

NDWA Manager Report – November 2021

ADMINISTRATIVE ISSUES

1981 Contract – DWR sent a letter to NDWA, dated October 20, 2021, requesting to meet for the purpose of discussing the period of adjustment in Article 9 of the Contract. **ACTION:** NDWA sent a response letter to DWR, dated November 23, 2021 reiterating the Agency’s position that the adjustment period closed on July 28, 2021 and does not reopen until January 28, 2060, but expressed a willingness to meet and discuss Contract issues as long as DWR first provides the Agency with a written summary of the specific issues it wants to discuss. The Agency also suggested the East Contra Costa Irrigation District be included in the meeting since DWR has also requested discussions with them on the same language they have in their contract.

DROUGHT EMERGENCY

Drought Conditions Continue

A [wet October](#) raised hopes about an end to the drought, but they were dashed with a [dry November](#). As a result, some cities have implemented mandatory [water restrictions](#) to take effect in December. Weather [forecasters](#) presenting at National Integrated Drought Information Center webinar estimated less than a 40% chance of California’s water supply recovering from drought. A subsequent storm brought [7.6 trillion gallons](#) of water, but as predicted it’s just a start to a long recovery. On the [upside](#), it did raise the water level up by [30 feet](#) at Oroville Reservoir. The Manager of Shasta Reservoir said levels there are not rising as much due to releases necessary to maintain [water quality](#) objectives in the Delta.

SWP Drought Operations Described

In a presentation to the CA Water Commission, the Asst. Deputy Director of the SWP reviewed reservoir and drought conditions before describing DWR’s plan for [drought operations](#). The plan includes approval of another TUCP, keeping West False River drought barrier in place through November 2022, and also installing two more barriers on Sutter and Steamboat Sloughs in 2022. [Zero allocation](#) for SWP contractors was also announced by DWR.

Curtailment Orders Temporarily Suspended

Following storm events, the State Water Resources Control Board (SWRCB) announced the [temporary suspension](#) of curtailment orders issued in August. Water supply forecasts will be monitored closely to determine if water use restriction need to be reimposed in the future.

Emergency Drought Regulation Proposed

The SWRCB released a [Notice](#) of proposed drought conservation [emergency regulations](#) adding new sections to Title 23 Code of Regulations at the end of November to preserve urban water supplies because Californians failed to achieve the 15% voluntary conservation level the Governor requested in October. The proposed emergency regulations will allow the SWRCB and local water agencies to implement and enforce mandatory water conservation measures. The

deadline to submit written comments is December 23, 2021 and these emergency regulations will be adopted by the water board at its January 4, 2022 meeting.

Delta Drought Barrier to Stay in Place

DWR is seeking approval to notch the West False River [Drought Barrier](#) in January and to leave the barrier in place through November 2022. Criteria developed by DWR for determining when drought barriers are no longer needed in the Delta requires 73 inches of precipitation on the 8-River Index and combined water storage of 6.5 million acre-feet in Oroville and Shasta to be met by April 30, 2022. If met, then the Sutter and Steamboat Slough barriers will not be installed and the False River barrier will be removed.

LEGISLATIVE LATEST

New Bureau Commissioner Confirmed

An expert on water rights from Nevada, Camille Touton, was [confirmed](#) by the U.S. Senate to be the commissioner of the U.S. Bureau of Reclamation. She will oversee Colorado River management and other water issues that affect the Western United States.

Congressional Request to Export Stormwater Flows

A delegation of Republican Congressmen sent a letter to President Biden and Governor Newsom requesting a state of emergency be declared that will allow [more water to be exported](#) from the Delta during storm events.

Oversight Hearing on Water Ops Requested

Congressman David Valadao (R-Hanford) requested a [formal oversight hearing](#) on the Biden Administration's effort to replace the biological opinions guiding the coordinated operations of the CVP and SWP that was adopted in 2020 by the Trump Administration. Democrat committee chairs have not responded to the request.

Heat Ranking System Proposed

After experiencing some record-breaking summer heat in 2021, the State Legislature adopted legislation to create a [heat ranking system](#) for defining danger levels, similar to ranking hurricanes. It will include a heat wave warning system and the opening of cooling centers.

DELTA DOWNLOAD

Delta Water Quality Control Plan Update Moving Forward

The SWRCB will hold an informational briefing on December 8, 2021 to announce the next steps in moving forward with the implementation of the Lower San Joaquin River flow objectives adopted in 2018 and the upcoming release of new flow objectives in the Sacramento River/Delta for public comment. Agricultural water districts are [not happy](#) with the Newsom Administration's decision to [discontinue development](#) of Voluntary Agreements with San Joaquin River and tributary stakeholders and instead pursue substantially [increased flows](#) to benefit fish.

