

Minutes of Wednesday, October 26, 2021

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

Call to Order

Chairman Mello called the Special Drought Information Board of Directors meeting to order at 3:03 p.m. on Wednesday, October 26, 2021. In accordance with AB 361 and NDWA Resolution 2021-05, the informational meeting was held remotely via teleconferencing. Those present include:

Directors

Steve Mello, Division 1
Justin van Loben Sels, Division 2
Jack Kuechler, Division 3
Mark van Loben Sels, Division 4
Tom Slater, Division 5

Staff

Melinda Terry
Cindy Tiffany
Austin Cho, Downey Brand
Gary Kienlen, MBK Engineers.

Other

Micheal George	Bryan Busch	Warren Bogle
Happy (Jill) Callis	David Oglivie	Osha Meserve
Topher Chan	Gilbert Cosio	Erik Vink
Taras Krynytzky	Havey Correia	Emmy Cattani
Ben	Stephen Heringer	Matt Frank
Anna Swenson	Tom Stokes	

Drought Conditions and Water Quality Compliance

Gary and Anne of MBK gave a presentation on current hydrologic conditions and water quality. They reviewed water supply with current precipitation levels using the 8-River Index, which shows current precipitation for the water year at 12.4 inches (higher than the wettest two water years in the record) due to the recent storm event. They also shared current major CVP and SWP reservoir storage conditions, with Shasta at 22% and Oroville at 27% of capacity. Storage at all CVP and SWP northern California reservoirs remain well below the historical averages for the same date, with Oroville below the storage levels during the 1977 and 2015 drought years. The recent October 24-25 storm event resulted in an increase of 0.241 MAF total in storage in Oroville, Shasta, and Folsom reservoirs.

Shifting to water quality, they reported that water quality in the Sacramento River at Rio Vista remains in compliance with the 1981 Contract criteria, despite higher EC levels at tidal peaks shown in the 15-min data. Since October 8, 2021 the salinity levels have been above the criteria specified in the 1981 Contract for the Three Mile Slough monitoring location. MBK has alerted DWR staff of this exceedance at their regular coordination meetings. The daily average has been below the contract criteria since the recent storm system, but the 1981 Contract is based on a 14-day mean, so the Contract criteria is still being exceeded at Three Mile Slough (due to averaging with the high EC levels experienced prior to the rain). While the temporary increase in flows from the rain should improve salinity conditions in the short term, the upstream tributary and river flows are beginning to drop off the peak flows from the storm; therefore, we may see the EC levels continue to be exceeded at Three Mile Slough. MBK will continue to monitor the runoff and water quality conditions for improvement, but diverters within NDWA should continue to monitor the 15-minute EC data prior to irrigating

their crops. Melinda announced that in response to the exceedance of the salinity criteria at Three Mile Slough, the Agency sent a letter to DWR demanding it act by November 8, 2021 to either implement Article 12 remedies to get water quality back in compliance with the contract or implement a Special Claims Procedure to compensate landowners for damages resulting from the water quality exceedances. We hope to have a response from DWR prior to the next board meeting on November 10, 2021.

Delta Water Use Reduction Pilot Incentive Program

Delta Dry-Year Pilot Program

Melinda reported that the three Delta Agencies have met with State Team over several months to develop a drought response plan and presented a conceptual document outlining a framework for implementing a Delta Dry-Year Incentive Pilot Program that would compensate landowners for reducing their consumptive use of water between January and June 2022. This would be a pilot program, dependent on farmers volunteering to implement specified water conservation measures that would result in a total of 50,000 acre-feet of water being conserved. The incentives will be monetary and is proposed to range from \$800-\$1,500 per acre of land an action is taken on, but there is currently no total dollar amount identified that will be dedicated to fund the program. The State Team is currently working on the financial portion of this plan as well as identifying mechanisms for disbursing the money to landowners. DWR is considering proving a block grant to the Delta Conservancy to then disburse to landowners. Melinda said the pilot program provides an opportunity to test and measure effectiveness of different water conservation actions in each region of the Delta that have different land and groundwater elevations, but there are details of the program that still need to be finalized by DWR before farmers can sign up to participate. The Delta Agencies encouraged the state to have this program in place by the end of October, but the state bureaucracy moves slow. Once a final program is in place, NDWA will inform RDs of who farmers in their districts can contact at the state to sign-up.

Attendees were invited to provide comments, respond to the range proposed for incentive payments, and to ask questions. Osha Meserve commented that the benefits to the farmer is unclear, but said the data from this program may help inform not only potential water savings that could be achieved during a drought, but also improve data on water usage to combat complaints about “illegal diversions” in the Delta. She encouraged anyone thinking about altering their planting next year to consider participating. In response to a question, Melinda clarified that the state would be able to make incentive payments to a lessee farmer. Harvey Correia commented that the proposed incentive payment is too low for capital investments such as switching to subsurface drip and expressed concern if farmer has to collect the data themselves. Director Mello asked why the program questionnaire asked about cropping patterns for the previous 5 years if the pilot program is based on data from 2013. Michael George responded that the 2013 baseline is used because it’s consistent with Open ET, but DWR would like to collect the additional crop data for a comparison of each activity. Harvey asked how soon farmers can apply to participate in this pilot program. Michael said it is hard to say when the state will have all the payment details worked out, but speculated it will likely be at least 14 days before DWR is ready to implement a program.

Public Comment

There were no additional public comments.

Closed Session

The Board convened Closed Session through teleconference at 4:17 p.m. to discuss the potential initiation of litigation with legal counsel on one potential case pursuant to Government Code section 54956.9(d)(4).

Closed Session Report

The Board reconvened in open session at 4:36 p.m. and Chairman Mello announced the board took no reportable action.

Announcements

The next NDWA regular board meeting will be at 9:30 a.m. on Wednesday, November 10, 2021.

Adjournment

Chairman Mello adjourned the meeting at 4:36 p.m.

Respectfully submitted by Cindy Tiffany, Assistant Manager