



**San Luis & Delta-Mendota Water Authority  
Monday, May 1, 2023 10:00 a.m.**

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

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

**Public Participation Information**

**Join Zoom Meeting**

**<https://us02web.zoom.us/j/89073001800?pwd=R2F1am00Ymk0bkZlc2JWcXhGWWIYZz09>**

**Meeting ID: 890 7300 1800**

**Passcode: 204111**

**One tap mobile**

**+16694449171,,89073001800#,,,,\*204111# US**

**+16699006833,,89073001800#,,,,\*204111# US (San Jose)**

**Dial by your location**

**+1 669 444 9171 US**

**+1 669 900 6833 US (San Jose)**

**Meeting ID: 890 7300 1800**

**Passcode: 204111**

**Find your local number: <https://us02web.zoom.us/j/89073001800?pwd=R2F1am00Ymk0bkZlc2JWcXhGWWIYZz09>**

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

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

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

**Agenda**

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

## **ACTION ITEMS**

4. **Water Resources Committee to Consider Approval of the April 3, 2023 Meeting Minutes**
5. **Water Resources Committee to Consider Recommendation to Board of Directors to Appoint Representatives to State and Federal Contractors Water Agency Board of Directors, Barajas**
6. **Water Resources Committee to Consider Recommendation to Board of Directors to Adopt Staff Recommendation for Positions on Legislation, Petersen**
  - A. H.R. 872 (Calvert), Federally Integrated Species Health (FISH) Act
  - B. H.R. 2419 (Costa), Canal Conveyance Capacity Restoration Act
  - C. H.R. 2671 (Costa), To amend the Water Infrastructure Finance and Innovation Act of 2014 with respect to budgetary treatment of certain amounts of financial assistance, and for other purposes
  - D. AB 939 (Pellerin), Santa Clara Valley Water District
  - E. AB 1469 (Kalra), Santa Clara Valley Water District
  - F. AB 1594 (Garcia), Medium- and heavy-duty zero-emission vehicles: public agency utilities
  - G. AB 345 (Wilson), Habitat Restoration: flood control: advance payment
  - H. SB 493 (Min), Air pollution: alternative vehicles and electric and hydrogen infrastructure
  - I. SB 550 (Grove), Water markets
  - J. SB 659 (Ashby), California Water Supply Solutions Act of 2023
  - K. AB 754 (Papan), Water management planning: automatic conservation plan
  - L. AB 1205 (Bauer-Kahan), Water rights: sale, transfer, or lease: agricultural lands
7. **Water Resources Committee to Consider Recommendation to Board of Directors to Adopt Resolution Authorizing Award of Contract, Execution of Construction Agreement for O'Neill Pumping-Generating Plant Power Transformer Rehabilitations, and Expenditures of up to \$3.2 Million from the FY22 and FY23 EO&M Budgets; CEQA Exemption, Martin/McNeil**

## **REPORT ITEMS**

8. 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)
9. Update on Water Policy/Resources Activities, Petersen  
(May include reports on activities related to 1) Reinitiation of Consultation on Long-Term Operations of the Central Valley Project and State Water Project, including environmental compliance; 2) State Water Resources Control Board action; 3) San Joaquin River Restoration Program; 4) Delta conveyance; 5) Reclamation action; 6) Delta Stewardship Council action; 7) San Joaquin Valley Water Blueprint and San Joaquin Valley Water Collaborative Action Plan)
10. Update on Water Operations and Forecasts, Boardman
11. Committee Member Reports
12. Closed Session

### CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of Litigation Pursuant to paragraph (4) of Subdivision (d) of Government Code Section 54956.9 – 2 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; 9th Cir., Case No. 21-15163 (2005 DMC Contract Renewals)
- B. Pacific Coast Federation of Fishermen's Associations, et al. v. Conant, et al., U.S. District Court, E.D. Cal., Case No. 2:11-cv-02980; 9th Cir. Case No. 23-15599 (PCFFA v. Glaser or GBP Citizen Suit)

