



San Luis & Delta-Mendota Water Authority
Monday, December 6, 2021, 10:00 a.m.

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

Join ZOOM Meeting

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In accordance with Government Code section 54953(e) and Resolution 2021-492 adopted by the San Luis & Delta-Mendota Water Authority Board of Directors on November 29, 2021, members of the Water Resources Committee/Board and Water Authority staff will be participating in this meeting from multiple locations. This meeting will occur exclusively through Zoom. If members of the public have any problems using the call-in number during the meeting, please contact the Authority office at 209-826-9696.

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 telephonic meeting of the Water Resources Committee ("WRC") and a joint regular telephonic 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.

Agenda

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

ACTION ITEMS

4. **Water Resources Committee to Consider Approval of the November 1, 2021 Meeting Minutes**
5. **Water Resources Committee to Consider Recommendation to Board of Directors to Adopt Fiscal Year 2023 Objectives, Barajas**

REPORT ITEMS

6. Discussion Regarding Proposed FY23 Leg Ops Budget, Barajas
7. Executive Director's Report, Barajas
 - A. B.F. Sisk Dam Raise and Reservoir Expansion Project
 - B. May include reports on activities within the Water Resources Committee's jurisdiction related to 1) CVP/SWP water operations; 2) California storage projects; 3) regulation of the CVP/SWP; 4) existing or possible new State and Federal policies; 5) Water Authority activities; 6) COVID-19 response
8. Update on Water Policy/Resources Activities, Petersen
(May include reports on activities related to 1) Reinitiation of Consultation on Long-Term Operations of the Central Valley Project and State Water Project, including environmental compliance; 2) State Water Resources Control Board action; 3) San Joaquin River Restoration Program; 4) Delta conveyance; 5) Reclamation action; 6) Delta Stewardship Council action; 7) San Joaquin Valley Water Blueprint)
9. Update on Water Operations and Forecasts, Boardman
10. Committee Member Reports
11. Closed Session

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

- A. Natural Resources Defense Council, et al. v. Haaland, et al., U.S. District Court, E.D. Cal., Case No. 1:05-cv-01207-DAD-EPG, 9th Cir. Case No. 21-15163 (2005 DMC Contract Renewals)
- B. Pacific Coast Federation of Fishermen's Associations, et al. v. Donald R. Glaser and San Luis & Delta-Mendota Water Authority, U.S. District Court, E.D. Cal., Case No. 2:11-CV-02980-KJM-CKD (PCFFA v Glaser or GBP Citizens Suit)
- C. Delta Stewardship Council Cases, Sacramento County Superior Court, Case No. JCCP 4758 (formerly San Luis & Delta-Mendota Water Authority and Westlands Water District v. Delta Stewardship Council, et al., Sacramento County Superior Court, Case No. 34-2013-80001500) (Delta Plan Litigation)
- D. City of Fresno, et al. v. United States, U.S. Court of Federal Claims, Case No. 1:16-cv-01276-EDK (2014 Friant Breach of Contract)
- E. Monterey Coastkeeper, et al. v. Central Valley Regional Water Quality Control Board, et al., Third District Court of Appeal Case No. C093513, Sacramento County Superior Court Case No. 34-2018-80002853; Environmental Law Foundation v. State Water Resources Control Board, Third District Court of Appeal Case No. C093513, Sacramento County Superior Court Case No. 34-2018-80002851; Protectores del Agua Subterranea v. State Water Resources Control Board, Third District Court of Appeal Case No. C093513, Sacramento Superior Court Case No. 34-2018-80002852 (Waste Discharge Requirement Cases)
- F. North Coast Rivers Alliance v. Delta Stewardship Council, Sacramento County Superior Court, Case No. 34-2018-80002898; Central Delta Water Agency v. Delta Stewardship Council, Sacramento County Superior Court, Case No. 34-2018-80002900; Friends of the River v. Delta Stewardship Council, Sacramento County Superior Court, Case No. 34-2018-80002901; California Water Impact Network v. Delta Stewardship Council, Sacramento County Superior Court, Case No. 34-2018-80002904 (Delta Plan Amendment Cases)
- G. North Coast Rivers Alliance, et al. v. San Luis & Delta-Mendota Water Authority, et al., Merced

