



Meeting Agenda

Date & Time: 9/14/2026 | 10:00 AM

Location: SLDMWA Boardroom

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

**842 6th Street, Los Banos
(List of Member/Alternate Telephonic Locations Attached)**

Public Participation Information

Join Zoom Webinar -

<https://us02web.zoom.us/j/83350174344?pwd=lqe4Fp0h66LPe64RN4lY7lNcq8Ta9g.1>

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

Item	Topic	Lead
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| 1. | Call to Order/Roll Call | |
| 2. | Water Resources Committee to Consider Additions or Corrections to the Agenda for the Water Resources Committee Meeting only, as Authorized by Government Code Section 54950 <i>et seq.</i> | |
| 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 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. | Approval of August 3, 2026 Meeting Minutes | |
| 5. | Committee to Consider Adoption of Staff Recommendations for Positions on Legislation: | Petersen |

- A. A.B. 2728 (Soria), Groundwater: de minimus extractors: fees: exemption

REPORT ITEMS

- | | | |
|------------|--|---------------------------------|
| 6. | Presentation of Draft Central Valley Project Performance Framework | Petersen |
| 7. | Status Update Regarding the DMC Subsidence Correction Project | Arroyave |
| 8. | Update on Status of Golden Mussels | Arroyave,
Petersen,
Meyer |
| 9. | Executive Director's Report
(May include reports on activities within the Water Resources Committee's jurisdiction re: 1) CVP/SWP water operations; 2) California infrastructure projects; 3) regulation of the CVP/SWP; 4) existing or possible new State and Federal policies; 5) Water Authority activities) | Barajas |
| 10. | Update on Water Policy/Resources Activities
(May include reports on federal, state, and local agency regulatory, legislative, and administrative water policy/resources activities) | Petersen |
| 11. | Update on Water Operations and Forecasts | Arroyave |
| 12. | Committee Member Reports | |
| 13. | Closed Session | Akroyd |

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of Litigation Pursuant to paragraph (4) of Subdivision (d) of Gov. Code Section 54956.9 – 3 potential cases

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

- A. CSPA, et al. v. State Water Resources Control Board (SWRCB), et al., Sac. Co. Superior Court, Case No. 34-2021-80003761 (2021 TUCP Order)
- B. CSPA, et al. v. SWRCB, et al., Sac. Co. Superior Court, Case No. 34-2021-80003763 (2021 Temp. Mgmt. Plan)
- C. SWRCB, Administrative Hearings Office, Petitions for Change of California Department of Water Resources (DWR) Water Right Permits, Delta Conveyance Project (DWR Change Petition)
- D. Long-Term State Water Project Operation Cases, Sacramento Co. Superior Court, Lead Case No. 24WM000181 (SWP 2024 EIR Challenge)
- E. San Francisco Baykeeper, et al. v. U.S. Bureau of Reclamation, et al. U.S. District Court, E.D. Cal., Case No. 2:26-cv-00671 (2025 CVP Operations)
- F. Bettencourt v. SLDMWA, et al., Merced Co. Superior Court, Case No. 26CV-01422 (employment complaint)

G. AquAlliance, et al. v. SLDMWA, et al. Sacramento Co. Superior Court, Case No.
26WM000149 (2026-2027 North to South Transfers CEQA Addendum)

- 14.** Return to Open Session
- 15.** Report from Closed Session, if any, Required by Government Code Section 54957.1
- 16.** Reports Pursuant to Government Code Section 54954.2(a)(3)
- 17.** 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 6th Street, P.O. Box 2157, Los Banos, California, via telephone at (209) 826-9696, or via email at 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/>.

SLDMWA WATER RESOURCES COMMITTEE REGULAR MEETING TELEPHONIC LOCATIONS

September 14, 2026

15671 W. Oakland Ave
Five Points, CA 93624



Meeting Minutes

Date & Time: 8/3/2026 | 10:00 AM

Location: SLDMWA Boardroom
842 6th Street, Los Banos

San Luis & Delta-Mendota Water Authority Water Resources Committee Regular Meeting and Joint Water Resources Committee Regular Meeting – Special Board Workshop Minutes

Attendance

Committee Members Present

Ex-Officio: Cannon Michael
Division 1: Anthea Hansen, Member
Division 2: Bill Diedrich, Member (item 6)
Division 3: Chris White, Member
Division 4: Dana Jacobson, Alternate
Division 5: Manny Amorelli, Alternate

Board of Directors Present

Division 1: Anthea Hansen, Director
Division 2: Justin Diener, Director (ZOOM)
Bill Diedrich, Director
Division 3: Chris White, Alternate
Jarrett Martin, Director
Cannon Michael, Chair/Director
Division 4: Dana Jacobson, Director
Brett Miller, Alternate
Division 5: Manny Amorelli, Director

Authority Representatives Present

Federico Barajas, Executive Director
Pablo Arroyave, Chief Operating Officer
Scott Petersen, Chief Strategic & Admin. Officer
Rebecca Harms, Deputy General Counsel
Ray Tarka, Director of Finance
Jaime McNeil, Engineering Director
Cindy Meyer, Special Programs Manager (ZOOM)
Eddie Reyes, Information Systems Technician
Stewart Davis, IT Officer

Others Present

Chase Hurley, Pacheco Water District
Patrick McGowan, Panoche Water District
Stephen Farmer, Westlands Water District
Lea Emmons, City of Tracy (ZOOM)

Agenda

Item	Topic	Lead
1.	Call to Order/Roll Call – The meeting was called to order by Acting Chair Cannon Michael at approximately 10:00 a.m. and roll was called. During roll call, Board member Justin Diener was identified as participating remotely via teleconference pursuant to Government Code section 54953(b), consistent with traditional teleconference rules.	
2	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 July 6, 2026 Meeting Minutes** – Acting Chair Cannon Michael deemed the July 6, 2026 Meeting Minutes approved as submitted.
5. **Recommendation to Adopt Staff Recommendation for Positions on Legislation** Petersen
A. H.R. 8876 (Walberg), Aquatic Invasive Species Control and Prevention Act of 2026 – Support & Amend
Water Policy Director Scott Petersen reviewed the staff recommendation for position on the listed legislation. Petersen answered questions throughout the presentation.
M/S - Motion by Alternate Member Manny Amorelli, seconded by Member Chris White, the Committee recommended adoption of the staff recommendation for position on H.R. 8876. Vote: Ayes – Michael, Hansen, White, Jacobson, Amorelli; Nays – 0; Abstentions – 0.
6. **Recommendation to Adopt Resolution Authorizing Execution of Letter Agreement for Westlands Water District Formula for Long Term Water Supply Project (“FLOWS Project”) and Westlands Water District FLOWS Project Activity Agreement** – Executive Director Federico Barajas reviewed the items included in the packet. Barajas reported that adopting the proposed resolution, executing the proposed Letter of Agreement, and executing the Activity Agreement would allow Reclamation to make non-reimbursable funding available to the Water Authority for the project prior to the funding expiration date. Barajas further explained that the Water Authority would concurrently execute a Westlands Water District Formula for Long Term Water Supply Project Activity Agreement with interested member agencies. The Water Authority would then work with the participating Activity Agreement Members to utilize the non-reimbursable funds for activities necessary to advance and complete the Project.
General Counsel Rebecca Akroyd reviewed the Resolution, Activity Agreement, and the Letter of Agreement. Akroyd reported that while both the draft Letter of Agreement and draft Activity Agreement are near final, additional revisions may be necessary before the documents are finalized and executed. Akroyd explained that staff is requesting authorization to execute the draft Letter of Agreement and draft Activity Agreement in substantial form. Staff answered questions throughout the presentation.
M/S - Motion by Member Anthea Hansen, seconded Alternate Member Manny Amorelli, the Committee recommended adoption of the resolution authorizing execution of Letter Agreement for Westlands Water District Formula for Long Term Water Supply Project (“FLOWS Project”) and Westlands Water District FLOWS Project Activity Agreement. Vote: Ayes – Michael, Hansen, Diedrich, White, Jacobson, Amorelli; Nays – 0; Abstentions – 0. Barajas, Akroyd
7. **Status Update Regarding the DMC Subsidence Correction Project** - Arroyave
Chief Operating Officer Pablo Arroyave introduced the item. Engineering Director Jaime McNeil reviewed the PowerPoint presentation included

in the packet, which summarized the work completed on the project in July, and provided an overview of completed work.

8. **Update on Status of Golden Mussels** – Chief Operating Officer Pablo Arroyave reviewed the memo included in the packet. Arroyave reported that funding was secured to continue with the monthly coordination meetings through January. Special Programs Manager Cindy Meyer provided additional information. Chief Strategic & Administrative Officer Scott Petersen provided a brief Golden Mussel legislative update. Arroyave, Petersen, Meyer
9. **Executive Director's Report** Barajas
 - a. **Tribal Beneficial Use (TBU) Draft Guidance Document** – Executive Director Federico Barajas reported that a public workshop on the Draft Guidance Document was held last week. Barajas highlighted potential future implications of the Guidance.
 - b. **Sites Excess Capacity Contract Negotiation** - Executive Director Federico Barajas reported that there are two negotiation sessions scheduled to occur this month in Sacramento.
 - c. **Delta-Mendota Canal (DMC) Sumps/Pumps** - Chief Operating Officer Pablo Arroyave provided a brief background regarding six sumps & pumps located in/along the lower DMC. Arroyave reported that the Authority operated and maintained them up until 2014, and then Panoche Drainage District took over the operations and maintenance. Arroyave reported that there have been discussions regarding the Authority potentially reassuming responsibility for the facilities during the next fiscal year.
10. **Update on Water Policy/Resources Activities** – Chief Strategic & Administrative Officer Scott Petersen provided a brief update on Action 5 implementation, Green Sturgeon, Trinity River, Tribal Beneficial Use, and San Joaquin Valley Blueprint, and CAP activities. Petersen answered questions throughout the presentation. Petersen
11. **Update on Water Operations and Forecasts** – Chief Operating Officer Pablo Arroyave introduced consultant Ron Milligan, who provided information regarding CVP supply, reservoir storage, allocations, snowpack, and operations. Milligan and staff answered questions throughout the presentation. Arroyave
12. **Committee Member Reports** – No reports.
13. - 15. **Closed Session** – Acting Chair Cannon Michael adjourned the open session to address the items listed on the Closed Session Agenda at approximately 11:23 a.m. Upon returning to open session at approximately 11:42 a.m., Acting Chair Cannon Michael reported that no reportable actions were taken in closed session. Akroyd
16. **Reports Pursuant to Government Code Section 54954.2(a)(3)** – No reports.
17. **Adjournment** – The meeting was adjourned at approximately 11:43 a.m.



Official Memorandum

PO Box 2157
Los Banos, CA 93635
sldmwa.org

To: SLDMWA Water Resources Committee Members and Alternates

From: Scott Petersen, Chief Strategic and Administrative Officer

Date: September 14, 2026

RE: Update on Water Policy/Resources Activities

This memorandum summarizes water policy developments since the last report across the standing topic areas within the Committee's purview. It opens with a one-page dashboard and the items requiring Committee attention; detailed reporting follows, and standing program backgrounds are consolidated in Appendix A (refreshed quarterly).

This Month at a Glance

Topic	Development this period	Authority action	Next milestone
1. CVP/SWP Long-Term Operations	Green Sturgeon cumulative salvage reached 32 fish against the 14-fish incidental take limit (Aug. 24 assessment ¹) — the second consecutive year exceeded; consultation with NMFS reinitiated; effects assessed as non-lethal, all fish released alive. Analysis of further Action 5 operational refinements continues.	Monitoring via Fish and Water Operations Group; coordinating with Reclamation.	ITL threshold resets Sept. 30, 2026
2. State Water Board – Bay-Delta Plan	Final draft Bay-Delta Plan, final Staff Report, and Final Scientific Basis Report Supplement released Aug. 19; written comments due Sept. 18. Authority, Westlands, and Friant issued a joint statement on the HRL Program Aug. 19. Reclamation provided comments and a letter on Sep. 4, and WWD issued a statement on Sep. 4. Phase 1 Tuolumne VA staff report pending. ²	Joint statement issued; provision-by-provision comments in preparation with member agencies and HRL partners.	Comments due Sept. 18, 2026; Board adoption hearing Oct. 28–29, 2026
3. State Water Board – Tribal Beneficial Uses	Comment period on draft TBU designation guidance closed Aug. 31; Board workshop held July 22.	Comments submitted ³	State Water Board consideration and finalization of guidance
4. CV Regional Water Quality Control Board	No activity to report this period.	—	—
5. SJR Restoration Program	2026 Restoration Allocation set at 281,739 AF at Gravelly Ford (Normal-Dry year type).	Reviewing recommended flow schedule.	Reclamation action on flow schedule
6. Delta Conveyance / Delta Stewardship Council	USACE finalized its NEPA Record of Decision (July 8); DWR submitted a Revised Certification of Consistency on remanded items (July 24).	Monitoring appeal window and permitting phase.	DSC appeal hearing and determination

¹ See Attachments

² See Attachments

³ See Attachments



Topic	Development this period	Authority action	Next milestone
	Three appeals of the revised certification were filed (effective Aug. 24).		
7. Reclamation Manual	No documents out for comment.	—	—
8. SJV Water Blueprint	Unified Water Plan administrative draft complete; Metropolitan groundwater banking study moving to kickoff; draft gubernatorial priorities letter in circulation.	Participating in planning and study efforts.	Board strategic planning Sept. 16, 2026
9. SJV Collaborative Action Program	“Vision for the San Joaquin Valley” released May 29; Phase II work groups continuing.	Participating in work groups.	Work group products; prioritization tool criteria

Items Requiring Committee Attention

Item	Type	Date
Bay-Delta Plan final draft comments – Written comments on the August 19 final draft Bay-Delta Plan and final Staff Report are due September 18. Staff is preparing provision-by-provision comments in coordination with member agencies and Healthy Rivers and Landscapes partners, and requests Committee input on priority issues before submittal.	Risk watch / informational	September 18, 2026
Green Sturgeon reinitiated consultation – Exceedance of the incidental take limit has triggered reinitiation of ESA consultation on CVP/SWP long-term operations. No action required this month; staff will report on the path forward with NMFS as it develops.	Risk watch / informational	Ongoing; threshold resets Sept. 30, 2026

Upcoming Deadlines and Milestones

- September 18, 2026: Written comments due on the final draft Bay-Delta Plan and final Staff Report.
- October 28–29, 2026: State Water Board consideration of adoption of the final draft Bay-Delta Plan (Sacramento).
- September 16, 2026: Water Blueprint board strategic planning session.
- September 30, 2026: Green Sturgeon cumulative incidental take threshold resets for the new water year.

