

Minutes of Tuesday April 27, 2021

North Delta Water Agency Special Board of Directors Meeting – Informational Briefing
Remote Meeting Held Via Teleconference

Call to Order

Vice Chairman Kuechler called the special board of directors teleconference meeting to order at 9:36 a.m. on Tuesday April 27, 2021 to provide an informational briefing for the public on the current water quality and drought conditions. Those present in the online meeting:

Directors

Jack Kuechler, Division 3
Tom Slater, Division 5

Staff

Melinda Terry, Manager
Cindy Tiffany, Assistant Manager
Kevin O'Brien, Downey Brand
Gary Kienlen, MBK Engineer
Anne Williams, MBK Engineers

Others

Ben Peters
Beth
Bill Stokes
Andres
Bryan Busch
Erik Vink
Gary Williamson

Gilbert Cosio
Warren Bogle
William Hobin
Happ Callis
Harvey Correia
Jeff Merwin
K Wilson

Mark Wilson
Mike Hardesty
Steve Barsoom
Michael Steinbacher
Craig Nakahara
Bob Silveira

Drought Presentation

Anne Williams and Gary Kienlen gave a PowerPoint presentation on Overview of Current Drought Conditions and Water Quality, disclosing this year is forecasted to be the second worst in recorded history with Oroville filled to only at 43% of capacity. The Northern Sierra 8-Station index is well below average with snowpack at 40% of normal; making this a critically dry year following a dry designation last year. When comparing current reservoir storage to 2014 and 2015, Shasta is approaching 2014 reservoir levels and both Folsom and Oroville are below 2014 and 2015 storage levels.

They also reviewed NDWA/DWR 1981 Contract water quality and drought emergency provisions. Water quality at all NDWA monitoring locations currently meets Contract criteria. Water quality criteria is based on a 14-day average, so there can be daily exceedances of salinity levels and increased salinity during tidal influx; therefore, recommend water users check CDEC before irrigating.

In terms of the Contract's emergency drought provision, DWR is not obligated to implement a claims process unless all three of the following conditions exist: 1) the Four Rivers Basin Index is less than an average of 9 million acre-feet in two consecutive years; 2) the water supplied to SWP agricultural contractors is reduced by at least 50% or entitlements reduced for all SWP contractors by 15% or more; and 3) the SWRCB has adopted emergency regulations that allow the SWP to maintain a lower water quality standard than the salinity criteria in the Contract.

In 2020, the Four River index flow was 9.7 million acre-feet. The average for 2021 at 50% forecast is projected to be 8.85 million acre-feet and 90% is projected to be 8.2 million acre-feet. In both those 2021 scenarios, the two-year average is less than 9 million acre-feet so we check the first box of the Contract's Article 4(b)(i) drought provision. The SWP supplies have already been reduced down to 5% so the second component of the drought provision is also checked. What we don't know is if the SWRCB will issue any Temporary Urgency Change Petitions (TUCP) this year that would allow lowered water quality standards. As of right now, DWR says it can manage water supplies and Delta water quality without TUCP's, but that could change if drought conditions worsen and if the Governor declares a drought emergency for the Sacramento-San Joaquin Delta. The CVP/SWP Projects are required to meet D-1641 water quality objectives through mid-August, and then must comply with the 1981 Contract salinity criteria after that date because the NDWA water quality criteria must be met year-round.

If the third drought provision in the 1981 Contract is triggered at some point, then DWR is required to either provide an alternative water supply of sufficient quality or to establish a claims process to compensate individual landowners for loss of net income for each acre that is either: 1) planted to a more salt-tolerant crop; 2) not planted with any crops provided the decision is deemed "reasonable"; or 3) planted but the crops experience a reduced yield from higher salinity levels due to drought conditions.

As of today, the water board has not issued any water rights curtailment notices, but on March 22, 2021 it did send a preliminary notice of the possibility of water shortages. Melinda reminded the public that even if water users within NDWA receive curtailment notices at some point; pursuant to the 1981 Contract they are allowed to continue diverting during the drought, but should check water quality on CDEC before irrigating.

The information drought briefing presentation is recorded and can be viewed on the NDWA website or via this link: <https://www.youtube.com/watch?v=qINi72gNcpU>.

Questions and Public Comment

In response to question by Director Kuechler, Gary confirmed there is no deadline for the Governor to declare a drought emergency for the Delta. Harvey Correia asked if DWR would likely use the same claims process that was implemented in 2015. Melinda responded that she has requested DWR to have a claims process ready for applications once all three components of the drought emergency provision have been met. DWR did not indicate they intend to make any changes to the previous claims process, but NDWA will follow up with them, especially if anyone has suggestions for improving the process. Harvey asked if there are any restrictions on storage of water for later diversion. Kevin O'Brien responded that storage is not allowed under riparian or other water rights, so you cannot hold stored water for more than 30 days.

No curtailment notices have been issued by the water board yet, but when/if notices are issued, NDWA will post information on our website and probably schedule another public informational meeting. Water users can find information on drought conditions and regulatory activities on the State Water Resources Control Board and DWR websites. If you have any questions please call our office.

Adjournment

Vice Chairman Kuechler adjourned the meeting at 10:23 a.m.

Respectfully submitted by Cindy Tiffany, Assistant Manager