- C. City of Fresno, et al. v. United States, U.S. Court of Appeals for the Federal Cir., Case No. 22-1994; U.S. Court of Federal Claims, Case No. 1:16-cv-01276 (2014 Friant Div. Operations)
- D. Monterey Coastkeeper, et al. v. Central Valley Regional Water Quality Control Board, et al., Sacramento Co. Superior Court, Case No. 34-2018-80002853; Environmental Law Foundation v. State Water Resources Control Board, Sacramento Co. Superior Court, Case No. 34-2018-80002851; Protectores del Agua Subterranea v. State Water Resources Control Board, Sacramento Co. Superior Court, Case No. 34-2018-80002852; Third District Court of Appeal, Case No. C093513 (Waste Discharge Requirement Cases)
- E. North Coast Rivers Alliance v. Delta Stewardship Council, Sacramento Co. Superior Court, Case No. 34-2018-80002898, Third District Court of Appeal Case No. C097948 (Delta Plan Amendment Cases)
- F. North Coast Rivers Alliance, et al. v. San Luis & Delta-Mendota Water Authority, et al., Merced Co. Superior Court, Case No. 19CV-04989; Fifth District Court of Appeal, Case No. F085972 (GBP Long-Term Storm Water Management Plan)
- G. Pacific Coast Federation of Fishermen's Associations, et al. v. Raimondo, et al., U.S. District Court, E.D. Cal., Case No. 1:20-cv-00431 (ROC on LTO BiOps)
- H. California Natural Resources Agency, et al. v. Raimondo, et al., U.S. District Court, E.D. Cal., Case No. 1:20-cv-00426 (ROC on LTO BiOps)
- I. CDWR Water Operation Cases, Sacramento Co. Superior Court, Case No. JCCP 5117 (formerly Tehama-Colusa Canal Authority, et al. v. California Department of Water Resources, et al., Fresno Co. Superior Court, Case No. 20CECG01303) (SWP EIR Challenge)
- J. AquAlliance, et al. v. U.S. Bureau of Reclamation, et al., U.S. District Court, E.D. Cal., Case No. 1:20-cv-00878 (Long-Term Water Transfers EIS/EIR)
- K. AquAlliance et al. v. San Luis & Delta-Mendota Water Authority, Merced Co. Superior Court, Case No. 21CV-03487 (Long-Term Water Transfers EIS/EIR Addendum)
- L. California Sportfishing Protection Alliance, et al. v. State Water Resources Control Board, et al., Sacramento Co. Superior Court, Case No. 34-2021-80003761 (2021 TUCP Order)
- M. California Sportfishing Protection Alliance, et al. v. State Water Resources Control Board, et al., Sacramento Co. Superior Court, Case No. 34-2021-80003763 (2021 Temp. Mgmt. Plan)

13. Return to Open Session

14. Report from Closed Session, if any, Required by Government Code Section 54957.1

15. Reports Pursuant to Government Code Section 54954.2(a)(3)

16. ADJOURNMENT

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

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

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

**APRIL 3, 2023**

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

**Water Resources Committee Members Present**

**Ex-Officio**

Cannon Michael  
William Bourdeau

**Division 1**

Anthea Hansen, Alternate

**Division 2**

Bill Diedrich, Member (arrived during item 5)

**Division 3**

Chris White, Member

**Division 4**

Vincent Gin, Member - Steve Wittry, Alternate

**Division 5**

Manny Amorelli, Member

**Board of Directors Present**

**Division 1**

Anthea Hansen, Director  
Lea Emmons, Alternate

**Division 2**

Justin Diener, Alternate  
William Bourdeau, Director  
Bill Diedrich, Director (arrived during item 5)

**Division 3**

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

**Division 4**

Steve Wittry, Director

Joyce Machado, Alternate

**Division 5**

Manny Amorelli, Director

**Authority Representatives Present**

Federico Barajas, Executive Director  
Pablo Arroyave, Chief Operating Officer  
Rebecca Akroyd, General Counsel  
Rebecca Harms, Deputy General Counsel  
Ray Tarka, Director of Finance  
Scott Petersen, Water Policy Director  
Stewart Davis, IT Officer

**Others Present**

Tom Boardman, Westlands Water District (via ZOOM)  
Dana Jacobson, Valley Water  
Chase Hurley, Pacheco Water District  
Steve Stadler, San Luis Water District

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

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

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

No additions or corrections.

**3. Opportunity for Public Comment**

No public comment.

