is delaying installation until June is to reduce impacts to migratory fish. The project will require federal Section 7 consultation along with a take-permit with CA Dept. of Fish and Wildlife.

He was asked about changes in water surface elevations that impacts diversion intakes. Jacob responded there may be effects downstream of Miner Slough, but DWR is working with landowners on what should be done to mitigate significant adverse impacts, including reimbursing landowners for temporary pump costs. Director Slater recommended monitoring surface water levels on the west side of Miner Slough.

Los Vaqueros Reservoir Expansion Presentation

Maureen Martin, Special Project Manager with Contra Costa Water District (CCWD), provided a presentation on the Los Vaqueros Reservoir Expansion Project. Currently the reservoir has a capacity of 160 thousand acre-feet. The Phase II expansion project would raise the reservoir by 50 feet, increasing capacity to 275 TAF, and add a pipeline to the California Aqueduct. A Joint Powers Authority was created in 2021 to fund the project, administer construction contracts, and provide monitoring/reporting. CCWD will continue to run operations at the reservoir. Feasibility reports have been completed and all permit applications submitted. The expansion project is relying on existing water rights established through CCWD, the Bureau of Reclamation and DWR. They will be filing Petition(s) for Change to be able to add Rock Slough and the Freeport diversion as additional diversion locations. The Petition(s) will not increase overall diversions under the water rights but will seek to increase the total diversions to CCWD. The water rights Petition(s) for Change will be submitted to the State Water Resources Control Board this fall, and CCWD hopes construction will begin in late 2023 or early 2024.

Approval of the Minutes

No additions or corrections were made to the minutes for the regular board meeting held on July 6, 2022.

MOTION by Director Kuechler to approve the minutes of the July 6, 2022 Board Meeting as presented. Seconded by Director Slater and unanimously approved by a voice vote. (AYES: Mello, Kuechler, J. van Loben Sels, M. van Loben Sels and Slater)

Approval of Resolution

To continue holding remote meetings, the board needs to approve another resolution authorizing the extension of the Modified Brown Act to allow remote meetings during the COVID pandemic.

MOTION by Director Kuechler to approve Resolution No. 2022-008 to extend the ability to hold remote board meetings. Seconded by Director Slater and unanimously approved by voice vote. (AYES: Mello, Kuechler, J. van Loben Sels, M. van Loben Sels, and Slater)

Financial Report

Cindy Tiffany reported on the end of year FY 2021-22 Financials and reviewed the current financial statements. In response to question about public agency investment limits, Kevin O'Brien reported there are guidelines/rules for investment for public agency. He will send a memorandum to Cindy on what the Government Code allows for future reference. Anne Williams reported the final CPI percentage for this past year was 7.60%, so that is what will be used in calculating the annual increase in NDWA Assessment Rates, resulting in a minimum rate of \$11.50.

MOTION by Director Slater to accept current financial statements and FYE 2021-22 as presented. Seconded by Director Mello and unanimously approved by voice vote. (AYES: Mello, Kuechler, J. van Loben Sels, M. van Loben Sels, and Slater)

Cindy presented a memorandum describing laws on website requirements necessary to comply with public access pursuant to the Americans with Disabilities Act and providing a recommendation to pay for a third-party monitoring system called Monsido. This company's software will work with our current website to regularly scan it and identify items that need to be fixed in order to be ADA compliant. All fixes would need to be implemented by NDWA staff, but would not require a new website to be created. The annual cost for this service would be \$2,674 annually.

MOTION by Director Mello to approve the purchase of an annual subscription to Monsido website monitoring services. Seconded by Director Kuechler and unanimously approved by voice vote. (AYES: Mello, Kuechler, J. van Loben Sels, M. van Loben Sels, and Slater)

Engineering Report

Water Quality and Hydrologic Conditions Update

Anne Williams reported that water quality is within compliance at all seven Contract monitoring locations. Current Delta inflow at Freeport is 11,100 cfs. The Delta Cross Channel gates have been open since July 1, and will remain open until further notice. Reservoir storage levels are: Shasta @1.68 maf; Oroville @ 1.45 maf; and Folsom @ 586 taf.

