



**San Luis & Delta-Mendota Water Authority  
Monday, November 6, 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/81373040097?pwd=MmdySUJoVVltSXM0Q01aMzBjMkVmdz09>**

**Meeting ID: 813 7304 0097**

**Passcode: 464953**

**One tap mobile**

**+16699006833,,81373040097#,,,,\*464953# US (San Jose)**

**+16694449171,,81373040097#,,,,\*464953# US**

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**Find your local number: <https://us02web.zoom.us/j/81373040097?pwd=MmdySUJoVVltSXM0Q01aMzBjMkVmdz09>**

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 October 2, 2023 Meeting Minutes**
5. **Water Resources Committee to Consider Recommendation to Board of Directors to Adopt Staff Recommendation for Positions on Legislation, Petersen**
  - A. H.R. 5664 (Schrier), Water Infrastructure Finance and Innovation Act Amendments of 2023

## **REPORT ITEMS**

6. Executive Director's Report, Barajas  
(May include reports on activities within the Water Resources Committee's jurisdiction related to 1) CVP/SWP water operations; 2) California storage projects; 3) regulation of the CVP/SWP; 4) existing or possible new State and Federal policies; 5) Water Authority activities)
7. Update on Water Policy/Resources Activities, Petersen  
(May include reports on federal, state, and local agency regulatory, legislative, and administrative water policy/resources activities)
8. Update on Water Operations and Forecasts, Boardman
9. Committee Member Reports
10. Closed Session

### CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of Litigation Pursuant to paragraph (4) of Subdivision (d) of Government Code Section 54956.9 – 3 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. 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. 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)
- E. 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)
- F. CDWR Water Operation Cases, Sac. 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)
- G. 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)
- H. 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)
- I. California Sportfishing Protection Alliance, et al. v. State Water Resources Control Board, et al., Sac. Co. Superior Court, Case No. 34-2021-80003761 (2021 TUCP Order)
- J. California Sportfishing Protection Alliance, et al. v. State Water Resources Control Board, et al., Sac. Co. Superior Court, Case No. 34-2021-80003763 (2021 Temp. Mgmt. Plan)

11. Return to Open Session
12. Report from Closed Session, if any, Required by Government Code Section 54957.1
13. Reports Pursuant to Government Code Section 54954.2(a)(3)
14. ADJOURNMENT

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

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

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

OCTOBER 2, 2023

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

**Water Resources Committee Members Present**

**Ex-Officio**

Cannon Michael  
William Bourdeau

**Division 1**

Anthea Hansen, Alternate

**Division 2**

Absent

**Division 3**

Chris White, Member

**Division 4**

Steve Wittry, Alternate for Vincent Gin

**Division 5**

Manny Amorelli, Member

**Board of Directors Present**

**Division 1**

Anthea Hansen, Director  
Lea Emmons, Alternate (via ZOOM)

**Division 2**

William Bourdeau, Vice-Chair/Director

**Division 3**

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

**Division 4**

Steve Wittry, Director

**Division 5**

Manny Amorelli, Director

**Authority Representatives Present**

Federico Barajas, Executive Director

Pablo Arroyave, Chief Operating Officer (via ZOOM)

Rebecca Akroyd, General Counsel

Rebecca Harms, Deputy General Counsel (via ZOOM)

Scott Petersen, Water Policy Director

Ray Tarka, Director of Finance

Jaime McNeill, Engineering Manager

Cindy Meyer, Special Programs Manager (via ZOOM)

Stewart Davis, IT Officer

**Others Present**

Dana Jacobson, Valley Water (via ZOOM)

Chase Hurley, Pacheco Water District

Tom Boardman, Westlands Water District (via ZOOM)

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

Committee 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 September 11, 2023 Meeting Minutes.**

Chair William Bourdeau deemed the September 11, 2023 meeting minutes approved as submitted.