- H. County Superior Court, Case No. 19CV-04989 (GBP Long-Term Storm Water Management Plan)
Pacific Coast Federation of Fishermen's Associations, et al. v. Raimondo, et al., U.S. District Court, E.D. Cal., Case No. 1:20-cv-00431-DAD-EPG (ROC on LTO BiOps)
 - I. California Natural Resources Agency, et al. v. Raimondo, et al., U.S. District Court, E.D. Cal., Case No. 1:20-cv-00426-DAD-EPG (ROC on LTO BiOps)
 - J. CDWR Water Operation Cases, Sacramento County Superior Court, Case No. JCCP 5117 (formerly Tehama-Colusa Canal Authority et al. v. California Department of Water Resources et al., Fresno County Superior Court, Case No. 20CECG01303) (SWP EIR Challenge)
 - K. AquAlliance et al. v. U.S. Bureau of Reclamation, et al., U.S. District Court, E.D. Cal., Case No. 1:20- cv-00878-DAD-EPG (Long-Term Water Transfers EIS/EIR)
 - L. Winnemem Wintu Tribe et al. v. State Water Resources Control Board et al., Merced County Superior Court, Case No. 21CV-02721 (GBP Waste Discharge Requirements)
 - M. SWRCB Administrative Hearing Office: County of San Joaquin Application for Permit to Appropriate Water from the South Fork American River at the Freeport Regional Water Authority Facility on the Sacramento River, Pending Application A029657 (SJC Permit Application Protest)
 - N. AquAlliance et al. v. San Luis & Delta-Mendota Water Authority, Merced County Superior Court, Case No. 21-CV-03487 (Long-Term Water Transfers EIS/EIR Addendum)
- 12. Return to Open Session
 - 13. Report from Closed Session, if any, Required by Government Code Section 54957.1
 - 14. Reports Pursuant to Government Code Section 54954.2(a)(3)
 - 15. 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 via telephone (209) 826-9696 or email [cheri.worthy@sldmwa.org or sandi.ginda@sldmwa.org] at least 3 days before a regular meeting or 1 day before a special meeting/workshop.

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

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

November 1, 2021

The Water Resources Committee and Joint Water Resources Committee Regular Telephonic Meeting and Special Board Workshop of the San Luis & Delta-Mendota Water Authority convened at approximately 10:00 a.m. at 842 6th Street, Los Banos, California, and via teleconference in accordance with the Governor's Executive Order (N-08-21) and Resolution No. 2021-490 adopted by the Board of Directors on October 7, 2021, with Committee Chair Tom Birmingham presiding.

Water Resources Committee Members Present

Ex-Officio

Cannon Michael

William Bourdeau (via Teleconference)

Division 1

Zach Maring, Member (via Teleconference) - Anthea Hansen, Alternate

Division 2

Bill Diedrich, Member

Division 3

Chris White, Member - Ric Ortega, Alternate (both via Teleconference)

Division 4

Vincent Gin, Member - Jeff Cattaneo, Alternate

Division 5

Tom Birmingham, Member - Manny Amorelli, Alternate (both via Teleconference)

Board of Directors Present

Division 1

Anthea Hansen, Director

Division 2

William Bourdeau, Director (via Teleconference)

Bill Diedrich, Director

Division 3

Chris White, Director (via Teleconference)

Cannon Michael, Director

Ric Ortega, Director (via Teleconference)

Division 4

Jeff Cattaneo, Director

Division 5

Tom Birmingham, Director

Manny Amorelli, Director

Authority Representatives Present

Federico Barajas, Executive Director

Pablo Arroyave, Chief Operating Officer

Scott Petersen, Water Policy Director

Rebecca Akroyd, General Counsel

Joyce Machado, Director of Finance

Jerry Robbins, Special Programs Manager

Stewart Davis, IT Officer

Others Present

Tom Boardman, Westlands Water District

Russ Freeman, Westlands Water District

Dana Jacobson, Valley Water

Chris Park, CDM Smith

Kristi Robinson, WaterWise

Shelley Cartwright, Westlands Water District

Cindy Kao, Valley Water

Ian Buck-McLeod

Kaho Kong

John Harris

Steve Stadler, San Luis Water District

1. Call to Order/Roll Call

Committee Chair Tom Birmingham called the meeting to order and roll was called.

