

**MINUTES OF JANUARY 12, 2009
OF THE BOARD OF DIRECTORS
WATER RESOURCES ASSOCIATION OF YOLO COUNTY**

1. CALL TO ORDER & INTRODUCTIONS

The meeting was called to order at 3:00 p.m. by Chair, William Marble.

Board members present: William Marble – City of Woodland, WRA Chair
Duane Chamberlain – Yolo County
Ruth Asmundson – City of Davis
Regina Cherovsky – Reclamation District 2035

Alternate members present: Kurt Balasek – City of Winters, WRA Treasurer
Jacques DeBra – City of Davis, Technical Committee Chair
Doug Baxter – City of Woodland
Tim O’Halloran - Yolo County Flood Control & WCD

Associate members present: Dan Efseaff – Yolo County Resource Conservation District

Members Agencies absent: Dunnigan Water District
University of California, Davis
City of West Sacramento

2. APPROVAL OF AGENDA – Correction to the report page 13, Bill Marble is the current 2008 Board Chair. The Board motioned, seconded and unanimously approved the agenda.

3. PUBLIC FORUM – There were no comments from the public.

4. CONSENT ITEMS: The Board motioned, seconded and unanimously approved all consent items.

- a. Approve Minutes: October 6, 2008 Board meeting.
- b. Financial Reports: October –November 2008.

5. EXECUTIVE COMMITTEE REPORT AND INFORMATION

- a) *Executive Committee Report:* The Committee met on 10/28, 11/25 and 12/22/08. The Committee and staff completed the 2008 Annual Report, which was included in the January agenda packet.
- b) *Administrative Coordinator Report:* The 2009 Yolo County Water Awareness Calendars are printed and available for distribution.

6. 2009 ANNUAL MEETING/OFFICER ELECTIONS

The 2009 Nominating Committee members are Tim O’Halloran, Helen Thomson and Donita Hendrix. They are recommending to re-elect the same slate of officers and appointments to serve for 2009. The Board motioned, seconded and unanimously approved the Nominating Committee recommendations: Bill Marble, Chair; Sid England, Vice-Chair, Kurt Balasek, Treasurer; Jacques DeBra, Technical Committee Chair; Donna Gentile, Board Secretary; and Perry, Bunch, Battaglia, & Johnston, Inc., Auditor.

7. STRATEGIC ORGANIZATIONAL PLANNING, 2009 BOARD RETREAT

Kurt Balasek reported that the Executive Committee discussed developing a new strategic plan for the WRA since the completion of the Yolo County Integrated Regional Water Management Plan (IRWMP). The Committee decided to put this on hold temporarily until the end of the year to allow Yolo County to proceed

with a new public outreach process exploring the development of proposed groundwater & water transfer ordinances and a proposed countywide water agency.

8. WRA ANNUAL REPORT 2008: The Year in Review

Bill Marble presented the 2008 Annual Report. The Committee complimented Donna on her work to compile and prepare this well-done report illustrating the recent highlights and progress of the Association. This report was included with the agenda and will also be distributed throughout Yolo County to city and county officials, managers and other water purveyors.

Additionally, the Committee discussed preparing a more technical report as an adjunct to the IRWMP on countywide water conditions update. Tim O'Halloran explained the technical report would include the collection of data on groundwater and surface water to support a water outlook snapshot. Preliminary work has begun on this report.

9. WRA TECHNICAL COMMITTEE (TC) REPORT

a) Technical Committee Report & IRWMP Regional Planning/Proposition 84, Jacques DeBra, Chair

Jacques highlighted three topics of the TC report: 2008-09 WRA projects, 2009-10 budget considerations and the future of grant funding in California.

The projects that were allocated WRA Project Funds in 2008-09 will be required to complete and submit all invoicing to the WRA by June 2009. The TC receives updates from these projects at their monthly meetings. The TC identifies annual project funding priorities in March and April for the following fiscal year budget. Jacques suggested that the Board discusses what their expectations are for the 2009-2010 WRA budget. He also asked whether the Board had input on what direction the TC should take into account when formulating recommendations for future project funds budgeting.