Policy Items

1. Federal Actions – CVP/SWP Long-Term Operations

Green Sturgeon Incidental Take and Reinitiation of Consultation

What happened: Cumulative expanded salvage for Water Year 2026 first exceeded the 14-fish annual incidental take limit in the 2024 NMFS Biological Opinion on June 13 and, following a series of additional salvage events in August, reached 32 fish as of August 24 (10 fish collected — 3 at CVP and 7 at SWP facilities — with expanded totals reflecting sampling protocols). This is the second consecutive water year the limit has been exceeded (WY 2025 expanded salvage: 20 fish). Salvaged fish measured 347–597 mm,



corresponding to Ages 1–3. Reclamation issued an updated Green Sturgeon assessment on August 24 and has reinitiated consultation with the National Marine Fisheries Service.

Why it matters: Exceeding an incidental take limit is a compliance trigger that reopens ESA consultation on Project operations, and the limit has now been exceeded in the last two years. The August 24 assessment attributes the increase to higher juvenile production following favorable hydrology in Water Years 2023–2025 — Red Bluff monitoring has recorded its highest juvenile index in 26 years — and to warming South Delta temperatures hypothesized to shift juveniles toward more saline habitats. During the most recent salvage events, the export zone of influence was within the medium-low range under more negative Old and Middle River flows, extending up the OMR corridor as far north as Holland Cut and Mildred Island — a larger footprint than during the springtime events. Salvage effects remain non-lethal — no mortalities have been observed, and all fish salvaged in WY 2026 were released alive — and the assessment concludes that no information suggests the additional salvage poses risks to the population beyond those considered in the December 2025 Action 5 Record of Decision. The consultation outcome nonetheless bears watching for potential operational implications.

Authority action: Staff is monitoring through the Fish and Water Operations Group and coordinating with Reclamation.

Next steps: Based on historical patterns, additional salvage through the summer and fall months is possible. The cumulative salvage threshold resets on September 30, 2026. Staff will report on the consultation path forward with NMFS.

Action 5 Record of Decision (Executive Order 14181 Implementation)

What happened: In January 2025, President Trump issued Executive Order 14181, directing analysis of potential changes to operations under the December 2024 Record of Decision. On December 4, 2025, Reclamation executed a Record of Decision on the Long-Term Operations of the CVP and SWP (“Action 5”), updating the operations adopted in the December 2024 ROD and associated Biological Opinions. Action 5:⁴⁵

- Removes the Delta Smelt Summer and Fall Habitat Action (Fall X2), based on U.S. Fish and Wildlife Service findings that the action is not anticipated to have observable effects on delta smelt survival;
- Removes the early-implementation Delta export reduction associated with the Healthy Rivers and Landscapes (HRL) program, given uncertainty in the timing of potential State Water Board adoption of the HRL Program; and
- Updates Delta operating criteria to expand Old and Middle River (OMR) management to no more negative than –5,000 cfs, with a storm-flex action to –6,500 cfs, supported by predictive tools for real-time assessment of environmental conditions.

Why it matters: Modeling estimates a 250–400 TAF improvement in combined CVP/SWP export capability under Action 5, with the SWP share uncertain pending how the SWP operates under its Incidental Take Permit for California Endangered Species Act compliance. These changes bear directly on South-of-Delta supply reliability for member agencies.

⁴ <https://www.govinfo.gov/content/pkg/FR-2025-01-31/pdf/2025-02174.pdf>

⁵ https://www.usbr.gov/mp/nepa/nepa_project_details.php?Project_ID=54661



Next steps: Additional analysis is underway on further operational changes that could improve water supply while maintaining species protections, and on alternative methods to address effects on ESA-listed species and advance recovery.

Trinity River Division ESA Consultation

What happened: On June 5, Reclamation transmitted a Cooperating Agency draft Supplemental EIS for the 2021 Reinitiation of Consultation on Long-Term Operation of the CVP and SWP – Trinity River Division.

Authority action: The Water Authority submitted comments in coordination with member agencies.

2. State Water Resources Control Board

Bay-Delta Plan – Phase 1 (Lower San Joaquin River and Southern Delta Salinity)

What happened: Following the Board's September 19, 2025 notice on the Draft Scientific Basis Report Supplement for the Tuolumne River Voluntary Agreement, the Water Authority provided comments. Procedural history for Phase 1 is summarized in Appendix A.⁶

Next steps: (i) final draft Staff Report for the Tuolumne River VA; (ii) Board workshop and consideration of the Tuolumne River VA; (iii) final draft EIR and regulation implementing Lower San Joaquin River flows and Southern Delta salinity; and (iv) Board consideration of the implementing regulation.

Bay-Delta Plan – Phase 2 (Sacramento/Delta)

What happened: On August 19, the Board released the final draft Bay-Delta Plan, the final Staff Report/Substitute Environmental Document, and the Final Scientific Basis Report Supplement supporting the Voluntary Agreements. The final draft carries forward the dual-pathway structure, pairing the Healthy Rivers and Landscapes (HRL) program — through which participating water users could satisfy new requirements with a combination of flow and habitat measures — with an enforceable regulatory pathway for non-participants or in the event HRL does not deliver required results, and retains the proposed Tribal Tradition and Culture (CUL) beneficial use designation. Written comments are due September 18, 2026, and the Board will consider adoption at a public meeting on October 28–29, 2026.

Why it matters: The Phase 2 framework will set the regulatory baseline — or the VA alternative to it — governing Delta outflows and interior flows that shape member agencies' supplies. The scope of VA participation will determine which pathway applies to which water rights. On September 4, Reclamation released a letter commenting on the draft Final Bay-Delta Plan, detailing key concerns, and Westlands Water District issued a press statement.

Authority action: On August 19, the Water Authority, Westlands Water District, and Friant Water Authority issued a joint statement that the HRL Program could be the best path forward for California if key concerns are addressed, emphasizing sound science, operational flexibility, and protection of both natural resources and water supply reliability. Staff is preparing provision-by-provision comments on the final draft, coordinated with member agencies and HRL partners, for submission by September 18.

⁶ Request from Authority staff



Next steps: Written comments due September 18, 2026; Board consideration of adoption October 28–29, 2026, in Sacramento.

Draft Guidance on Designating Tribal Beneficial Uses

What happened: On June 17, the Board invited participation in review of its Draft Guidance on Designating Tribal Beneficial Uses (TBUs), which explains the history of TBUs, how they are designated into water quality control plans, and how to engage. The Board held a public workshop on July 22, and the written comment period closed at 12:00 p.m. on August 31, 2026.

Authority action: The Authority coordinated with member agencies and submitted comments⁷.

Next steps: State Water Board consideration and finalization of the guidance. Staff will monitor TBU designation activity relevant to the Bay-Delta Plan's proposed Tribal Tradition and Culture (CUL) beneficial use designation.

3. Central Valley Regional Water Quality Control Board

No activity to report this period.

4. San Joaquin River Restoration Program

No activity to report this period.

5. Delta Conveyance Project and Delta Stewardship Council

U.S. Army Corps of Engineers Record of Decision

What happened: On July 8, the U.S. Army Corps of Engineers, Sacramento District, finalized its Record of Decision for the proposed Delta Conveyance Project, completing the agency's programmatic environmental review under NEPA. The decision allows USACE to begin evaluating future permit applications — including under Clean Water Act Section 404 and Rivers and Harbors Act Section 10 — for project components within its jurisdiction.

Delta Plan Certification of Consistency – Remanded Items

What happened: Following the Delta Stewardship Council's April 23, 2026 determination — which dismissed or denied most appeals and remanded two policy areas — DWR submitted a Revised Certification of Consistency on July 24, 2026. For Delta Plan Policy ER P5, DWR describes its consideration and avoidance or mitigation of the potential for DCP facilities to improve habitat conditions for the invasive golden mussel; for Policy DP P2, DWR describes how it considered and reduced conflicts between the Twin Cities Complex and Sac Sewer's Harvest Water project. DWR has determined the covered action is consistent with both policies.

Next steps: Three appeals of the revised certification (C20262) were filed, including by the Counties of San Joaquin, Solano, and Yolo, Central Delta Water Agency, and Local Agencies of the North Delta, with an effective date of August 24, 2026. The Council will hold an appeal hearing followed by a determination. Staff is monitoring the appeal proceedings and the federal permitting phase.

⁷ Attached

6. U.S. Bureau of Reclamation – Reclamation Manual

No documents out for comment this period.

7. San Joaquin Valley Water Blueprint

Organizational background, mission, and strategic priorities appear in Appendix A. Developments this period:

- **Unified Water Plan:** A full administrative draft is complete. The Plan consolidates existing water plans and strategies into one valley-wide framework and quantifies a water supply gap of 2.5–3 million acre-feet by 2040, incorporating SGMA compliance, climate impacts, and environmental flow requirements. Even the most optimistic scenario — combining restored canal capacity, local recharge, and increased Delta access — leaves approximately 0.5–0.9 million acre-feet unmet and 200,000–400,000 acres requiring repurposing, at an estimated infrastructure cost of \$13–20 billion. The companion Bureau of Reclamation Report to Congress outline (Chapters 1–6) is available on request⁸.
- **Board strategic planning:** A planning session is set for September 16, 2026, following completion of the Unified Water Plan, to define the scope of future organizational activities — legislative advocacy, policy, and communications — for 2027 and beyond.
- **SB 72 / California Water Plan:** Senate Bill 72 (Caballero) directs DWR to identify and evaluate climate adaptation strategies to help meet water supply targets in the California Water Plan. The Blueprint has been invited to participate in DWR’s Adaptation Strategies “Test of Concept,” a pilot for the regional planning, technical evaluation, and engagement approach to be applied statewide for CWP 2033.
- **Groundwater banking study with Metropolitan Water District:** Metropolitan has approved the scope of work and budget; final task order execution is targeted for the end of the month, with a mid-July kickoff aligned to completion of the Unified Water Plan work.
- **Gubernatorial priorities letter:** A draft letter proposes a two-term water agenda for the next California administration, identifying an approximately 2.5 million acre-foot annual structural shortfall in the Valley and recommending a coordinated Unified Water Plan approach: drinking water reliability for disadvantaged communities; restored capacity in the California Aqueduct, Delta-Mendota Canal, and Friant-Kern Canal; groundwater recharge and demand reduction; large-scale storage and supply infrastructure; flood reduction; habitat restoration; farmland repurposing; and economic transition support — alongside streamlined permitting, sustainable funding, and science-based decision-making.⁹

8. San Joaquin Valley Water Collaborative Action Program

What happened: On May 29, the CAP released its “Vision for the San Joaquin Valley,” detailing desired outcomes, investment strategies, and policy reforms to transition the region toward sustainable water management for people, agriculture, and the environment. Phase II work groups (Safe Drinking Water; Sustainable Water Supplies; Ecosystem Health; Land Use, Demand Reduction and Land Repurposing;

⁸ <https://waterblueprintca.com/information/the-unified-water-plan/>

⁹ Request from Authority staff



Implementation) continue meeting, and a Steering Committee subgroup is reviewing example prioritization tools to craft a work plan and initial criteria. Program background appears in Appendix A.



Attachments

Assessment of CVP and SWP Delta Operations on Green Sturgeon

August 24, 2026

Executive Summary

On June 13, the cumulative salvage of 15 green sturgeon exceeded the incidental take statement in the 2024 NMFS Biological Opinion of 14 fish per water year. On August 24, there was continued cumulative salvage of 32 green sturgeon. Juvenile green sturgeon are typically in the Delta year-round and salvaged at low levels. This is the second year in a row that the annual incidental take limit was exceeded. Salvage and release effects are expected to be non-lethal.

During the most recent salvage event, the zone of influence (ZOI) from export pumping was within the medium-low range with more negative Old and Middle River flows. Juvenile green sturgeon reside and migrate between Delta habitats and regions to find optimal physiological conditions, which expose them to salvage facilities.

Detections of green sturgeon in salvage are hypothesized to be due to observations of higher juvenile production and Delta environmental conditions affecting migration behavior. No information, including literature, observation, or modeling suggests the additional salvage poses risks to the population beyond those considered in the 2025 LTO Record of Decision (ROD).

Operational and Regulatory Conditions

Green sturgeon annual cumulative salvage exceeded the annual (14 individuals) incidental take limit (ITL) set by the 2024 NMFS Biological Opinion on June 13 when the salvage total reached 15 individuals. The cumulative salvage ITL threshold resets on September 30, 2026.

