



**San Luis & Delta-Mendota Water Authority  
Monday, April 3, 2023 10:00 a.m.**

**Notice of Water Resources Committee Regular Meeting and Joint Water  
Resources Committee Regular Meeting-Special Board Workshop**

**SLDMWA Boardroom  
842 6th Street, Los Banos**

**Public Participation Information**

**Join Zoom Meeting**

**<https://us02web.zoom.us/j/87288538791?pwd=SWNrakxmamY2WIRGK3owcjFMRVJyUT09>**

**Meeting ID: 872 8853 8791**

**Passcode: 823442**

**One tap mobile**

**+16699006833,,87288538791#,,,,\*823442# US (San Jose)**

**+16694449171,,87288538791#,,,,\*823442# US**

**Dial by your location**

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**Find your local number: <https://us02web.zoom.us/j/87288538791>**

NOTE: Any member of the public may address the Water Resources Committee/Board concerning any item on the agenda before or during consideration of that item.

Because the notice provides for a regular meeting of the Water Resources Committee ("WRC") and a joint regular WRC Meeting/Special Board workshop, Board Directors/Alternates may discuss items listed on the agenda; however, only WRC Members/Alternates may correct or add to the agenda or vote on action items.

NOTE FURTHER: Meeting materials have been made available to the public on the San Luis & Delta-Mendota Water Authority's website, <https://www.sldmwa.org>, and at the Los Banos Administrative Office, 842 6th Street, Los Banos, CA 93635.

**Agenda**

1. Call to Order/Roll Call
2. Water Resources Committee to Consider Additions and Corrections to the Agenda for the Water Resources Committee Meeting only, as Authorized by Government Code Section 54950 *et seq.*
3. Opportunity for Public Comment – Any member of the public may address the Water Resources Committee/Board concerning any matter not on the agenda, but within the Committee's or Board's jurisdiction. Public comment is limited to no more than three minutes per person. For good cause, the Chair of the Water Resources Committee may waive this limitation.

## **ACTION ITEMS**

4. **Water Resources Committee to Consider Approval of the March 6, 2023 Meeting Minutes**
5. **Water Resources Committee to Consider Recommendation to Board of Directors to Adopt Staff Recommendation for Positions on Legislation, Petersen**
  - A. AB 422 (Alanis), Natural Resources Agency: statewide water storage: tracking
  - B. AB 460 (Bauer-Kahan), State Water Resources Control Board: interim relief.
  - C. AB 557 (Hart), Open meetings: local agencies: teleconferences.
  - D. AB 676 (Bennett), Water: general state policy.
  - E. AB 735 (Berman), Workforce development: utility careers.
  - F. AB 1337 (Wicks), State Water Resources Control Board: water shortage enforcement
  - G. SB 366 (Caballero), The California Water Plan: long-term supply targets.
  - H. SB 389 (Allen), State Water Resources Control Board: determination of water right

## **REPORT ITEMS**

6. Executive Director's Report, Barajas  
(May include reports on activities within the Water Resources Committee's jurisdiction related to 1) CVP/SWP water operations; 2) California storage projects; 3) regulation of the CVP/SWP; 4) existing or possible new State and Federal policies; 5) Water Authority activities; 6) COVID-19 response)
7. Update on Water Policy/Resources Activities, Petersen  
(May include reports on activities related to 1) Reinitiation of Consultation on Long-Term Operations of the Central Valley Project and State Water Project, including environmental compliance; 2) State Water Resources Control Board action; 3) San Joaquin River Restoration Program; 4) Delta conveyance; 5) Reclamation action; 6) Delta Stewardship Council action; 7) San Joaquin Valley Water Blueprint and San Joaquin Valley Water Collaborative Action Plan)
8. Update on Water Operations and Forecasts, Boardman
9. Committee Member Reports
10. Closed Session

### CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of Litigation Pursuant to paragraph (4) of Subdivision (d) of Government Code Section 54956.9 – 1 potential case

### CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant Exposure to Litigation Pursuant to Paragraph (2) or (3) of Subdivision (d) of Government Code Section 54956.9 – 2 potential cases

### CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Existing Litigation Pursuant to paragraph (1) of Subdivision (d) of Section 54956.9

- A. Natural Resources Defense Council, et al. v. Haaland, et al., U.S. District Court, E.D. Cal., Case No. 1:05-cv-01207; 9th Cir., Case No. 21-15163 (2005 DMC Contract Renewals)
- B. Pacific Coast Federation of Fishermen's Associations, et al. v. Conant, et al., U.S. District Court, E.D. Cal., Case No. 2:11-cv-02980 (PCFFA v. Glaser or GBP Citizen Suit)
- C. City of Fresno, et al. v. United States, U.S. Court of Appeals for the Federal Cir., Case No. 22-1994; U.S. Court of Federal Claims, Case No. 1:16-cv-01276 (2014 Friant Div. Operations)
- D. Monterey Coastkeeper, et al. v. Central Valley Regional Water Quality Control Board, et al., Sacramento Co. Superior Court, Case No. 34-2018-80002853; Environmental Law Foundation v. State Water Resources Control Board, Sacramento Co. Superior Court, Case No. 34-2018-80002851; Protectores del Agua Subterranea v. State Water Resources Control Board, Sacramento Co. Superior Court, Case No. 34-2018-80002852; Third District Court of Appeal, Case No. C093513 (Waste Discharge Requirement Cases)
- E. North Coast Rivers Alliance v. Delta Stewardship Council, Sacramento Co. Superior Court, Case No. 34-2018-80002898, Third District Court of Appeal Case No. C097948 (Delta Plan Amendment Cases)
- F. North Coast Rivers Alliance, et al. v. San Luis & Delta-Mendota Water Authority, et al., Merced Co. Superior Court, Case No. 19CV-04989; Fifth District Court of Appeal, Case No. F085972 (GBP Long-Term Storm Water Management Plan)
- G. Pacific Coast Federation of Fishermen's Associations, et al. v. Raimondo, et al., U.S. District Court, E.D. Cal., Case No. 1:20-cv-00431 (ROC on LTO BiOps)