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

General Counsel Rebecca Akroyd reported that agenda item 7a should read DMC Subsidence Correction Project.

3. **Opportunity for Public Comment**
No public comment.

4. **Water Resources Committee to Consider Approval of the September 13, 2021 Meeting Minutes.**

Chair Tom Birmingham pronounced the September 13, 2021 meeting minutes approved with corrections provided orally during the meeting.

5. **Water Resources Committee to Consider Recommendation to Board of Directors to Select Non-Federal Investment Option for B.F. Sisk Dam Raise and Expansion Project.**

Chief Operating Officer Pablo Arroyave provided a brief overview of the staff memo included in the packet. Arroyave reported that there are two questions for the Committee, 1) What non-federal investment option (e.g. 50% CVP-only and 50% investor-directed or 30% CVP-only and 70% investor-directed) should be adopted for the project, and 2) Whether the Authority should select one of the three specific operational configurations identified, or an alternative configuration. Arroyave reported that in accordance with the WIIN Act, prior to commencement of construction, a cost share agreement for any reimbursable federal benefits must be developed and executed. Arroyave reported that due to questions and concerns regarding the Emergency Water Supply assumptions and analysis developed for the Feasibility Study, for the addendum, the Delta facility outage duration has been changed from 1-year to 2-years. Arroyave reported that this 2-year outage evaluation approach is currently under review by Reclamation economists

After a brief discussion Chair Tom Birmingham made the motion to select the 78% Ag/7%M&I/15%Refuge configuration, and maintain the 50/50 cost split with the understanding that it can be modified prior to construction. The motion was seconded by Member Bill Diedrich. After further discussion Member Bill Diedrich withdrew his second. A revised motion was made by Chair Tom Birmingham to select the 70%AG/15%M&I/15%Refuge configuration. The motion was seconded by Member Bill Diedrich. The Committee action is reported as follows:

AYES: Michael, Bourdeau, Maring, Diedrich, White, Gin, Birmingham
NOES: None
ABSTENTIONS: None

6. **Water Resources Committee to Consider Recommendation to Board of Directors to Authorize Execution of Second Amendment to Agreement for Professional Services with**

CDM Smith and Related Increase in Expenditure of \$300,000.00 for B.F. Sisk Dam Raise and Expansion Project Support within the FY22 Leg Ops Budget

Chief Operating Officer Pablo Arroyave provided a brief overview of the staff memo included in the packet. Arroyave reported that staff recommends authorization to execute an amendment to the Agreement for Professional Services with CDM Smith and related increase in expenditure of \$300,000, accomplished by a realignment of remaining FY 22 Leg Ops budget funds.

Ex Officio Member Cannon Michael made the motion to authorize execution of second amendment to Agreement for Professional Services with CDM Smith and related increase in expenditure of \$300,000.00 for B.F. Sisk Dam Raise and Expansion Project support within the FY22 Leg Ops Budget. The motion was seconded by Alternate Member Bill Diedrich and passed unanimously. The Committee action is reported as follows:

- AYES: Michael, Bourdeau, Maring, Diedrich, White, Gin, Birmingham
- NOES: None
- ABSTENTIONS: None

7. Executive Director’s Report.

A. **DMC Subsidence Correction Project** – Executive Director Federico Barajas reported that the state has \$100 million that they have identified in this year’s state budget to initiate efforts to restore conveyance to key portions of the California Aqueduct, the San Luis Canal, the Delta-Mendota Canal and the Friant-Kern Canal that have been lost due to subsidence. DWR has been assigned as the agency in charge of determining criteria for distribution of those funds. Barajas reported that staff has been working directly with DWR as it relates to the DMC.

B. **SLTP – WAPA** provided an updated cost estimate of \$307 million for the project. Barajas reported that a more detailed update will be provided to the Finance & Administration Committee and the Board of Directors.

8. Update on Water Policy/Resources Activities.

Water Policy Director Scott Petersen provided a brief summary of his report included in the packet. Petersen reported that Reclamation requested reinitiation of consultation on September 30, 2021. Petersen reported that in response to this action, on October 20, 2021, the Authority sent a letter to Reclamation Regional Director Ernest Conant requesting participation in the reinitiation of consultation pursuant to Section 4004 of the WIIN Act and in the NEPA process as either a Cooperating Agency or Participating Agency.

