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

Monday, April 6, 2020 10:00 a.m.

Join Zoom Meeting
https://zoom.us/j/192598368?pwd=VkdGcGdCMnZUM3A5SWpMaUpxdE82Zz09

Meeting ID: 192 598 368
Password: 501594

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Agenda

NOTE: In accordance with the Governor's Executive Order (N-29-20) and the declared State of Emergency as a result of the threat of COVID-19, members of the Water Resources Committee, Board of Directors, and Water Authority staff will be participating in this meeting remotely from multiple locations. Members of the public are encouraged to use the call-in number, which will allow them to fully participate in the meeting without having to be present in person. 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 FURTHER: 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, as appropriate.

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

1. Call to Order/Roll Call

2. Water Resources Committee to Consider Corrections to the Agenda for the Water Resources Committee Meeting only, as Authorized by Government Code Section 54950 *et seq*.

3. Opportunity for Public Comment – Any member of the public may address the Water Resources Committee/Board concerning any matter not on the agenda, but within the Committee's or Board's jurisdiction. Public comment is limited to no more than three minutes per person. For good cause, the Chair of the Water Resources Committee may waive this limitation.

ACTION ITEMS

4. **Water Resources Committee to Consider Approval of the March 2, 2020, Meeting Minutes**

5. **Water Resources Committee to Consider Recommendation to Board of Directors to Adopt Communications Plan**, Petersen

6. **Water Resources Committee to Consider Recommendation to Board of Directors Regarding CEQA Exemption for and Execution of Agreement to Purchase Release of Water By and Among**

Oakdale Irrigation District, South San Joaquin Irrigation District, and San Luis & Delta-Mendota Water Authority, and Department of Water Resources, Mizuno

REPORT ITEMS

7. Update on Water Policy/Resources Activities, Petersen
(May include reports on activities related to 1) Reinitiation of Consultation on Long-Term Operations of the Central Valley Project and State Water Project, including environmental compliance; 2) State Water Resources Control Board action; 3) San Joaquin River Restoration Program; 4) Delta conveyance; 5) Reclamation action; 6) Delta Stewardship Council action; 7) San Joaquin Valley Water Blueprint)

8. Report on State and Federal Affairs, Petersen

9. Executive Director's Report, Barajas
(May include reports on activities within the Water Resources Committee's jurisdiction related to 1) CVP/SWP water operations; 2) California storage projects; 3) regulation of the CVP/SWP; 4) existing or possible new State and Federal policies; 5) Water Authority activities; 6) COVID-19 response)

10. Chief Operating Officer's Report, Arroyave
(May include reports on activities within the Water Resources Committee's jurisdiction related to 1) OM&R; 2) Infrastructure projects; 3) Water transfers, exchanges, and release program)