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

On a motion of Member Anthea Hansen, seconded by Ex Officio Cannon Michael, the Committee approved the March 6, 2023 meeting minutes. The vote on the motion was as follows:

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

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

Water Policy Director Scott Petersen reported and provided staff recommended positions for consideration on the following legislation:

- a. SB 366 (Caballero), The California Water Plan: long-term supply targets
- b. AB 422 (Alanis), Natural Resources Agency: statewide water storage: tracking
- c. AB 557 (Hart), Open meetings: local agencies: teleconferences
- d. AB 735 (Berman), Workforce development: utility careers
- e. AB 460 (Bauer-Kahan), State Water Resources Control Board: interim relief
- f. AB 676 (Bennett), Water: general state policy
- g. AB 1337 (Wicks), State Water Resources Control Board: water shortage enforcement
- h. SB 389 (Allen), State Water Resources Control Board: determination of water right

Member Vincent Gin made the motion to recommend the Board of Directors adopt staff recommendation for positions on legislation (SB 366 - Support, AB 422, 735, 557 - Favor). The motion was seconded by Member Chris White. The vote on the motion was as follows:

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

Member Bill Diedrich made the motion to recommend the Board of Directors adopt staff recommendation for positions on legislation (AB 460, 676, 1337, SB 389 - Oppose). The motion was seconded by Member Chris White. The vote on the motion was as follows:

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

6. **Executive Director's Report.**

Executive Director Federico Barajas informed the Water Resources Committee that there will be a ratesetting and minimum participation discussion and presentation at today's Finance &

Administration Committee meeting, and an action item regarding water rate adjustment. Barajas answered a question regarding final water allocation, and reported that the final water allocation by Reclamation should be out by May.

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

Water Policy Director Scott Petersen provided a brief summary of the report included in the packet.

- a. **Reinitiation of Consultation** - Petersen reported that the schedule and milestones for the Reinitiation of Consultation continue to change. Petersen reported that concurrent with the development of the EIS and BA, Reclamation is conducting Exploratory Modeling to assist in the development of the Proposed Action and Biological Assessment.
- b. **Longfin Smelt Listing** - Petersen reported that the Authority joined a letter with the State Water Contractors pointing out deficiencies in the science used to support the proposed listing of the longfin smelt distinct population segment as endangered and requested a public hearing on the listing status. Petersen reported that in response to this letter, on February 25, the Service reopened the public comment period through March 29, 2023, and hosted a virtual hearing where Authority staff provided comments consistent with the Authority's comment letter.
- c. **San Joaquin River Restoration Program** - Petersen reported that the 2023 Restoration Program Science and Engineering Meeting will be held on May 1-2. Petersen reported that the meeting is open to the public and topics will include: Key Projects, Basin Hydrology and Restoration Flows, Fish Passage and Screening, Salmon Genetics, Subsidence, Fisheries Monitoring, and more.
- d. **San Joaquin Valley Water Collaborative Action Program** - Petersen reported that on April 4, 2023 there is a tour scheduled of various projects on the west side of the valley.

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

Westlands Water District's Tom Boardman reported on Shasta storage and noted the amount of precipitation the watershed received during the previous week. The storage report also included the amount of remaining storage space before flood releases occur along with the amount of snowpack in the watershed. Folsom storage was mentioned along with the amount of

accumulated snowpack.

Current export pumping rates were reported which are reflective of San Luis Reservoir being nearly full.

Flood flow operations into the Mendota Pool were also briefly described.

Boardman responded to a question asked by Member Diedrich regarding the projected date when CVP San Luis Reservoir would begin a sustained drawdown

Chief Operating Officer Pablo Arroyave reported that he is working with the Bureau on real-time updates.

**9. Committee Member Reports.**

Committee Chair William Bourdeau reported that he had the opportunity to testify before the House Natural Resources Subcommittee on Water, Wildlife, and Fisheries. His testimony included issues of improving water resilience and the role of above and below ground water storage and conveyance in improving outcomes for Authority member agencies.

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

Committee Chair William Bourdeau adjourned the open session to address the items listed on the Closed Session Agenda at approximately 10:40 a.m. Upon return to open session at approximately 10:54 a.m., General Counsel Rebecca Akroyd reported that no reportable actions were taken in closed session.

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

None.

