



**NORTH DELTA WATER AGENCY
RESOLUTION NO. 2023-02**

**RESOLUTION IN SUPPORT OF ENSURING THE HEALTH AND
SUSTAINABILITY OF THE SACRAMENTO-SAN JOAQUIN DELTA**

WHEREAS, the North Delta Water Agency (NDWA) was formed in 1973 by a special act of the Legislature. (North Delta Water Agency Act, Chapter 283, Statutes of 1973). Its boundaries encompass approximately 300,000 acres and include portions of the counties of Sacramento, Yolo, Solano, and San Joaquin. All of the lands within the NDWA are within the Sacramento-San Joaquin Delta (Delta), as defined in Water Code section 12220; and

WHEREAS, NDWA was formed to represent northern Delta water users in negotiating a water supply and quality contract with both the United States Bureau of Reclamation and California Department of Water Resources (DWR) in order to mitigate the water rights impacts of the Central Valley Project (CVP) and the State Water Project (SWP); and

WHEREAS, in 1981, NDWA and DWR executed the *Contract for the Assurance of a Dependable Water Supply of Suitable Quality* (1981 Contract), under which the State of California guarantees to ensure that water of suitable quantity and quality will be available in the northern Delta for agriculture and other beneficial uses. The 1981 Contract requires DWR to operate the State Water Project to meet specified water quality criteria while providing enough water to satisfy all reasonable and beneficial uses of water within NDWA's boundaries. (1981 Contract, Art. 2). In return, North Delta makes an annual payment to DWR. (*Id.* Art. 10). The 1981 Contract remains in full force and effect; and

WHEREAS, the Delta is the largest estuary on the Pacific Coast of the United States and includes major eastside tributaries that account for nearly half the snowmelt and runoff of the entire state. Located east of the San Francisco Bay and Suisun Marsh at the confluence of the Sacramento-San Joaquin Rivers, the Delta stretches inland to encompass an area of over 730,000 acres with islands and tracts of rich fertile soil surrounded by miles of sloughs and winding channels protected by levees creating one of the country's most productive agricultural regions; and

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WHEREAS, the Delta is also habitat for hundreds of plant and animal species providing crucial habitat for fish and wildlife. In addition, the Delta with its legacy Communities is a popular boating and recreation area, which supports a fishery for both recreational and commercial purposes; and

WHEREAS, the Delta is also the hub of California's State and Federal water storage and delivery system with water exports made to agricultural and urban users in the Bay Area, Silicon Valley, San Joaquin Valley, the Central Coast, and Southern California; with two-thirds of California relying on the Delta for some portion of their drinking water. Additionally, over 7 million acres of farmland in the San Joaquin Valley are irrigated in part by water conveyed through the Delta, contributing to California's multi-billion-dollar agriculture industry, which produces half the nation's fruits, nuts, and vegetables, and twenty percent of the nation's dairy products; and

WHEREAS, many people living in the Sacramento-San Joaquin Delta depend on the Delta tributaries for drinking water, water for irrigation and livestock, industrial uses, habitat, and recreation. The Delta is also essential to the shipment of goods from inland ports over highways and railways crisscrossing the Delta and contains natural gas fields, electrical transmission and conveyance facilities that are all important to the statewide economy; and

WHEREAS, the Delta historically operated as a reservoir storing water during winter and spring, when the high flows from tributary streams force the salt out to the ocean. As these flows diminish in late summer and fall, saltwater would slowly intrude into the western Delta during daily tides. Prior to the construction of federal and state water projects and water transfers through and from the Delta, local water diversions had a usable quality of water for irrigation purposes every year, at all times of the year, except for the month of October in 1931. Now, during the summer and fall months, the CVP and SWP export facilities in Tracy pull water across the Delta – turning the naturally stored water in the Delta into a virtual river flowing toward the export pumps. This not only reduces the flows pushing back salinity intrusion from the ocean, but the pumps additionally pull ocean salinity further into the Delta than would naturally occur; and

WHEREAS, as stated in Recital (g) of the 1981 Contract, California state law requires protection of the areas within which water originates and the watersheds in which water is developed. The Delta is such an area and within such a watershed. Part 4.5 of Division 6 of the California Water Code affords a first priority to provision of salinity control and maintenance of an adequate water supply in the Delta for

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reasonable and beneficial uses of water and relegates to lesser priority all exports of water from the Delta to other areas for any purpose; and

WHEREAS, the 1981 Contract contains provisions that expressly protect NDWA and its landowners from harm caused by changes in State Water Project (SWP) water conveyance infrastructure. For example, Article 6 of the 1981 Contract provides:

“The State shall not convey SWP water so as to cause a decrease or increase in the natural flow, or reversal of the natural flow direction, or to cause the water surface elevation in Delta channels to be altered, to the detriment of Delta channels or water users within the Agency. If lands, levees, embankments, or revetments adjacent to Delta channels within the Agency incur seepage or erosion damage or if diversion facilities must be modified as a result of altered water surface elevations as a result of the conveyance of water from the SWP to lands outside the Agency after the date of this contract, the State shall repair or alleviate the damage, shall improve the channels as necessary, and shall be responsible for all diversion facility modifications required.”; and