11. Update on Water Operations and Forecasts, Boardman

12. Committee Member Reports

13. 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 – 3 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. Bernhardt et al., U.S. District Court, E.D. Cal., Case No. 1:05-cv-01207, LJO-BAM (Old FWS – OCAP BO/Contracts)
B. Modesto Irrigation District, et al. v. State Water Resources Control Board & Woods Irrigation Company, Sacramento County Superior Court Case No. 34-2011-80000803 (Complaint for Declaratory Relief re Woods Irrigation Company)
C. SWRCB Water Rights Complaints: Modesto Irrigation District, State Water Contractors, San Luis & Delta- Mendota Water Authority, Interested Persons in SWRCB CDO Enforcement Proceedings and/or Petitions for Reconsideration: Pak & Young; Mussi et al; George Speckman Testamentary Trust (Water Rights Complaints)
D. Pacific Coast Federation of Fishermen's Associations, California Sportfishing Protection Alliance, Friends of the River, San Francisco Crab Boat Owners Association, Inc., The Institute for Fisheries Resources, and Felix Smith 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, Appeal No. 17-17130 ("PCFFA v Glaser" or "GBP Citizens Suit")
E. 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). Appeals in Delta Plan Litigation:
State Water Contractors, et al. v. Delta Stewardship Council, et al. (Sacramento County Superior Court JCCP No. 4758) (Third District Court of Appeal Case No. C082944); California Water Impact Network, et al. v. Delta Stewardship Council, et al. (Sacramento County Superior Court JCCP No. 4758) (Third District Court of Appeal Case No. C082994); Central Delta Water Agency, et al. v. Delta Stewardship Council, et al. (Sacramento County Superior Court JCCP No. 4758) (Third District Court of Appeal Case No. C082994); North Coast Rivers Alliance, et al. v. Delta Stewardship Council, et al. (Sacramento County Superior Court JCCP No. 4758) (Third District Court of Appeal Case No.C082994); San Luis & Delta-Mendota Water Agency, et al. v. Delta Stewardship Council, et al. (Sacramento County Superior Court JCCP No. 4758) (Third District Court of Appeal Case No. C082994); Save the California Delta Alliance v. Delta Stewardship Council, et al. (Sacramento County Superior Court JCCP No. 4758) (Third District Court of Appeal Case No. C082994)
F. California Sportfishing Protection Alliance, et al. vs. California State Water Resources Control Board, et al., Alameda County Superior Court Case No. RG15780498 (State WQCP/TUCP)
G. City of Fresno, et al. v. United States, U.S. Court of Federal Claims, Case No. 16-1276L (Friant Takings Suit)
H. Monterey Coastkeeper, et al. v. Central Valley Regional Water Quality Control Board, et al., Sacramento County Superior Court Case No. 34-2018-80002853; Environmental Law Foundation v. State Water Resources Control Board, Sacramento County Superior Court Case No. 34-2018-80002851; Protectores del Agua Subterranea v. State Water Resources Control Board, Sacramento Superior Court Case No. 34-2018-80002852 ("Waste Discharge Requirement Cases")

I. 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")

J. North Coast Rivers Alliance, et al. v. San Luis & Delta-Mendota Water Authority, et al., Merced County Superior Court, Case No. 19CV-04989 (GBP Long-Term Storm Water Management Plan)

K. Pacific Coast Federation of Fishermen's Associations, et al. v. Wilbur Ross, et al., U.S. District Court, E.D. Cal., Case No. 1:20-cv-00431-DAD-SAB (ROC on LTO BiOps)

L. California Natural Resources Agency, et al. v. Wilbur Ross, et al., U.S. District Court, E.D. Cal., Case No. 1:20-cv-00426-DAD-SKO (ROC on LTO BiOps)

M. California Sportfishing Protection Alliance v. All Persons Interested in the Matter of the Validity of the Northern and Central Delta-Mendota Regions Groundwater Sustainability Plan, et al., Stanislaus County Superior Court, Case No. CV-20-001748 [Delta-Mendota Subbasin SGMA Challenge]

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 Felicia Luna at the San Luis & Delta-Mendota Water Authority Office via telephone (209) 826-9696 or email [cheri.worthy@sldmwa.org or felicia.luna@sldmwa.org] at least 3 days before a regular meeting or 1 day before a special meeting/workshop.

SAN LUIS & DELTA-MENDOTA WATER AUTHORITY
REGULAR WATER RESOURCES COMMITTEE MEETING AND JOINT REGULAR WATER RESOURCES COMMITTEE MEETING - SPECIAL BOARD WORKSHOP MINUTES
March 2, 2020

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

Water Resources Committee Members Present

Ex-Officio

Cannon Michael

Division 1

Absent

Division 2

Absent

Division 3

Chris White, Member

Division 4

Gath Hall, Member

Division 5

Tom Birmingham, Member - Steve Stadler, Alternate

Board of Directors Present

Division 1

Anthea Hansen, Director

Rick Gilmore, Director

Division 2

Absent

Division 3

Chris White, Director

Cannon Michael, Director

Division 4

Garth Hall, Alternate

Sara Singleton, Alternate

Division 5

Tom Birmingham, Director

Steve Stadler, Director

Authority Representatives Present

Federico Barajas, Executive Director

Scott Petersen, Water Policy Director

Rebecca Akroyd, General Counsel

Pablo Arroyave, Chief Operating Officer

Frances Mizuno, Assistant Executive Director (via Teleconference)

Others Present

Janet Roy, San Luis Water District

Dana Jacobson, Valley Water

Tom Boardman, Westlands Water District

Chris Park, CDM

Walter Bourez, MBK

1. Call to Order

Chair Tom Birmingham called the meeting to order.