**5. Water Resources Committee to Consider Recommendation to Board of Directors to Authorize Pursuit of Solar Over Canals Application for Federal Non-Reimbursable Funding.**

Executive Director Federico Barajas reviewed the memo and attachment included in the packet. Barajas reported Water Authority staff has been approached by Reclamation's Regional Office and private firms that have conceptual ideas in alignment with this pilot/demonstration effort. Barajas reported that given the level of interest by Reclamation and the potential for public-private partnership, Water Authority staff sees the merit of pursuing this funding application

process for a Delta-Mendota Canal (DMC) pilot project. Barajas reported that the application is due at the end of the month. Barajas reported that Reclamation is seeking a pilot or demonstration project to evaluate technical capability, economic feasibility, and/or viability for full-scale implementation, or to test an unproven material or technology, for future coverage of canals with solar panels.

On a motion of Member Anthea Hansen, seconded by Alternate Member Steve Wittry, the Committee adopted a recommendation to authorize pursuit of Solar Over Canals application for federal non-reimbursable funding. The vote on the motion was as follows:

AYES:	Michael, Bourdeau, Hansen, White, Wittry, Amorelli
NAYS:	None
ABSTENTIONS:	None

6. **Executive Director’s Report.**

a. **Federal Government** – Executive Director Federico Barajas reported the federal government is operating under a Continued Resolution for forty-five days.

b. **ACWA Region 4**- Executive Director Federico Barajas reported that staff is working with ACWA Region 4 to schedule a Jones Pumping Plant/Tracy Fish Facility Tour.

c. **Inflation Reduction Act Funding**– Executive Director Federico Barajas reported that the second round of funding applications is open.

d. **Jones Pumping Plant Building UZ11A** – Chief Operating Officer Pablo Arroyave reported that the contractor finished up the work on building UZ11A last week. Arroyave reported that during testing, WAPA confirmed that the transformers were faulty, and replaced them. Arroyave reported that troubleshooting continues.

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

Water Policy Director Scott Petersen provided a brief summary of the report included in the packet. Petersen reported on the Reinitiation of Consultation on Long-Term Operations of the CVP and SWP, the Quarterly WIIN Act meeting, SWRCB activity, and proposed NEPA regulations.

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

Westlands Water District’s Tom Boardman reported on Shasta and Folsom storage conditions.

Boardman also reported on export rates at Jones and Banks along with a brief explanation of the controlling export constraint.

Boardman also discussed current San Luis storage conditions and provided a brief description of expected refill projections into 2024.

**9. Committee Member Reports.**

Central California Irrigation District (CCID) General Manager Jarrett Martin reported that CCID will be dewatering the Mendota Pool December 1-10, 2023.

**5. Closed Session**

Committee Chair William Bourdeau adjourned the open session to address the items listed on the Closed Session Agenda at approximately 10:36 a.m. Upon return to open session at approximately 11:09 a.m., General Counsel Rebecca Akroyd reported that no reportable actions were taken in closed session.

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

No reports.

**11. Agenda Item 14: Adjournment**

The meeting was adjourned at approximately 11:10 a.m.



## MEMORANDUM

TO: SLDMWA Water Resources Committee Members and Alternates

FROM: Scott Petersen, Water Policy Director

DATE: November 6, 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).

On May 16, 2023, Reclamation provided an administrative draft copy of the Proposed Action, titled “State and Federal Cooperating Agency Draft LTO Alternative” to agencies that have executed an MOU with Reclamation on engagement. Authority staff is reviewing the document and provided feedback to Reclamation, in coordination with member agencies and other CVP contractors.

On June 30, 2023, Reclamation released a draft Qualitative Biological Assessment for review by agencies that have executed an MOU with Reclamation on engagement, though Reclamation is not accepting formal comments. Note that this release does not initiate formal ESA consultation and is being provided to assist the fishery agencies in setting up their documents and resources for the formal consultation, which we expect to begin in late September/early October.

On July 21, 2023, Reclamation released an Administrative Draft Terrestrial Biological Assessment for review by agencies that have an MOU with Reclamation on engagement, though Reclamation is not accepting formal comments. Note that this release does not initiate formal ESA consultation and is being provided to assist the fishery agencies in setting up their documents and resources for the formal consultation, which we expect to begin in late September/early October.

On September 15, Reclamation released a Draft Environmental Impact Statement for 30-day NEPA Cooperating Agency review. The SLDMWA coordinated review of the document with member agencies

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

and technical consultants and submitted both high-level and technical comments on the document<sup>4</sup> on October 16.

