



MANAGER REPORT – DECEMBER 2018

ADMINISTRATIVE ISSUES

Contract Payment Submitted

Under Article 10 of the 1981 Contract, the Agency shall make annual payments, in two installments, to DWR for the assurance that an adequate water supply with specific water quality will be monitored and maintained.

ACTION: On December 20, 2018 the Agency submitted payment of \$308,479.27 to DWR for the first installment due for fiscal year 2018-19.

Manager Decision Issued on CDFW Parcel Reclassification Petitions

In September 2018 the CA Department of Fish and Wildlife submitted a letter with four petitions requesting reclassification under NDWA assessment of numerous parcels located in Sacramento, Solano, and Yolo Counties.

ACTION: On December 10, 2018 the NDWA Manager issued a decision letter to CDFW on all parcels requested in the four petitions: two parcels in Sacramento County owned by CalTrans were removed from CDFW's assessment; 30 parcels located in Yolo County were denied; two parcels in Lindsay Slough were denied; and for parcels in Liberty Island a portion of eight parcels were adjusted to be a natural/navigable waterway with no benefit in accordance with Resolution 2011-01 and one parcel in its entirety was modified to be a natural/navigable waterway under the NDWA assessment.

DELTA DOWNLOAD

Water Board Adopts New Flow Standards for San Joaquin River

At its [December 12th](#) meeting the State Water Resources Control Board [approved](#) a [resolution](#) adopting [amendments](#) to the Bay-Delta Plan [update](#) that establish new flow standards for the San Joaquin River and tributaries, including CEQA [Overriding Considerations](#) and [Monitoring Program](#). DWR and the CA Department of Fish and Wildlife made [presentation](#) to the water board regarding their efforts to facilitate voluntary agreements with stakeholder on [improving flows](#) for fisheries consistent with the State's [Water Action Plan](#). Negotiations for [voluntary settlement](#) agreements to replace the flow standards will [continue](#), but some agencies have threatened to file [lawsuits](#).

New Delta Pact Between State and Federal Agencies Signed

In mid-December, DWR and the U.S. Bureau of Reclamation [announced](#) they had signed new agreements to [govern](#) the coordinated operations of the State Water Project (SWP) and Central

Valley Project (CVP). They are intended to resolve conflicts over amendments to the Bay-Delta Water Quality Control Plan (D-1641) and to revise water sharing formulas. These changes are an [Addendum](#) to the original Coordinated Operating Agreement ([COA](#)) executed in 1986 and [authorized by Congress](#), commonly referred to as the “historic” [Delta Accord](#) intended to ensure Southern California urban water supplies during drought and clear the way for increased water shipments from the north, while guaranteeing more outflow to the San Francisco Bay to please environmental organizations. The 1986 COA for sharing their facilities for water deliveries ended a moratorium on new federal water sales in place since 1979.

The new 2018 agreements attempt to [update](#) the original COA and address ongoing disagreements over the role the federal CVP has in providing water to protect the Delta water quality when river levels are the lowest during the summer and fall months. An [additional financial agreement](#) was also signed to formalize the cost-sharing formula for projects needed to comply with Endangered Species Act responsibilities identified in the Biological Opinions ([BiOps](#)) for the joint operation of CVP and SWP, and new facilities such as WaterFix intakes and tunnels.

[According to](#) the Friant Water Authority (FWA), the agreements provide three main water solutions: “1) the state and federal government will coordinate their releases down tributaries to the Delta to maintain more consistent fishery flows and water deliveries; 2) provide funding for water purchase programs and research for conservation improvements that don’t involve additional water flows; 3) water agencies and irrigation districts, and many of their users, agreed to let land along the Tuolumne and Sacramento Rivers fallow in exchange for payments from water users along the San Joaquin River who can use the additional water.” FWA spokesman, Alex Biering, stated, “This will significantly reduce the likelihood that water from Friant [Dam] water will be sent to non-Friant users and the likelihood that allocation will be cut in dry years.”

Pursuant to a public records act request submitted by the Planning and Conservation League, an additional “[No Harm Agreement](#)” has also been negotiated between DWR and USBR in regards to the WaterFix Project. Included with this agreement is a “[Letter of Dismissal](#)” for specific water districts and local government agencies to abandon their protest of the DWR/USBR water rights petitions for expansion of the SWP through the construction of the WaterFix Project. Neither of these [documents](#) were voluntarily disclosed to the public when the aforementioned COA Addendum was announced by DWR and USBR. The City of Stockton and San Joaquin County issued a [statement](#) criticizing these backroom negotiations to keep the WaterFix twin tunnels megaproject moving forward.

The question for the NDWA is whether these changes proposed in the COA amendments will affect DWR’s ability maintain the salinity criteria agreed to in the 1981 Contract. Will the flow changes protect CVP water contractors in dry years to the detriment or benefit of NDWA water users?

ACTION: MBK Engineers will provide a briefing on the COA Addendum at the February 6, 2019 NDWA board meeting.