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

No corrections or additions.

3. Opportunity for Public Comment

No public comment.

4. Agenda Item 8: Presentation on B.F. Sisk Dam Raise.

Chris Park from CDM, and Walter Bourez from MBK provided a brief overview of the B.F. Sisk Dam Raise Project. Park and Bourez went over a PowerPoint presentation with focus on the progress of the project, and the development of a model that addresses rescheduled water. The presentation is on file at the Authority office.

5. Agenda Item 4: Water Resources Committee to Consider Approval of the February 3, 2020 Meeting Minutes

Chair Tom Birmingham pronounced the February 3, 2020 meeting minutes approved.

6. Agenda Item 5: Water Resources Committee to Consider Recommendation to the Board of Directors to Adopt Staff Recommendation for Positions on H.R. 5752 (Costa), Conveyance Capacity Correction Act, and Draft S. ___ (Feinstein), Restoration of Essential Conveyance Act.

Water Policy Director Scott Petersen reported that staff recommends supporting two pieces of federal legislation: 1) a draft Feinstein bill, Restoration of Essential Conveyance Act, which would authorize $200 million for restoration of conveyance capacity on the Friant-Kern Canal, $200 million for restoration of conveyance capacity on the Delta-Mendota Canal, $100 million for restoration of conveyance capacity of the San Luis Canal (joint reach of the California Aqueduct), $100 million for restoration of conveyance capacity on the California Aqueduct, and $200 million to implement the Restoration Goal of the San Joaquin River Restoration Settlement Program, and 2) H.R. 5752 (Costa), Conveyance Capacity Correction Act, which would authorize the creation of $400 million program for restoration of conveyance capacity on canals that convey water from estuaries that are "transferred works" or deliver water that is stored in a federal storage facility owned by Reclamation and that are operated by a State entity.

Member Cannon Michael made a motion that the committee recommend the Board of Directors adopt staff recommendation for positions on H.R. 5752 (Costa), Conveyance Capacity Correction Act, and draft S. ___ (Feinstein), Restoration of Essential Conveyance Act. The motion was seconded by Member Chris White and passed unanimously. The Committee action is reported as follows:

AYES: Michael, White, Hall, Birmingham

NOES: None

ABSTENTIONS: None

7. Agenda Item 6: Water Resources Committee to Consider Recommendation to Board of Directors to Authorize Execution of Agreement with State Water Contractors and

Expenditure of up to $25,000 from the FY21 Technical Budget to Jointly Fund Technical Science Support for CSAMP Delta Smelt Structured Decision Making.

Water Policy Director Scott Petersen reported that as previously discussed with the Authority Board, staff is focusing on four key areas for the FY2021 and future Science Program budgets, in order to assist in the development of a more coordinated science strategy between public water agencies and state and federal agencies who fund the scientific enterprise. Specifically, these recommended areas are: 1) Technical Support for Authority Engagement in Regulatory Processes, 2) Steelhead Monitoring and Protection, 3) Delta Smelt Structured Decision Making Scientific Expertise, and, if advanced, the 4) Development of Voluntary Agreement Science Plan. Petersen reported that Compass Resources has been hired by CSAMP to facilitate a structured decision making project to build consensus on a portfolio of recommended management and science actions to support recovery of delta smelt. Petersen reported that as this process moves forward there is a need to comprehensively document the evidence used and the rationale underlying these scoping decisions that the working group is making. Petersen reported that there is now an additional deliverable for this project: Identification and exploration of key effect pathways, that has required the need for additional biological support. Petersen reported that the State Water Contractors have agreed to jointly fund the approximate $50,000 expenditure, and are taking it to their Board. Petersen reported that staff is recommending to jointly fund this work to advance the delta smelt structured decision making.