Jacques also reiterated that regionalism and "super" regionalism are the current template for state funding opportunities, especially for IRWMP related activities. In response to that trend, the TC has begun dialogue over the last 6 months with multiple Northern California counties in preparation for Proposition 84 funding application guidelines. Limited availability of funding over a 10 county, Northern California region is anticipated. Regional collaboration discussions have been underway to determine how to possibly share these funds rather than compete for them by pre-agreeing on allocations. Agencies from the 10 county region have been meeting to discuss such issues in response to DWR's Prop. 84 Region Acceptance Process (RAP) that will be used to evaluate and accept an IRWM region into the IRWM grant program. The region must be approved by DWR before any region can submit a grant application. John Woodling of the Regional Water Authority has been participating in the collaboration named the Sacramento River Funding Area (SRFA). The SRFA was allocated \$73 million under Proposition 84. John shared his insights on how the regional negotiations are proceeding. He assisted in drafting a white paper to define the region and present funding allocation scenarios that the SRFA is reviewing. For the purposes of discussion and reaching agreement on a number of issues within the SRFA, the area was broken into the following funding sub-areas: Westside, Main Basin, Eastside, and Upper Watersheds (Draft Figure 1). The Westside is comprised of areas in Yolo, Napa, Solano and Lake counties that share similar watershed features. It is likely that a 4-County MOU agreement will be presented to the WRA Board for approval. The MOU would establish a formal understanding to work collaboratively in order to secure planning grant and possibly implementation grant funds. The WRA would represent Yolo County in the MOU. The WRA TC will be reviewing a draft MOU when available.

Tim O'Halloran gave his perspective on the IRWM process. The TC established an IRWMP subcommittee (Tim, Julia McIver, Dan Mount & Bill Brewster) to update the IRWMP and add chapters to conform to Prop 84 guidelines, however, the Prop. 84 RAP has taken precedence over the local IRWMP process. Tim reminded that nothing is set in stone and the entire process is still evolving. The TC is looking for acknowledgement from the WRA Board to continue moving forward in the direction as presented. The reality is that a region can no

longer expect to secure state grant funding without broader collaboration within a watershed. Everyone should realize that watershed relationships have greater value beyond grant funding.

b) Status of Yolo County Facilitated Water Resources Process, Dirk Brazil, Yolo County

Yolo County has hired Jeff Loux from UC Davis to facilitate a series of meetings to involve public participation on the proposed groundwater and water transfer ordinances and development of a countywide water agency. The first meeting of the identified stakeholder group will be on January 22, 2009 from 4-6:30 pm at the Woodland Public Library. The first meeting will set ground rules, define the issues to address, define goals and how they propose to accomplish those goals over the next 5 or 6 meetings. The Yolo County Board of Supervisors has relaxed their timeline on the resolution of the original proposals.

c) Update on County Groundwater Monitoring Program Funding, Max Stevenson, YCFCWCD

This is a follow-up discussion from a presentation made to the WRA Board in October 2008. Max discussed the draft budget and proposal for the Yolo County Groundwater Monitoring Program (GWMP) prepared by the TC Groundwater Subcommittee (report included with the January agenda). The GWMP is a foundational action in the Yolo County IRWMP. He described the existing program elements, which are monitoring water levels and water quality, a countywide GW simulation model (IGSM), data and information management, cooperator coordination, special projects, reporting and decision support, and program administration. He referenced Report Table 1 that lists the projects and agencies who have utilized data from the GWMP. The Groundwater Subcommittee reviewed who is utilizing the data and who is paying for the data with the goal of trying to distribute the costs more evenly based on benefit. Table 3 lists the program costs by element and Table 4 lists the suggested baseline revenue by agency for the upcoming fiscal year. In addition to the direct program costs, participating agencies provide in-kind expenses for the program (see Table 5).

The YCFCWCD has been the lead agency for this regional program since the award of an AB303 grant in 2003 (in addition to grant funds, the YCFCWCD has been the major funder of the program). Now that the program is well-established, it is time that other agencies share a larger cost share to sustain this valuable monitoring program. The TC is supportive of the GWMP and recommends that the additional funding contribution for the GWMP be invoiced to WRA member agencies with their regular invoice for 2009-2010 membership dues (sample invoice distributed). A proposed WRA budget for 2009-2010 will be reviewed in March or April and would include a section for supporting the GWMP as a foundational action of the IRWMP.