**12. Agenda Item 14: Adjournment**

The meeting was adjourned at approximately 10:55 a.m.





## MEMORANDUM

TO: SLDMWA Water Resources Committee Members and Alternates

FROM: Scott Petersen, Water Policy Director

DATE: May 1, 2023

RE: Update on Water Policy/Resources Activities

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### Background

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

### Policy Items

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### Current Milestones

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

### Exploratory Modeling

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

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

### Longfin Smelt Proposed Rule

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

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

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

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

The statutory deadline for completion of a final rule is October 6, 2023.

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

#### Bay Delta Water Quality Control Plan Update

##### *Background*

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

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

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

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

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

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

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

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

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

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

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<sup>6</sup>Available at

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

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

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

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

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

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

### *Schedule*

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

- Summer 2023: Executive Director act on draft COP, compliance methods, and procedures for adaptive implementation
- Fall 2023
  - Scientific Basis Report for Tuolumne River VAs submitted for peer review
  - Draft Staff Report for Bay-Delta Plan amendment for Tuolumne River VA
  - Draft Regulation and Draft EIR in support of a regulation implementing Lower SJR flows and South Delta Salinity
- Winter/Spring 2024
  - Final draft Staff Report for Tuolumne River VA
  - Board workshop and consideration of Tuolumne River VA
  - Final draft EIR and regulation implementing Lower SJR flows and South Delta Salinity
  - Board consideration of regulation implementing Lower SJR flows and South Delta Salinity

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

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

#### *Phase 1 Implementation*

##### *Second Revised Draft Initial Biological Goals for Lower San Joaquin River Flow Objectives*

The State Water Resources Control Board (State Water Board) is seeking written public comments on the second revised draft initial biological goals (“Revised Draft Goals”<sup>10</sup>) for fall-run Chinook salmon in the lower San Joaquin River and its three salmon-bearing tributaries, the Stanislaus, Tuolumne, and Merced

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<sup>10</sup> Available at

[https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/docs/2023/2023.04.10-2nd-Revised-Biological-Goals.pdf](https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/docs/2023/2023.04.10-2nd-Revised-Biological-Goals.pdf)

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Rivers (collectively “LSJR”). These draft biological goals were developed pursuant to the requirements in the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan or Plan), as amended on December 12, 2018.

Written comment letters on the Bay-Delta Plan second revised draft initial biological goals report must be received by **12:00 p.m. (noon) on Friday, May 12, 2023**.

The Board will hold a workshop on May 3, 2023, to receive oral public comment on the Revised Draft Goals.

### *Voluntary Agreements*

On March 29, 2022, members of the Newsom Administration joined federal and local water leaders in announcing the signing of a memorandum of understanding<sup>11</sup> that advances integrated efforts to improve ecosystem and fisheries health within the Sacramento-San Joaquin Bay-Delta. State and federal agencies also announced an agreement<sup>12</sup> specifically with the Sacramento River Settlement Contractors on an approach for 2022 water operations on the Sacramento River.

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

The broader MOU outlines terms for an eight-year program that would provide substantial new flows for the environment to help recover salmon and other native fish. The terms also support the creation of new and restored habitat for fish and wildlife, and provide significant funding for environmental improvements and water purchases, according to a joint news release from the California Natural Resources Agency and the California Environmental Protection Agency (CalEPA). Local water agency managers signing the MOU have committed to bringing the terms of the MOU to their boards of directors for their endorsement and to work to settle litigation over engaged species protections in the Delta.

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

Work continues to develop the working documents associated with execution and implementation of the VA’s and workgroups for participating agencies have been formed, with the formation of a VA Science Workgroup to develop the framework of the VA’s proposed Science program, as well as the recent formation of Scheduling and Funding workgroups to ensure that the program remains coordinated.

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<sup>11</sup> Available at <https://resources.ca.gov/-/media/CNRA-Website/Files/NewsRoom/Voluntary-Agreement-Package-March-29-2022.pdf>

<sup>12</sup> Available at <https://calepa.ca.gov/2022/03/29/informational-statement-state-federal-agencies-and-sacramento-river-settlement-contractors-agree-on-approach-for-2022-water-operations-on-the-sacramento-river/>



## *Tuolumne River Voluntary Agreement*

### *Background*

On December 12, 2018, the State Water Board adopted Bay-Delta Plan amendments and a Final SED establishing updated flow objectives on the Lower San Joaquin River, including its three eastside tributaries the Stanislaus, Tuolumne, and Merced Rivers (collectively “LSJR”), revised salinity objectives for the southern Delta, and programs of implementation to achieve the revised objectives.