Interim Delta Flow Plan Proposed

After just two years of implementation and several lawsuits, the biological opinions for the operation of the CVP and SWP are poised to change once again. Just before Thanksgiving, the Biden Administration filed in federal court to have an [interim Delta pumping plan](#) developed in coordination with state agencies to replace the current biological opinions while the Biden Administration completes a new set of operation rules. The interim operations prioritize water deliveries for municipal and industrial users in order to meet minimum health and safety needs. The Friant Water Authority immediately released a statement [opposing](#) the interim rules and many [agricultural organizations](#) followed.

DSC Denies Certification of Lookout Slough Restoration Project

In July, Liberty Island Access, a recreational group, was successful in having the Delta Stewardship Council (DSC) deny the consistency certification for the [Lookout Slough](#) Habitat Restoration Project due to insufficiently addressing public access and recreational opportunities. The Solano County Board of Supervisors did not let the project denial at the DSC prevent them from unanimously approving in November a memorandum of understanding with DWR and the Dept. of Fish and Game. The Supervisors said that any recreational components added in through the DSC's process, can also be incorporated into the MOU.

DWR Amends 404 Permit for Delta Tunnel Project

On November 22, 2021, the Department of Water Resources submitted a [letter](#) to the U.S. Army Corps of Engineers requesting to [amend the 404 Permit](#) for the Delta Conveyance Project to formally identify the "Bethany Alternative" as the preferred project that will be analyzed in the Draft EIR expected to be released in mid-2022.

Busy Days at Delta Protection Commission

There is a lot going on at the DPC. After many years, the Commission has released a draft [Master Plan](#) for the Great California Delta Trail proposing to link trail systems from Sacramento to the San Francisco Bay. Now it's time for the public to weigh in by sending in comments by the December 16 deadline or attending one of two virtual public presentations on [November 30](#) or [December 8](#). The effort to produce a [National Heritage Area](#) Management Plan is in the initial planning phase with the next Advisory Committee scheduled to meet virtually on [December 2](#). The Commission is also looking for a Senior Environmental Planner to support many of the projects, programs, and regulatory efforts the DPC is involved in.

Levees Near Oakley Breached to Restore Wetland

As part of a DWR habitat project to restore 1,200 acres of tidal marsh, the levees surrounding property near Oakley were breached to allow natural tidal influx to occur. The [Dutch Slough](#) Tidal Restoration project is part of the state's EcoRestore habitat program. The next step is for access bridges to be installed and creation of a 55-acre public park.

Smelt Count Comes Up Empty -- Again

For the fourth year in a row, [zero Delta Smelt](#) were caught in the CA Dept. of Fish and Wildlife's annual four-month survey. Some fear the species is on the verge of extinction.

NEWSWORTHY

Flood Ready Website Launched

The Delta Protection Commission introduced a [website page](#) with resources to help Delta residents and businesses prepare for and reduce their flood risks.

Court Rejects Permanent CVP Contract

A Fresno County judge has [rejected the validation](#) of a permanent CVP [water delivery contract](#) for 1.1 million acre-feet of water a year to Westlands Water District. The deal was brokered during the Trump Administration by U.S. Secretary of Resources Bernhardt, who previously served as a lobbyist for Westlands Water District.

Court Dumps Trump's Clean Water Act Rules

In late October, a U.S. District [Court vacated](#) the Certification Rule for the Clean Water Act Section 401 adopted by the Trump Administration in 2020. As a result, the Section 401 Rule will revert to the prior policies in place since 1971.

Salmon Deaths Mount

Lower oxygen content in the lower end of Putah Creek and possibly water damming activities by beavers are assumed to be the reason for the [death of 76 salmon](#), leaving only four to migrate upstream for spawning. Summer temperatures also proved to be [lethal](#) to 98% of the winter-run Chinook juvenile salmon in the Sacramento River according to the CA Department of Fish and Wildlife. Officials fear the combined climate change effects of heat and drought could doom the survival of the species.

Environmental Documents Released for Sites Reservoir

The U.S. Bureau of Reclamation released the EIS for the analysis of environmental impacts associated with the construction and operation of the [Sites Reservoir](#) in Colusa County. The \$3.5 billion dam is designed to capture 1.5 million acre-feet of floodwater. A public comment period is open until January 11, 2022.

Valley Farmers Concerned Where Groundwater is Going

Farmers in Kings County are warning about local [groundwater supplies](#) possibly being shipped outside the county, and are concerned that no local government agency is tracking or taking responsibility for managing this precious resource. Some suspect two large corporate growers in the county may be shipping the water to Kern County.

CALENDAR ALERTS

Dec 8 – SWRCB Informational Status Report on Update of the Delta Water Quality Control Plan

Jan 11 – Deadline to comment on Sites Reservoir EIS

Happy Thanksgiving