- H. California Natural Resources Agency, et al. v. Raimondo, et al., U.S. District Court, E.D. Cal., Case No. 1:20-cv-00426 (ROC on LTO BiOps)
  - I. CDWR Water Operation Cases, Sacramento Co. Superior Court, Case No. JCCP 5117 (formerly Tehama-Colusa Canal Authority, et al. v. California Department of Water Resources, et al., Fresno Co. Superior Court, Case No. 20CECG01303) (SWP EIR Challenge)
  - J. AquAlliance, et al. v. U.S. Bureau of Reclamation, et al., U.S. District Court, E.D. Cal., Case No. 1:20-cv-00878 (Long-Term Water Transfers EIS/EIR)
  - K. AquAlliance et al. v. San Luis & Delta-Mendota Water Authority, Merced Co. Superior Court, Case No. 21CV-03487 (Long-Term Water Transfers EIS/EIR Addendum)
  - L. California Sportfishing Protection Alliance, et al. v. State Water Resources Control Board, et al., Sacramento Co. Superior Court, Case No. 34-2021-80003761 (2021 TUCP Order)
  - M. California Sportfishing Protection Alliance, et al. v. State Water Resources Control Board, et al., Sacramento Co. Superior Court, Case No. 34-2021-80003763 (2021 Temp. Mgmt. Plan)
- 11. Return to Open Session
  - 12. Report from Closed Session, if any, Required by Government Code Section 54957.1
  - 13. Reports Pursuant to Government Code Section 54954.2(a)(3)
  - 14. ADJOURNMENT

Persons with a disability may request disability-related modification or accommodation by contacting Cheri Worthy or Sandi Ginda at the San Luis & Delta-Mendota Water Authority Office, 842 6<sup>th</sup> Street, P.O. Box 2157, Los Banos, California, via telephone at (209) 826-9696, or via email at [cheri.worthy@sldmwa.org](mailto:cheri.worthy@sldmwa.org). Requests should be made as far in advance as possible before the meeting date, preferably 3 days in advance of regular meetings or 1 day in advance of special meetings/workshops.

This agenda has been prepared as required by the applicable laws of the State of California, including but not limited to, Government Code Section 54950 et seq. and has not been prepared with a view to informing an investment decision in any of the Authority's bonds, notes or other obligations. Any projections, plans or other forward-looking statements included in the information in this agenda are subject to a variety of uncertainties that could cause any actual plans or results to differ materially from any such statement. The information herein is not intended to be used by investors or potential investors in considering the purchase or sale of the Authority's bonds, notes or other obligations and investors and potential investors should rely only on information filed by the Authority on the Municipal Securities Rulemaking Board's Electronic Municipal Market Access System for municipal securities disclosures, maintained on the World Wide Web at <https://emma.msrb.org/>.

**SAN LUIS & DELTA-MENDOTA WATER AUTHORITY  
WATER RESOURCES COMMITTEE REGULAR MEETING AND JOINT  
WATER RESOURCES COMMITTEE REGULAR MEETING - SPECIAL  
BOARD WORKSHOP MINUTES**

**MARCH 6, 2023**

The San Luis & Delta-Mendota Water Authority Water Resources Committee Regular Meeting and Joint Water Resources Committee Regular Meeting and Special Board Workshop convened at approximately 10:00 a.m. at 842 6th Street in Los Banos, California, with Chair William Bourdeau presiding.

**Water Resources Committee Members Present**

**Ex-Officio**

Cannon Michael  
William Bourdeau

**Division 1**

Anthea Hansen, Alternate

**Division 2**

Absent

**Division 3**

Chris White, Member

**Division 4**

Vincent Gin, Member - Steve Wittry, Alternate

**Division 5**

Absent

**Board of Directors Present**

**Division 1**

Anthea Hansen, Director

**Division 2**

Justin Diener, Alternate  
William Bourdeau, Director  
Ara Azhderian, Alternate

**Division 3**

Chris White, Alternate  
Jarrett Martin, Director  
Cannon Michael, Director

**Division 4**

Steve Wittry, Director  
Joyce Machado, Alternate

**Division 5**

Absent

**Authority Representatives Present**

Federico Barajas, Executive Director

Pablo Arroyave, Chief Operating Officer

Rebecca Akroyd, General Counsel

Rebecca Harms, Deputy General Counsel

Ray Tarka, Director of Finance

Scott Petersen, Water Policy Director

Cindy Meyer, Special Programs Manager (via ZOOM)

Stewart Davis, IT Officer

**Others Present**

Tom Boardman, Westlands Water District (via ZOOM)

Dana Jacobson, Valley Water

Chase Hurley, Pacheco Water District

Manny Amorelli, James Irrigation District (via ZOOM)

Lea Emmons, City of Tracy (via ZOOM)

**1. Call to Order/Roll Call**

Chair William Bourdeau called the meeting to order and roll was called.

**2. The Water Resources Committee to Consider Additions or Corrections to the Agenda of Items, as authorized by Government Code Section 54950 et seq.**

No additions or corrections.

**3. Opportunity for Public Comment**

No public comment.

**4. Water Resources Committee to Consider Approval of the February 6, 2023 Meeting Minutes.**

Chair William Bourdeau deemed the February 6, 2023 meeting minutes approved with minor corrections.

**5. Water Resources Committee to Consider Recommendation to Board to Adopt Staff Recommendation for Positions on Legislation.**

- a. **SB 23 (Caballero), Expedited Permitting for Water Supply and Flood Risk Reduction Projects (support)** –Water Policy Director Scott Petersen reported that SB 23 is sponsored by the Association of California Water Agencies. Petersen reported that the bill contains numerous provisions seeking to increase the efficiency of the regulatory permitting process for water supply and flood risk reduction projects, without exemption from any environmental protections. Staff recommended a support position on SB 23.
  