On October 6, Reclamation held another Interested Parties meeting with an update<sup>5</sup> on the current status of the consultation.

### Current Milestones

- November 2023: Quantitative Biological Assessment released for PWA review and to US FWS and NMFS
- December 2023 – Public Draft EIS
  - The public draft EIS will be the avenue for comments to Reclamation
  - Cooperating agencies will receive an administrative draft of the EIS
- Summer 2024 – Record of Decision

## 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>6</sup> The State Water Board did not adopt the proposed VSAs in lieu of the proposed Phase 1 amendments, but as explained below, directed staff to consider the proposals as part of a future Delta-wide proposal.

**Phase 1 Status:** The State Water Board adopted a resolution<sup>7</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.

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<sup>4</sup> See Appendix A.

<sup>5</sup> See Appendix A.

<sup>6</sup> Available at <https://water.ca.gov/-/media/DWR-Website/Web-Pages/Blogs/Voluntary-Settlement-Agreement-Meeting-Materials-Dec-12-2018-DWR-CDFW-CNRA.pdf>.

<sup>7</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).

Most recently, on July 18, 2022, the State Water Resources Control Board issued a Notice of Preparation (NOP)<sup>8</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>9</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>10</sup> to the State Water Board that reflect progress since December to flesh-out the previously submitted framework to improve conditions for fish through targeted river flows and a suite of habitat-enhancing projects including floodplain inundation and physical improvement of spawning and rearing areas.

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

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<sup>8</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>9</sup> Request from Authority staff

<sup>10</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)

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 September 28, The State Water Resources Control Board released a draft Staff Report in support of possible updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan) that are focused on the Sacramento River watershed, Delta, and Delta eastside tributaries (Sacramento/Delta).

The draft Staff Report includes scientific information and environmental and economic evaluations to support possible Sacramento/Delta updates to the Bay-Delta Plan. The report assesses a range of alternatives for updating the Sacramento/Delta portions of the Bay-Delta Plan, including: an alternative based on a 2018 Framework document identifying a 55% of unimpaired flow level (within an adaptive range from 45-65%) from Sacramento/Delta tributaries and associated Delta outflows; and a proposed voluntary agreements alternative that includes voluntary water contributions and physical habitat restoration on major tributaries to the Delta and in the Delta. In addition, based on input from California Native American tribes, the draft Staff Report identifies the proposed addition of tribal and subsistence fishing beneficial uses to the Bay-Delta Plan.

The draft Staff Report is available for review on the [Board's website](#). Written comments on the report are due by **December 15, 2023**. During the public comment period, staff will hold two public workshops to explain the report where attendees can also ask questions. The workshops will be followed by a public hearing before the State Water Board to receive oral comments on the draft Staff Report.

A Frequently Asked Questions (FAQ) document providing information on the report and the Bay-Delta Plan generally are available on the [Bay-Delta webpage](#).

Upcoming opportunities for engagement on the draft Staff Report are highlighted below:

- November 17 (9:30 am), December 1 (9:30 am), and December 11 (4:00 pm): Public hearing
- December 15: Written comments due

In addition to the public workshops, Board staff will hold a separate workshop for tribal representatives only to explain the draft Staff Report and answer questions. A separate notice inviting tribal representatives to participate in the workshop will be sent directly to tribal representatives.

Please see the [notice](#) for additional information on how to submit comments and participate in the workshops and hearing.

### *Schedule*

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

- 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/Summer 2024: Response to comments and development of proposed final changes to the Bay-Delta Plan
- Summer/Fall 2024: Board consideration of adoption

### *Voluntary Agreements*

On March 29, 2022, members of the Newsom Administration joined federal and local water leaders in announcing the signing of a memorandum of understanding<sup>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.

### *U.S. Bureau of Reclamation*

#### *Reclamation Manual*

#### *Documents out for Comment*

#### *Draft Policy*

- There are currently no Draft Policies out for review.

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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/>

#### *Draft Directives and Standards*

- [EMG 01-01 Emergency Management](#) (comments due 11/20/23)

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

- [FIST 2-10 Maintenance, Inspection, and Testing of Electric and Hydraulic Elevators](#) (comments due 12/01/23)

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

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

#### *Draft Reclamation Design Standards*

- There are currently no Design Standards out for review.