Petersen reported that the Council on Environmental Quality (CEQ) is proposing to modify certain aspects of its regulations for implementing the procedural provisions of the National Environmental Policy Act (NEPA) to generally restore regulatory provisions that were in effect for decades before being modified in 2020. Petersen reported that the proposed rule would restore provisions addressing the purpose and need of a proposed action, agency NEPA procedures for implementing CEQ's NEPA regulations, and the definition of "effects." CEQ invites comments on the proposed revisions. Petersen reported that comments must be received by November 22, 2021.

Petersen reported that on October 27, the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NOAA Fisheries) published in the federal register two proposed rules to rescind two critical habitat regulations finalized in December 2020. Petersen reported that the proposals would rescind the Services' regulatory definition of "habitat" and the FWS regulations that govern critical habitat exclusions under 4(b)(2) of the ESA. Petersen reported that the proposed rules are open for a 30-day public comment period through Friday November 26th.

Petersen reported that Reclamation has made a number of proposed changes to the Reclamation Manual.

9. Agenda Item II: Update on Water Operations and Forecasts

Westlands Water District's Tom Boardman reported that Shasta and Folsom are refilling thanks to the recent storms. Reservoir inflow rates, release operations and refill amounts were explained for both reservoirs. Delta conditions were described to be very good such that CVP and SWP pumping plants are now at capacity following a slight delay late last week due to problems at the Tracy fish facility trash rack.

Boardman reported on current storage in San Luis while mentioning that the CVP has yet to return 100 TAF of storage to the SWP that was exchanged during late summer. A San Luis projection chart under 50% exceedance condition was briefly explained.

Responding to a question from Ex Officio Member Bourdeau, Boardman explained that it may be too early to estimate if the strength and duration of the recent storms will be sufficient enough to reduce the amount of carriage water that will be charged against wheeling transfer water across the Delta.

10. Agenda Item 12: Committee Member Reports.

Member Bill Diedrich reported that Tanya Trujillo will be giving a presentation at the ACWA Conference.

11. Agenda Item 13: Closed Session

Committee Chair Tom Birmingham adjourned the open session to address the items listed on the Closed Session Agenda at approximately 11:30 a.m. Upon return to open session at approximately 11:50 a.m., Chair Tom Birmingham reported that there were no reportable actions taken in closed session.

12. Reports Pursuant to Government Code Section 54954.2

None.

13. Adjournment

The meeting was adjourned at approximately 11:51 a.m.



MEMORANDUM

TO: SLDMWA Water Resources Committee Members and Alternates

FROM: Scott Petersen, Water Policy Director

DATE: December 6, 2021

RE: Update on Water Policy/Resources Activities

BACKGROUND

This memorandum is provided to briefly summarize the current status of various agency processes regarding water policy activities, including but not limited to the (1) Reinitiation of Consultation on Long-Term Operations (“ROC on LTO”), (2) State Water Resources Control Board Action, including the Bay-Delta Water Quality Control Plan update, (3) San Joaquin River Restoration Program, (4) Delta Conveyance, (5) Delta Stewardship Council, and (6) Water Blueprint for the San Joaquin Valley.

POLICY ITEMS

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

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

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

The biological opinions carefully evaluated the impact of the proposed CVP and SWP water operations on imperiled species such as salmon, steelhead and Delta smelt. FWS and NMFS documented impacts and worked closely with Reclamation to modify its proposed operations to

minimize and offset those impacts, with the goals of providing water supply for project users and protecting the environment.

Both FWS and NMFS concluded that Reclamation's proposed operations will not jeopardize threatened or endangered species or adversely modify their critical habitat. These conclusions were reached for several reasons – most notably because of significant investments by many partners in science, habitat restoration, conservation facilities including hatcheries, as well as protective measures built into Reclamation's and DWR's proposed operations.

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

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

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

On January 20, 2021, President Biden signed an Executive Order: “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis”, with a fact sheet¹ attached that included a non-exclusive list of agency actions that heads of the relevant agencies will review in accordance with the Executive Order. Importantly, the NOAA Fisheries and U.S. Fish and Wildlife Service Biological Opinions on the Long-Term Operation of the Central Valley Project and State Water Project were both included in the list of agency actions for review. It’s unclear what this agency review will analyze, but staff will be engaged.