Biology Distribution and Evaluation of Green Sturgeon

Delta Life Stages

Juvenile/Adult/Subadult

Historic Information

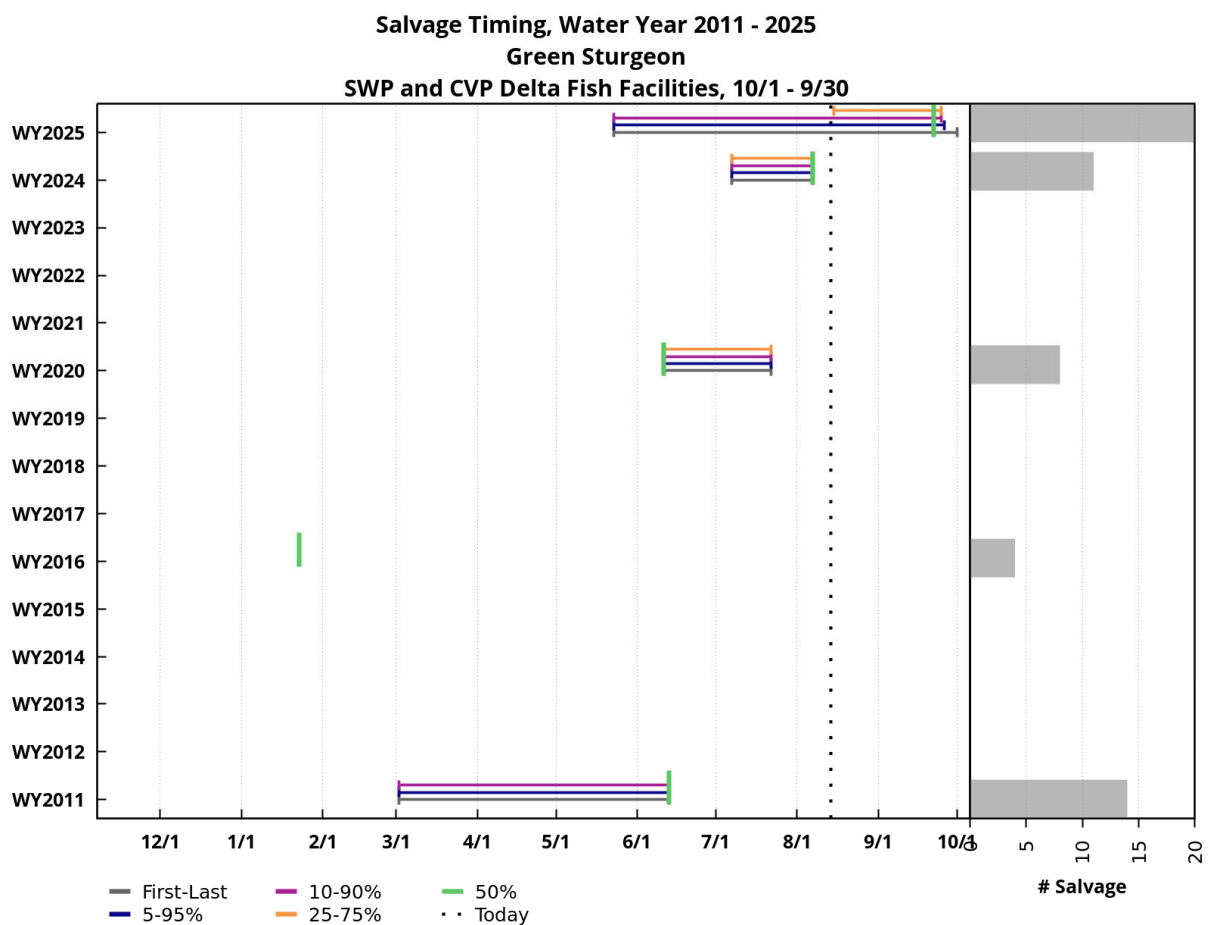
Subadult/Adult: Most abundant during spring spawning migration period of March through May, and post spawning out-migration periods May through June (early outmigrants) or September through January (late outmigrants) depending on interannual flow conditions in the spring and winter (Table 1). Adults are present year-round to a lesser extent in the Delta, but mainly in San Pablo Bay. In 2021, the adult abundance estimate was 13,161 (Dudley et al. 2021, NMFS 2021).

Year	Early Downriver Migration				Late Downriver Migration			
	Count	First Date	Mean Date	Last Date	Count	First Date	Mean Date	Last Date
2007	1	Aug 17	–	–	3	Dec 7	Dec 18	Jan 6
2008	0	–	–	–	–	–	–	–
2009	0	–	–	–	3	Oct 14	Nov 16	Jan 14
2010	0	–	–	–	3	Dec 7	Dec 9	Dec 11
2011	1	Jun 28	–	–	1	Jan 23	–	–
2012	10	May 24	Jun 14	Jul 24	7	Nov 21	Nov 25	Dec 2
2013	3	Jul 1	Jul 7	Jul 12	10	Dec 15	Feb 5	Feb 14
2014	3	May 22	Jun 11	Jul 26	10	Dec 1	Dec 4	Dec 6
2015	4	May 20	Jun 23	Jul 26	16	Oct 15	Dec 14	Jan 9
2016	9	Apr 15	May 21	Jul 7	17	Sep 22	Nov 13	Dec 12
2017	6	May 18	Jun 9	Jul 7	10	Nov 22	Jan 14	Mar 24

Table 1. Downriver adult migration based on early and late outmigration timing identified in telemetry analysis (Source: Table C-125 of LTO EIS Appendix AB-C).

Juvenile: Age-1 through Age-3 juveniles are present year-round and are detected across Delta regions sampled in resident and migratory fish monitoring surveys. This life stage is migrating, sheltering, foraging, and rearing in the Delta with greater detection in the winter and spring than in the summer and fall (Poletto et al. 2013, Miller et al. 2020, and Thomas et al. 2021). Juveniles tagged with acoustic tags in the Sacramento River near Sherman Island were detected as far upstream as the Cache Slough complex, in the San Joaquin River at the Antioch Bridge, and in Threemile, Horseshoe Bend, and Montezuma Sloughs (CDFW 2021). Seasonal abundance at juvenile acoustic tagging program primary sampling site (near Sherman Island) appears to be highest during summer based on capture and telemetry data. Residence time at the primary sampling site for individual fish ranges from one day to over one year, and telemetry data show outmigration times from the primary sampling site to the Pacific Ocean ranged from 27 to 552 days. Juvenile green sturgeon develop the osmoregulatory capacity to move out of freshwater by 1.5 years (~750mm, Allen and Cech 2007) and are hypothesized to migrate into estuarine conditions to maintain optimal growth. In 2021, the juvenile abundance estimate was 4,387 (Dudley et al. 2021, NMFS 2021).

Salvage: Since 2008, juvenile salvage has occurred in Water Years 2011, 2016, 2017, 2020, 2024, and 2025 (Figure 1).



www.cbr.washington.edu/sacramento/

14 Aug 2026 13:21:07 PDT

Figure 1. Historical salvage timing, Water Years 2001-2025. Source: SacPAS Salvage Timing Query (https://www.cbr.washington.edu/sacramento/data/query_salvage_hrt.html).

Current Salvage Information

Cumulative expanded salvage of green sturgeon in WY 2025 and WY 2026 was 20 and 32 fish, respectively (Table 2). In WY 2026, November 11, 2025 through August 21, 2026, 3 green sturgeon were salvaged at the CVP and 7 were salvaged at the SWP facilities. Total length size of the fish ranged from 347-597 mm, and based on Von Bertalanffy growth curves developed in Ulaski and Quist (2021) for Sacramento green sturgeon, the back-calculated ages of these individuals ranged from Age 1 to Age 3.

Table 2. Details for Green Sturgeon Salvage in WY 2025 and WY 2026.

Date	Facility	Water Year	Catch (n fish)	Salvage (Expanded)	Size (TL)	Age Range (years)
2025-05-22	CVP	WY 2025	1	4	442	1-2
2025-08-14	SWP	WY 2025	1	2	447	1-2
2025-09-21	CVP	WY 2025	1	4	526	1-3
2025-09-24	SWP	WY 2025	2	8	430-497	1-3
2025-09-25	SWP	WY 2025	1	1	500	1-3
2025-09-30	SWP	WY 2025	1	1	431	1-2
2025-11-12	SWP	WY 2026	1	4	496	1-2
2025-11-16	SWP	WY 2026	1	2	507	1-3
2026-03-31	SWP	WY 2026	1	1	597	1-3
2026-04-15	CVP	WY 2026	1	4	445	1-2
2026-06-13	CVP	WY 2026	1	4	376	1
2026-08-05	SWP	WY 2026	1	4	436	1-2
2026-08-13	SWP	WY 2026	1	4	396	1
2026-08-19	CVP	WY 2026	1	4	374	1
2026-08-20	SWP	WY 2026	1	1	495	1-3
2026-08-21	SWP	WY 2026	1	4	491	1-3

Fish Monitoring/Surveys

Fish monitoring survey catch of green sturgeon has increased in WY 2025 and 2026 (Table 3). The size of these fish reflect Age 1 to 4 year old fish, based on Ulaski and Quist (2021) and include these detections:

CDFW Juvenile Sturgeon monitoring and tagging (Marc Beccio, pers. comm.):

- As of 08/24/2026, 28 juvenile green sturgeon have been tagged in Grizzly Bay for 2026. Fork length ranged from 420mm to 790mm. CPUE is expected to be at its highest mid-July through mid-October.

CDFW Bay Study (Kenji Soto, pers. Comm.):

- 7/1/2025- 1 green sturgeon, 423mm TL (1-2 years old) at Station 736 (Sacramento River near Sherman Island).

- 7/15/2025- 1 green sturgeon, 767mm TL (2 to 4 years old) at Station 106 (San Francisco Bay).
- 8/11/2025- 1 green sturgeon, 417mm TL (1-2 years old) at Station 431 (Suisun Bay).
- 9/3/2025- 1 green sturgeon, 591mm TL (1 to 4 years old) at Station 431 (Suisun Bay).
- 3/3/2026- 1 green sturgeon, 193mm TL (1 year old), at Station 752 (Lower Sacramento River – North End of Decker Island).

Water Year	Salvage Facility Catch	Expanded Salvage	CDFW Bay Study Captures	USFWS Red Bluff Green Sturgeon RST CPUV (fish/ac-ft)
2010	0	0	2	n/a
2011	0	0	0	n/a
2012	0	0	0	n/a
2013	0	0	3	2.86
2014	0	0	4	2.98
2015	0	0	1	3.25
2016	1	4	0	30.35
2017	1	4	1	29.79
2018	0	0	2	0.41
2019	0	0	1	22.19
2020	2	8	0	1.58
2021	0	0	0	12.32
2022	0	0	1	0.02
2023	0	0	0	37.05
2024	3	11	3	9.10
2025	7	20	4	2.88
2026	10	32	TBD	11.11 (Preliminary)

Table 3. Historical Green Sturgeon Catch and Catch Per Unit Volume (CPUV).
[\(filelib.wildlife.ca.gov - /Public/salvage/Salmon Monitoring Team and Sturgeon/\)](https://filelib.wildlife.ca.gov/-/Public/salvage/Salmon%20Monitoring%20Team%20and%20Sturgeon/)

Evaluation

1) At current operations is salvage of green sturgeon likely to continue?

Possibly. Based on historical salvage data (Figure 1), salvage has occurred through summer and fall months. Juvenile and subadult green sturgeon are observed in the Delta and Bay in the Fall (Miller et al. 2020, Figure 2-3). Limited salvage detections occur during the winter and spring. Biological evaluation of the LTO found that green sturgeon salvage remained low and modeling found it could increase by up to 20% (one additional fish estimated) in Above Normal years (Reclamation 2025, Action 5_Record of Decision, Attachment 1_Exhibit 4 Table I.2-21). The magnitude of these changes falls within the natural variability accounted for in NMFS modeling and within the range of effects evaluated in the NMFS 2024 LTO Biological Opinion (section 7.5.1.3.9 Salvage Density, page 557).

2) Will continued salvage of Green Sturgeon have population level effects?

With limited recent juvenile or adult abundance data, there is high uncertainty regarding the magnitude of green sturgeon salvage and whether it could cause a population level effect. However, due to modifications to LTO operations in 2009, continued green sturgeon salvage is likely to have minimal to no effects. Between 1993 and 2009, before LTO operations were modified to no more than -5000 OMR, green sturgeon salvage occurred at higher levels (0-333 fish). Between 2009-2025, total salvage has been lower (0-26 fish) Between 2016-2020, salvage (annual salvage= 0 to 8 fish) was similar to current levels and were considered a low threat in the most recent 5-year status review (NMFS 2021).

The presence of green sturgeon in salvage is unlikely to reflect unobserved mortality or loss through process of collecting, handling, transporting, and releasing these fish. No mortalities have been observed in fish salvage operations, green sturgeon held in holding tanks looked healthy prior to release, and all sturgeon salvaged in WY2026 were successfully released alive in the Delta (R. Reyes, USBR, pers comm.). In addition, monthly predator removal activities remove 99% of predators from CVP bypasses and the secondary channel and only 1 green sturgeon (7/30/2024, 460mm, released healthy) has been observed in these activities since monthly removals began in 2017.

Laboratory studies found loss and predation of green sturgeon the size present in the salvage facilities to be extremely low. Steel et al. (2022) demonstrated that rate of green sturgeon successfully avoiding loss through louvers similar to the 1-inch louvers at the salvage facility ranged from 43%-99% for sturgeon less than 120 mm, 99% for sturgeon exceeding 120 mm in length, and 100% for sturgeon greater than 280 mm. Given that sturgeon salvaged in WY 2026 were greater than 280 mm, these findings suggest that unobserved loss of sturgeon through the louvers towards the pumping plant did not occur because fish smaller than 280mm would have been successfully guided into salvage facilities if present. Baird et al. (2019) indicated that green sturgeon larger than 200 mm face minimal predation risk from common predators such as striped bass and largemouth bass present adjacent to and in salvage facilities.

