

North Delta Water Agency Board of Directors Meeting

14120 Grand Ave, Walnut Grove, CA 95690
Wednesday, February 1, 2012 at 9:30 a.m.

Minutes

Call to Order

Chair Henry Kuechler called the regularly scheduled meeting to order at 9:33 a.m. on Wednesday, February 1, 2012. 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

Others

Mark Wilson, RD 999
Mike Hardesty, RD 2068
Meda Bennefield, MPWD
Bob Webber, RD 999
Thomas Pate, SCWA
Rashid Ahmed, DWR
Catherine McEfee, ESA Water
Mike Machado, DPC
Tim Neuharth, Courtland

Staff

Gary Kienlen, MBK Engineers
Kevin O'Brien, Downey Brand
Margaret Sorensen
Melinda Terry

Approval of Minutes

Motion and second to approve the minutes of the December 7, 2011 meeting. Motion unanimously approved.

Financial Report

The Board reviewed the current financial reports.

Motion and second to approve the reports. Motion unanimously approved.

The Board discussed developing a policy regarding interest and penalties for those who fail to pay their assessments on time. Kevin O'Brien will draft a policy for the Board's consideration at the April meeting.

North Bay Aqueduct Project Presentation

Rashid Ahmed, DWR, handed out a document that explains the North Bay Aqueduct Project and reviewed the project with the Board. The water contractors for the project are the Solano County Water Agency and Napa County Flood Control & Water Conservation District. The reasons for the proposed project include poor current water quality, restrictions to pumping because of species issues, and limited pumping because of bio-film buildup. The project includes a new pumping facility on the west side of the Sacramento River at Garcia Bend, upstream of the Freeport River Water Authority intake, which would be used in conjunction with the current Barker-Slough facility as needed. The contractors would not increase the amount of water diverted beyond their current water rights. The Board and public shared concerns about additional diversions from the Delta; environmental impacts, especially if used simultaneously with proposed BDCP projects; physical impacts on the area, such as power lines, condemnation of property, etc.; and cost of project. The Board directed staff to send in an early comment letter outlining the Agency's concerns.

Report on Delta Activities

Monthly public meetings are being held for the BDCP, but are overly scripted and not productive as they fail to get into specifics or the true in-Delta impacts. Melinda continues to attend the BDCP Governance work group meetings and share Agency concerns that the proposed language fails to address how NDWA issues or third party impacts will be dealt with or provide decision-making inclusion of in-Delta interests in Governance. A claims process needs to be in place before the project is constructed so that any impacts can be handled without going to court. Although EIR documents are now being posted on the web, the public has not been given a venue to discuss the language in the EIR. NDWA is a cooperating agency, but only one meeting has been held, which provided no new information or details to aid the Agency in its role to analyze and comment on the BDCP EIR. Melinda asked the Board if it wants alternative water conveyance proposals by Dr. Bob Pyke and Russell Brown to be presented at a future meeting. The Board agreed to the presentations.

Melinda is working on comments to submit to the Delta Stewardship Council on its EIR for the Delta Plan.

Mike Machado informed the Board that the Delta Protection Commission adopted its Economic Sustainability Plan and its office has moved to West Sacramento.

The California Water Commission continues to approve about 20-25 parcels for condemnation each month. Melinda has sent letters on behalf of the Agency sharing concerns about the process including the lack of critical information regarding exact location and necessity.

Manager's Report

The Agency announced its election for Division 2 and 4 Directors. Only Topper van Loben Sels (Division 2) and Ken Ruzich (Division 4) filed paperwork. The Agency has requested that Sacramento County appoint the two Directors.

The Agency has requested a meeting with DWR and Fish & Game to discuss a new agreement for DWR waiving assessment payments from Fish & Game. There has been difficulty in scheduling the meeting over the past several months, but staff will continue to pursue in hopes of avoiding litigation with DFG again over non-payment of the assessment.

The SWRCB Bay-Delta Water Quality Control Plan will be updated which may include changes in flow requirements. The Agency is working on updating its MOU with DWR to include the new SWRCB standards, consistent with Article 2 of the NDWA Contract.

Jerry Meral has requested a meeting with NDWA to discuss what assurances the Agency would like from the BDCP. Steve Mello and Topper van Loben Sels agreed to form an Ad Hoc committee to discuss the issues to be presented to Dr. Meral.

The Board discussed landowner Nicky Suard's concerns of damage to her property from erosion, higher water levels, and sedimentation, possibly caused by the operation of the State Water Project. The Board discussed the Agency's role in landowner concerns, the need for water elevation monitoring stations, and directed staff to send a reply letter.

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

Legal Report

None.

Engineer's Report

Gary Kienlen distributed water quality charts and reported that water quality is currently within the contract's criteria. A report with a full year's data was also distributed. Included in the charts was a comparison of the D1641 criteria. Gary also noted that water supply for this year is parallel to 1977 which was a severe drought year. No water allocation percentages have been announced yet.

Public Comment

Mark Wilson asked the Board whether subcontracts were still being sent by landowners. Staff shared that the number of subcontracts submitted has decreased dramatically.

Closed Session

The Board met in closed session to discuss possible litigation. There was no reportable action taken during closed session.

Adjournment

The meeting was adjourned at 12:07 p.m. on Wednesday, February 1, 2012.

Respectfully Submitted,
Margaret Sorensen, Administrative Assistant