Member Garth Hall made a motion that the committee recommend the Board of Directors Authorize Execution of Agreement with State Water Contractors and Expenditure of up to $25,000 from the FY21 Technical Budget to Jointly Fund Technical Science Support for CSAMP Delta Smelt Structured Decision Making. The motion was seconded by Member Cannon Michael and passed unanimously. The Committee action is reported as follows:

AYES: Michael, White, Hall, Birmingham

NOES: None

ABSTENTIONS: None

8. Agenda Item 7: Water Resources Committee to Consider Recommendation to Board of Directors to Adopt Communications Plan.

Water Policy Director Scott Petersen reported that the Strategic Plan identified seven goals and several objectives, and that the Communications Plan is designed to address implementation

for goal area 6. Effective Communications and Engagement with Key Parties. Petersen reported that in January, a draft communications plan was presented to the Board and subsequently, an ad-Hoc Communications Committee was formed to review the draft plan and provide additional input and recommendations. Petersen reported that the attached plan contains a number of target audiences and specified methods of engagement to provide outreach to each audience, as well as identified parties and timelines for doing so. Petersen reported that the ad-Hoc Communications Committee had a number of comments and suggestions that were addressed and incorporated into this draft.

After a lengthy discussion with staff and Committee members, the Committee recommended that staff clarify the issue of representation (who is leading who), and add information regarding internal communications. Executive Director Federico Barajas agreed that staff will work to clarify this area, and bring it back in April.

9. Update on Water Policy/Resources Activities.

Water Policy Director Scott Petersen reported that the Record of Decision for the biological opinions was signed February 18, 2020, and subsequent to that, the State of California filed litigation, asserting that the state performed an assessment that the operating rules proposed by federal agencies are not scientifically adequate and fall short of protecting species pursuant to the requirements of the Endangered Species Act and California's interests. Petersen reported that the impacts of this litigation remain unclear at this time, but it has created significant uncertainty in the many policy level items that are being worked on at this time.

Water Policy Director Scott Petersen reported that work has continued on the development of the Voluntary Agreements, and 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.

10. Update on State and Federal Affairs.

Water Policy Director Scott Petersen reported that he was in Washington DC with Executive Director Federico Barajas last week, and highlighted a couple of key items important for the Authority: 1) WIFIA loan funding for Jones PP, and 2) funding for DMC canal conveyance issues.

Petersen reported that the House will be consumed with coronavirus response, likely advancing a $6-8 billion emergency supplemental appropriations bill in the next two weeks.

Petersen reported that the House passed H.R. 3399, which has been amended to authorize $12 million annually from fiscal 2021 through 2025 to support states affected by invasive nutria, passed the House unanimously last week. The Interior Department would be allowed to provide financial assistance to any state that has demonstrated need for a program to address nutria invasion and to restore damaged marshes, public and private wetlands, and agricultural lands. Authority staff will be working with Representative Harder's office to secure passage in the Senate.

Petersen reported that Katharine MacGregor, the nominee for Deputy Secretary of the Interior was confirmed.

Petersen also reported that staff is working on setting up a tour with Secretary Crowfoot.

11. Executive Director's Report.

Executive Director Federico Barajas welcomed new Committee Member Garth Hall.

Barajas reported that the initial 2020 Water Allocation was announced by Reclamation last week, and the Authority sent out a statement regarding the Allocation. Barajas reported that last month is expected to be the driest month on record. Barajas reported that through implementation of the Biological Opinions, and making the best out of the operations that they have to work with, Reclamation deserves some credit even though the numbers are what they are.

Barajas reported that Chief Operating Officer Pablo Arroyave has initiated bi-weekly South of Delta operations calls with Reclamation.

12. Chief Operating Officer's Report.

Chief Operating Officer Pablo Arroyave reported that work on the Unit 2 rewind continues, and should be back online in late May.

Arroyave reported that O'Neill unit should be back online by the end of March, which is ahead of schedule.

Arroyave reported that work continues on North of Delta Transfer Program, and the only districts participating are Panoche, Pacheco, Mercy Springs, and Westlands.

Assistant Executive Director Frances Mizuno reported that there may be opportunity to back up crop idling water in Shasta in addition to the forbearance component of the project.

13. Update on Water Operations and Forecasts

Westlands Water District's Tom Boardman reported that Jones Pumping Plant struggled to maintain a one-unit operation during the record breaking dry February. Pumping was limited by an elevated delta outflow requirement per D1641 but is expected to increase soon because of a lower outflow requirement during March.