Is increased facility entrainment in WY 2026 a result of Delta hydrodynamics due to Delta operations or increased population size of green sturgeon due to ongoing population recovery?

Favorable spring hydrologic conditions during Above Normal (AN) and Wet (W) water years in 2023, 2024, and 2025 may have promoted increased survival rates for early life stages in these years, contributing to increased Age-1+ year old green sturgeon presence in the Delta. Dudley et al. (2026; Figure 6) noted that there is an increasing number of spawners and potentially greater recruitment occurring every 4-year spawning cycle (e.g. brood years 2026, 2022, etc.), which could suggest greater spawner abundance around the dominant year (e.g. on the shoulders of these brood years) and result in greater juvenile production. Annual Red Bluff green sturgeon (CPUV since 2023) has included the highest recorded estimate in 26 years of monitoring (Poytress & McCraney 2025; Table 3), with 4,290 larvae and 26 juveniles caught, and continued larval recruitment in the past few years. Based on length, the fish salvaged this year were likely Age 1-3 year old fish hatched during these favorable spring hydrological conditions (WY 2023- WY 2025).

Green sturgeon salvage this summer may have been influenced by different environmental attributes affecting movement behavior. Based on the real-time hydrodynamic modeling from August 18 through August 24 (Figure 4), the ZOI, which indicates the spatial scale of hydrologic alteration caused by CVP and SWP exports, extended up the Old and Middle River corridor as far north as Holland Cut and Midred Island. This footprint was greater than springtime footprints during earlier salvage events.

An environmental attribute that could affect behavior is temperature. Rising spring temperatures in the South Delta (Figure 5) are hypothesized to shape habitat use in this region. Laboratory studies indicate that juveniles exhibit optimal growth, metabolic performance, and swimming ability within a relatively narrow thermal range of 15–19°C (Mayfield and Cech 2004, as summarized in Heublein et al. 2017). Taken together, multiple co-occurring environmental factors likely constrain green sturgeon habitat use to a limited portion of the South Delta, and these fish may be selecting more saline habitats as thermal conditions in freshwater areas become less favorable. Notably, juvenile green sturgeon of comparable size and age (200–220 days post-hatch) have been shown to seek out higher-salinity water even without prior saltwater exposure, suggesting that this salinity preference may be innate rather than solely a behavioral response to elevated temperature (Poletto et al. 2013).

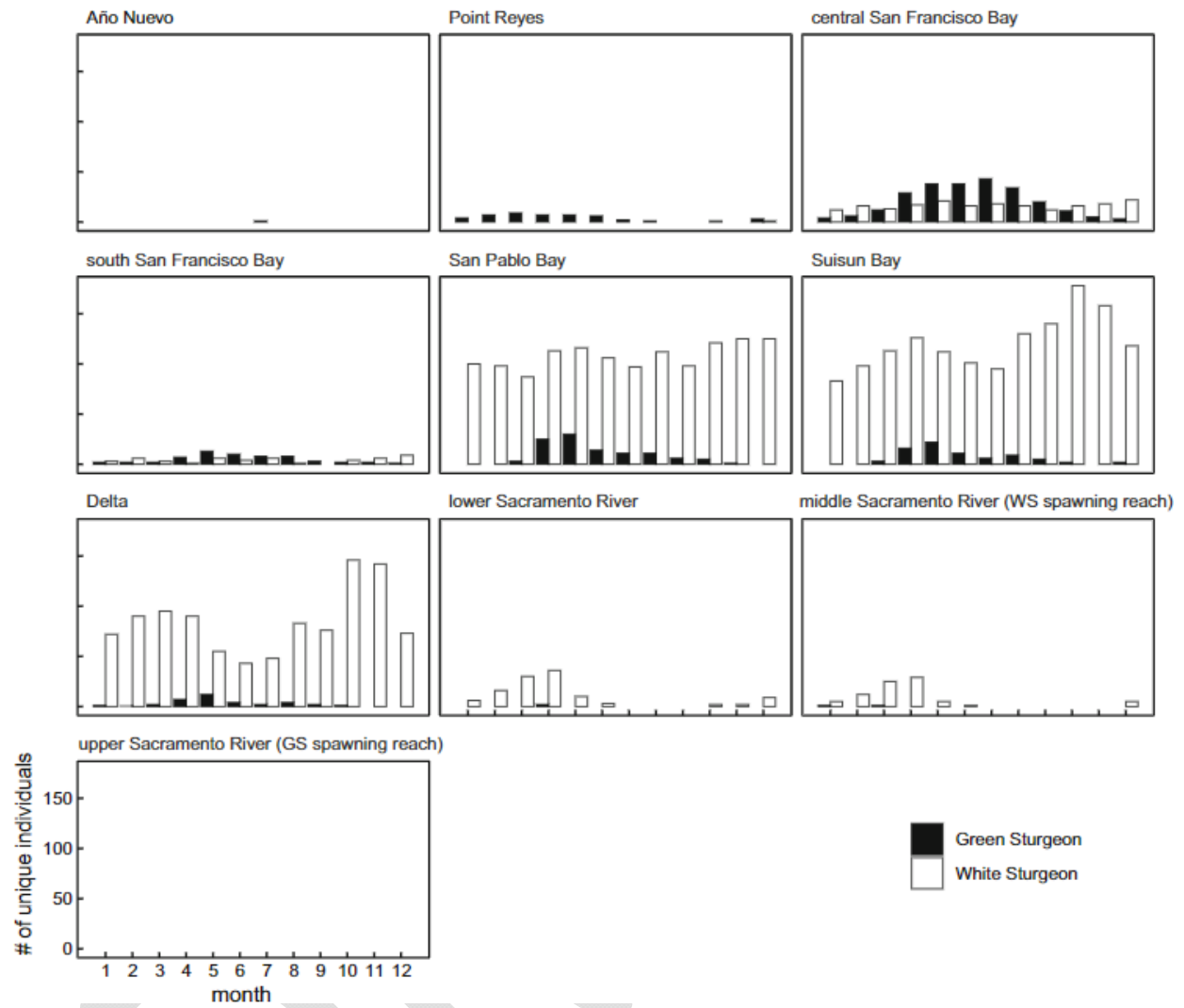


Figure 2. Subadult Green Sturgeon Presence Across all Months by River Reach (Source: Miller et al. 2020).

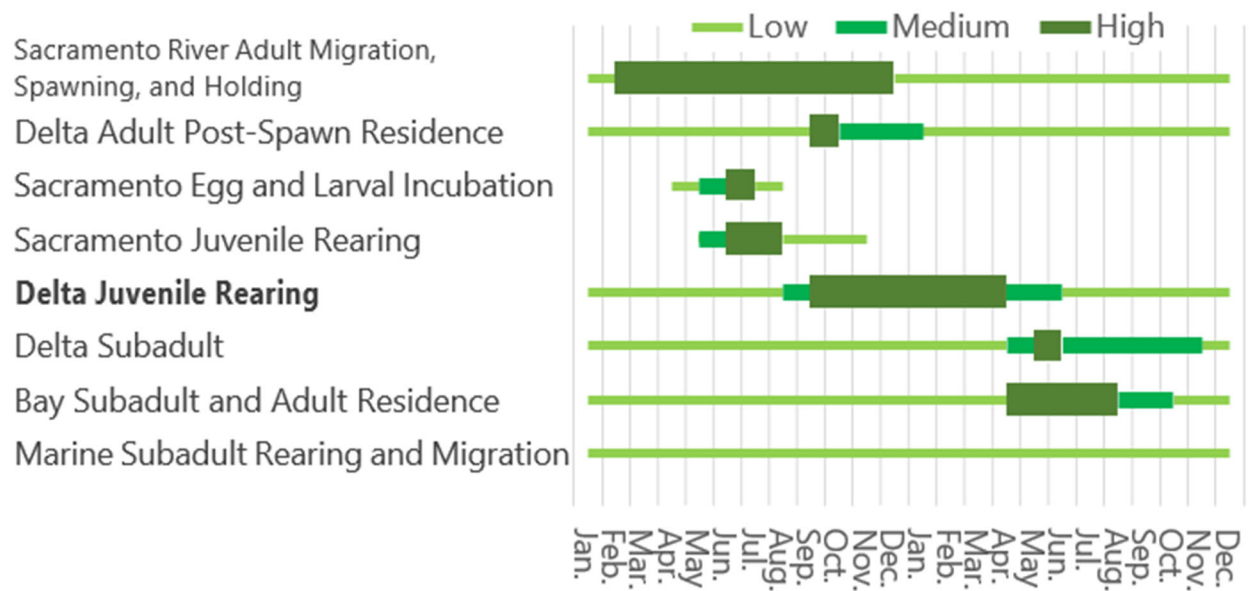


Figure 3. Temporal Life Stage Domains for Green Sturgeon (Source: Figure D-8 from LTO EIS Appendix AB-D)

0.75 Contour
 Week 2 (08/18/2026 - 08/24/2026)
 Sacramento Flow = 22,082 cfs
 San Joaquin Flow = 725 cfs
 Inflow bin = medlo
 OMR Flow (cfs)
 -10500

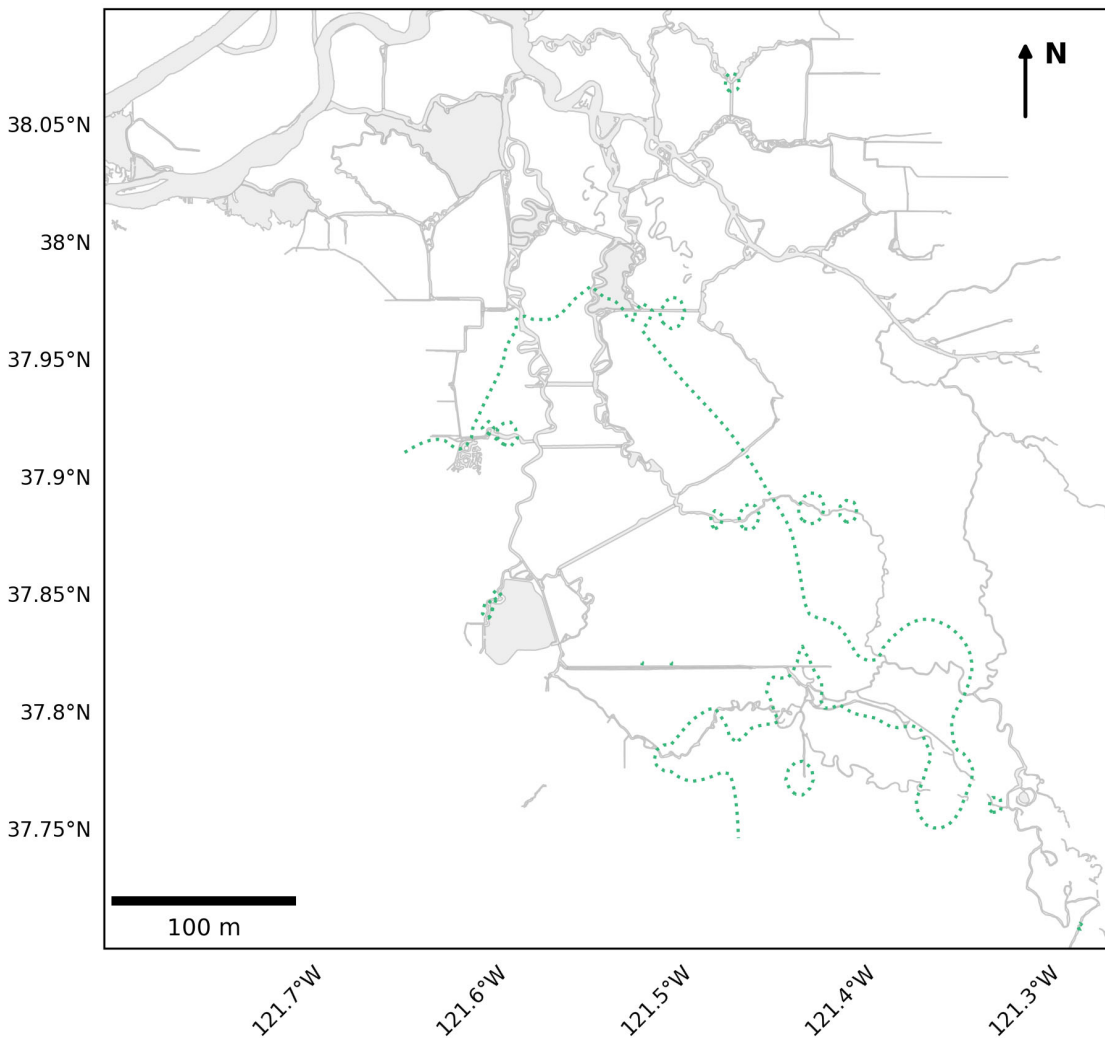


Figure 4. Contour maps delineating Delta export zone of influence under negative OMR Flow (cfs -10,500, during the week of 08/18/2026-08/24/2026) (Source: Stantec 2026, USBR 2024).

