

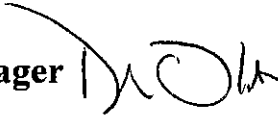
SOLANO COUNTY WATER AGENCY



MEMORANDUM

Agenda Item No. 7

TO: Board of Directors

FROM: David B. Okita, General Manager 

DATE: December 10, 2009

SUBJECT: December General Manager's Report

The initial State Water Project allocation for 2010 was announced on December 1. The 5% allocation was the lowest initial allocation in history, which reflects the prior dry years and low reservoir storage in the State Water Project. The allocation will increase with precipitation over the winter. In 2009 the initial allocation started at 15% and eventually rose to 40%. Our city users of State Water Project water are able to supplement the State Water Project allocation with various other water supplies we are eligible to take from the North Bay Aqueduct including Carryover from 2009, Article 21 (water when the Delta is in excess conditions), Area of Origin Settlement water and Vallejo Permit Water. Since the Solano Project will have a 100% allocation for 2010, that will help the situation with the cities.

At the January Board of Directors meeting, the Board will elect a chair and a vice-chair for 2010. In the past, the Board has sometimes appointed a nominating committee to make a recommendation to the Board of Directors.

If you have any questions please contact me at 455-1103 or by e-mail at dokita@scwa2.com.

Dec.2009.lt7.mem

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Time Period Covered: November 2009

**REPORT OF CONSTRUCTION CHANGE ORDERS
AND CONTRACTS APPROVED BY GENERAL
MANAGER UNDER DELEGATED AUTHORITY**

Construction Contract Change Orders (15% of original project costs or \$50,000, whichever is less)

Construction Contracts (\$30,000 and less)

Freedlun Hydroseeding - \$6,830.60 – Alamo Channel Hydroseeding

Professional Service Agreements (\$30,000 and less)

Non-Professional Service Agreements (\$30,000 and less)

Lower Putah Creek Coordinating Committee Agreements

Construction contracts resulting from informal bids authorized by SCWA Ordinance

Note: Cumulative change orders or amendments resulting in exceeding the dollar limit need Board approval.

Z:\FORMS\Construction Change Orders.doc

SOLANO COUNTY WATER AGENCY



MEMORANDUM

Agenda Item No. 8

TO: Board of Directors

FROM: David B. Okita, General Manager

DATE: December 10, 2009

SUBJECT: Delta Update

At the November Board of Directors meeting, the Board requested a summary of the recently passed Delta water legislation from the 7th Extraordinary Legislative Session as to how it impacts Solano County. Attached is a matrix summarizing the legislation from our perspective.

Also attached are a listing of Delta issues and concerns which we will be using in our discussions with water exporters and others, to resolve our concerns. This listing was included in last month's agenda package and we would like to get comments from the Board on any of the issues and get approval for use in future negotiations. The issues and concerns were accumulated from prior Board positions.

If you have any questions please contact me at 455-1103 or by e-mail at dokita@scwa2.com.

Dec.2009.It8.mem

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This table is a summary of key points of interest to Solano in water legislation signed into law from the 2009 7th Extraordinary Session. The identified impacts of the bills are the opinion of David Okita and presented to give the reader a general understanding of the local impacts.

SB 1 – Public Resources

	Good	Bad	Neutral	Unknown
Reduces Delta Protection Commission members from 23 to 15 by reducing State members	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commission to develop economic sustainability plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commission to recommend changes to Delta Primary Zone	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
New Delta Conservancy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
New Delta Stewardship Council	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Delta Stewardship Council develops Delta Plan by January 2012	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Local land use must be consistent with new Delta Plan (until County has SB 375 Plan)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
State Water Resources Control Board and Department of Fish and Game to develop flow criteria for Delta	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
State Water Resources Control Board to develop prioritized schedule to conduct instream flow studies to Delta tributaries	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mitigation of property tax revenue from conveyance facilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Delta Stewardship Council recommends state levee priorities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consistency determinations (to Delta Plan) required for covered activities	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
New Delta Watermaster to enforce State Water Resources Control Board rules in Delta	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Creates Delta Independent Science Board and Delta Science Program	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BDCP automatically included in Delta Plan if it meets specified criteria	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SB 2 – Safe, Clean, and Reliable Drinking Water Supply Act of 2010	Good	Bad	Neutral	Unknown
\$11.1 Billion General Obligation Bond	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Integrated Regional Water Management Plan funding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Delta Sustainability Funding for local projects	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
\$250 Million to local government for losses of agricultural lands from habitat projects	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SB 6-Groundwater				
Requires coordinated groundwater monitoring of groundwater basins	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SB 7 – Water Conservation				
Urban suppliers must meet conservation targets in 2015 and 2020	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ineligible for state grants if you do not meet targets	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Industrial process water can be deducted from target calculation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Not meeting targets can be considered water wasting and unreasonable use	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Agricultural water management plans required	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SB 8 – Water Diversion and Use: Reporting: Resources: Prop 1E and Prop 84 Appropriations				
Eliminates water use reporting for small Delta diverters	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Increased fines for violations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
25 SWRCB enforcement staff funded	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
\$203 Million for flood control projects that reduce jeopardy to water conveyance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