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

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

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

Reclamation Manual

Documents out for Comment

Draft Policy

- There are currently no Policies out for review.

Draft Directives and Standards

- PEC 10-05 Reclamation Standard Water-Related Contract Articles, Standard Article 5: Operation and Maintenance of Transferred Works (Federal Construction) (comments by 12/9/2021)
- PEC 10-06 Reclamation Standard Water-Related Contract Articles, Standard Article 6: Operation and Maintenance of Project Works (Federally Assisted Construction) (comments by 12/9/2021)
- PEC 05-03 Extended Repayment of Extraordinary Maintenance Costs (comments by 12/9/2021)
- CMP 11-01 Title Transfer for Reclamation Project Facilities (comments by 12/9/2021)

Draft Facilities Instructions, Standards, and Techniques (FIST)

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

Draft Reclamation Safety and Health Standards (RSHS)

- [RSHS 23 Tunnel and Shaft Construction \(comments by 12/10/2021\)](#)
- [RSHS 45 Heat and Cold Stress \(comments by 12/19/2021\)](#)

Draft Reclamation Design Standards

- There are currently no Design Standards out for review.

State Water Resources Control Board (State Water Board) Activity

Documents out for Comment

Notice of Preparation of a draft Program Environmental Impact Report related to the adoption of a Regulation for the Hexavalent Chromium Maximum Contaminant Level

PROJECT LOCATION: The Project is a statewide regulation that would apply to all public drinking water systems in the State of California. Water systems with hexavalent chromium exceeding the proposed MCL are located throughout the state and specific locations are not currently known.

PROJECT DESCRIPTION: The proposed Project consists of the State Water Board adopting and implementing a regulation that establishes the Maximum Contaminant Level (MCL) for hexavalent chromium (aka chromium-6) in drinking water provided by public water systems (PWS) in California. The State Water Board is the lead agency under the California Environmental Quality Act (CEQA) and is preparing a Programmatic Environmental Impact Report for the adoption of the regulation. The State Water Board is considering 17 possible MCLs (1 to 15, 20, and 25 µg/L).

The project scope includes not only setting the MCL for hexavalent chromium, but also the reasonably foreseeable methods of compliance. For hexavalent chromium, three treatment technologies are being identified as the Best Available Technology: Ion Exchange, Reduction-Coagulation/Filtration, and Reverse Osmosis. Public Water Systems, however, are not limited to treatment, and can consider other alternatives, if available. Such options could include the removal of contaminated source wells from use, blending of a contaminated source with an uncontaminated source to meet the MCL prior to distribution, drilling and constructing a new well in an uncontaminated aquifer, switching from contaminated groundwater to surface water, or consolidation with another water system that meets the MCL.

COMMENT PERIOD: November 5, 2021 to December 6, 2021

The Notice of Preparation (NOP) is available for review and comment for 31 days. The comment period for this NOP begins November 5, 2021 and ends on December 6, 2021. Responses should be sent at the earliest possible date, but no later than 5:00 PM on December 6, 2021.

[Emergency Regulation: Sacramento-San Joaquin Delta Watershed](#)

Background

On May 10, 2021, Governor Newsom issued a Proclamation of a State of Emergency due to drought in 41 counties, including those in the Delta watershed. On July 8, 2021, the Governor issued an expanded Proclamation of a State of Emergency for 9 additional counties and called upon Californians to voluntarily reduce their water use by 15 percent compared to the same period in 2020.

To ensure protection of water needed for health, safety, and the environment, the May 10, 2021 Proclamation directs the State Water Board to consider adoption of an emergency regulation to curtail water diversions in the Delta watershed when water is not available at water right holders' priority of right and to protect releases of previously stored water.

On June 15, 2021, the State Water Board sent Notices of Water Unavailability to all water right holders in the Delta watershed, alerting all post-1914 appropriative water right holders that the Board had determined, based on the best information available to the Board, that water was not available to serve their priorities. The June 15 notice also warned all pre-1914 appropriative and riparian water right claimants in the Delta watershed of impending water unavailability based on worsening drought conditions and the resulting likelihood of consideration of an emergency regulation to curtail water use throughout the Delta watershed.