Boardman also reported that Reclamation's operations forecast supporting initial allocations was noticeably less conservative compared to past years. There was some discussion regarding the potential of triggering a Shasta critical year and the possibility of drawing CVP San Luis storage into the negative by late August if dry conditions exceed what Reclamation has projected in its operations studies.

14. Committee Member Reports.

No reports.

15. Closed Session

Chair Tom Birmingham adjourned the open session to address the items listed on the Closed Session Agenda at approximately 11:35 a.m. Upon return to open session at approximately 11:40 a.m., General Counsel Rebecca Akroyd reported that there were no reportable actions taken in closed session.

16. Reports Pursuant to Government Code Section 54954.2

None.

17. Adjournment

The meeting was adjourned at approximately 11:45 a.m.

MEMORANDUM

TO: SLDMWA Water Resources Committee Members and Alternates

FROM: Scott Petersen, Water Policy Director

DATE: April 6, 2020

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) Revised Delta Conveyance, (5) Delta Stewardship Council, and (6) San Joaquin Valley Water Blueprint.

POLICY ITEMS

Reinitiation of Consultation on Long-Term Operations (ROC on LTO)

On August 2, 2016, the U.S. Bureau of Reclamation, the lead federal agency, and the California Department of Water Resources (DWR), the applicant, jointly requested the reinitiation of Endangered Species Act consultation on the coordinated long-term operation of the Central Valley Project (CVP) and State Water Project (SWP). The U.S. Fish and Wildlife Service (FWS) and National Oceanic and Atmospheric Administration Fisheries (NOAA Fisheries) accepted the reinitiation request on August 3, 2016.

On January 31, 2019, Reclamation transmitted their Biological Assessment. As stated in the BA, the purpose of this action is "…to continue the coordinated long-term operation of the CVP and SWP to maximize water supply delivery and optimize 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."

The two biological opinions[1][2] on the coordinated operations of the CVP/SWP were finalized on October 21, 2019. FWS and NOAA Fisheries evaluated the impact of CVP/SWP water operations on imperiled species including Delta smelt, salmonid, green sturgeon, northern resident killer whale and 15 terrestrial species that could be impacted. The proposal includes habitat

[1] https://www.fws.gov/sfbaydelta/cvp-swp/documents/10182019_ROC_BO_final.pdf
[2] https://www.fisheries.noaa.gov/webdam/download/98198559

management measures in the Delta and entrainment management related to water exports in the South Delta.

On February 18, 20202, Reclamation completed the environmental review process under the National Environmental Policy Act by signing the Record of Decision, implementing the new biological opinions.

Relatedly, the State Water Project (SWP) is undergoing a process to provide legal permitting of its long-term operations consistent with the requirements of the California Endangered Species Act (CESA) in conjunction with the update of the CVP biological opinions. As part of this process, the state released a draft Environmental Impact Report[3] on November 21, 2019, pursuant to the California Environmental Quality Act, that identifies potential operational changes to protect species and manage the SWP based on real-time conditions in the Delta ecosystem, rather than calendar-based requirements.

Concurrent with the environmental review under CEQA, DWR developed and submitted an application for a permit from the California Department of Fish and Wildlife (CDFW) for long-term SWP operations under CESA. On March 31, 2020, CDFW released the conditions for issuing an Incidental Take Permit (ITP) pursuant to CESA for SWP operations that has some differences from the federal biological opinions.

The ITP differs from the federal Biological Opinions in some ways:

- It vests authority in CDFW to stop operational changes if it determines they will violate CESA standards.
- It includes alternatives that provide a block of environmental water that can be used to offset pumping impacts in the Delta, with adjustments made over time as new information is learned.
- It provides additional direction on when Delta pumping can be increased during storm events and caps the amount that exports can be increased in those events.
- It includes specific protections for longfin smelt, a protected species under CESA, though not under the ESA, and a commitment to implementing a longfin smelt science plan.

DWR's draft EIR was available for public comment through January 6, 2020. The Authority submitted a comment letter highlighting concerns with the document. DWR anticipates completing a final document in early 2020, with a permit from CDFW expected to follow.