11/12/09

The following is a listing of Delta issues and concerns of Solano County and the Solano County Water Agency grouped as follows:

Bay Delta Conservation Plan (BDCP) Technical – these are matters that are expected to be included in the BDCP text or BDCP EIR/EIS text. These are routine items that we need to check that they are included, and adequately addressed, in future documents.

BDCP Mitigations to be Negotiated – items needing negotiation with BDCP advocates to get into BDCP text and/or BDCP Implementing Agreement

8,000 acres Biological Opinion – items needing negotiation with DWR and water contractors having to do with the requirement for 8,000 acres of tidal marsh habitat in Solano and Yolo counties independent of BDCP. These items are a subset of BDCP Technical and negotiated items

The intent of these groupings is to identify which Solano issues need to be addressed in the context of a complete Delta package that will likely include BDCP. Since these issues are wide ranging, it will be necessary to negotiate matters in different forums as opportunities arise. BDCP has not yet developed details of its plan or its funding plan. There are Delta issues outside of BDCP that need to be addressed as part of a comprehensive Delta package such as Delta levees and governance. These are likely to be addressed in legislation. Funding issues will likely be included in both BDCP and legislation.

The lists are developed to be concise statements of Solano issues and are not intended to include detailed justifications or specific language to be included in documents or legislation.

There may be opportunities to acquire funding for projects of local benefit as Delta issues are discussed and negotiated. Many have been suggested during various Delta discussions, but have not been included in this paper, but have been documented in other papers.

This document is intended for public distribution. Items are expected to be added or subtracted over time. Solano negotiators will develop negotiation positions on matters to be negotiated to guide negotiations and will keep our elected officials informed as to the status of negotiations.

BDCP Technical

- Ongoing Management Funding – require habitat projects to identify a secure and sufficient funding source to pay for the ongoing management of the project in perpetuity, including, but not limited to issues involving mosquitoes, invasive species, agricultural pests and other vectors
- Willing Sellers – Eminent domain not allowed for habitat projects in the Delta and Suisun Marsh.
- Adaptive Management for Human Health & Safety, Economic impacts and Other Unintended Impacts– the Adaptive Management Plan to include modification of a habitat restoration, water operation, or conveyance infrastructure project in the Delta if it is causing negative impacts to human health and safety (e.g.: reduced water quality in the Delta, increase in mosquito disease due to stagnant marshes, reduced flood capacity due to unmanaged vegetation growth, increased risk to levees stability from erosion and seepage, etc.). Adaptive management must also be invoked if measures cause unanticipated negative local impacts, including but not limited to economic impacts.
- Delta Water Quality – require compliance with NDWA 1981 Agreement water quality criteria. Assure adequate water quality in Delta channels for agricultural, municipal and other uses in the Delta.
- Suisun Marsh Water Quality – Assure adequate water quality (salinity) to protect beneficial use, existing wetland habitat conditions and quality consistent with the Suisun Marsh Plan.
- Impacts to Existing Agriculture – No changes to water quality and water supply that adversely affect Delta agriculture. Actions must not restrict crop selection or require extraordinary salt-management, irrigation or drainage practices. Channel water levels must not change so as to impact availability of water supply.
- Flood Protection Priority – no increased flood risks by increasing flood stages or reducing flood capacity anywhere in Delta channels and bypass system. No preemption of the paramount public safety function of the flood protection components of the Sacramento and San Joaquin River Flood Control Project systems.
- General Plans - Consistency with Solano County and Rio Vista General Plans
- Levees – BDCP projects, infrastructure and habitat, must not have adverse impacts to levees or levee maintenance. Erosion and seepage through levees or wetlands into islands or adjacent lands should be identified specifically as items to be mitigated if caused by projects.
- Suisun Marsh – Consistency with the Suisun Marsh Plan.
- Endangered Species Impacts to Adjacent Lands- require “Good Neighbor Policy” in BDCP as typically included in HCP’s. Provide a process to offer Safe Harbor Agreements on a voluntary basis. Habitat projects must be designed and managed to internally self mitigate impacts to adjacent lands.
- Loss of Existing Wildlife and Wildlife Habitat –mitigate impacts to wildlife and wildlife habitat from conversion of lands to habitat and infrastructure
- Local HCPs/NCCPs – ensure consistency of BDCP with local HCP/NCCP’s