Currently the SWP and the CVP must meet D-1641 water quality standards, but those requirements end on August 15th. The 1981 Contract contains year-round water quality criteria. Although there will not be D-1641 standards to meet after August 15th, DWR is required to continue to maintain the water quality criteria in the 1981 Contract.

Drought Activities

Update on Curtailment Orders in Delta Watershed

The SWRCB released a Notice of Curtailment on August 2, 2022 that includes post-1914 appropriative water rights for the entire Sacramento River system. Michael George said RD 2068's water right license has been curtailed and they do not claim underlying riparian or pre-1914 rights, so they are now fully relying on the NDWA Contract to allow them to continue diverting water. He recommended convening a meeting with NDWA, DWR, RD 2068 and his office to figure out accounting of 1981 Contract use by individual water right holders during curtailments in order to avoid double-counting of demand.

Delta Watermaster Draft Summary and Resolution of Friant Water Authority Illegal Diversion Complaint

Michael George reported that the draft summary letter regarding the complaint from Friant has been released. It concludes there is no information provided in the Friant complaint that supports enforcement action against Delta diverters and references the right to divert in the NDWA 1981 Contract. He will likely make additional changes to the draft once he receives comments back. NDWA staff will review and provide comments to the Watermaster.

False River Drought Barrier

DWR released Draft Environmental Impact Report (EIR) on July 11, 2022 for the installation of future drought salinity barrier in the Delta. To prepare for climate change, the Draft EIR analyzes the impacts of constructing a drought barrier on False River twice within a 10-year period.

Legal Report

EIR for Delta Conveyance Project

Kevin O'Brien reported that the draft EIR for the Delta Conveyance Project was released on July 27th and comments are due October 27, 2022. It is possible this comment period will be extended. NDWA will submit a CEQA comment letter by the deadline and confer directly with DWR regarding mitigation measures.

Status of Bay-Delta Water Quality Control Plan Update and Voluntary Agreements

Kevin O'Brien recommended NDWA host a Special Board meeting with a Closed Session in mid to late September to review the intent of recently approved MOU to proceed with development of voluntary agreements proposing an alternative to increased flows in the Bay-Delta Plan update recommended by SWRCB staff.

Manager Report

Report on Meetings, Presentations, and Correspondence

Melinda reported that the ad-hoc committee held one meeting to discuss a reserve policy and will schedule another in September. NDWA submitted scoping comments to the U.S. Army Corps of Engineers on the preparation of a Section 404 permit for the Delta Drought Barriers Project.

Legislation discussed at the July meeting to allow local agency board members to participate in meetings remotely without disclosing location, AB 1944, failed passage. A new bill was introduced to modify the Brown Act, but Melinda did not write a support letter due to concerns raised by local agencies about new onerous requirements on websites being included. She will continue to monitor and report on the status of the legislation.

Delta Activities Report

SWRCB/Delta Watermaster

The State Water Resources Control Board issued a Notice of Preparation and scheduled a CEQA scoping meeting for the proposed regulation to implement Lower San Joaquin River flows and Southern Delta salinity objectives as part of the Bay-Delta Plan update.

Delta Habitat Projects and CVP/SWP

No information to report.

Delta Conservancy Activities

Solano County Supervisor Mitch Mashburn is the new Chair of the Delta Conservancy Board of Directors.

Delta Protection Commission

Today is the last NDWA meeting Erik Vink is attending as the Executive Director of the DPC. Bruce Blogdett will be the new Executive Director effective next week.

Delta Stewardship Council

Virginia Madueño is the new Chair of the DSC. She previously served the Vice Chair.

Announcements

August 25/26 – Delta Stewardship Council Meeting.

Sept. 7 – NDWA Board Meeting.

Sept. 9 – NDWA Special Board Meeting – Informational, Bay-Delta Plan Voluntary Agreements

Sept. 15 - Delta Protection Commission Meeting.

Public Comments

No public comments received.

Adjournment

Chairman Mello adjourned the meeting at 11:57 a.m.

Respectfully submitted by Cindy Tiffany, Assistant Manager