In November, 2022, the State Water Board received a memorandum of understanding<sup>13</sup> for a proposed Tuolumne River Voluntary Agreement. To consider the proposed voluntary agreement, the State Water Board will need to also consider modifications to the Bay-Delta Plan and prepare a staff report to support those possible changes because the Tuolumne River Voluntary Agreement does not fully conform to the current provisions of the Bay-Delta Plan.

The State Water Board has not yet determined whether to approve changes to the Bay-Delta Plan to incorporate the proposed Tuolumne River Voluntary Agreement, but is commencing preparation of the staff report to inform its consideration. In developing its environmental documentation in the staff report, the State Water Board will tier, as appropriate, from the adopted December 12, 2018, Final SED for the LSJR and southern Delta update to the Bay-Delta Plan.

### *Notice of Preparation of Environmental Documentation and Scoping Meeting<sup>14</sup>*

The State Water Resources Control Board (State Water Board or Board) will be the lead agency and is planning to prepare a staff report, including a substitute environmental document (SED) and a report documenting the scientific basis for consideration of potential updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan) to incorporate a proposed voluntary agreement for the Tuolumne River (Tuolumne River Voluntary Agreement). The State Water Board’s water quality control planning program is a certified regulatory program under the California Environmental Quality Act (CEQA) meaning the program is exempt from requirements for preparing environmental impact reports, negative declarations, or initial studies because the SED is recognized under CEQA and the regulations implementing CEQA as providing the functional equivalent.

The State Water Board is soliciting input from public agencies, California Native American tribes, and members of the public on the range of project actions; reasonable alternatives; reasonably foreseeable methods of compliance; significant environmental issues; cumulative impacts, if any; and mitigation measures that will reduce impacts to a less than significant level that should be considered in the potential Bay-Delta Plan update to consider incorporating the Tuolumne River Voluntary Agreement. For responsible and trustee agencies, the State Water Board requests the views of your agency as to the scope

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<sup>13</sup> Available at

[https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/docs/2023/revised-va-mou-swrbc-copy.pdf](https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/docs/2023/revised-va-mou-swrbc-copy.pdf)

<sup>14</sup> Available at

[https://www.waterboards.ca.gov/board\\_info/calendar/docs/2023/notice\\_noptuolumneva\\_041123.pdf](https://www.waterboards.ca.gov/board_info/calendar/docs/2023/notice_noptuolumneva_041123.pdf)



and content of the environmental information related to your agency's area of statutory responsibility that must be included in the staff report.

The State Water Board will accept written and oral comments regarding scoping elements. Written responses to this NOP must be received by **12:00 p.m. PDT (noon) on Thursday, May 25, 2023**.

State Water Board staff will hold a virtual public scoping meeting on Thursday, May 18, 2023 at 10:00 am PT to provide information and solicit input regarding the proposed Tuolumne River Voluntary Agreement. The scoping meeting will consist of a presentation by State Water Board staff regarding possible changes to the Bay-Delta Plan to incorporate the proposed Tuolumne River Voluntary Agreement. The meeting will also include an opportunity for participants to provide oral comments regarding the scope and information to be considered in the staff report environmental documentation and potential Bay-Delta Plan updates for the proposed Tuolumne River Voluntary Agreement.

## San Joaquin River Restoration Program

### 2023 Restoration Flows

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

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

The Restoration Flow schedule has been set to the following:

Date	Friant Dam Releases	Flows Rate at Gravelly Ford
February 10 – February 28	480 – 600 cfs as required to meet the flow target at Gravelly Ford	380 cfs
March 1 – March 31	Approximately 560 cfs	380 cfs
April 1 – April 30	Approximately 600 cfs	390 cfs
May 1 – May 21	Approximately 640 cfs	400 cfs
May 22 – May 31	Decreasing to approximately 440 cfs	Decreasing to 180 cfs
June 1 – July 29	Approximately 460 cfs	180 cfs