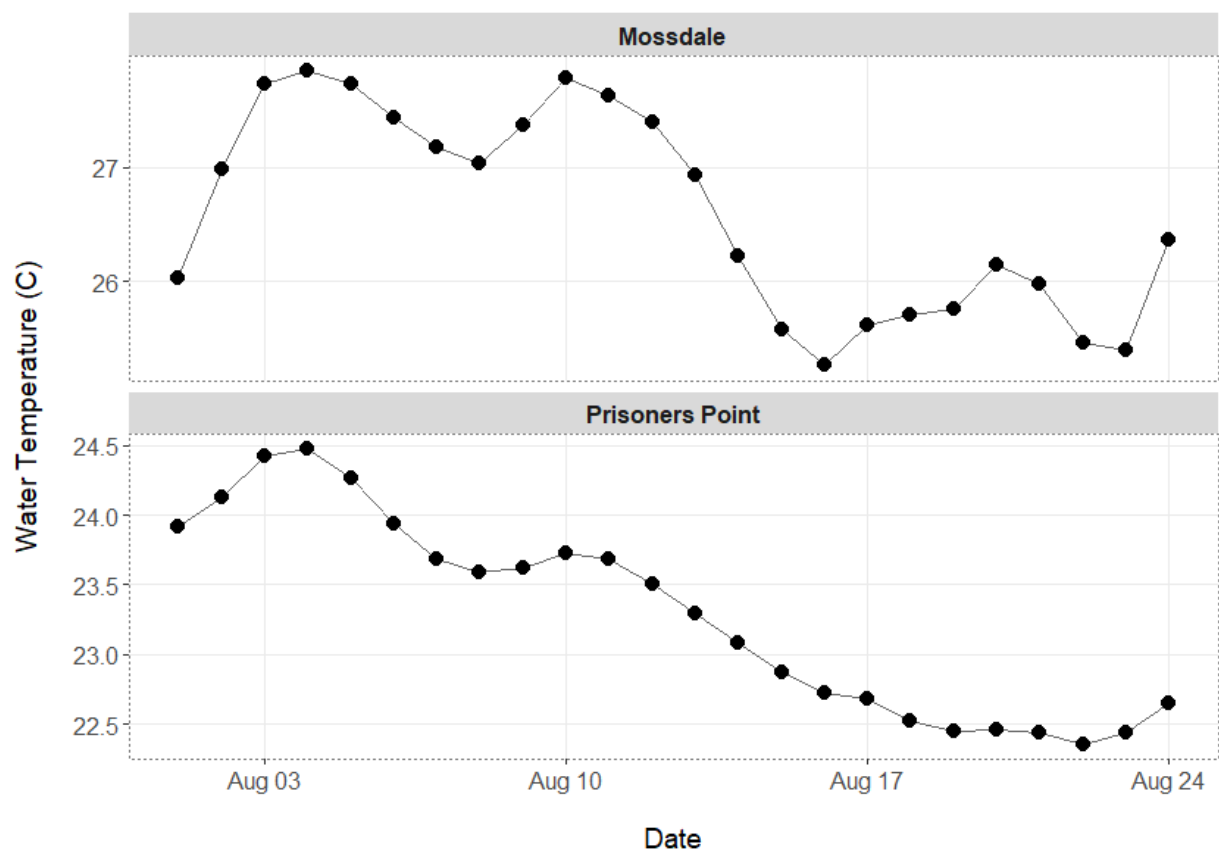


Figure 5. Daily water temperatures (°C) at Mossdale and Prisoners Point in the Sacramento-San Joaquin Delta, August 1-24, 2026.

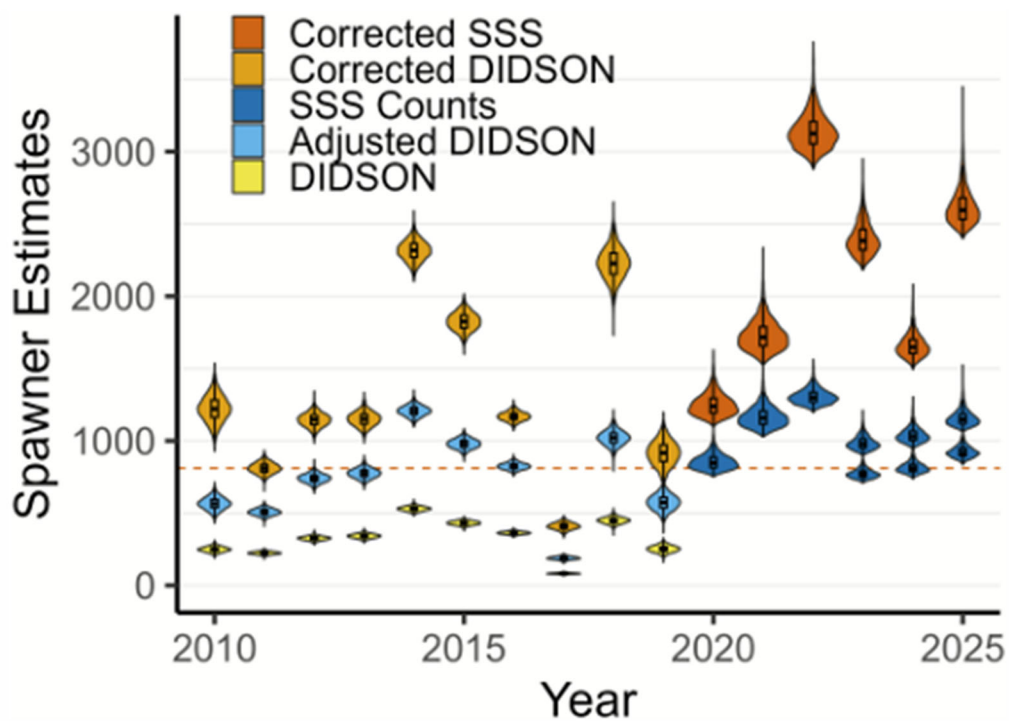


Figure 6. Time series of spawner estimates (Source: Dudley et al. 2026).

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United States Department of the Interior

BUREAU OF RECLAMATION
Washington, DC 20240



IN REPLY REFER TO:

CGB-100

1.1.02

VIA ELECTRONIC MAIL ONLY

State Water Resources Control Board
Division of Water Rights
Attn: Bay-Delta & Hearing Branch
P.O. Box 100
Sacramento, California 95812-0100

Subject: August 2026 Draft Water Quality Control Plan—Reclamation's Principal Concerns

Dear Chair Esquivel:

The Bureau of Reclamation (Reclamation) writes to express its serious concern with the State Water Resources Control Board's August 2026 Draft Water Quality Control Plan (Draft Plan) for the Bay-Delta. The Draft Plan, as written, threatens reliability of water supplies that support not only the Central Valley Project (CVP), but the entire fabric of California's agricultural economy, rural communities, urban centers, and natural vitality. Millions of people and businesses depend on the certainty and reliability of these water supplies. Federal, State, and local water projects represent generations of investment and partnership, they feed the nation and the world, supply our cities and communities, and generate the power that keeps the economy running. Deliveries from those projects are not abstract entitlements. They are the purpose of the CVP and State Water Project (SWP).

This letter states Reclamation's principal policy objections. Detailed technical comments are attached.

The standard for any Bay-Delta pathway is straightforward: water for people, gold-standard science, adaptive management, and measurable results—not process, delay, or undefined flow targets presented as progress.

The Draft Plan does not honor the 2022 Memorandum of Understanding and Term Sheet (2022 MOU). The 2022 MOU represented a collaborative, integrated approach—combining enforceable flow and habitat commitments, program certainty, and adaptive management. The Draft Plan keeps the HRL label and changes the terms of the agreement. It unilaterally redefines the baseline for additive flows and outflows increasing obligations for HRL parties beyond what was set forth in the 2022 MOU. It requires additional CVP and SWP export reductions of 125 TAF in dry and below-normal years and 175 TAF in above-normal years, and sets a regulatory default of 55 percent unimpaired flow. Neither pathway contains a durable mechanism that protects CVP contract performance – water for families, farms, communities. The backstop is more water, not the portfolio the parties negotiated in 2022.

The Draft Plan directly regulates federal reservoirs through carryover storage targets enumerated therein, and subject to Executive Director approval of temperature management strategies. The Draft also treats later lawful federal operations as a deficit to be repaid in more HRL water. State law cannot impose gatekeeping approval that conditions operations of federal reservoirs or Reclamation's temperature-management obligations under the Endangered Species Act and federal project purposes. Reclamation will continue to operate Shasta and the CVP under the governing Biological Opinion, Records of Decision, project purposes, and Executive Order 14181.

Finally, the Draft Plan centralizes decision-making authority in the Board's Executive Director, sidelining the collaborative, multi-party governance structure that was a cornerstone of 2022 MOU. Whether in the collaborative framework of the MOU or the proposed governance structure in the current Draft Plan, we want to be clear: a federal Record of Decision or biological opinion does not require State Board staff permission to be implemented.

These elements put the Board on a collision course to proscribe CVP operations that are inconsistent with and frustrate the purposes of federal directives for the project.

Reclamation and partners throughout the State recognized an opportunity to work with the State Board in this Draft Plan update that would provide certainty for water users while still ensuring protection of native fish and wildlife through integrated flow and habitat measures. The current draft plan reflects more of what has come to be expected from the State Board – executive and regulatory overreach, questionable legal authority, and continued downward pressure on water users throughout the state.

Reclamation cannot support or participate in a process that disregards federal law, undermines negotiated certainty, and threatens the viability of the CVP. If the Board proceeds on this path, Reclamation will:

- Cease any further participation or funding under HRLs or similar state pathways that do not protect CVP contract supplies and project purposes;
- Immediately begin review of outdated water right permit conditions that do not align with current conditions or science;
- Advance updated long-term operations decisions and, where warranted, reinstate Endangered Species Act consultation to secure greater operational flexibility consistent with law;
- Maximize deliveries under existing authorities and recent Records of Decision that have already shown the capacity to increase average annual supplies when operations are aligned with project purposes;
- Accelerate infrastructure that restores and expands conveyance capacity of federal, state, and local conveyance facilities to take advantage of water supply when it is available;
- Modernize and optimize critical infrastructure that increases real wet water storage; and

- Insist on science and modeling that accurately distinguish Project effects from the dominant drivers of environmental conditions throughout the CVP and that measure real species' benefits rather than assuming them from flow volumes alone.

Our objective is clear: Improve water supply outcomes for all of California while incorporating robust, measurable species protection through the best available tools and science. We will do this by keeping federal project infrastructure and contractual supplies intact, consistent with the federal purposes of the CVP and the national interest in food security, rural economic stability, and resilient water and power systems.

The Board's current approach is not sustainable. We urge the Board to restore the foundational elements of the 2022 MOU, provide the certainty and clarity necessary for effective water management, and abandon the unworkable Unimpaired Flow (UIF) pathway. Reclamation stands ready to support pathways for the reasonable protection of beneficial uses that protect and enhance water supply reliability for the CVP and California, but cannot support a plan that disregards federal law, negotiated certainty, and sound judgment.

Sincerely,

Aubrey J.D. Bettencourt
Principal Deputy Commissioner
Exercising the Delegated Authority of the Commissioner
Bureau of Reclamation

cc: Secretary, Department of the Interior
Assistant Secretary – Water and Science
Director, California Department of Water Resources
CVP contractor leadership as appropriate



United States Department of the Interior

BUREAU OF RECLAMATION
Washington, DC 20240



IN REPLY REFER TO:

91-00000

2.2.4.22

FEB 13 2026

VIA ELECTRONIC MAIL ONLY

Mr. E. Joaquin Esquivel, Chair
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Subject: December 2025 Draft Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Watershed (Draft WQCP); and Port Chicago Standard/Spring X2 developments

Dear Chair Esquivel,

The Bureau of Reclamation (Reclamation) signed the March 2022 MOU to advance the Healthy Rivers and Landscapes (HRL) program¹ that was executed in the Governor's office by Central Valley Project (CVP) contractors, state agencies, and various other parties from throughout California. Reclamation remains a party to this MOU and involved with the HRL program envisioned in the 2022 MOU. With that said, we recognize that since that time, the State Water Resources Control Board staff has deviated from important provisions in the MOU that need to be rectified this year in the final Bay-Delta Plan update.

The developments surrounding the Port Chicago spring X2 triggers in the Delta over the past two weeks are just the most recent example of how the system we all rely on is changing hydrologically, which increases the potential value of the Water Quality Control Plan in helping us adaptively manage to these more variable conditions. We associate ourselves with the recently expressed concerns of Reclamation's contractors and some in the California Congressional Delegation on the compliance requirements associated with spring X2.

Flow objectives that work flexibly and in tandem with habitat restoration and other ecological function improvements provide the best scientific approach to balancing beneficial uses and managing risk to water users and species alike from year to year. Studies and decades of monitoring have revealed that a flows-only approach has failed to achieve intended outcomes. The reliance on static flow prescriptions rather than adaptive, evidence-based strategies that integrate real-time ecological indicators and non-flow measures is not the best path forward.

We are committed to working with the parties to the 2022 MOU, CVP contractors, and other HRL interests to make the necessary changes to the draft WQCP to ensure that the commitments in the 2022 MOU are upheld and discussed in good faith. We also stand ready, together with our

¹ <https://resources.ca.gov/-/media/CNRA-Website/Files/NewsRoom/Voluntary-Agreement-Package-March-29-2022.pdf>

contractors, to constructively collaborate on preventing or minimizing the immediate implications of spring X2 for the 2026 water year. Unilateral alterations inconsistent with the 2022 MOU, or that impose unnecessary costs on finite water supplies, must be prevented in order to avoid counterproductive and destructive consequences among the HRL parties and the state as a whole.

We look forward to engaging further with the Board and the Board staff and the other parties to the 2022 MOU to advance our shared goals to develop and protect California's water resources for all beneficial uses.

Sincerely,

A handwritten signature in black ink, reading "Scott J. Cameron". The signature is fluid and cursive, with the first name "Scott" and last name "Cameron" clearly legible.