- b. **SB 361 (Dodd), Water Resources: Stream Gages (favor)** – Water Policy Director Scott Petersen reported that this bill would require DWR and the State Water Board, upon appropriation of funds by the Legislature, to reactivate, upgrade, and install new stream gages where lack of data contributes to conflicts in water management or where water can be more effectively managed for multiple benefits. Staff recommended a favor position on SB 361.

Ex Officio Member Cannon Michael made the motion to recommend the Board of Directors adopt staff recommendation for positions on legislation. The motion was seconded by Alternate Member Anthea Hansen. The Committee action is reported as follows:

AYES:	Michael, Bourdeau, Hansen, White, Gin
NOES:	None
ABSTENTIONS:	None

**6. Executive Director’s Report.**

- a. **OM&R Water Rate Adjustment** – Executive Director Federico Barajas reported that the Authority Board of Directors adopted the initial WY 2023 OM&R rates on February 9, 2023 at a 10% agricultural water contractor allocation. Barajas reported that on February 22, 2023, the U.S. Bureau of Reclamation announced initial 2023 water supply contract allocations based on updated reservoir and hydrologic conditions. Barajas reported that the water year is currently forecasted to be non-critical, and in addition, Reclamation announced initial allocations of 35% to south-of-Delta agricultural water contractors and 75% to south-of-Delta municipal and industrial contractors. Barajas reported the Finance & Administration Committee (FAC) is meeting

this afternoon, and staff is recommending that the FAC recommend that the Board of Directors approve a rate adjustment to Water Year 2023 OM&R Water Rates based on a 35% agricultural contractor allocation.

- b. **Finance & Administration Committee Joint Ratesetting Workshop** – Executive Director Federico Barajas reported that there will be a ratesetting workshop on Monday, March 13, 2023.
- c. **Strategic Plan** - Executive Director Federico Barajas reported that he is the process of securing a contract with Martin Rauch. Barajas reported that Rauch would initiate interviews with Authority Board members to prep for the initial workshop next month.

#### 7. **Update on Water Policy/Resources Activities.**

Water Policy Director Scott Petersen provided a brief summary of the report included in the packet. Petersen reported that the Army Corps of Engineers extended the public comment period for the draft EIS on the Delta Conveyance Project. Petersen reported that the new date for comments to be filed is March 16, and the Authority will be coordinating with member agencies on comments.

Petersen reported that the Authority joined a letter with the State Water Contractors pointing out deficiencies in the science used to support the proposed listing of the longfin smelt distinct population segment as endangered and requested a public hearing on the listing status. Petersen reported that on February 25, the Service reopened the public comment period through March 29, 2023, and will host a virtual public hearing on March 14, 2023, from 5:00 – 7:00 pm on ZOOM.

Petersen reported that the Water Blueprint will hold its next Board meeting and Large Group meeting on March 15. Petersen reported that the Technical Committee is currently working on a project ranking criteria for the Blueprint itself to include and/or support individual GSA projects as part of the Blueprint Advocacy work. Petersen reported that the Blueprint Board met in February, approving the execution of a contract with the Hallmark Group for association management services and authorizing the Communications Committee to work with the Advocacy Committee to develop a Communications Plan to guide communications for the organization.

Petersen reported that the CAP Plenary Group met and approved the formation of work groups to advance the revised Term Sheet. Petersen reported that the Work groups will be meeting to discuss several key topics listed in the Term Sheet and create near term actions and priorities.

Petersen reported that Delta-Mendota Subbasin groundwater sustainability agencies received an inadequate finding regarding the Delta-Mendota Subbasin GSPs, and the next step is a hearing in 90-120 days before the State Water Resources Control Board (SWRCB), and then 90-days to work with SWRCB staff to correct deficiencies.

**8. Update on Water Operations and Forecasts.**

Westlands Water District's Tom Boardman reported on Shasta storage, which is trending close to Reclamation's median forecast that shows Shasta refilling to 4.2 MAF later this spring. The expected storage increase is related to above average snowpack and approaching storm system. Folsom storage was briefly reported along with snowpack conditions.

Delta conditions were discussed including current export pumping rates. Boardman explained that Jones pumping is not currently limited, but Banks pumping is constrained by an OMR limit.

Current and near-term San Luis storage were reported followed by refill projections under dry and median conditions. A brief discussion of possible allocations also occurred.

Boardman responded to a question asked by Chairman Bourdeau regarding the magnitude and snow level of the storm expected later this week.

**9. Committee Member Reports.**

None.

**10. Agenda Item 10-12: Closed Session**

Committee Chair William Bourdeau adjourned the open session to address the items listed on the Closed Session Agenda at approximately 10:28 a.m. Upon return to open session at approximately 10:57 a.m., General Counsel Rebecca Akroyd reported that no reportable actions were taken in closed session.

**11. Agenda Item 13: Reports Pursuant to Government Code Section 54954.2**

None.

**12. Agenda Item 14: Adjournment**

The meeting was adjourned at approximately 10:58 a.m.





## MEMORANDUM

TO: SLDMWA Water Resources Committee Members and Alternates

FROM: Scott Petersen, Water Policy Director

DATE: April 3, 2023

RE: Update on Water Policy/Resources Activities

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### Background

This memorandum is provided to briefly summarize the current status of various agency processes regarding water policy activities, including but not limited to the (1) Reinitiation of Consultation on Long-Term Operations of the Central Valley Project and State Water Project, including environmental compliance; (2) State Water Resources Control Board action; (3) San Joaquin River Restoration Program; (4) Delta conveyance; (5) Reclamation action; (6) Delta Stewardship Council action; (7) San Joaquin Valley Water Blueprint and San Joaquin Valley Water Collaborative Action Plan.