### San Joaquin Valley Water Blueprint

The Water Blueprint for the San Joaquin Valley (Blueprint) is a non-profit group of stakeholders, working to better understand our shared goals for water solutions that support environmental stewardship with the needs of communities and industries throughout the San Joaquin Valley.

**Blueprint's strategic priorities for 2022-2025:** Advocacy, Groundwater Quality and Disadvantaged Communities, Land Use Changes & Environmental Planning, Outreach & Communications, SGMA Implementation, Water Supply Goals, Governance, Operations & Finance.

**Mission Statement:** *"Unifying the San Joaquin Valley's voice to advance an accessible, reliable solution for a balanced water future for all."*

#### Committees

##### *Executive/Budget/Personnel*

The ad hoc Finance Committee is reviewing status of 2023 contributions and a more sub basin wide focus for 2024 contributions and a category for GSA's, attempting to coincide with irrigable acres for an equitable process and avoiding redundancy. The board has directed Hallmark to reduce its workload while contributions are received to build up depleted reserves.

- Urban Water Agency & OC Water Summit: The Blueprint hosted an Agricultural/Urban Water Agency meeting that was held at Fresno State. The meeting included urban water agency representatives from both northern and southern California. Discussion focused on mutual concerns/issues faced by water scarcity as well as opportunities for collaboration including recharge, conveyance, and funding. OC Water Summit included an overview of the Blueprint, recharge, and conveyance opportunities as well as the environmentally friendly pilot. Positive feedback was provided by OC Agencies about the Blueprint and its efforts and follow up meetings are being scheduled.

##### *Technical Committee*

Two specific priorities/efforts to help bridge the water deficit in the San Joaquin Valley, the Patterson ID conveyance project, and Delta Operations have been selected. The committee is evaluating total recharge opportunities and potential environmental enhancement and utilization.

### *Advocacy/Communications*

The Blueprint will be hosting a informational meeting at ACWA in Indian Wells and will work with ACWA for a SJV tour. Blueprint will also be scheduling a meeting in the first of the year in Sacramento to brief legislative staff, policy makers, legislators, and Advisor Villaraigosa to highlight alignment with the Governor's water resiliency plan and priorities for a potential Water Bond, highlighting policy decisions that need to be made on reducing impacts to the central valley. The Farmer to Farmer Delta/SJV summit is rescheduled to November 2nd & 3rd.

### *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*

Fresno State is finalizing the scope of work and budget for subcontractors. They expect to have a project timeline ready by July. As a reminder the partners for the feasibility study have initially identified potential Fresno County districts/areas generally for recharge projects. Initial modeling for Fresno State/California Water Institute has preliminarily identified FID, Consolidated ID, Raisin City WD and North Fork Kings GSA for strong multi benefit 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 have kicked off the joint development of a Unified Water Plan for the San Joaquin Valley as called for in the recently awarded Bureau of Reclamation grant. Both Stantec and The Hallmark Group will be engaged on the development of the plan. The final water plan will include measures to address San Joaquin Valley needs and potential portfolios to address needs and objectives, this report will ultimately be transmitted to Congress by Reclamation in 2025. A copy of that scope is available upon request.<sup>13</sup>

## **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>14</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.

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<sup>13</sup> Request from Authority staff

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



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

The Steering Committee met on October 24 with the workgroup Chairs to streamline the proposed priority actions to address through the end of 2023, given the limited time remaining in the year. The original 20 priority actions were reduced to eight, with the following priorities for each workgroup:

#### *Safe Drinking Water Workgroup*

The Safe Drinking Water workgroup's actions for 2023 are the Domestic Well Protection Guidance and the SB 552 Drought Planning letters. Draft letters have been developed and will be sent to the workgroup soon. The proposal for domestic well protection guidance is still in development and will be presented to the workgroup. Justine wanted to ensure that the discussions around recharge incorporate water quality moving forward.