- Methylmercury Production and Control – address and mitigate impacts
- Transportation corridors –ensure no impact to existing roads and highways, including ferry service, from habitat and infrastructure projects, including any impacts that would limit maintenance and/or planned changes.
- Rio Vista Airport – No impacts to airport from possible increased bird populations from habitat lands

BDCP Mitigations to be Negotiated

- **Mitigation Package for habitat/infrastructure land conversions** – For every habitat or infrastructure project the following items must be addressed and if adverse impacts are identified, fully mitigated. If the measure requires a payment a funding source must be identified that is not subject to voter approval or legislative appropriation.
 - **Third party economic impacts** – the IMPLAN economic model, or an equivalent model, shall be used to determine a one- time payment to mitigate these impacts for the property being considered. This analysis shall be done for every project whether the property remains in private ownership or not. The analysis will compare the change in economic impacts from the pre-mitigation land use to use as a mitigation land. If there is a negative impact, the present worth of the negative impact shall be paid to the County.
 - **Local Taxes and Assessments** – pay in-lieu local taxes, assessments and local government fees for any property subject to such charges in perpetuity in the same manner as property held by private interests.
 - If lands have a public use component, an analysis must be done to determine if there are increased costs to local governments for matters such as law enforcement, emergency response and road maintenance.
 - If lands are taken out of agricultural production, other agricultural lands in Solano County must be permanently preserved at a 1.5:1 ratio as per County policy.
- **NBA water quality impacts** – Prior to implementation of the North Bay Aqueduct Alternate Intake Project, there may be drinking water quality impacts from new habitat projects. If impacts are identified, they must be mitigated.
- **Local point and non-point discharges** – In the event individuals or public agencies (i.e. Vacaville, Dixon and Rio Vista sewage treatment and storm runoff and agricultural runoff), in and adjacent to the Cache Slough-Yolo Bypass or Suisun Marsh restoration areas are required to meet higher water quality standards or alter facilities to meet higher water quality standards as a result of the development, management, maintenance or operation of restoration projects, the state shall bear the costs incurred by those individuals or public agencies.
- **ESA Protections for local water diversions** – ESA coverage and “incidental take” authority should be extended to landowners and agencies in the Delta. In the event individuals or public agencies, in and adjacent to the Cache Slough-Yolo Bypass or Suisun Marsh restoration areas are required to install fish screens or fish bypass facilities in order to comply with the federal or state endangered species act, as a result of the development, management, maintenance or operation of restoration projects, the State shall bear the costs of installation of such screens or facilities and increased costs associated with the operations of those screens or facilities.
- **New Regulatory Requirements** – Habitat restoration or new conveyance or the presence and operation of either shall not require increased regulatory requirements, costs or impairment of existing activities in the Delta or Suisun Marsh. In case there are new regulatory requirements and/or costs to local Delta or Suisun Marsh interests (public and private), a fund must be established to pay for the costs not otherwise dealt with.

- Suisun Marsh
 - Land management and restoration activities in the Suisun Marsh must be consistent with the Suisun marsh Plan EIR/EIS.
 - Maintain and protect existing salinity regimes and beneficial uses in the Suisun Marsh as long term increases in salinity would be significant and detrimental.
 - Enabling legislation and dedicated funding for an expansion of a Suisun Marsh exterior levee system maintenance program

- Geographic Habitat Development Limits – any future change in ROA's requires a major amendment to BDCP and approval of affected counties

- Credit for our HCP - Cache Slough ROA to include habitat to meet Solano HCP requirements for giant garter snake habitat