Scott J. Cameron

Principal Deputy Assistant Secretary for Water and Science
exercising the delegated authority of the Commissioner of
Reclamation

cc: Dorene D'Adamo, Vice Chair

Sean Maguire

Laurel Firestone

Nichole Morgan



Westlands
Water District

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Press Release (9-4-2026)

September 4, 2026

For Immediate Release

Contact: pubaffairs@wwd.ca.gov
(559) 241-6233

Westlands Water District to End Participation in Bay-Delta Program Absent Reversal by the State

Fresno, CA – Westlands Water District will not continue in the Healthy Rivers and Landscapes (HRL) Program under the terms set out in the State Water Resources Control Board's final draft Bay-Delta plan. The final draft retains the HRL name while abandoning the commitments the parties negotiated in 2022.

Formerly known as the Voluntary Agreements, the HRL Program grew out of a March 2022 Memorandum of Understanding (MOU) among state, local, and federal agencies and public water agencies after multiple years of analysis and collaboration. This innovative agreement envisioned the development of a comprehensive, basin-wide, science-based alternative to traditional regulation: one intended to improve environmental health and species conservation while providing water reliability for California communities and farms.

Westlands committed to that approach because it paired new flows with habitat restoration at scale, provided dedicated funding, and established a rigorous science program, all under a governance structure built to adjust management actions as the science developed. Those elements remain the right foundation for the Bay-Delta. The final draft released on August 19 keeps the HRL name but changes the terms of the agreement, departing from what the parties negotiated to the point that the Program's purpose is no longer achievable.

Since 2022, water agencies including Westlands have participated in good faith, devoted significant time and resources to negotiations, and submitted detailed comments as the draft water quality control plan evolved, ensuring it remained consistent with the agreement memorialized in the 2022 MOU. Throughout this process, the State Water Resources Control Board has included elements in successive drafts that undercut the comprehensive, science-based approach embodied in the 2022 MOU. Despite repeatedly raising detailed concerns, the issues remain unresolved, and the agencies' comments have been rejected rather than meaningfully addressed. The final draft moves the HRL Program back toward the regulatory approach it was created to replace.

Reversing that outcome requires the State to honor its agreement. Absent a final plan that honors the 2022 commitments in full, Westlands' participation in the HRL Program will end.

Statement of Allison Febbo, General Manager, Westlands Water District:

"The Healthy Rivers and Landscapes Program was built on sound science and a shared commitment to improve environmental outcomes while strengthening water-supply reliability for California's farms and communities. That was the promise of the 2022 agreement Westlands supported. Unfortunately, the final draft has moved significantly away from both the substance and collaborative spirit of that agreement, abandoning the balance the parties spent years working to achieve. Westlands cannot support a program that has departed so significantly from its original purpose. Westlands remains committed to comprehensive, science-based solutions and will pursue other viable pathways that prioritize water security, reliable supplies, and a sustainable future for our growers and Central Valley communities."

###

August 31, 2026

Attn: Adriana Renteria, Director - Tribal Liaison
State Water Resources Control Board
P.O. Box 100, 19th Floor
Sacramento, CA 95812-0100

Submitted via E-mail: Tribal-liaison@waterboards.ca.gov

Re: Consultation – TBU Guidance Document

Dear Ms. Renteria:

The San Luis & Delta-Mendota Water Authority (“Water Authority”) appreciates the opportunity to provide comments on the State Water Resources Control Board’s June 2026 Draft Guidance on Designating Tribal Beneficial Uses (“Draft Guidance”).

The Draft Guidance provides general information about Tribal Beneficial Uses (“TBUs”), the process for designating TBUs, and how Tribes can engage in the process. The Water Authority has identified areas where the Draft Guidance should be revised or supplemented to better fulfill its purpose of describing the water quality control planning efforts of the State Water Resources Control Board (“State Water Board”) and the Regional Water Boards (collectively, “Water Boards”). We believe additional context in certain sections would improve the clarity and comprehensiveness of the Draft Guidance and help avoid potential misunderstandings in how water quality protections are implemented. We appreciate the opportunity to review the Draft Guidance and thank the State Water Board for its consideration of the comments set forth below.

The Water Authority is a public agency based in Los Banos, California, formed in 1992 as a joint powers authority. The Water Authority has twenty-seven member agencies, most of which depend upon the federal Central Valley Project (“CVP”) as the principal source of water they provide to users within their service areas. That water supply serves approximately 1.2 million acres of agricultural lands within areas of San Joaquin, Stanislaus, Merced, Fresno, Kings, San Benito, and Santa Clara Counties, a portion of the water supply for over 2 million people, including in urban areas within Santa Clara County referred to as Silicon Valley, and approximately 135,000 acres of managed wetlands and wildlife refuges within the largest continuous wetland in the western United States.

The Water Authority is acutely aware and supportive of the need to protect California’s water resources and drinking water to support the environment, public health, and all beneficial uses. The people, agricultural lands, wetlands, and wildlife in the areas we serve depend on high-quality water resources.

We offer the following comments on the Draft Guidance.

Tribal Beneficial Uses Have Been Recognized and Defined Pursuant to Resolution No. 2017-0027

The Water Code expressly authorizes protection of certain beneficial uses against water quality degradation. These beneficial uses are “domestic, municipal, agricultural and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves.” (Wat. Code, § 13050(f).) Although recent legislation has proposed to add “tribal water uses” as a defined beneficial use, these proposals have not become law and the statutory list does not include TBUs.¹

Instead, the State Water Board has established TBUs for use in water quality control plans by resolution, in Resolution No. 2017-0027. (Draft Guidance, pp. 16-17.) TBUs and their definitions were added to Part 2 of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California—Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions for use by the Regional Boards. (*Id.*) The amendments to that plan added Tribal Tradition and Culture (CUL) and Tribal Subsistence Fishing (T-SUB), as well as a third beneficial use of Subsistence Fishing (SUB). The SUB beneficial use is intended to support subsistence fishing by individuals, households, or communities who are not covered under the T-SUB beneficial use for Tribes. (*Id.* at 17.)

Hence, Resolution No. 2017-0027 is a foundational document for understanding TBUs and should be referenced in the Draft Guidance to explain the meaning of and limitations on TBUs, including those sections of the Draft Guidance highlighted below.

The Water Rights and Instream Flows Section Should Reference Resolution No. 2017-0027

Water rights actions and water quality planning are subject to different legal standards and processes. Pages 26 through 28 of the Draft Guidance contain a section titled “Water Rights and Instream Flows.” This section explains that the term “beneficial use” in California’s water-rights framework carries distinct legal and policy implications from “beneficial use” as used in water quality control planning under the Porter-Cologne Water Quality Control Act. In particular, it explains that designation of a beneficial use in a water quality control plan, including a TBU, does not entitle that use to any particular allocation or quantity of water. (Draft Guidance, p. 27.) The explanation in the Draft Guidance that water quality planning is different from water rights proceedings, and that designation of a TBU in a water quality control plan does not alter or establish water rights, is an important and necessary clarification.

The Draft Guidance mentions that some TBUs may benefit from instream flow or bypass requirements. While the beneficial uses designated for a particular body of water may influence the outcome of water rights actions related to the relevant body of water, it bears emphasis that beneficial use designations do not decide water rights or determine how water will be allocated. To avoid potential misunderstanding and misplaced expectations,

¹ Assembly Bill 362 from the most recent legislative session is one such example.

the Draft Guidance should expressly caveat that uses of flow and limitations on diversions on a particular body of water are properly decided in water rights proceedings, not through water quality planning. The final version of the guidance should maintain and where possible amplify this distinction.

The section of the Draft Guidance at pages 26 through 28 would be further improved and clarified by referencing and discussing an important limitation established by Resolution No. 2017-0027 on measures involving instream flow and TBUs. Paragraph 7 of Resolution No. 2017-0027 directs Water Board staff “to ensure that orders or water quality control plans do not contain conditions or requirements to address flow needs for fisheries or aquatic habitat to protect a CUL, T-SUB, or SUB beneficial use. Fish populations and aquatic habitats are protected by other beneficial uses (i.e., WARM, COLD, SPWN, MIGR, AQUA) which could require orders or plans to include flow conditions or requirements to protect those uses.” (Resolution No. 2017-0027, ¶ 7, p. 7.) This limitation on the use of flow to protect TBUs where fish populations and aquatic habitats are protected by other beneficial uses is an important directive. Among other things, it helps to provide certainty for water users, whose permits already reflect protection for existing WARM, COLD, SPWN, MIGR, and AQUA beneficial uses. The Draft Guidance will be incomplete if it does not explain this limitation in Resolution No. 2017-0027.

The Description of Laws Applicable to Water Rights Actions Should Be Clarified

The Draft Guidance states that the State Water Board’s water rights actions “follow specific laws,” including the “public interest doctrine” and the “reasonableness doctrine.” (Draft Guidance, p. 27.) It is unclear what “doctrines” are being referred to. To be sure, the Water Code directs the Water Board to consider the public interest when deciding whether to approve a new appropriation of water, and what terms and conditions to impose on new appropriations. (Wat. Code, §§ 1253, 1255, 1257.) Specific statutory requirements such as these, as opposed to a body of principles developed through precedent, are not typically described as a “doctrine.” Likewise, both the California Constitution and the Water Code require that water be used reasonably and not wasted. (Cal. Const., art. X, § 2; Wat. Code, § 100.) It is not clear whether this rule is what was meant by a reasonableness “doctrine,” or something else. If these rules are what is being referred to, we suggest the Draft Guidance be revised to avoid referring to these requirements as “doctrine,” and identify the specific legal requirements being referenced. If something else is intended by the use of the term “doctrine” in this context, or some other legal requirements than those discussed above are being referred to, that should be more fully explained.

The Draft Guidance Should Explain That Water Quality Objectives Provide a Reasonable Level of Protection

The Draft Guidance explains that Water Boards will determine whether existing water quality objectives are adequate to protect any new TBU designations, and will likely develop

new objectives to protect TBUs if they conclude existing objectives are not adequate. (Draft Guidance, pp. 43-44.) The Draft Guidance should further explain that water quality objectives are intended to provide a “reasonable” level of protection, not absolute protection, and that reasonableness is determined based on a broad range of factors. The Porter-Cologne Act’s goal of reasonable protection of water quality based on consideration of many factors is not sufficiently emphasized in the Draft Guidance.

Water quality objectives are defined in terms of reasonable protection. Water Code section 13050, subdivision (h), defines them as “the limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specific area.” (Wat. Code, § 13050, subd. (h).) Water quality control plans, of which objectives are a part, must conform to the policies for water quality control set forth in the Water Code. (Wat. Code, § 13240.) Among those policies is that “activities affecting the quality of the waters of the state shall be regulated to attain the highest water quality which is reasonable, considering all demands being made and to be made on those waters and the total values involved, beneficial and detrimental, economic and social, tangible and intangible.” (Wat. Code, § 13000.) Under this policy, Water Boards must weigh a broad set of considerations when deciding what is a reasonable level of protection to be afforded by a water quality objective.

The discussion of water quality objectives in the Draft Guidance should be more explicit that water quality objectives are to provide “reasonable” protection of beneficial uses, and that defining reasonable protection requires consideration of the circumstances of the particular waterbody, the beneficial uses at issue, and the potential broader economic and social consequences of adopting a particular objective.

Flow Is Not a Proper Parameter for a Water Quality Objective

The Draft Guidance is primarily directed at designation of TBUs, not adoption of water quality objectives. In the context of explaining the steps that may follow from designation of TBUs, however, the Draft Guidance says that “statewide water quality control plans may consider requirements for instream flows to protect beneficial uses.” (Draft Guidance, p. 14.)

This mention in the Draft Guidance of the use of flow requirements in the context of water quality planning is concerning both because it may create confusion given the directives in Resolution No. 2017-0027 “to ensure that orders or water quality control plans do not contain conditions or requirements to address flow needs for fisheries or aquatic habitat to protect a CUL, T-SUB, or SUB beneficial use” and because it contradicts the plain language of the Porter-Cologne Act. To be clear, the Water Authority’s position is that any flow-based requirements should be adopted only through a water rights proceeding, and not as an element of a water quality control plan. As discussed above, “water quality objectives” are defined as limits or levels of “water quality” constituents or characteristics. (Wat. Code, § 13050(h).) “[Q]uality of the water” refers to the “chemical, physical, biological, bacteriological, radiological, and other properties and characteristics of water which affect its use.” (Wat. Code, § 13050(g).) Flow is a measure of water volume, not of water quality. Flow rate measures the volume of water moving through a defined area over

a specific period of time. Although flow may be a characteristic of a water body, such as a river, or stream, it is not readily characterized as a chemical, physical, biological, bacteriological, radiological, or other property or characteristic of the water itself. The statutory definitions of “water quality objective” and “quality of the water” concern the characteristics of “water,” not a water body. (Wat. Code § 13050(g), (h).)

We understand the State Water Board has taken the position that water quality objectives may be expressed in terms of flow. That position is currently the subject of litigation. The Draft Guidance is directed at explaining what TBUs are, how designations work, and how Tribes can engage in that process. The Draft Guidance need not and should not assert a position suggesting that flow requirements may be imposed as part of a water quality control plan.

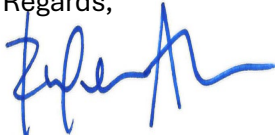
The Implementation Plan Section Should Reference Resolution No. 2017-0027

The Draft Guidance explains that water quality control plans are required to include a program of implementation to attain water quality objectives. (Draft Guidance, p. 46.) It further explains that if Water Boards adopt new water quality objectives to protect TBUs, they may also find it necessary to develop or revise the program of implementation in their plans. As is explained in the Draft Guidance, the primary way to implement water quality objectives is through water quality permitting and enforcement. In some instances, the State Water Board has used its water rights authority to modify water rights to help attain water quality objectives through regulation of flow. We therefore suggest the Draft Guidance expressly reference the limitation in Resolution No. 2017-0027 on the use of flow to protect TBUs, discussed above, in the section discussing potential changes to a program of implementation in response to designation of TBUs.