#### *Sustainable Water Supply Workgroup*

The Sustainable Water Supply workgroup's actions for 2023 are evaluating in-valley supplies of surplus water that can be used for various projects and developing recommendations on flexibility for groundwater recharge of flood water that may be available in the coming winter. The recharge subgroup focuses on the groundwater recharge portion. The group had a robust discussion on the language in the In-Valley Supply action about the "solicitation of projects" and what that means. The Sustainable Water Supply workgroup intends to develop a portfolio of projects that would benefit from the identified surplus water to achieve the CAP desired outcomes. The group has not fully fleshed out what the project evaluation or solicitation process will entail. However, there was concern that it may become a recharge heavy project list. It was suggested that the text around project solicitation be softened so as not to sound so prescriptive. The group also discussed the forthcoming recharge letter being drafted by the subgroup that is intended to go to the governor and seeks clarification on Senate Bill 122, which codified the theme of the Executive Orders of 2023 for diverting floodwaters to groundwater recharge, with modifications. The letter has not yet made it outside the recharge subgroup, but there is interest in broader participation and review. It was also suggested that the flood management community review the letter to ensure that concerns about liability are addressed. The letter will continue through the CAP process but with a requested sense of urgency, given the importance of establishing clarity before flood waters are present.

#### *Ecosystem Health*

The Ecosystem Health workgroup will have one priority action in 2023, which are the restoration principles that have already been developed and are with the Land Repurposing and Demand Reduction workgroup for review prior to moving through the remainder of the CAP process.

#### *Land Repurposing and Demand Reduction Workgroup*

The Land Repurposing and Demand Reduction workgroup proposed actions for 2023 are putting forth a letter with Utility Scale Solar Recommendations and the state Multibenefit Land Repurposing Program (MLRP) letter supporting state and federal funding and improvements to contract language for DAC benefits. The Utility Scale Solar Recommendations Letter is being revised and is close to making it to the workgroup for final review.