July 30 – October 31	Approximately 480 cfs	200 cfs
November 1 – December 31	Approximately 440 cfs	240 cfs
January 1 – February 6, 2024	Approximately 420 cfs	240 cfs
February 7 – February 29, 2024	Approximately 490 cfs	310 cfs

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

### 2023 Science and Engineering Meeting

The 2023 Science and Engineering Meeting<sup>15</sup> will be held on May 2-3, from 8:30 am – 5:00 pm at the San Joaquin River Parkway and Conservation Trust. The meeting is free and open to the public and topics will include: Key Projects, Basin Hydrology and Restoration Flows, Fish Passage and Screening, Salmon Genetics, Subsidence, Fisheries Monitoring, and more.

### Delta Conveyance

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

To help navigate the various permitting and regulatory compliance processes the project must complete prior to approval and/or implementation, DWR prepared a roadmap<sup>16</sup> that outlines the major processes required for the Delta Conveyance Project.

The U.S. Army Corps of Engineers (USACE) issued a Draft EIS for the Delta Conveyance Project on December 16, 2022 for public review. This is a separate document and review process from DWR's Draft EIR public review process, and both are now closed. The Authority submitted a comment letter<sup>17</sup> on the draft EIS.

<sup>15</sup> <https://www.restoresjr.net/program-announces-2023-science-and-engineering-meeting/>

<sup>16</sup> Available at [https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Delta-Conveyance/Public-Information/DCP\\_PlanningProcess\\_Roadmap\\_Jan2023\\_Final.pdf](https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Delta-Conveyance/Public-Information/DCP_PlanningProcess_Roadmap_Jan2023_Final.pdf)

<sup>17</sup> Request from Authority staff

## U.S. Bureau of Reclamation

### Reclamation Manual

#### *Documents out for Comment*

##### *Draft Policy*

- There are currently no Draft Policies out for review.

##### *Draft Directives and Standards*

- There are currently no Draft Directives and Standards out for review.

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

- [FIST 4-1B, Maintenance Schedules for Electrical Equipment](#) (comments due 05/25/2023)

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

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

##### *Draft Reclamation Design Standards*

- There are currently no Design Standards out for review.

## San Joaquin Valley Water Blueprint

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

### Committees

#### *Executive/Budget/Personnel*

Hallmark is assisting with a reorganization of the work groups and committees to better drive results and has presented an initial modification to the organizational structure.

#### *Advocacy/Communications*

The Communications committee is utilizing its operation plan for creating and disseminating Blueprint communications. Providence is preparing a scope for community outreach to be reviewed by the Board. The Advocacy committee is establishing a list of priorities and plan for future advocacy.

### Activities

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

Blueprint coordinated and invited a select group of agricultural and water leaders from the San Joaquin Valley and the Delta region to meet and tour the Delta and SJ Valley. Due to the high flood risk in the Delta, the Planning Committee rescheduled the Summit meetings tentatively for November 2-3 to ensure that full attention is given to protecting life and property, and after harvest.

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

The partners for the feasibility study are focused on identifying potential Fresno County districts/areas generally for recharge projects encompassing the Friant Place of Use boundaries. Initial modeling for Fresno State/California Water Institute has initially identified FID, Consolidated ID, Raisin City WD and

North Fork Kings GSA for strong recharge potential. The group is focused on multi-benefits for recharge with a focus on drinking water with measurable results.

### *Unified Water Plan for the San Joaquin Valley*

The Blueprint and California Water Institute will be holding a kickoff meeting at ACWA to review the scope and initiate the joint development of a Unified Water Plan for the San Joaquin Valley as called for in the recently awarded Bureau of Reclamation grant.

## San Joaquin Valley Water Collaborative Action Program (SJWV CAP)

### Background

The CAP Plenary Group met on February 28 and approved the formation of work groups to advance the revised Term Sheet<sup>18</sup>, adopted on November 22, 2022. Phase II, Work Groups are beginning to meet and discuss priorities and drafting for their respective areas: Safe Drinking Water; Sustainable Water Supplies; Ecosystem Health; Land Use, Demand Reduction and Land Repurposing; Implementation.

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

Additionally, the CAP is currently circulating a letter to thank Governor Newsom for his Executive Order easing the process for groundwater recharge.

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<sup>18</sup> Request from Authority staff