### Policy Items

#### Reinitiation of Consultation on Long-Term Operations of the Central Valley Project and State Water Project

In August 2016, the Bureau of Reclamation and California Department of Water Resources (DWR) requested reinitiation of consultation with NOAA Fisheries, also known as National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (FWS) due to multiple years of drought, low populations of listed species, and new information developed as a result of ongoing collaborative science efforts over the last 10 years.

On Jan. 31, 2019, Reclamation transmitted its Biological Assessment to the Services. The purpose of this action is to continue the coordinated long-term operation of the CVP and SWP to optimize water supply delivery and power generation consistent with applicable laws, contractual obligations, and agreements; and to increase operational flexibility by focusing on nonoperational measures to avoid significant adverse effects to species.

The biological opinions carefully evaluated the impact of the proposed CVP and SWP water operations on imperiled species such as salmon, steelhead and Delta smelt. FWS and NMFS documented impacts and worked closely with Reclamation to modify its proposed operations to minimize and offset those impacts, with the goals of providing water supply for project users and protecting the environment.

Both FWS and NMFS concluded that Reclamation's proposed operations will not jeopardize threatened or endangered species or adversely modify their critical habitat. These conclusions were reached for

several reasons – most notably because of significant investments by many partners in science, habitat restoration, conservation facilities including hatcheries, as well as protective measures built into Reclamation's and DWR's proposed operations.

On Oct. 21, 2019, FWS and NMFS released their biological opinions on Reclamation's and DWR's new proposed coordinated operations of the CVP and SWP.

On Dec. 19, 2019, Reclamation released the final Environmental Impact Statement analyzing potential effects associated with long-term water operations for the CVP and SWP.

On Feb. 18, 2020, Reclamation approved a Record of Decision that completes its environmental review for the long-term water operations for the CVP and SWP, which incorporates new science to optimize water deliveries and power production while protecting endangered species and their critical habitats.

On January 20, 2021, President Biden signed an Executive Order: “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis”, with a fact sheet<sup>1</sup> attached that included a non-exclusive list of agency actions that heads of the relevant agencies will review in accordance with the Executive Order. Importantly, the NOAA Fisheries and U.S. Fish and Wildlife Service Biological Opinions on the Long-Term Operation of the Central Valley Project and State Water Project were both included in the list of agency actions for review.

On September 30, 2021, Reclamation Regional Director Ernest Conant sent a letter to U.S. FWS Regional Director Paul Souza and NMFS Regional Administrator Barry Thom requesting reinitiation of consultation on the Long-Term Operation of the CVP and SWP. Pursuant to 50 CFR § 402.16, Reclamation indicated that reinitiation is warranted based on anticipated modifications to the Proposed Action that may cause effects to listed species or designated critical habitats not analyzed in the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) Biological Opinions, dated October 21, 2019. To address the review of agency actions required by Executive Order 13990 and to voluntarily reconcile CVP operating criteria with operational requirements of the SWP under the California Endangered Species Act, Reclamation and DWR indicated that they anticipate a modified Proposed Action and associated biological effects analysis that would result in new Biological Opinions for the CVP and SWP.

Following this action, on October 20, 2021, the SLDMWA sent a letter to Reclamation Regional Director Ernest Conant requesting participation in the reinitiation of consultation pursuant to Section 4004 of the WIIN Act and in the NEPA process as either a Cooperating Agency or Participating Agency.

On February 26, 2022, the Department of the Interior released a Notice of Intent To Prepare an Environmental Impact Statement (EIS) and Hold Public Scoping Meetings on the 2021 Endangered Species Act Reinitiation of Section 7 Consultation on the Long-Term Operation of the Central Valley Project and State Water Project<sup>2</sup>. In response to this, on March 30, 2022, the SLDMWA submitted a comment letter highlighting actions for Reclamation to consider during preparation of the EIS.

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<sup>1</sup> <https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/20/fact-sheet-list-of-agency-actions-for-review/>

<sup>2</sup> <https://www.govinfo.gov/content/pkg/FR-2022-02-28/pdf/2022-04160.pdf>

During May 2022, Reclamation issued draft copies of the Knowledge Base Papers for the following management topics and requested supplementary material review and comments, to which the Authority submitted comment letters in June:

1. Spring-run Juvenile Production Estimate- Spring-run Survival Knowledge Base Document, May 2022
2. Steelhead Juvenile Production Estimate-Steelhead Survival Knowledge Base Document, April 2022
3. Old and Middle River Reverse Flow Management – Smelt, Chinook Salmon, and Steelhead Migration and Survival Knowledge Base Document, May 2022
4. Central Valley Tributary Habitat Restoration Effects on Salmonid Growth and Survival Knowledge Based Paper, March 2022
5. Delta Spring Outflow Management Smelt Growth and Survival Knowledge Base Document, May 2022
6. Pulse Flow Effects on Salmonid Survival Knowledge Base Document, May 2022
7. Summer and Fall Habitat Management Actions – Smelt Growth and Survival Knowledge Base Document, May 2022
8. Shasta Cold Water Pool Management – End of September Storage Knowledge Base Document, May 2022

Subsequent to the Knowledge Base Paper review, a Scoping Meeting was held, to which Water Authority staff provided comments, resulting in the release of a Scoping Report<sup>3</sup> by Reclamation in June 2022.

On October 14, 2022, Reclamation released an Initial Alternatives Report (IAR), which Authority staff is reviewing and coordinating with member agencies for potential engagement with Reclamation regarding the alternatives presented in the report. Currently, Reclamation is not anticipating accepting formal comments on the IAR, but instead will be accepting comments on the draft Environmental Impact Statement, which is anticipated to be released within the next month or two.