Action Item: Each of the participating WRA member agencies was asked to consult their boards and councils for approval to support this program in their upcoming budgets. Max is available to make presentations upon request. The recommendation is also to prepare a resolution for Board approval on the next Board agenda to acknowledge this as a regional agreement.

d) Update on Infrastructure Economic Stimulus Package Opportunities, Jacques DeBra

Special funding for infrastructure out of Washington, DC may become available, including bridges, roads, water and wastewater. The projects need to be "shovel-ready", but the definition of this term at the federal level needs to be determined. The WRA will track this and make information available to members as opportunities present themselves.

e) Update on Delta Mercury TMDL & Basin Plan Amendment, Tim O'Halloran

The State Water Resources Control Board (SWRCB) had a stakeholder information meeting in December to discuss TMDL in the Delta. Two areas of the Cache Creek watershed contribute TMDL to the Delta system; one above Cache Creek dam in Clear Lake, one from Clear Lake down to the Yolo Bypass. Locals have an opportunity to shape what solutions are being developed for TMDL issues. The SWRCB is making more of an effort to include local stakeholders. floodSAFE Yolo Pilot Program is already involved in possible mercury solutions for the Cache Creek Settling Basin and wants to be sure that the local perspective is included in

discussions by the SWRCB. Tim wanted to bring this to the WRA Board's attention. Tim has been attending these meetings and will distribute additional information as available.

10. PRESENTATION: DELTA VISION STRATEGIC PLAN UPDATE

Paul Bartkiewicz is an attorney with Bartkiewicz, Kronick & Shanahan. His presentation today will focus on providing background information on the Delta Vision Strategic Plan, summarizing the Delta Vision Strategic Plan recommendations, summarizing the Delta Committee's recommendations, discussing potential impacts on Sacramento Valley water supplies and briefly discuss related legal issues. (A copy of the PowerPoint presentation is included at the end of these minutes. The PowerPoint presentation and handout's distributed at the meeting are available at www.yolowra.org/meeting_directors.html or by contacting the WRA to request copies by mail.)

The Delta's problems stem from both an ecosystem and water-supply reliability crises, which are being exacerbated by drought, climate change, levee vulnerabilities and export operations. In 2006 the Governor established the Delta Vision Blue Ribbon Task Force to address issues and solutions. Their recommendations were presented in a 2007 final report entitled, "Our Vision for the California Delta". The Delta Vision Strategic Plan, released in 2008, identifies and evaluates alternative implementing measures and management practices that would be necessary to implement Delta Vision recommendations (<http://deltavision.ca.gov/>). Paul discussed Principle 7 of the 12 recommendations that many stakeholders interpreted as a clear intent to reallocate water supplies. "A revitalized Delta ecosystem will require reduced diversions or changes in patterns and timing of those diversions, upstream, within the Delta and exported from the Delta at crucial times." Paul then summarized the Strategic Plan's proposals and potential impacts on the Sacramento Valley. Priorities outlined for a sustainable Delta include the following: co-equal goals for ecosystem recovery/restoration and reliable water supply; new Delta conveyance infrastructure and water storage; and addressing independent governance body and funding.

The Strategic Plan also outlines 7 sets of goals, strategies and actions for implementation. Paul highlighted concerns regarding several of these goals or strategies. *Goal 4: Promote statewide water conservation, efficiency and sustainable use*, which includes references to enacting legislation to reduce M&I per capita water use and requesting changes to surface water diversions that would likely impact irrigated agricultural uses (see slide #9). This is important because existing water rights are guided by the basic California constitutional principles of reasonable use which governs "usage" by how water is applied and the Goal #4 seeks to govern how the water is also used. Another part of the Strategic Plan that would have a major impact is *Strategy 3.4: Restore Delta flows* (see slide #10 & 11). Proposed actions include inundation of the Yolo Bypass during key times of the year that would impact current agricultural practices and recommends the Dept. of Fish & Game seek increase in-stream flow requirements in the Delta watershed. Strategy 3.4 does note that additional scientific analyses will be required to support these recommendations. In September 2008, MBK Engineers did provide an analysis of flow proposals for Strategic Plan draft #3 (handout available). The Lower Yolo Bypass Planning Forum (LYBPF) and the Yolo Basin Foundation also submitted comments on the Strategic Plan and their concerns of impacts on the Yolo Bypass (see item 10.a. included with 1/12/09 agenda). Paul listed ten of the Strategic Plan implementation strategies that were troubling (slides #14-18) relating to: flow conditions/requirements, funding, fees, water rates, and a recommendation that the legislature adopt the Strategic Plan by May 2009.