## **APPENDIX A: SUPPLEMENTAL MATERIAL**



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# LTO Interested Parties

October 2023

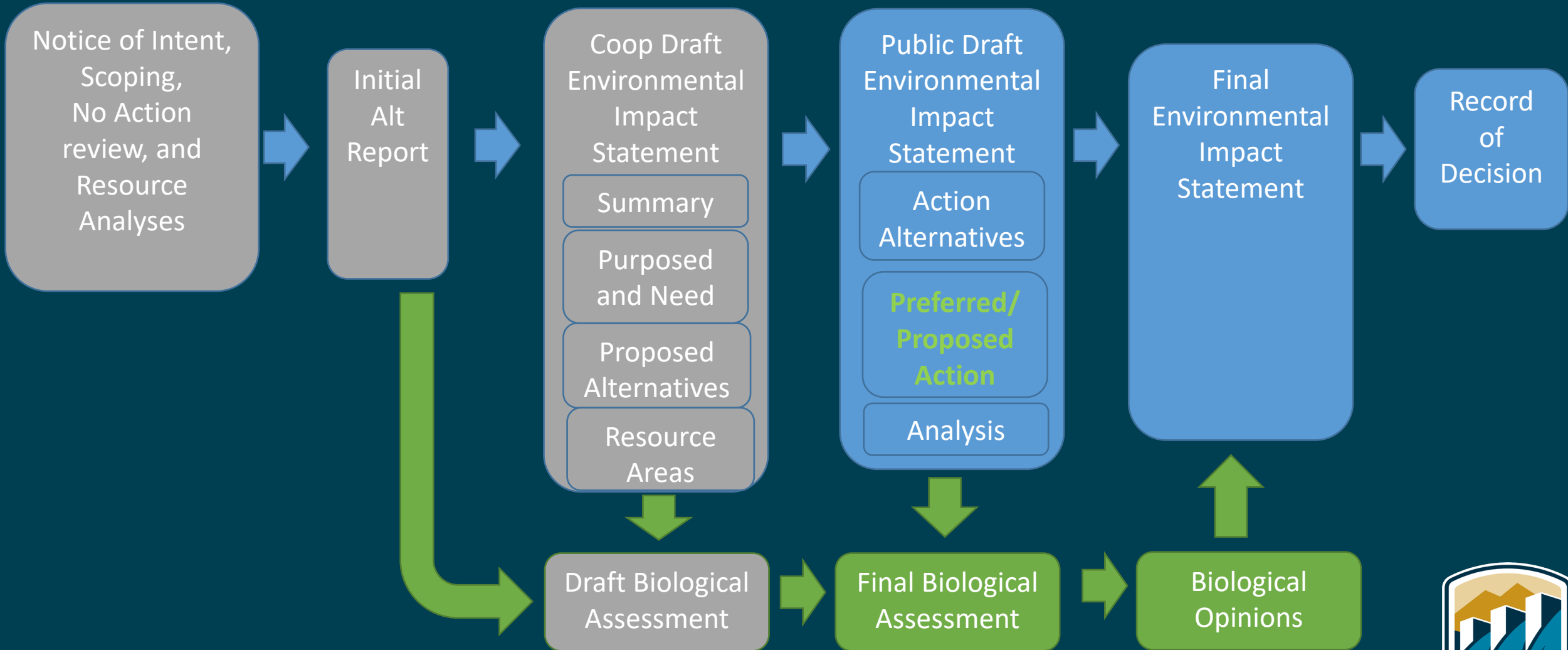


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# Agenda

- Summary of current NEPA/ESA progress
- Biological Assessment Fish Chapters and Technical Appendix Updates
- Coordination/Remaining Schedule

# 2021 NEPA and ESA Process



# Prior Monthly Meetings

- March – Scoping
- April – NEPA and ESA Process
- May – Knowledge Base Papers
- Initial Alternatives (June – October)
- November – Alternative Formulation Update
- December – WIIN Act Quarterly Update
- January – No meeting
- February – Analytical Tools
- March – WIIN Act Quarterly Update
- April – Environmental Baseline
- May – Preliminary Alternatives
- June – WIIN Act Quarterly Update
- July – Qualitative Biological Assessment
- August – Cooperating Agency Draft EIS
- September – WIIN Act Quarterly Update



# Cooperating Agency Draft EIS Input



- 30-day comment period
- Comments will be considered and addressed in the Public Draft EIS, which is anticipated in late 2023
- Cooperating Agencies also will have the opportunity to provide comments on the Public Draft EIS





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# Biological Assessment- Species Analysis & Technical Appendix Updates

Effect Analysis on Federally Listed Species





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# BA Effects Analysis Chapters

## Status of the Species

Distribution and abundance

Life history and habitat requirements

Limiting Factors, threats, and stressors

Management Activities

## Effects Analysis

by Life stage

## Critical Habitat Analysis

by habitat element

## Life Cycle Analysis

# NMFS (2019) Framework for Effects Analysis

- Magnitude of the Stressor
  - Severity: Beneficial, Lethal, Sublethal, or Minor
  - Proportion of the Population: Large ( $\geq 70\%$ ), Medium ( $> 2\%$ ), or Small ( $\leq 2\%$ )
  - Frequency of Years: High ( $\geq 75\%$ ), Medium (25-75%), or Low ( $< 25\%$ )
- Weight of Evidence
  - High: multiple publications, species specific, location specific, quantitative, and/or strong statistical power.
  - Medium: between high and low
  - Low: single studies, unpublished data, untested hypotheses, and/or weak statistical power
- Reclamation will address magnitude through “Lines of Evidence”
- “Lifecycle Analyses” combine stressors



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# BA Chapter- Winter-run and Spring-run Chinook salmon, steelhead

## Major Comments/Resolution

- Added citations about effects
- Added context on uncertainty of stressors
- Relying on quantitative methods for evaluating Effects: severity, proportion, frequency, weight of evidence





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# BA Chapter- Delta Smelt



## Major Comments/Resolution

- Incorporated migratory behavior into conceptual model
- Added contaminant stressor for larvae and juveniles
- Added citations about low salinity habitat and intersection with other habitat characteristics



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# BA Chapter- Longfin smelt



## Major Comments/Resolution

- Incorporated migratory behavior into conceptual model
- Added contaminants to larvae and juvenile stressors
- Added discussion of uncertainty with abundance-outflow relationship in relevant lines of evidence
- Revised distribution to include South SF Bay



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# BA Chapter- green sturgeon



## Major Comments/Resolution

- Added juvenile life stage to Sacramento River in fall and winter
- Reviewed and revised contaminant stressor