### Current Milestones

- December 2022 – Proposed Action and Alternatives
- Early 2023 – Public Draft EIS/Biological Assessment
  - The public draft EIS will be the avenue for comments to Reclamation
  - Cooperating agencies will receive an administrative draft of the EIS
- June 2023 – Next WIIN Act Quarterly Meeting
- February 2024 – Record of Decision

### Exploratory Modeling

Concurrent with the development of the EIS and BA, Reclamation is conducting Exploratory Modeling to assist in the development of the Proposed Action and Biological Assessment. As a part of this work, the Benchmark model has been updated, with further updates to come. Current efforts are focused on modeling of the various alternatives provided in the IAR, with an expected completion date of the June for the final NEPA alternative analysis.

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<sup>3</sup> <https://www.usbr.gov/mp/bdo/docs/lto-scoping-report-2022.pdf>

### *Proposed Shasta Framework*

#### *Goals*

- Consider and adapt to climate change proactively
- Proactively limit extreme drought effects
- Avoid dramatic changes in water supply
  - Limit spill frequency and magnitude
- Connect fish protections with drought protections
  - Manage Shasta and take actions that will support cold water pool and overall storage volume if the following year is dry
  - Support drought protection based on hydrology, system conditions, and fish conditions together
- Consider Victorian Objectives – enhance in wet years, protect in dry years
- Integrate VA assets as a mechanism for achieving Shasta management objectives (flows and habitat)
- Enhanced collaboration, especially in drought years
- Recognize the value of habitat improvements
- Science-based planning
- Multi-agency management evaluation of system-wide risk tradeoffs

#### *Ongoing Discussions*

- Representing Sacramento River Settlement Contractor Demands by Historic Diversion and Transfers
- Reductions to CVPIA Level 2 Refuge Deliveries
- Temporary Urgency Change Petitions
- Voluntary Agreements
- Sacramento River Settlement Contractor Ownership of Reductions
- Transfers
- Wilkins Slough Criteria
- Storage, Conveyance, and Other Infrastructure Projects
- 2040 Climate Conditions

### *Longfin Smelt Proposed Rule*

On Thursday, October 6, the U.S. Fish and Wildlife Service announced a proposed rulemaking to list the San Francisco Bay-Delta distinct population segment of longfin smelt as an endangered species under the Endangered Species Act (ESA).

Longfin smelt are currently listed as a threatened species under California's Endangered Species Act, which prohibits unpermitted possession, purchase, sale or take of listed species. However, the state's definition of take does not include harm, which under the federal ESA can include destruction of habitat.

The Authority joined a letter<sup>4</sup> with the State Water Contractors pointing out deficiencies in the science used to support the proposed listing of the longfin smelt distinct population segment as endangered and requested a public hearing on the listing status. We are pending a response to that public hearing request.

In response to this letter, on February 25, the Service reopened the [public comment period](#) through March 29, 2023, and hosted a virtual hearing where Authority staff provided comments consistent with the Authority's comment letter.

## State Water Resources Control Board (State Water Board) Activity

### Bay Delta Water Quality Control Plan Update

#### *Background*

The State Water Board is currently considering updates to its 2006 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary ("Bay Delta Plan") in two phases (Plan amendments). The first Plan amendment is focused on San Joaquin River flows and southern Delta salinity ("Phase I" or "San Joaquin River Flows and Southern Delta Salinity Plan Amendment"). The second Plan amendment is focused on the Sacramento River and its tributaries, Delta eastside tributaries (including the Calaveras, Cosumnes, and Mokelumne rivers), Delta outflows, and interior Delta flows ("Phase II" or "Sacramento/Delta Plan Amendment").

During the December 12, 2018 Water Board Meeting, the Department of Water Resources ("DWR") and Department of Fish and Wildlife presented proposed "Voluntary Settlement Agreements" ("VSAs") on behalf of Reclamation, DWR, and the public water agencies they serve to resolve conflicts over proposed amendments to the Bay-Delta Plan update.<sup>5</sup> The State Water Board did not adopt the proposed VSAs in lieu of the proposed Phase 1 amendments, but as explained below, directed staff to consider the proposals as part of a future Delta-wide proposal.

**Phase 1 Status:** The State Water Board adopted a resolution<sup>6</sup> to adopt amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and adopt the Final Substitute Environmental Document during its December 12, 2018 public meeting.

Most recently, on July 18, 2022, the State Water Resources Control Board issued a Notice of Preparation (NOP)<sup>7</sup> and California Environmental Quality Act (CEQA) Scoping Meeting for the Proposed Regulation to Implement Lower San Joaquin River Flows (LSJR) and Southern Delta Salinity Objectives in the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta (Bay-Delta Plan).

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<sup>4</sup> Request from Authority staff

<sup>5</sup> Available at <https://water.ca.gov/-/media/DWR-Website/Web-Pages/Blogs/Voluntary-Settlement-Agreement-Meeting-Materials-Dec-12-2018-DWR-CDFW-CNRA.pdf>.

<sup>6</sup> Available at [https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/resolutions/2018/rs2018\\_0059.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2018/rs2018_0059.pdf).

<sup>7</sup> Available at [https://www.waterboards.ca.gov/public\\_notices/notices/20220715-implementation-nop-and-scoping-dwr-baydelta.pdf](https://www.waterboards.ca.gov/public_notices/notices/20220715-implementation-nop-and-scoping-dwr-baydelta.pdf)

The purpose of the NOP is: (1) to advise responsible and trustee agencies, Tribes, and interested organizations and persons, that the State Water Board or Board will be the lead agency and will prepare a draft EIR for a proposed regulation implementing the LSJR flow and southern Delta salinity components of the 2018 Bay-Delta Plan, and (2) to seek input on significant environmental issues, reasonable alternatives, and mitigation measures that should be addressed in the EIR. For responsible and trustee agencies, the State Water Board requests the views of your agency as to the scope and content of the environmental information related to your agency's area of statutory responsibility that must be included in the draft EIR.