DWR Retreats on WaterFix Consistency Appeals

DWR took a significant [step backwards](#) on December 7th when Director Nemeth sent a [letter withdrawing](#) the [certification](#) of the WaterFix project. The DSC Executive Director subsequently dismissed the nine appeals and lifted the ex parte restrictions, which allows DWR to have private [discussions](#) with Council members and staff on how to revise the project to be consistent with the Delta Plan before resubmitting certification.

Tax to Fund WaterFix Challenged by Palo Alto

The City of [Palo Alto](#) sent a letter to the board of the Santa Clara Valley Water District (SCVWD) asserting that the collection of property taxes from Palo Alto landowners who do not receive water from the State Water Project (SWP) is “inequitable and legally tenuous.” Palo Alto residents rely on water from Hetch-Hetchy, not SWP. The SCVWD staff recommends the district not implement the WaterFix portion of the SWP tax on property owners in their jurisdiction until DWR’s bond validation action is successful.

Validation of SWP Contract Extensions Filed

DWR filed lawsuits in court for [validation](#) of new State Water Project contracts extending water supply agreements with 29 water district through 2085, which will allow the state to sell revenue bonds to finance expansion of the SWP with the WaterFix twin tunnels project.

Dutch Slough Restoration Project Proceeds

After breaking ground on the [Dutch Slough Restoration Project](#), DWR has now released a [video](#) outlining the plan to convert 1,200 acres of former grazing and dairy lands in Contra Costa County into fish and wildlife habitats.

Stockton Submits Certification

On December 19th the City of Stockton submitted a [certification](#) of consistency for its “*Envision Stockton 2040 General Plan*.” The deadline to file an appeal is January 19, 2019.

LEGISLATIVE LATEST

Congressional Water Deal Announced

Governor [Brown](#) announced [support](#) for the insertion of provisions into the Water Infrastructure Improvements for the Nation (WIIN) for voluntary agreements [negotiated](#) between U.S. Senator Dianne [Feinstein](#) and House Majority Leader Kevin McCarthy for the Bay-Delta Plan. [Protesters](#) outside Senator Feinstein’s office expressed their opposition to the provisions negotiated on the WIIN bill. The Congressional Research Service released a [report](#) providing background information on provisions in the [WIIN](#) legislation that pertain to the Central Valley Project.

Assemblyman Jim Frazier, co-chair of the Delta Caucus, issued a [statement](#) urging Senator Feinstein, Congressmen McCarthy and Governor Brown to drop provisions to the WIIN legislation that would be harmful to the water quality and economy of the Delta region.

IN THE NEWS

DWR Releases Water Supply Index Forecast

The precipitation and runoff for November provides status of unimpaired runoff [conditions](#) as predictors for water supplies in 2019 water year.

Term 91 Curtailments Issued

In mid-November the State Water Resources Control Board invoked [Term 91 notices](#) for curtailment of water diversions. After determining water conditions had improved, the curtailment was [lifted](#) on November 30, 2018.

Steep Penalty for Willful Misstatement of Water Use

The State Water Resources Control Board approved a [settlement agreement](#) with landowners in the Trinity River watershed for a \$10,000 penalty for submitting [misstatements](#) in their water diversion reports from 2009-2015.

Preliminary Approval of New Groundwater Basin Boundaries Released

After receiving 43 requests for basin [boundary modifications](#), DWR released [draft decision](#) approving 33, denying seven, and partially approving three. The request submitted by the [Northern Delta GSA](#) was denied, but the modifications requested by the [Yolo Subbasin](#) Groundwater Agency and the [Sacramento County](#) Water Resources were approved in the draft decision. Additional input will be taken during a 30-day public comment period ending on January 4, 2019 followed by a public meeting at the CA Water Commission on January 16th. Final basin boundary modifications will be announced in February 2019.

Major CVP Contractor Hires Bureau Employee

The Mid-Pacific Deputy Regional Director of the U. S. Bureau of Reclamation, Federico Barajas, was [hired](#) by the San Luis & Delta Mendota Water Authority to serve as Executive Director.

New Study Predicts Snow Droughts

Historically the Sierra Nevada mountain range served as the largest water supply reservoir by storing water as snowpack, but a recent study by U.C. Irvine indicates increases in temperature could shift snowflakes to rainfall. According to their [research](#) the northwest subregion of the mountain range with less area at high elevations will suffer the most.

CALENDAR EVENTS

- Jan 10** – Delta Indep. Science Bd. [Workshop](#) on Water Reliability [Review](#), 980-9th St., 9:00 am
- Jan 14** – Delta Protection Advisory Committee mtg, 14120 Grand Ave., Walnut Grove, 5:30 pm
- Jan 17** – Delta Protection Commission meeting, 1 Main St., Rio Vista, 5:30 pm
- Jan 18** - SWRCB diversion measurement [workshop](#), 1001-I St., Sacramento, 1:00-3:00 pm
- Jan 19** – Deadline to file appeal with DSC on Stockton certification of 2040 General Plan
- Jan 24** - DSC [Appeal Hearing](#) on Smith Canal project, 980-9th St, Sacramento, 2:00 pm