On July 8, 2021, the San Luis & Delta-Mendota Water Authority, Friant Water Authority, Tehama Colusa Canal Authority, and the State Water Contractors sent a letter to State Water Board Chairman Joaquin Esquivel expressing a need for action to protect stored water and to reduce unauthorized diversions of water in the Delta, in order to protect authorized beneficial uses of water.

On July 29, 2021, the San Luis & Delta-Mendota Water Authority sent a letter to State Water Board Chairman Joaquin Esquivel expressing support for protecting stored water, the need to ensure due process in the protection of appropriately exercised water rights, and the need to consider a number of comments expressed by water users related to the Water Unavailability Methodology.

The draft emergency regulation was considered by the State Water Board at its August 3, 2021 meeting and adopted, then submitted to the Office of Administrative Law.

On August 20, 2021, the State Water Resources Control Board (State Water Board) mailed initial orders imposing water right curtailment and reporting requirements on all water right holders and claimants in the Delta watershed (linked below).

The August 20 order (Order) identifies the priorities of water rights and claims of right that are curtailed for the remainder of August and for the month of September. The Delta Watershed Curtailment Status List (Curtailment Status List) on the [Delta Watershed Drought webpage](#) reflects the water rights and claims that are currently curtailed, including those that are currently required to curtail for the month of September even if not required to curtail for the month of August. This list will be updated on a weekly basis or more frequently if there are precipitation events that warrant suspension of curtailments.

Over the last week, the SWRCB notified water right permit and license holders within the Sacramento San Joaquin Delta watershed and Standard Water Right Term 91 (Term 91) and other interested parties that curtailments are no longer in effect due to a lack of supplemental project water (SPW) releases by the Department of Water Resources and U.S. Bureau of Reclamation (Projects) at this time. If the Projects are required to resume consistent SPW releases and the Sacramento-San Joaquin River Delta (Delta) remains in balanced conditions, the State Water Resources Control Board (State Water Board) will resume Term 91 curtailments.

Please monitor your email and the State Water Board's drought website for further updates on Term 91 or other curtailments. Term 91 and other curtailments may be re-imposed in the near future if hydrologic conditions degrade.

On December 7, the State Water Resources Control Board will receive informational updates on drought and current hydrology and an update from DWR and Reclamation related to the December 2021 Temporary Urgency Change Petition to Modify Delta Flow and Water Quality Requirements in 2022.

Bay Delta Water Quality Control Plan Update

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

During the December 12, 2018 Water Board Meeting, the Department of Water Resources (“DWR”) and Department of Fish and Wildlife presented proposed “Voluntary Settlement Agreements” (“VSAs”) on behalf of Reclamation, DWR, and the public water agencies they serve to resolve conflicts over proposed amendments to the Bay-Delta Plan update.² The State Water Board did not adopt the proposed VSAs in lieu of the proposed Phase 1 amendments, but as explained below, directed staff to consider the proposals as part of a future Delta-wide proposal.

Phase 1 Status: The State Water Board adopted a resolution³ to adopt amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and adopt the Final Substitute Environmental Document during its December 12, 2018 public meeting.

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

The effort has made progress since an initial framework was presented to the State Water Board on December 12, 2018.

² Available at <https://water.ca.gov/-/media/DWR-Website/Web-Pages/Blogs/Voluntary-Settlement-Agreement-Meeting-Materials-Dec-12-2018-DWR-CDFW-CNRA.pdf>.

³ Available at https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2018/rs2018_0059.pdf.

On March 1, 2019, the California Department of Water Resources and the Department of Fish and Wildlife submitted documents⁴ to the State Water Board that reflect progress since December to flesh-out the previously submitted framework to improve conditions for fish through targeted river flows and a suite of habitat-enhancing projects including floodplain inundation and physical improvement of spawning and rearing areas.

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

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

On December 8, the State Water Resources Control Board will hear an information item on upcoming actions to update and implement the Water Quality Control Plan for the San Francisco Bay Sacramento San Joaquin Delta.

Water Blueprint for the San Joaquin Valley Activity

Background

The Water Blueprint for the San Joaquin Valley (Blueprint) is a broad and evolving group of stakeholders, working to better understand shared goals for water solutions that support environmental stewardship with the needs of communities and industries throughout the San Joaquin Valley. The Blueprint has engaged with stakeholders to try and ensure that everyone has safe, reliable, and affordable access to water for drinking, supporting their farms and communities and a thriving ecology.