Conclusion

The Water Authority appreciates the State Water Board’s efforts to provide guidance regarding designation of TBUs, and the opportunity to provide these comments and suggestions. In summary, the Draft Guidance would benefit from additional, express references to Resolution No. 2017-0027, as well as additional clarification regarding the legal authorities governing water rights, instream flow, and water quality objectives. Thank you for your consideration of our comments.

Regards,



Rebecca R. Akroyd
General Counsel
San Luis & Delta-Mendota Water Authority



August 28, 2026

Delivered via email: acouch@sjgov.org

Ashley Couch, PE, CFM
Water Resources Manager
San Joaquin County Department of Public Works
1810 East Hazelton Avenue
Stockton, CA 95205

Subject: Comments on the Draft Environmental Impact Report for the Mokelumne River Integrated Conjunctive Use Program (SCH# 2024070107)

Dear Ashley Couch,

The State Water Contractors (SWC), San Luis & Delta-Mendota Water Authority (SLDMWA), and Westlands Water District (WWD) (together, the Water Agencies) appreciate the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Mokelumne River Integrated Conjunctive Use Program (MICUP or the proposed project). The Water Agencies represent public agencies that receive water from the State Water Project (SWP) and Central Valley Project (CVP) (jointly, the Projects), which are critical components of California's water infrastructure. Our primary concern is ensuring that the proposed project does not adversely affect the water supply reliability, water quality, or operational flexibility of the Projects.

Based on our review of the DEIR, we have identified several impacts and deficiencies that must be addressed before the document is recirculated for further review and comment.

1. Impacts to State Water Project and Central Valley Project Water Supply and Quality and Unanalyzed Operational Impacts

The DEIR acknowledges that the proposed diversions under Water Right Application 29835 (A029835) will be subject to **Standard Term 91**, which prohibits diversions when the Delta is in "balanced conditions" and the SWP/CVP are releasing stored water to meet water quality standards. However, the DEIR admits that during the rediversion window (July 1 to October 31), MICUP operations could result in a small number of days where water quality standards are not met. DEIR modeling already indicates that CVP/SWP operations would need to be adjusted to dedicate more flow to maintain compliance with D-1641 standards due to MICUP operations (DEIR, p. 4.9-52.) The DEIR characterizes these impacts as "de minimis". (DEIR, pp. 4.9-62, 4.9-63.)

The Water Agencies disagree with this characterization. Any degradation of Delta water quality—even if slight—require the Projects to release additional stored water from Oroville Reservoir (as to the SWP) and/or Shasta Reservoir (as to the CVP) or to cut their Delta exports to maintain

compliance with D-1641 standards. Such releases or export cuts would constitute a direct loss of Project water supply that has not been fully quantified or mitigated in the DEIR.

The DEIR must include a more rigorous modeling of the volume of the Projects' "makeup water" required to offset MICUP's impact on Delta salinity. The DEIR needs to be updated to include CalSim modeling to fully disclose the impacts to the Projects caused by diversions and rediversions proposed under MICUP. It is insufficient to just adjust the Mokelumne inflow in the DSM2 model. Some of the modeling adjustments such as increased San Joaquin River and other Delta inflows, presumably from increased base flows, are uncertain to occur in reality given other surface water reservoirs operations may be adjusted in response to changing downstream natural flow conditions. Without a commitment that none of the existing water users would change their reservoir operations, releases or diversions, the modeling adjustments to increase Delta inflows are inappropriate and must be revised.

2. Strict Commitment to Excess Conditions for Direct Diversions

To protect Project water supplies from the proposed new direct diversions under MICUP, the DEIR must include an explicit commitment that no direct diversions will occur unless the Delta is in "excess conditions". This requirement extends beyond the basic requirements of Term 91 to ensure that MICUP does not benefit from SWP/CVP stored water releases at any time, does not interfere with SWP and CVP water rights and avoids Delta water quality and other environmental impacts. The water availability determination and the DEIR impact analysis need to be updated including this restriction in the proposed project description. This express commitment is necessary to provide more clarity than the current reference to Term 91 in Footnote 8 (DEIR, p. 3-8), and to ensure an accurate, stable, and finite project description.

3. Deficiency in Stored Supply Analysis and the Need for Refill Protection

The DEIR allocates up to 48,000 AFY of water stored in EBMUD reservoirs (Camanche and Pardee) for MICUP. The DEIR claims this results in "no further draw on the water supply" because EBMUD already diverts this water under existing rights. (DEIR, p. 2-10.)

The Water Agencies challenge this assertion. If not for MICUP, that 48,000 AF "in excess of EBMUD's needs and legal and/or operational obligations" would remain in storage as carryover, potentially contributing to higher Delta inflows in the following year. (DEIR, p. 3-2.) By using this water, MICUP creates a "hole" in the reservoir that must be refilled the following year. This refill operation reduces Delta inflow during the refill season.

The project should include refill protection language. MICUP proponents must commit that any "hole" created in Camanche Reservoir by MICUP operations will not be refilled until the Delta is in "true excess conditions" the following year, ensuring that refill operations do not occur when the Delta is in "balanced conditions".

It is unclear from the DEIR project description whether this water remains in EBMUD control and delivered to a new place of use in the MICUP study area or if it will be considered abandoned water downstream of EBMUD reservoirs for which MICUP is seeking a water right. In either case there are additional water rights steps that need to be taken to either add a new place of use for the EBMUD water rights or expand the proposed diversion window for the proposed MICUP water

right. This will allow the Water Agencies to fully understand the source and use of the 48,000 AFY water supply and related impacts to the Projects' water supply. At a minimum, the DEIR project description should provide sufficient detail to demonstrate why the DEIR is not required to include an analysis of potential impacts of this supply, assuming this conclusion can be substantiated.

If this is a new and increased use of EBMUD stored water, the water availability determination and the DEIR impact analysis need to be updated including the refill protection restriction in the proposed project description.

4. Deficiencies in Climate Change Analysis

The DEIR notes that one of the objectives of the MICUP is to help mitigate climate change impacts. (ES-7.) However, the analysis of how climate change affects the *availability* of unappropriated surface water for MICUP is insufficient.

As temperatures rise and snowpack decreases, the window for "excess" or "unappropriated" flows will likely shift or shrink. The DEIR relies only on historical hydrology (a 53-year period) to justify water availability. The DEIR should utilize forward-looking climate projections to determine if the proposed project can meet its objectives without increasing pressure on senior water rights or the Projects during projected increasingly frequent and severe droughts.

5. Interference with Healthy Rivers and Landscapes (HRL) Flows

The DEIR states that MICUP will maintain EBMUD's HRL flows. (DEIR, p. 4.9-61.) However, it fails to ensure that MICUP's upstream diversions do not interfere with the ability of the Projects to ensure these HRL flows actually reach the Delta as net additions to outflow.

If MICUP diversions occur in a manner that requires the Projects to release additional water to meet downstream water quality or flow objectives, the HRL flows are essentially being "offset" by Project-stored water. The EIR must demonstrate a mechanism that prevents MICUP from shifting the burden of ensuring HRL flows are protected as Delta outflow onto Project facilities.

6. Failure to Demonstrate Mokelumne Water at the Stockton Delta Intake

The DEIR and the underlying water rights petition propose adding the City of Stockton's Delta Water Intake as a point of rediversion. The DEIR states it is "anticipated" that Mokelumne River water will be present at this location based on hydrodynamic analysis. (Appendix A, Updated Water Availability Analysis for Water Right Application 29835, p. 6.)

However, the DEIR fails to provide this hydrodynamic analysis or demonstrate that unappropriated Mokelumne water actually reaches this intake in a volume sufficient to support the proposed rediversions. Without technical evidence showing the "physical presence" of MICUP water at the Delta intake, the rediversion should be excluded from the proposed project.

7. Failure to Analyze Harmful Algal Blooms (HABs)

The DEIR discusses surface water quality primarily in terms of sediment, turbidity, and chemical contaminants. (DEIR, Section 4.9.) It fails to provide a comprehensive analysis of Harmful Algal Blooms (HABs) in the Delta.

Reduced freshwater outflows from the Mokelumne River, combined with higher water temperatures and increased residence times—all of which are potentially exacerbated by MICUP diversions—create ideal conditions for HABs. HABs pose a direct threat to the water quality of the Projects by complicating treatment processes and affecting the health of aquatic ecosystems. The DEIR must evaluate how MICUP's reduction of freshwater inflow to the Delta will affect the frequency and duration of HAB events.

8. Insufficient Analysis of Delta Aquatic Species

Modeling Tools: The DEIR uses DSM2 to evaluate impacts on special-status fish such as Delta smelt, longfin smelt, Spring-run Chinook salmon and California Central Valley steelhead. While these are standard planning tools, the DEIR relies on salinity (X2) as a primary surrogate for habitat quality. The Water Agencies recommend the use of best available tools, including life-cycle models, survival and route selection tools, high-resolution particle tracking or individual-based models that can better capture the subtle changes in Delta hydrodynamics and entrainment risks caused by the proposed project, particularly for larval and juvenile stages.

Temporal Resolution: The flow and salinity modeling in the DEIR is conducted at a monthly temporal resolution. Many of the proponents of MICUP argued in other similar water rights proceedings that monthly averages are insufficient for analyzing impacts on Delta water quality and on sensitive Delta species including the salinity impacts at City of Stockton's Delta Water Intake. The DEIR should explain why the monthly modeling is sufficient for understanding the impacts due to MICUP in the Delta as opposed to the finer temporal resolution the proponents of MICUP argued for in CEQA and water rights proceedings related to other Delta water diversions.

9. Incomplete Cumulative Impact Analysis

The DEIR identifies several cumulative projects in Table 4-1, including the Delta Conveyance Project and East Bay Municipal Utility District's (EBMUD) Larger Conjunctive Use Project. The DEIR does not consider numerous other water right petitions to divert flood flows or surface for groundwater recharge purposes. Further, the analysis fails to evaluate the collective impact of these major projects on Delta inflows and outflows.

The DEIR must explain how the multiple concurrent projects seeking to divert or store Delta inflows will affect the overall water balance in the Delta. Without this, the Lead Agency cannot accurately determine if MICUP's incremental contribution to reduced Delta outflow is truly "less than cumulatively considerable".

10. Insufficient Alternatives Analysis

The DEIR analyzes two alternatives – the No Project Alternative and the Modified MICUP Project. As the No Project Alternative is required by CEQA, the DEIR only analyzes one slightly different alternative than the proposed project. The DEIR fails to consider a reasonable range of alternatives. The purpose of the project is to help meet demands in the Subbasin as reliance on native groundwater is reduced to achieve sustainability. (DEIR, p. 3-2.) However, proposed alternatives such as that proposed by the Amador and Calaveras Agencies were rejected without detailed analysis for failure to meet the project objective to develop a new Mokelumne River

Ashley Couch, PE, CFM

August 28, 2026

Page 5

supplemental surface water supply. (DEIR, p. 6-4.) Project objectives should not be so narrowly defined that they preclude consideration of reasonable alternatives for achieving the project's underlying purpose. Other alternatives may achieve sustainability in the Subbasin without developing the MICUP project to its full extent along with avoiding any adverse environmental impacts, and should be explored.

We look forward to reviewing these critical updates to the DEIR, and reserve the right to supplement these comments as necessary. Please reach out Mr. Chandra Chilmakuri (cchilmakuri@swc.org) or Mr. Scott Petersen (scott.petersen@sldmwa.org) if there are any questions about the comments herein. We kindly request to keep us informed about any future updates regarding MICUP.

Sincerely,



Jennifer Pierre
General Manager
State Water Contractors



Federico Barajas
Executive Director
San Luis & Delta-Mendota Water
Authority



Allison Febbo
General Manager
Westlands Water District



SAN JOAQUIN VALLEY WATER

Collaborative Action Program

Plenary Group Meeting Summary

August 25, 2026 | 3:00 – 5:00 PM

Participation

On August 25, 2026, the Plenary Group had 28 members participate in the discussion, and all five caucuses were represented.

#1 Review the Agenda and Additional Items

The group reviewed the agenda. No additional items were added.

#2 Community Alliance with Family Farmers & University of California Agriculture and Natural Resources – Managing Groundwater with Small Farmers in Mind

Catherine Van Dyke, Director of Water Policy at Community Alliance with Family Farmers, and Alyssa DeVincentis with UC Agriculture and Natural Resources, shared a presentation about their report on advancing implementation of the Sustainable Groundwater Management Act (SGMA) while protecting small-scale farmers from disproportionate harm, particularly the risk of drying wells. The report is informed by extensive on-the-ground outreach, policy analysis, and a survey of over 170 farmers, and advocates for a future where groundwater basins are sustainable and small farms remain viable through measures like tiered GSA fee structures, the use of small-farm liaisons to bridge information gaps, and the transition of water-intensive acreage to diversified, lower-water-use crops.

A central challenge identified is the limited awareness of SGMA among small-scale producers, where there are communication breakdowns between GSAs and Landowners. Additionally, current project and management actions often unintentionally favor larger operations, while satellite-based monitoring tools frequently fail to accurately capture the water usage of diversified, small-scale annuals farms.