In response to the release of the NOP, the Water Authority and member agencies provided scoping comments<sup>8</sup>.

**Phase 2 Status:** In the State Water Board's resolution adopting the Phase 1 amendments, the Water Board directed staff to assist the Natural Resources Agency in completing a Delta watershed-wide agreement, including potential flow and non-flow measures for the Tuolumne River, and associated analyses no later than March 1, 2019. Staff were directed to incorporate the Delta watershed-wide agreement as an alternative for a future, comprehensive Bay-Delta Plan update that addresses the reasonable protection of beneficial uses across the Delta watershed, with the goal that comprehensive amendments may be presented to the State Water Board for consideration as early as possible after December 1, 2019.

On March 1, 2019, the California Department of Water Resources and the Department of Fish and Wildlife submitted documents<sup>9</sup> to the State Water Board that reflect progress since December to flesh-out the previously submitted framework to improve conditions for fish through targeted river flows and a suite of habitat-enhancing projects including floodplain inundation and physical improvement of spawning and rearing areas.

Since the March 1 submittal, work has taken place to develop the package into a form that is able to be analyzed by State Water Board staff for legal and technical adequacy. On June 30, 2019, a status update with additional details was submitted to the Board for review. Additionally, on February 4, 2020, the State team released a framework for the Voluntary Agreements to reach "adequacy", as defined by the State team.

Further work and analysis is needed to determine whether the agreements can meet environmental objectives required by law and identified in the State Water Board's update to the Bay-Delta Water Quality Control Plan.

### *Schedule*

#### *LSJR Flow/SD Salinity Implementation Next Steps Assuming Regulation Path (Phase 1)*

- Summer 2023: Executive Director act on draft COP, compliance methods, and procedures for adaptive implementation

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<sup>8</sup> Request from Authority staff

<sup>9</sup> Available at [http://resources.ca.gov/docs/voluntary-agreements/2019/Complete\\_March\\_1\\_VA\\_Submission\\_to\\_SWRCB.pdf](http://resources.ca.gov/docs/voluntary-agreements/2019/Complete_March_1_VA_Submission_to_SWRCB.pdf)

- Fall 2023
  - Scientific Basis Report for Tuolumne River VAs submitted for peer review
  - Draft Staff Report for Bay-Delta Plan amendment for Tuolumne River VA
  - Draft Regulation and Draft EIR in support of a regulation implementing Lower SJR flows and South Delta Salinity
- Winter/Spring 2024
  - Final draft Staff Report for Tuolumne River VA
  - Board workshop and consideration of Tuolumne River VA
  - Final draft EIR and regulation implementing Lower SJR flows and South Delta Salinity
  - Board consideration of regulation implementing Lower SJR flows and South Delta Salinity

### *Sac/Delta Update: Key Milestones*

- Spring 2023: Scientific Basis Report Supplement for Sacramento River/Delta Voluntary Agreements submitted for peer review after addressing public comments
- Spring 2023: Draft Sacramento River/Delta Update Staff Report public review and comment
- Spring/Summer 2023: Public workshop on Draft Staff Report
- Spring/Summer 2024: Response to comments and development of proposed final changes to the Bay-Delta Plan
- Summer/Fall 2024: Board consideration of adoption

### *Voluntary Agreements*

On March 29, 2022, members of the Newsom Administration joined federal and local water leaders in announcing the signing of a memorandum of understanding<sup>10</sup> that advances integrated efforts to improve ecosystem and fisheries health within the Sacramento-San Joaquin Bay-Delta. State and federal agencies also announced an agreement<sup>11</sup> specifically with the Sacramento River Settlement Contractors on an approach for 2022 water operations on the Sacramento River.

Both announcements represent a potential revival of progress toward what has been known as “Voluntary Agreements,” an approach the Authority believes is superior to a regulatory approach to update the Bay-Delta Water Quality Control Plan.

The broader MOU outlines terms for an eight-year program that would provide substantial new flows for the environment to help recover salmon and other native fish. The terms also support the creation of new and restored habitat for fish and wildlife, and provide significant funding for environmental improvements and water purchases, according to a joint news release from the California Natural Resources Agency and the California Environmental Protection Agency (CalEPA). Local water agency managers signing the MOU

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<sup>10</sup> Available at <https://resources.ca.gov/-/media/CNRA-Website/Files/NewsRoom/Voluntary-Agreement-Package-March-29-2022.pdf>

<sup>11</sup> Available at <https://calepa.ca.gov/2022/03/29/informational-statement-state-federal-agencies-and-sacramento-river-settlement-contractors-agree-on-approach-for-2022-water-operations-on-the-sacramento-river/>

have committed to bringing the terms of the MOU to their boards of directors for their endorsement and to work to settle litigation over engaged species protections in the Delta.

On June 16, the SLDMWA, Friant Water Authority and Tehama Colusa Canal Authority signed onto the VA MOU. Additionally, since that time, in September and November, four more agencies – Contra Costa Water District, San Francisco Public Utilities Commission (SFPUC), Turlock Irrigation District (TID) and Modesto Irrigation District (MID) – have signed onto the VA MOU.

Work continues to develop the working documents associated with execution and implementation of the VA's and workgroups for participating agencies have been formed, with the recent formation of a VA Science Workgroup to develop the framework of the VA's proposed Science program.

## San Joaquin River Restoration Program

### 2023 Restoration Flows

On January 19, Reclamation issued the [initial allocation](#) for the 2023 water year, providing a total 556,542 acre-feet for Restoration Flows under a Wet year type. The Restoration Administrator, an independent body stipulated by the Settlement, has provided the initial Restoration Flow schedule. This schedule is now approved by Reclamation as being consistent with the Settlement, Restoration Flow Guidelines, and applicable water rights.