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# Southern Res. Killer Whale

Reclamation Egg Mortality Model

Anticipated

Egg to fry survival

Trinity Chinook S3 model

Anticipated

smolt biomass reaching ocean





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# App. I- OMR Management

**Volumetric Influence- In progress**

Fraction of inflow exported

**DSM2 Flow into Junctions- In progress**

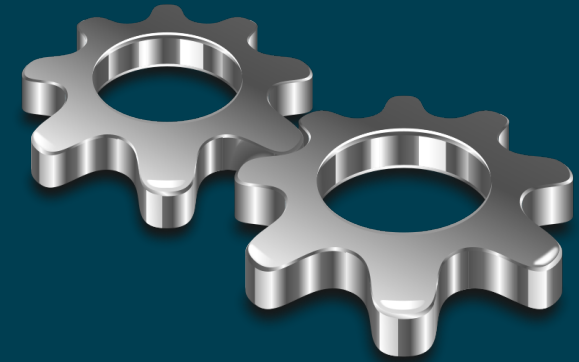
Fraction of flow routed

**DSM2 Zone of Influence- In progress**

Fraction of Delta regions hydrologically altered

**DSM2 Particle Tracking- Anticipated**

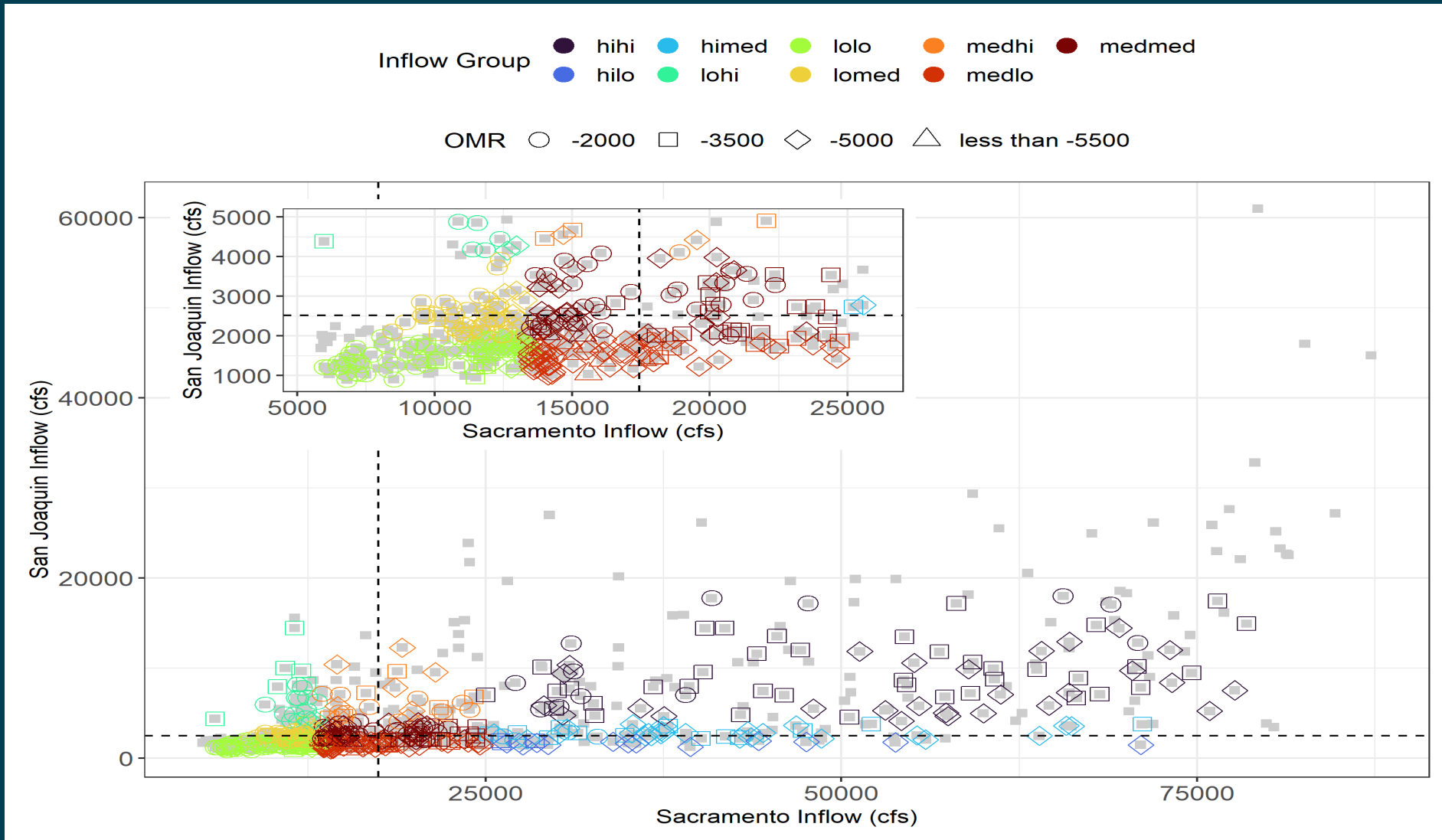
Fraction of particles entrained from Delta regions