Reclamation Directives and Standards

Documents out for Comment

Draft Directives and Standards

- Underground Injection Control Program, ENV 15-04 (comments due 4/27/2020)

[3] https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/State-Water-Project/Files/Deliv-42DEIRv1-112119-Volume-I_ay_19.pdf?la=en&hash=FA4DB4BDFE72DFE791F187AE5D796B0BB89177AC

- Emergency Management Program for Water Impoundment Structures, FAC 01-01 (comments due 4/27/2020)

State Water Resources Control Board Activity

Documents out for Comment

WHITE PAPER DISCUSSION ON ECONOMIC FEASIBILITY ANALYSIS IN CONSIDERATION OF A HEXAVALENT CHROMIUM MCL

The State Water Resources Control Board (State Water Board) will receive public comments on the White Paper Discussion on Economic Feasibility Analysis in Consideration of a Hexavalent Chromium Maximum Contaminant Level (MCL) (White Paper)

BACKGROUND

In 2011, OEHHA established a Public Health Goal (PHG) for hexavalent chromium of 0.02 parts per billion (ppb) that is based on cancer risk. Hexavalent chromium has been detected in numerous drinking water sources in California. In 2014, the California Department of Public Health established an MCL of 10 ppb for Hexavalent Chromium. However, in 2017 the Superior Court of the State of California invalidated that MCL and directed the State Water Board to withdraw the current MCL and establish and new MCL.

SUBMISSION OF WRITTEN COMMENTS

Comments on the White Paper will be considered as the State Water Board staff begins development of the regulation package for a primary drinking water standard for hexavalent chromium. The State Water Board will be accepting oral comments during the workshops, and interested persons may send written comments or questions in advance of the workshops, or up until 12:00 noon on April 27, 2020.

"303(d) portion of the 2018 California Integrated Report" or "303(d) list for the North Coast Region" or both

Written comments will be accepted by the State Water Resources Control Board ("State Water Board") on the proposed statewide Clean Water Act section 303(d) list of water quality limited segments [303(d) list] portion of the 2018 California Integrated Report. The proposed statewide list consists of recommendations approved by the Regional Water Quality Control Boards ("Regional Water Boards") for the Lahontan, Colorado River, San Francisco Bay, Los Angeles, and Central Valley regions and the proposed 303(d) list for waterbodies within the North Coast Regional Water Board's region ("North Coast Region").Written public comment shall be limited to:

1. The specific listing and delisting recommendations made by the Regional Water Boards for the Lahontan, Colorado River, San Francisco Bay, Los Angeles, and Central Valley regions that were timely requested for review, as identified in section 4 of the Draft Staff Report for the 2018 Integrated Report for Clean Water Act Sections 305(b) and 303(d)("Draft Staff Report");and

2. The State Water Board's proposed changes to the delisting recommendations submitted by the Los Angeles Region, as identified in section 4.2 of the Draft Staff Report; and
3. The State Water Board's proposed 303(d) listing and delisting recommendations pertaining to all waterbodies within the North Coast Region, as identified in section 3 of the Draft Staff Report.

BACKGROUND

Section 303(d) of the Clean Water Act requires each state to identify waters that do not meet, or are not expected to meet by the next listing cycle, applicable water quality standards and to prioritize those waters for total maximum daily load development, unless other corrective action is appropriate(commonly referred to as the "303(d) list").Section 305(b) of the Clean Water Act requires each state to report on the overall condition of its surface waterbodies(commonly referred to as the "305(b) report").California combines its 303(d) lists and 305(b) reports into a single "California Integrated Report." The 303(d) list requires approval by the State Water Board and approval by United States Environmental Protection Agency("U.S. EPA"). Neither agency takes formal approval action on the 305(b) report, which is an informational document that characterizes the state's general water quality conditions. Generally, the State Water Board does not solicit comments or respond to comments pertaining to the 305(b) portion of the California Integrated Report.