WHEREAS, there are many parties making policy in and around the Delta, including the State of California and United States Federal Government, making the need for local voices in the Delta essential; and

WHEREAS, the Counties of Contra Costa, Sacramento, San Joaquin, Solano, and Yolo have joined together in a coalition, identified as the Delta Counties Coalition (DCC), to collectively articulate their mutual interests on issues concerning the Sacramento-San Joaquin Delta from the perspective of the Delta region itself and from the people who call the Delta home, who best understand the tremendous resources the Delta represents; and

WHEREAS, the DCC and other local agencies in and around the Delta have raised significant concerns with large-scale isolated conveyance projects proposed by federal and state entities that could have far reaching negative environmental, water quality and availability, economic, and public safety impacts to the Delta; and

WHEREAS, the DCC has identified a need for joint action and advocacy among local governments in the region in various areas of mutual interest on Delta related issues; and

WHEREAS, since 2008 the DCC has given a strong local voice to the Delta pursuing three goals:

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1. Protect and enhance Delta communities;
2. Improve water quality and Delta ecosystem;
3. Provide a more reliable water supply for the state to increase water through sustainable approaches and reduce reliance on the Delta; and

WHEREAS, in pursuit of these three goals, the DCC and its partners advocate for statewide water solutions that include water system operation improvements, increased regional self-reliance, adequate levee maintenance and improvements, increased water storage, water reuse and recycling, stormwater capture, and restoration that includes good neighbor policies in the Delta; and

WHEREAS, The State of California has been pursuing an isolated Delta conveyance since the 1940s under many titles, including the Peripheral Canal, Bay Delta Conservation Plan, California WaterFix, and the currently proposed Delta Conveyance Project (DCP); and

WHEREAS, an isolated Delta conveyance tunnel has potential adverse impacts on the Delta and its legacy communities, without any offsetting benefits, including, but not limited to, construction related impacts (traffic, road degradation, noise, water availability, recreation and air quality) over an estimated 14-year construction period; as well as permanent land use and agricultural impacts, cultural and historical site impacts, economic impacts, water quality impacts, and biological impacts; and

WHEREAS, an isolated Delta conveyance tunnel has a high cost compared to other available alternatives to improve statewide water supplies and would use limited resources that could be better spent on other projects that would improve levees, increase water storage, water reuse and recycling and stormwater capture and other means to increase regional water self-sufficiency; and

WHEREAS, the Board of Directors of NDWA desires to establish certain policy principles relating to the development and environmental analysis of the proposed DCP.

NOW, THEREFORE, BE IT RESOLVED that NDWA will participate constructively and in good faith in the DCP and any related regulatory and legislative processes. NDWA will, however, reserve and retain all legal rights and options for ensuring that the contractual protections embodied in the 1981 Contract and the principles embodied in this resolution are adhered to.

BE IT FURTHER RESOLVED that NDWA encourages DWR to ensure the health and sustainability of the Sacramento-San Joaquin Delta by including mitigation measures in the final DCP Environmental Impact Report (EIR) that fully address and comply with the following principles requested by the DCC:

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1. Protect and improve water quality and water availability in the Delta region and maintain appropriate Delta outflow for a low-salinity estuary;
2. Protect the existing water right priority system and legislative area of origin and public safety protections established for the Delta;
3. Respect and safeguard Delta counties' responsibilities related to land use, water resources, flood management, tax revenues, public health and safety, economic development, agricultural stability, recreation, and environmental protection in any projects, policies, or operations;
4. Represent and include local government in any governance structures for the Delta;
5. Protect, enhance, and preserve the Delta's agricultural economic viability, the ongoing vitality of its legacy communities, and its cultural, environmental, and historical significance;
6. Support rehabilitation, improvement, and maintenance of levees throughout;
7. Support the Delta pool concept, in which the common resource provides quality freshwater supply to all Delta users, requiring mutual responsibility to maintain, restore, and protect the common resource;
8. Support immediate improvements to through-Delta conveyance;
9. Require that any water conveyance plan for the Delta is aligned with these principles and supported by clearly demonstrated improvement to the entire state's water management;
10. Protect and restore the Delta ecosystem and provide for a healthy estuary in perpetuity by ensuring adequate water supply and quality, enhancing Delta fisheries, and managing or eradicating invasive species;
11. Include the study and implementation of storage options, sustainable groundwater management and conjunctive use, conservation, recycling, reuse, and regional self-sufficiency as part of an water supply system, which will reduce reliance on the Delta as called for in the Sacramento-San Joaquin Delta Reform Act of 2009;
12. Support conservation actions aligned with these principles and the habitat plans and programs of each Delta county.

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On a motion by _____ seconded by _____, the foregoing Resolution was passed and adopted by the North Delta Water Agency this ____ day of _____, 2023, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSAL:

(PER POLITICAL REFORM ACT (§ 18702.5.))

ATTEST: _____

Agency Chairperson or Secretary