This schedule includes adjustments to Friant Dam releases to the San Joaquin River in February followed by gradually rising flows through the spring using available channel capacity. Restoration Flows decline in the summer but typically maintain connectivity throughout the Restoration Area. Restoration Flows increase again in autumn into winter to support salmon reproduction, incubation, and juvenile fry emergence.

The Restoration Allocation will be updated several times between now and May and, in response, the Restoration Administrator may adjust flows or add additional features to the hydrograph such as pulses or ramp-downs.

From January 3 through February 5, Friant Dam released flood management flows to the San Joaquin River as required to mitigate flood risk. On February 6, Restoration Flows began and will continue until flood releases resume again in one to two months.

As river levels may change rapidly, the public is encouraged to monitor flow conditions if recreating on or near the San Joaquin River. Natural storm runoff, the need to release additional water to mitigate flood, and changes to the Restoration Flow schedule may occur at any time. **Strong river flows and the effects of cold water should not be underestimated.**

The Restoration Flow schedule has been set to the following:

Date	Friant Dam Releases	Flows Rate at Gravelly Ford
February 10 – February 28	480 – 600 cfs as required to meet the flow target at Gravelly Ford	380 cfs



March 1 – March 31	Approximately 560 cfs	380 cfs
April 1 – April 30	Approximately 600 cfs	390 cfs
May 1 – May 21	Approximately 640 cfs	400 cfs
May 22 – May 31	Decreasing to approximately 440 cfs	Decreasing to 180 cfs
June 1 – July 29	Approximately 460 cfs	180 cfs
July 30 – October 31	Approximately 480 cfs	200 cfs
November 1 – December 31	Approximately 440 cfs	240 cfs
January 1 – February 6, 2024	Approximately 420 cfs	240 cfs
February 7 – February 29, 2024	Approximately 490 cfs	310 cfs

To view the Restoration Administrator Flow Recommendation, please visit [https://www.restoresjr.net/?wpfb\\_dl=2713](https://www.restoresjr.net/?wpfb_dl=2713). For Information about Restoration Flows, please visit <http://www.restoresjr.net/restoration-goal/restoration-flows/>. For the Restoration Administrator recommendations, please visit <http://www.restoresjr.net/documentsreports/ra-recommendations/>.

### 2023 Science and Engineering Meeting

The 2023 Science and Engineering Meeting will be held on May 2-3, from 8:30 am – 5:00 pm at the San Joaquin River Parkway and Conservation Trust. The meeting is free and open to the public and topics will include: Key Projects, Basin Hydrology and Restoration Flows, Fish Passage and Screening, Salmon Genetics, Subsidence, Fisheries Monitoring, and more.

### Delta Conveyance

The Department of Water Resources (DWR) has committed to advancing further environmental planning and permitting activities, as well as public outreach and engagement, in 2023.

To help navigate the various permitting and regulatory compliance processes the project must complete prior to approval and/or implementation, DWR prepared a roadmap<sup>12</sup> that outlines the major processes required for the Delta Conveyance Project.

The U.S. Army Corps of Engineers (USACE) issued a Draft EIS for the Delta Conveyance Project on December 16, 2022 for public review. This is a separate document and review process from DWR's Draft

<sup>12</sup> Available at [https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Delta-Conveyance/Public-Information/DCP\\_PlanningProcess\\_Roadmap\\_Jan2023\\_Final.pdf](https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Delta-Conveyance/Public-Information/DCP_PlanningProcess_Roadmap_Jan2023_Final.pdf)

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EIR public review process, and both are now closed. The document is available [here](#). The Authority submitted a comment letter<sup>13</sup> on the draft EIS.

## U.S. Bureau of Reclamation

### Reclamation Manual

#### *Documents out for Comment*

##### *Draft Policy*

- There are currently no Draft Policies out for review.

##### *Draft Directives and Standards*

- [CMP 11-04, Real Property and Reporting CMP](#) (comments due by 4/21/2023)

##### *Draft Facilities Instructions, Standards, and Techniques (FIST)*

- There are currently no Facilities Instructions, Standards, and Techniques out for review.

##### *Draft Reclamation Safety and Health Standards (RSHS)*

- There are currently no Safety and Health Standards out for review.

##### *Draft Reclamation Design Standards*

- There are currently no Design Standards out for review.

## San Joaquin Valley Water Blueprint

The Blueprint Board met on February 15, approving the execution of a contract with the Hallmark Group for association management services and authorizing the Communications Committee to work with the Advocacy Committee to develop a Communications Plan to guide communications for the organization.

### Committees

#### *Executive/Budget/Personnel*

Hallmark began its management/executive services March 1st and Providence will be assisting with the transition. The Board placed an initial cap on expenditures until a progress report is provided and additional approval for the Tasks are voted on. Hallmark has requested the Board identify 3 specific priorities to be pursued and accomplished.

#### *Advocacy/Communications*

Communications committee is utilizing its operation plan for creating and disseminating Blueprint communications. Advocacy committee is meeting and establishing a list of priorities and plan for future Advocacy and will coordinate with the Communications committee.

### Activities

#### *Large Group Meeting*

The Blueprint held a Large Group meeting on March 15th at the Tulare Ag Center (Approx. 100 attended). Speakers included Ellen Hanak, vice president and director of the PPIC Water Policy Center, who presented their policy brief “The Future of Agriculture in the SJV”; Senator Melissa Hurtado spoke virtually about her

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<sup>13</sup> See Appendix A

priorities and efforts on water, and Michelle Canales, policy analyst for Senator Caballero spoke virtually. Congressman Jim Costa also attended and spoke to the group.

#### *SJV/Delta Water Leaders' Summit*

Blueprint coordinated and invited a select group of agricultural and water leaders from the San Joaquin Valley and the Delta region to meet and tour the Delta and SJ Valley. Due to the high flood risk in the Delta, the Planning Committee rescheduled the Summit meetings to ensure that full attention is given to protecting life and property. Because of the unknown timeframe of the flood risk, we will reschedule the Summit meetings for later this year, perhaps after harvest. The purpose of this gathering is to foster a better understanding of the challenges each region faces and open a line of communication to discuss collective thoughts about the future of water and agriculture.

