

NDWA Manager Report – August 2023

ADMINISTRATIVE ACTIONS

Drought Barrier Update – At the August 2, 2023 NDWA board meeting, Jacob McQuirk from DWR provided an update on the department’s efforts to complete state and federal processes necessary to install two temporary drought barriers in North Delta. Preliminary analysis has been done, but installation of a barrier is no longer needed. He committed to follow-up with information on the inclinometers and piezometers we installed in the Steamboat Slough and Miner Slough levees.

ACTION: A couple of weeks after the board meeting, Jacob McQuirk sent email to Manager informing her that DWR plans to include the inclinometers and piezometers information in its report on the explorations and instrumentation, but the report will not be ready for release until February or March 2024 due to delays with contract lab. He said the report will include the instrumentation installation specs, monitoring baselines/results, and any recommendations for future work/maintenance, and they are currently planning on taking inclinometer and piezometer readings around October 2023, February/March 2024, and June 2024. After that, the instruments will likely be put on stand-by until construction season. Stand-by will likely include no additional inclinometer readings and reducing the piezometer readings to conserve logger battery power. A supplemental report will be produced after the June readings. When construction is eventually scheduled, we would recommend taking inclinometer (and piezometer) readings before, during, and after construction.

DELTA DOWNLOAD

CCWD Executes Settlement Agreement on Delta Conveyance Project

In 2006, the Schwarzenegger Administration proposed the Bay Delta Conveyance Project (BDCP). From the beginning, Contra Costa Water District (CCWD) expressed concerns about potential adverse impacts to Delta water quality. The BDCP evolved under Governor Jerry Brown, and in early [2016, CCWD reached a settlement agreement](#) with the state [to address potential adverse impacts to its water users](#) from construction and operation of the WaterFix Project. In 2019, Governor Newsom changed the project once again and rebranded it as the single tunnel Delta Conveyance Project (DCP). After DWR released a Draft EIR for the DCP, negotiations for an [updated settlement](#) agreement were initiated, and [CCWD announced an updated agreement](#) was signed in [2023](#). The Delta Conveyance Design and Construction Authority (DCA) also released new videos describing the proposed DCP [intakes](#), launch [shafts](#), and [traffic flow](#) in North Delta.

Bureau Proposes to Modify Delta Cross Channel

On August 8th, the U.S. Bureau of Reclamation held a [public meeting in Walnut Grove](#) to provide an update on proposed [upgrades](#) to the [Delta Cross Channel Gates](#)

Modernization Project and recent results from a technical memorandum. The project goal is to improve water exports and salinity control in the interior Delta, and to protect fish from being sucked into the export pumps. Public comments included suggestions for improving accessibility for recreational boats and watercraft.

Cache Creek Levee Project Announced

DWR released a [Notice of Preparation](#) of an Environmental Impact Report (EIR) for the Cache Creek Channel and Levee Rehabilitation Project. Cache Creek drains into Yolo Bypass and includes project levees that provide flood protection to the Town of Yolo, City of Woodland, and adjacent agricultural lands. Severe freeboard deficiencies resulted in levee overtopping in 2019. DWR is proposing to restore the flood conveyance capacity along a 9-mile stretch of the levees.

Final Biological Goals for Delta Flows Released

The State Water Resources Control Board is scheduled to consider approval of final biological goals for Lower San Joaquin River [Flow Objectives](#) on Wednesday, September 6. This fourth public draft includes responses to public comments.

Comments Due on Cache Slough Recreation Plan

Solano County, DWR, and the CA Dept. of Fish and Wildlife jointly developed the Cache Slough Public Access Recreation [Action Plan](#), which includes input from stakeholders. The Action Plan will guide local and state investment in recreation facilities. The availability of compatible public lands, and other limiting factors, result in few recommendations at this time because the potential recreation features were ranked low. Ongoing engagement with local interests may yield new recreation opportunities being identified in the future. The [deadline to comment](#) on the Public Review Draft is September 13, 2023.

Mokelumne River Diversion Application Filed

The North San Joaquin Water Conservation District filed a 180-day temporary permit application with the State Water Resources Control Board, requesting to [divert 1,350 acre-feet](#) of water from the Mokelumne River for underground storage for later irrigation use.

CVFPP Certification Filed

[DWR filed](#) a [certification of consistency](#) with the Delta Stewardship Council ([DSC](#)) for the Central Valley Flood Protection Plan (CVFPP) updated in 2022. The total cost to implement the Plan is estimated to be \$30 billion and anticipated to be completed in 2052.

LEGAL MATTERS

Civil Rights Complaint Filed Against SWRCB

The U.S. EPA announced its [acceptance of a civil rights complaint](#) filed against the State Water Resources Control Board (SWRCB) by a [coalition of tribes and environmental organizations claiming mismanagement](#) of water quality in the Delta. This is the first time a Title VI complaint has been filed against California or accepted by EPA. After careful consideration, the Office of

Environmental Justice & External Civil Rights determined the complaint met the jurisdictional requirements of EPA [nondiscrimination regulation](#) and will now conduct an [investigation](#) of the charges. The [outcome of the EPA inquiry](#) could force the state to change management of water, including plans to change the plumbing in the Delta with new diversion intakes and conveyance tunnel.

Court Dismisses Bureau's Discrimination Lawsuit

In 2019, the U.S. Bureau of Reclamation filed a lawsuit against new flow objectives approved by the State Water Resources Control Board for the Lower San Joaquin River and tributaries as part of the Delta Water Quality Control Plan (D-1641) update. On Wednesday, August 30, 2023, a federal judge [dismissed the Bureau's lawsuit](#) claiming it is premature because final flow standards have not yet been finalized or implemented.

Westland's Loses in Appeals Court

A California Appeals Court [ruled against Westlands](#) Water District, by upholding CA Superior Court which dismissed the district's attempt to validate a contract with the U.S. Bureau of Reclamation seeking to secure permanent rights to receive [1.15 million acre-feet](#) a year of federally controlled water in California. The [ruling does not end the contract](#), but to be enforceable, the contract must be validated by a state court. Failure to validate, may create opportunity for the Biden Administration to rescind the contract.

NEWSWORTHY

Farmland Conversion to Urban Center Planned in Solano County

A group of Silicon Valley investors in the [Flannery Associates](#) company have spent \$800 million to purchase at least 230 parcels of farmland in Solano County over the past five years. Local farmers are not happy, and neither are the two congressional members representing the region that includes lands currently zoned for agriculture as well as parcels partially surrounding Travis Air Force Base. The plan is to develop these lands into a new city in southeast Solano County between Fairfield and Rio Vista that would be twice the size of San Francisco. Congressional Representatives [Mike Thompson and John Garamendi](#) have received briefings from the FBI and Treasury Department and expressed opposition to Flannery's land use plans. In addition to national security concerns related to the Air Force base, both Representatives are worried about the use of "strong-arm mobster tactics" to [displace family farmers](#). Flannery intends to place a measure to approve the "new city" on Solano County ballot next year.

CALENDAR ALERTS

Sept 6 – SWRCB to Adopt Biological Goals for Lower [SJR Flow Objectives](#), 9:00 am
Sept 13 – [Deadline](#) to comment on Cache Slough Public Access Recreation Action Plan
Sept 23 – Delta Waterway [Cleanup](#), Brannan Island State Rec. Area, Windy Cove, 9:00 am
Oct 8 – Ted Talk X on [Water Rights](#), 410 E. Race, Visalia, 1:30-7:30 (limited to 100 people)