To address these inequities, the report recommends that GSAs prioritize recharge near small farms, provide technical and financial assistance for surface water infrastructure, and consider

exempting small pumpers from penalty fees, noting that in subbasins like Tulare, a significant portion of pumpers account for only a negligible fraction of total water use. It was also proposed to utilize the Multi-Benefit Land Repurposing Program (MLRP) to support the transition to diversified small-scale agriculture and called for an equitable transition initiative to foster better coordination between state agencies like the CDFA, DWR, and the State Water Resources Control Board to support long-term climate adaptation.

The report is available online and can be found at the following link: (<https://caff.org/sgma-small-farms/>)

#3 Legislative Update

Kyle Jones shared an update on legislation. The legislative session is approaching its conclusion on August 31st, with several key bills under observation. AB 2026, which contained language regarding permit flexibility, was held during the appropriations suspense hearing. Meanwhile, SB 1085, aimed at requiring water supply availability analyses for large developments, is currently awaiting a vote, and SB 1125, the Water Affordability Fund, has passed the Assembly and is returning to the Senate for concurrence. Once passed, the Governor will have until September 30th to sign or veto these measures.

Regarding budget negotiations, the Greenhouse Gas Reduction Fund (GGRF) faces potential reductions, with the Safer program at risk of dropping to \$24 million in funding. However, the Senate has proposed increasing this to \$80 million and earmarking \$100 million in Proposition 4 infrastructure funding for Safer projects. The release of the Proposition 4 budget is contingent upon the finalization of the GGRF deal, and all legislative and budget items must be completed by the August 31st deadline.



Managing Groundwater with Small Farms in Mind:

SGMA Risks, Barriers, & Opportunities

REPORT AUTHORS:

Ngodoo Atume | Alyssa DeVincentis | Catherine Van Dyke | Judith Redmond | Ruby Kernkamp |
Ruth Dahlquist-Willard



Agenda

- Introduction to Report
- Key Findings
- Discussion/Q&A



Our Goal

Advance SGMA implementation and
protect small-scale farms from
disproportionate harm



UC Small Farms Network
University of California
Agriculture & Natural Resources

INTRO



Approach to Work

1. In-depth interviews with 12 small farm outreach specialists
2. Department of Water Resources projects and management action module review
3. Policy document review related to SGMA implementation
4. Statewide needs assessment survey - over a 170 respondents



Vision for the Future

- Groundwater basins are **sustainable** and small farms are **thriving**
- GSAs are funded through **tiered fee structures**
- Acreage of water intensive crops is **transitioned to lower water use, diversified crops** instead of being fallowed
- **Small farm liaison staff** work collaboratively between local small farms and GSAs



URCTA Resources for Small Farms

- Irrigation system checks, flowmeter checks, soil assessments, and well pump checks
- One-on-one SGMA education and workshops
- Assistance with interpreting groundwater bills and water use fees
- Connections to technical service providers
- Connections to local GSAs
- Information on up to date local groundwater management activities



UC Small Farms Network
University of California
Agriculture & Natural Resources



KEY FINDINGS

See the full
report for
more!



What's SGMA?

Most small-scale farmers have limited awareness of SGMA.

Across priority basins, more than half of small-scale farmers had not heard of SGMA before they met a CAFF or UCANR SGMA Outreach Specialist.

Confusion across SGMA, ILRP, CV-SALTs.



Reaching Renters is a Challenge

Tenant farmers make up a significant share of small-scale producers but are often invisible to GSAs, which typically communicate only with landowners.



Projects & Management Action Design Matters

Groundwater markets, land fallowing, recharge projects, and pumping fees (as currently structured) can unintentionally favor larger, better-resourced operations.



For example: Reliance on On-Farm Recharge

Risks

- Overemphasis on recharge may crowd out other strategies
- Infrastructure and permitting barriers may limit participation
- Pumping credits may undermine overdraft reduction
- Water quality concerns discourage recharge or conjunctive use

For example: Reliance on On-Farm Recharge

Risks

- Overemphasis on recharge may crowd out other strategies
- Infrastructure and permitting barriers may limit participation
- Pumping credits may undermine overdraft reduction
- Water quality concerns discourage recharge or conjunctive use

Recommendations

- Prioritize recharge near small farms
- Lower barriers to participation
- Invest in surface water infrastructure
- Avoid 1:1 pumping credits
- Provide grants + TA for retention ponds
- Guidance on surface water integration

For example: Multi Benefit Land Repurposing



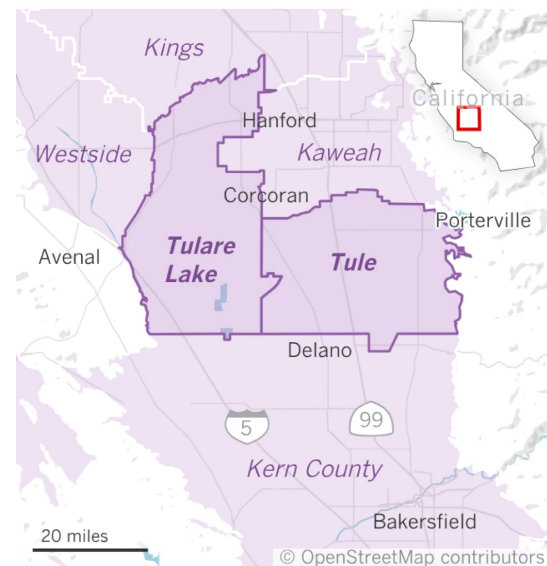
Recommendation

- Transition parts of high water use crop acreage to multiple, rented, diversified and water-efficient operations

Consideration of Small Pumpers in Fees

Small farms are subject to the same rates and regulatory complexity as larger operations, despite often accounting for a small fraction of total groundwater use.

In the critically overdrafted Tule and Tulare Lake subbasins, over 40% of pumpers account for only 1% of total water use. The State Water Resources Control Board created a “minimal impact pumper” category for these users.



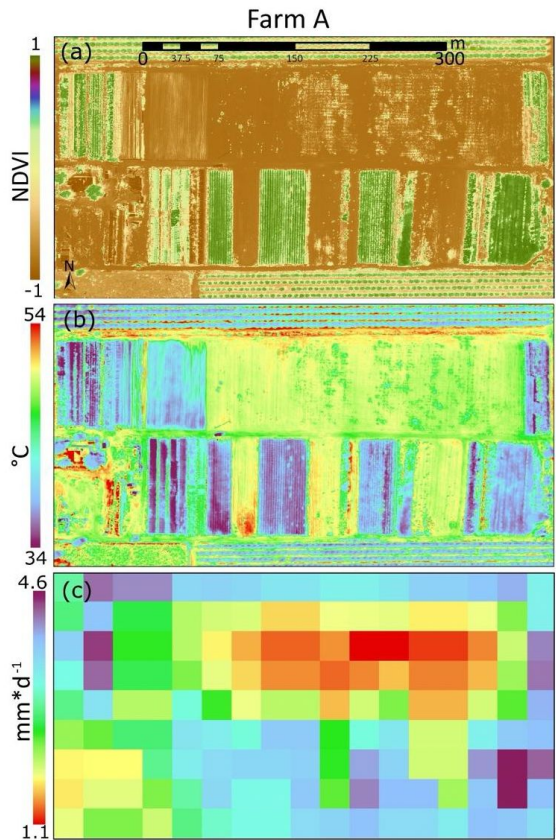
California Department of Water Resources

Lorena Iniguez Elebee LOS ANGELES TIMES

Modeling Assumptions Challenged

Satellite-based evapotranspiration monitoring tools used to estimate groundwater use are not well calibrated for diversified small farms.

This mismatch creates risks of inaccurate assessments and overcharges.



DeVincentis, et al. *In Review*.

Losing Small Farms

Most surveyed small-scale farmers are concerned they may be forced to shut down their operations.

This risk could intensify under inequitable implementation of SGMA, and this report outlines practical steps to help prevent that outcome.



Opportunities to address these issues

1

Identify Small-Scale
Farmers Locally

2

Coordinate and Act to
Keep Small-scale
Farmers in Business

3

Implement Actions that
Support Small Farms in
Groundwater
Management Decisions

4

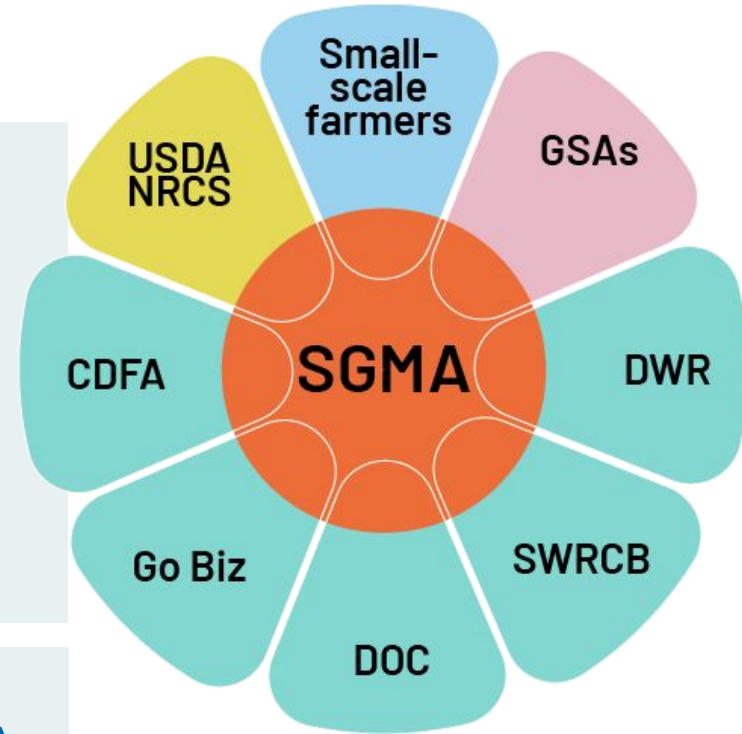
Support Equitable Transition Pathways

**50 specific
recommendations!**

State Level Recommendation: Equitable Transition Initiative

- Technical assistance
 - Financial resources
 - Planning support
- Coordinated state level approach
 - Align SGMA with rural economic development, land stewardship and conservation goals
 - Focus on equity for small-scale farmers

Many programs already exist, but need to be coordinated and focused on the issues raised by SGMA.





Small farms are a part of the SGMA solution

The success of SGMA will be measured not only by hydrologic indicators, but by whether California's agricultural communities remain viable, diverse, and resilient.

Thank You

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Appendix A – Program Backgrounds (Standing Reference)

This appendix consolidates procedural history and organizational background that previously appeared in the body of each monthly report. It is refreshed quarterly or as programs materially change.

Bay-Delta Water Quality Control Plan Update

The State Water Board is updating its 2006 Water Quality Control Plan for the San Francisco Bay/Sacramento–San Joaquin Delta Estuary in two phases: Phase 1 (San Joaquin River flows and southern Delta salinity) and Phase 2 (Sacramento River and tributaries, Delta eastside tributaries, Delta outflows, and interior Delta flows). At its December 12, 2018 meeting, the Board adopted the Phase 1 amendments and Final Substitute Environmental Document¹⁰; at the same meeting, DWR and the Department of Fish and Wildlife presented proposed Voluntary Settlement Agreements on behalf of Reclamation, DWR, and the public water agencies they serve¹¹. The Board did not adopt the proposals in lieu of the Phase 1 amendments, but directed staff to incorporate a Delta watershed-wide agreement as an alternative in a future comprehensive Plan update.

On July 18, 2022, the Board issued a Notice of Preparation and CEQA scoping for the regulation implementing Lower San Joaquin River flow and Southern Delta salinity objectives¹²; the Authority and member agencies provided scoping comments¹³. Phase 1 implementation was then delayed by litigation. On the Phase 2 side, the Board released a draft Plan in October 2024 and a revised draft in July 2025 reflecting public input; on September 16, 2025, the Board rescinded its noticed hearing, and subsequent workshops and a written comment period concluded in early 2026 (see body of report for current status).

San Joaquin Valley Water Blueprint

The Water Blueprint represents water users, districts, farmers, and municipalities across the Central Valley. Its problem statement: California faces a major water supply shortfall that could affect one million acres and cost \$7.2 billion in farm revenue and 85,000 jobs statewide. The Blueprint advocates a combination of infrastructure investment and policy change to capture excess wet-year flows and replenish aquifers. Mission: “Unifying the San Joaquin Valley’s voice to advance an accessible, reliable solution for a balanced water future for all.” Strategic priorities (current plan period, running through 2026): advocacy; groundwater quality and disadvantaged communities; land use and environmental planning; outreach and communications; SGMA implementation; water supply goals; and governance, operations, and finance.

¹⁰ Available at https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2018/rs2018_0059.pdf.

¹¹ Available at <https://water.ca.gov/-/media/DWR-Website/Web-Pages/Blogs/Voluntary-Settlement-Agreement-Meeting-Materials-Dec-12-2018-DWR-CDFW-CNRA.pdf>.

¹² Available at https://www.waterboards.ca.gov/public_notices/notices/20220715-implementation-nop-and-scoping-dwr-baydelta.pdf

¹³ Request from Authority staff



San Joaquin Valley Water Collaborative Action Program

The CAP Plenary Group adopted work groups to implement the CAP Term Sheet, adopted November 22, 2022¹⁴. The Bureau of Reclamation currently funds the CAP, supporting overall process management and facilitation and development of a prioritization tool for use by CAP participants, agencies, stakeholders, and the public in evaluating policy recommendations, programmatic changes, and projects to achieve sustainable water management in the San Joaquin Valley.

San Joaquin River Restoration Program – Resources

Restoration Flows information: restoresjr.net/flows. Restoration Administrator recommendations: restoresjr.net/flows/flow-scheduling.

¹⁴ Request from Authority staff