The issue of establishing a new Delta governance structures is proposed in Goal #7 that would replace the Bay-Delta Authority and CALFED programs (see slide #19 & 20). Yolo County also expressed its concern that new Delta governance be integrated with the Bay-Delta Conservation Plan and the Central Valley Flood Protection Plan and be inclusive in its Delta counties' representation (12/8/08 letter distributed).

Paul discussed several legal issues related to the Delta Vision Strategic Plan's reliance on the memorandum from the Attorney General's office from July 2008. The memorandum concluded that state agencies may reallocate water without compensation among water uses without regard to causation or apportionment pursuant

to various legal authorities (cited slide #21). Bartkiewicz, Kronick & Shanahan prepared a legal analysis of the proposed water reallocations that was available at the meeting (12/12/08 letter and legal analysis). The Attorney General's memorandum is contrary to current law that the state does not have the authority to involuntarily reallocate water supplies without compensation to ecosystem enhancements unless the impacts and reallocations are proportional.

Paul summarized by stating that a solution for the Delta is critical and there is a lot of good work in the Delta Vision Strategic Plan. He shared his views on viable, achievable solutions based on a comprehensive approach, such as, ecosystem restoration, Delta conveyance (if needed), promoting conjunctive use to increase storage capacity, and utilizing sound science and analysis (see slides #25-28 for more suggestions).

The Delta Vision Committee received numerous comments on the Strategic Plan and issued an implementation report in December 2008 (see slides #29-32). The governance strategies were not generally accepted by the commenting agencies. Instead it was proposed that an Interim Delta Policy Group be established for 12 months to develop a long-term strategies and advisory agreements with the appropriate local counties and councils.

Paul concluded with next steps for the Strategic Plan and the inter-relationship to other on-going Delta processes, such as, the Bay Delta Conservation Plan and the SWRCD Bay-Delta hearings.

Paul answered a variety of questions from the WRA Board and the audience. Additionally, the Board discussed whether the WRA could prepare a position paper in support of local efforts, but it is too late to actually comment on the Strategic Plan. On behalf of the Yolo Basin Foundation, Betsy Marchand, requested a letter from the WRA in support of Yolo Bypass efforts for the Bay Delta Conservation Plan. Robin Kulakow, WRA staff and the Technical Committee will work together to develop a letter to the Bay Delta Conservation Plan Steering Committee on related Yolo Bypass and Delta issues that tie into the Yolo County IRWMP. A draft letter will be on the next WRA Board agenda for approval. Elly Fairclough, representing Senator Mike Thompson, informed that they have been meeting with the representatives of the 5 Delta counties over the last 9 months on the Delta Vision Plan. She encouraged the WRA to contact Senator Wolk and Assembly Member Yamada's staff to involve them in our conversations and encourage them to hold informational tours and briefings on the impacts of Delta issues to Yolo County.

Jim Mayer offered a suggestion on how and when the WRA may want to weigh-in on important issues/plans in a systematic way that can be done in a public process. He gave three points for the WRA to consider when to provide comments:

- 1) When there is an issue that would either frustrate efforts to implement the IRWMP or advance the IRWMP. For example, there is a position the WRA could take that would contribute to an ongoing solution and/or take a position of defending against or stopping an action.
- 2) When there is an issue where a local interest needs their voice to be amplified and it is consistent with the WRA's interests/position.
- 3) When there is another Yolo interest that serves one of the WRA member agencies and needs support.

It would be helpful to have a guiding discussion about when the WRA does and does not want support other efforts. The WRA may want to support a generalized statement. For example, which of the statements presented in the Delta Vision Plan (or others) does the WRA want to support? Which statements are really key for Yolo County to support either because of a concerned raised or as a path to a solution?

Chair Marble requested the Technical Committee consider these suggestions.

a) *Yolo Basin Foundation and LYBPF's comments to Delta Vision Committee* – Comment letters were provided as an informational supplement to Mr. Bartkiewicz's presentation, but not discussed separately.

11. MEMBERS' REPORTS & FUTURE AGENDA ITEMS:

In the interest of time, member reports were not shared.

12. NEXT MEETING DATE:

The next meeting date will be selected by the Executive Committee.

Post meeting note: The next Board meeting will be Monday, March 2, 2009, 3-5 pm, location to be determined.

13. ADJOURNMENT

The meeting adjourned at 5:00 p.m.

Respectfully submitted,

Donna L. Gentile

Donna L. Gentile

WRA Board Secretary & Administrative Coordinator