SUBMISSION OF WRITTEN COMMENTS

The State Water Board will accept written comments on the proposed 303(d) list for the North Coast Region and the 2018 California Integrated Report. Comments must be limited to the categories described in items one through three, as previously described. The State Water Board may refuse to accept any comments that are not limited to the categories described in items one through three. All written comments must be received no later than 12:00 noon on Thursday, April 30, 2020.

Bay Delta Water Quality Control Plan Update

The State Water Resources Control Board ("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.[4] The 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 Water Board adopted a resolution[5] 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 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 Water Board further refines this update, there will be opportunity for public comment.

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

On March 1, 2019, the California Department of Water Resources and the Department of Fish and Wildlife submitted documents[6] to the 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, significant work has taken place to develop the package into a form that is able to be analyzed by State 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. Key remaining issues/dates are identified below:

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

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

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

- Over the past months, the State Team and the VA Parties have worked on a set of documents outlining implementation criteria and biological and environmental targets (collectively, "BETs") for the VA. These include a BET framework document, a template for tributary BETs, individual BET documents for each tributary, a Delta BET document, and a Systemwide BET document. Development of these documents continues and a report on their development is anticipated in advance of the next plenary meeting on December 17.
- *The Legal Work Group* has drafted and continues to revise a VA Master Agreement and a Government Code Agreement.

Delta Conveyance

On May 2, 2019, the California Department of Water Resources announced that it has withdrawn the project approval of WaterFix and rescinded the accompanying NOD filed pursuant to CEQA DWR will begin a renewed environmental review and planning process for a smaller, single tunnel project. In addition, DWR and Reclamation submitted the attached letter to the State Water Board notifying the Board that they were withdrawing both the change petition and the application for Section 401 certification for WaterFix.

On January 15, 2020, The Department of Water Resources (DWR) released a Notice of Preparation (NOP) for a proposal to modernize water infrastructure in the Sacramento-San Joaquin Delta, initiating environmental review in compliance with the California Environmental Quality Act (CEQA). The NOP, announcing the preparation of an environmental impact report (EIR) for the proposed Delta Conveyance Project, marks the first step under the CEQA process. The proposed project described in the NOP is a single underground tunnel with two intakes that together have a total diversion capacity of 6,000 cubic feet-per-second (cfs). The NOP notes that there will likely be alternatives identified that evaluate a range of capacities from 3,000 cfs to 7,500 cfs. The NOP signals the start of the scoping process for the EIR and provides an opportunity for members of the public and agencies to provide input on the scope and content of the EIR, including information needs, potential project effects and mitigation measures, and possible alternatives to the proposed project.

The purpose in proposing this project is to develop diversion and conveyance facilities in the Delta necessary to restore and protect the reliability of California's water deliveries south of the Delta in a cost-effective manner, and consistent with the recently released draft Water Resilience Portfolio.

In response to the COVID-19 pandemic, the public comment period has been extended. Public comments on the NOP are now due on Friday, April 17, 2020 by 5 p.m. and may be submitted via email at DeltaConveyanceScoping@water.ca.gov or mail at Delta Conveyance Scoping Comments, Attn: Renee Rodriguez, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236.

Independent from the CEQA process, DWR also intends to seek a court ruling this spring to affirm its authority to issue revenue bonds for a future conveyance facility.

What happens next with regard to Delta conveyance remains to be seen, but this development certainly has implications for (1) pending litigation challenging the WaterFix BiOps, DWR's financing of WaterFix, and the "No Harm" or "Hold Harmless" agreement, and (2) financial contributions to the planning of WaterFix.

Water Blueprint for the San Joaquin Valley

Engagement with Environmental NGOs

Several members of the Blueprint group took part in a video conference with representatives from some environmental NGO's in late March. Dr. Sunding joined the meeting and provided an overview of his report. The conversation was candid and productive. It came as no surprise that there is still a lot of misunderstanding about the goals of the Blueprint. NGO's highlighted a need to focus on water scarcity instead of results of SGMA implementation to avoid the belief that the Blueprint is intended to repeal or change SGMA.

Water stakeholder convening concept

In response to the meeting with environmental NGOs, the Blueprint group will work closely to develop a venue for further discussions. More details should be upcoming in the coming weeks. Looking to have the state help facilitate the conveying process.