The SJV faces significant impacts to its long-term economic, social, and environmental health if nothing is done to address water scarcity, as highlighted in Phase I of Dr. David Sunding’s Economic Impact Assessment (EIA) <https://www.waterblueprintca.com>.

The Large Group and committees continue to meet and pursue the mission of Blueprint, including outreach, technical support and working in collaboration with other stakeholders.

Governance: A nominating committee was formed and presented a slate of Directors to the Executive Committee and Plenary Group to expand the 501c(3) Board to 23 members, with representatives from the following groups: Agriculture Organizations, Water Agencies, White

⁴ Available at http://resources.ca.gov/docs/voluntary-agreements/2019/Complete_March_1_VA_Submission_to_SWRCB.pdf

Lands, Local Government, and At Large. A total of 23 Directors were recommended, with 2 slots remaining open for a representative from the northern portion of the San Joaquin Valley and a representative from refuge/environmental interests. Board members have been approved and the new Board will be seated in January.

Agriculture: Casey Creamer, CA Citrus Mutual
Ian Lemay, CA Fresh Fruit Association
Geoff Vanden Heuvel, Dairy

Water Agencies: Scott Petersen, San Luis & Delta-Mendota Water Authority
Jason Phillips, Friant Water
Steve Chedester, SJ River Exchange Contractors Water Authority (*pending ratification by SJRECWA Board*)
Vacant (State Water Contractor)

White Lands: Johnny Gailey, Delta View Water Association
Jack Rice, Western Resource Strategies
Deanna Jackson, Tri-County Water Authority

Govt: Augustine Ramirez, Fresno County
Stephanie Anagnoson, Madera County
Paul Boyer, Farmersville

At-Large: Sarah Woolf, Water Wise
Eddie Ocampo, Self-Help Enterprises
Austin Ewell, Ewell Group
Christina Beckstead, Madera County Farm Bureau
Vince Lucchesi, Patterson Irrigation District
Kassy Chauhan, Fresno Irrigation District
Vacant (north Valley or westside)
Vacant (refuge)

Committee Chairs: Scott Hamilton, Ag Economist (Technical Committee)
Mike Wade, CA Farm Water Coalition (Communications Committee)

Outreach & Engagement: The Blueprint Community Advisory Committee will be having its first meeting on October 27th. The tentative agenda is an introduction of participants, overview of the Water Blueprint for the San Joaquin Valley and drought Planning for 2022. The Blueprint's first community newsletter is being circulated and the website is being updated. Continue working with CSBA (School Boards Association) and Tribal interests. Creating a contact list of local elected officials, including special districts and county supervisors. This contact list is the basis for a newsletter sent to community leaders throughout our region.

Technical Committee: ESA is developing a regulatory and permitting path forward for the Blueprint. This detailed plan will list all permits needed, the approvals, the reports, and documents essential to prepare and obtain from the Federal and/or State Agencies for the solution sets provided. Blueprint continues to engage with Central Valley stakeholders regarding opportunities to construct infrastructure, balanced approach to water resources, low interest loans for farmers unable to farm and focus on inter-regional conveyance and habitat restoration. A dinner has been set up with Board Members from Madera I.D. and Chowchilla W.D., participants of the Blueprint and White Area representatives to review the status of the technical work and next steps if any.

SJV Water Collaborative Action Program (SJWCAP): Stanford University, working in coordination with the Blueprint, Central Valley Community Foundation, Fresno State, NGOs and 60+ stakeholders from water agencies, agricultural interests, local government, drinking water advocates and environmental interests have drafted an inter-caucus Problem Statement and Solution Sets for the Plenary Group to review and adopt. A fundamental part of the solution set is a focus on a two phased approach to identify an amount of water and its sources to aid in recharging the Valley as well as a total amount of acres for potential fallowing as well as a timeframe for identifying agreeable ways of doing so.

DAC Drinking Water Feasibility Study – FKC: Participants include FWA, FSU, Self Help, Sustainable Conservation and Leadership Council are looking to study Tulare County related to surface water supply, recharge and drinking water supplies. DWR is making available approx. \$49,500 for this study. Fresno State in coordination with the other participants will be creating a more specific scope tailored to Tulare to provide to DWR to review and fund.