#### *Drinking Water Feasibility Study - CSU Fresno State, FWA, Self-Help, Sustainable Conservation*

The partners for the feasibility study are focused on reviewing study criteria for recharge projects in Fresno County encompassing the Friant Place of Use boundaries. FID, TID & SWID have contributed details about ongoing recharge projects. The group is focused on multi-benefits for recharge with a focus on drinking water with measurable results.

#### **San Joaquin Valley Water Collaborative Action Program (SJVW CAP)**

The CAP Plenary Group met on February 28 and approved the formation of work groups to advance the revised Term Sheet<sup>14</sup>, adopted on November 22, 2022. Work groups will be meeting to discuss several key topics listed in the Term Sheet and create near term actions and priorities. No official schedule has been set for work group meetings so look for future communications from CAP for updates.

Steering Committee members continue to meet to discuss the proposed budget and work with Reclamation regarding the requested funding.

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<sup>14</sup> Request from Authority staff

## **APPENDIX A**



## Westlands Water District

March 16, 2023

### **VIA Electronic Mail**

Zachary Simmons, Project Manager  
US Army Corps of Engineers, Sacramento District  
DLL-DCP-EIS@usace.army.mil

Re: Public Notice SPK-2019-00899: Draft Environmental Impact Statement for the Delta Conveyance Project

Dear Mr. Simmons:

The San Luis & Delta-Mendota Water Authority and Westlands Water District appreciate the opportunity to comment on the Draft Environmental Impact Statement ("Draft EIS") prepared by the U.S. Army Corps of Engineers pursuant to the National Environmental Policy Act ("NEPA") for the proposed Delta Conveyance Project ("Project") (Public Notice SPK-2019-00899). SLDMWA and Westlands provide three comments.

1. The Draft EIS emphasizes that the California Department of Water Resources ("DWR") is proposing the Project to restore and protect the reliability of State Water Project ("SWP") water deliveries by modernizing SWP infrastructure in the Delta. (Draft EIS, p. ES-1.) In its description of the Project's needs and objectives, the Draft EIS informs the decision makers and public that the Project would further the Project's purpose by providing operational flexibility to respond to sea level rise and climate change, potential water supply disruption due to seismic events, and aquatic conditions in the Delta. (*Ibid.*) The Draft EIS acknowledges the coordinated nature of SWP and Central Valley Project ("CVP") operations and, as a result, the fact that the Project and its objectives may bear relevance to the SWP and CVP. (See, e.g., *id.* at pp. 3.18-1–3.18-4.) It is thus appropriate for the final EIS to recognize that the resilience and adaptation benefits of the Project may also restore operational flexibility for the CVP as a result of a coordinated component, involving both the SWP and CVP, of the evolving suite of federal, state, regional, and local strategies needed to protect and ensure a safe and adequate water supply for California.

2. Participation in the Project by the United States Bureau of Reclamation ("Reclamation"), operator of the CVP, or by any of the water agencies that contract with Reclamation for CVP water ("CVP contractors") remains uncertain at this time. Nonetheless, SLDMWA and Westlands

support the Draft EIS’s approach to the environmental analysis of the Project as set forth in “Chapter 3: Affected Environment and Environmental Consequences,” which includes the CVP in its analysis of environmental consequences. (See, e.g., Draft EIS, pp. 3.18-1–3.18-4, 3.22-1–3.22-3.)

The Draft EIS explicitly incorporates DWR’s Delta Conveyance Project Draft Environmental Impact Report (“Draft EIR”), including its “detailed project description of nine project alternatives and a no-project alternative....” (Draft EIS, p. 2-1.) Both Alternatives 2a and 4a studied in the Draft EIR provide a comparison of impacts and potential benefits of CVP involvement in the Project, either through coordinated involvement by Reclamation, as a cooperating agency, or through engagement from individual CVP contractors. (Draft EIR, pp. 4-16–4-17.) Alternatives 2a and 4a describe potential CVP participation as a result of constructing and operating infrastructure linking the Project to the Jones Pumping Plant, allowing Reclamation to use 1,500 cubic feet per second (“cfs”) of the total Project capacity of 7,500 cfs. (*Ibid.*; see *id.* at pp. 3-7, 3-9, 3-14, 3-27, 3-39, 3-41–3-42, 3-80–3-86, 3-104–3-115.) In addition, although DWR’s Preferred Alternative—Bethany Reservoir Alignment, 6,000 cfs, Intakes B and C—does not include CVP participation, the analysis shows that potential impacts disclosed for this alternative would not change in any appreciable way with CVP involvement. (Draft EIR, pp. 4-17, see *id.* at pp. 3-116–3-133; Draft EIS, p. 2-52–2-60.)

It is important to note that, if Alternative 2a, 4a, or DWR’s Preferred Alternative was implemented with CVP participation, water made available from the Project to CVP contractors would not result in new or more severe environmental impacts than those already analyzed, as reflected in the evaluation of growth inducing effects. (Draft EIR, p. 31-1; see *id.* at pp. 31-7–31-10; Draft EIS, p. 4-3.)

The above-noted approaches in the Draft EIS should be maintained in the final EIS.

3. Consistent with the DWR’s stated needs and objectives of the Project, as noted above, the final EIS should make clear that the Project was developed and will be implemented to avoid or fully mitigate any potential adverse impacts to the CVP and CVP contractors, such as water supply reductions, changes to the timing when water is made available, or increases in the cost of water made available.

Thank you for your consideration of these comments.

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Very truly yours,

San Luis & Delta-Mendota Water Authority

Westlands Water District



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J. Scott Petersen  
Water Policy Director



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Jon D. Rubin  
Assistant General Manager & General Counsel