- Out of County water transfers from habitat land conversions – to be prohibited

8,000 Acre Tidal Wetland Habitat Biological Opinion Requirement

- Ongoing Management Funding – require projects to identify a secure and sufficient funding source to pay for the ongoing management of the project in perpetuity, including, but not limited to issues involving mosquitoes, invasive species, agricultural pests and other vectors.
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- ESA Protections for local water diversions – In the event individuals or public agencies, in and adjacent to the Cache Slough-Yolo Bypass or Suisun Marsh restoration areas are required to install fish screens or fish bypass facilities in order to comply with the federal or state endangered species act as a result of the development, management, maintenance or operation of habitat projects, the State shall bear the costs of installation of such screens or facilities and increased costs associated with the operations of those screens or facilities.
- New Regulatory Requirements – Habitat projects shall not require increased regulatory requirements, costs or impairment of existing activities in the Delta or Suisun Marsh. In case there are new regulatory requirements and/or costs to local Delta or Suisun Marsh interests (public and private), a fund must be established to pay for the costs not otherwise dealt with.

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 - Maintain and protect existing salinity regimes and beneficial uses in the Suisun Marsh as long term increases in salinity would be significant and detrimental.
- Out of County water transfers from habitat land conversions – to be prohibited

INFORMATION ITEMS

**Solano Water Advisory Commission
Meeting Minutes
September 30, 2009**

Present: Dave Tompkins, City of Vacaville; Rick Wood, City of Fairfield;
Mike Hardesty, RD 2068; David Mansfield, Solano Irrigation District; David
Okita and Thomas Pate, Solano County Water Agency; Chris Tomasik, City
of Benicia

The meeting was called to order at 12:55 PM.

1. Approval of Minutes from the August 26, 2009 Meeting

David Okita corrected the second paragraph under Item 2 as follows: "Delta Natural Community Conservation Plan (NDCCP)" should be "Delta Habitat Conservation and Conveyance Program (DHCCP)." "Opt it" should be "opt in." "DBCP" should be "DBCP." The minutes were approved as corrected.

2. SCWA General Manager's Report

David Okita reported on the delta "package" of bills in the legislature. The bills started out with little chance of passing, but the governor has intervened. He has made it clear that the bills cannot interfere with the BDCP process. DWR has worked to clean up the bills with a limited number of key stakeholders. The bills did not come to a vote in the regular session, so the level of support is uncertain. Meetings continue.

DWR is now supporting AB 49, the water conservation bill that SCWA and other Solano water agencies have opposed. There is also concern among holders of senior water rights that the State Water Resources Control Board will reassess rights under its continuing jurisdiction.

The five-county group has not effectively communicated with water exporters to date, and the SCWA Board has given David the assignment of bringing the five counties and the exporters together. A series of meetings are scheduled.

David noted that the biological opinions for delta smelt and salmon were requiring 8,000 acres of tidal wetland restoration. This is independent of the BDCP. David will also be setting up meetings between the Solano and Yolo county representatives, DWR, and the exporters to discuss this issue. David said he thought progress was being made.

Mike Hardesty said he had attended a BDCP meeting in which the fisheries impact of the present NBA intake was discussed. There is some opinion that the

intake should be relocated as a conservation measure, which could reduce or eliminate user cost of the project. It depends on how the project is presented in the BDCP.

David Okita said the Solano Project HCP will be the subject of a presentation at the next SCWA Board meeting.

David Tompkins asked about the progress of the SWP contract litigation (Robie Decision lawsuit). David Okita said it was still in the discovery stage.

David Tompkins said the water users were in need of updated reliability curves for the Solano Project and SWP supplies for Urban Water Management Plan updates due in 2010. David Okita noted that DWR was working on the SWP reliability curves.

Thomas Pate reported on the DWR 10th NBA pump project. Due to the biofilm in the pipe, the 10th pump will not increase NBA capacity. Thomas was trying to get a meeting with DWR. David Tompkins emphasized that the 10th pump is desired to improve pumping reliability regardless of increased capacity. The 10th pump will serve as a backup for a pump failure. The cost and reliability sharing needs to be worked out among the users, then the pump should be installed as soon as possible. David Okita said that the general issue of capacity sharing in the NBA needs to be worked out, and should be done at the same time. The 50 cfs longfin smelt pumping restriction will drive this issue.

David Tompkins reported that CalFed has asked the Central Valley Regional Board to take over Delta water quality modeling.

Thomas Pate said the NBA members need to discuss SWP carryover issues.

David Okita said the NBA Alternate Intake feasibility study would be presented to the SCWA Board at its October meeting.

3. PSC/NBA Maintenance Scheduling

David Mansfield said the annual Putah South Canal cleaning and maintenance period would begin on October 15. SID is hiring a replacement for Mike Messina, who recently retired.

4. Solano Water Authority Report

There was no report.