# App. I- OMR Management





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# App. I- OMR Management

## STARS- Drafted

Estimated routing probability and  
through-Delta survival

## Delta Passage Model

In progress

Estimated Delta survival to Chipps  
Island

## EcoPTM – Anticipated

Estimated Delta survival to Chipps Island





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# App. I- OMR Management

## Longfin smelt salvage-OMR model

Anticipated

Estimated LFS adult salvage

## Negative Binomial & Salvage Density

Drafted

Estimated monthly loss

## Winter-run Chinook CWT proportional loss

Anticipated

Estimated CWT group loss





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# App. J- Spring Delta Outflow

**Delta outflow vs. Bay species abundance- In progress**

Abundance index trends

**Delta outflow vs. Sturgeon Index- Drafted**

YCI index trends

**Zooplankton-Delta Outflow Analysis- Drafted**

Estimated CPUE of key zooplankton species seasonally

**Flow-Survival Juvenile Salmon Modeling- Anticipated**

Estimated river outmigration survival

**XT Juvenile Salmon Survival Modeling- Anticipated**

Estimated river outmigration survival





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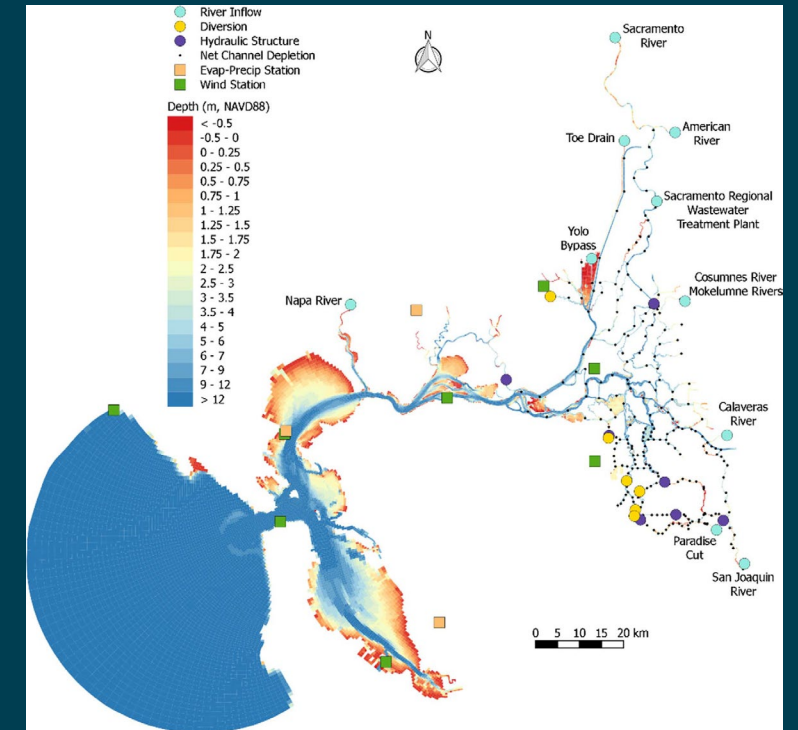
# App. K- Summer/Fall X2

Delta Smelt Habitat Modeling- Anticipated

Estimated HSI

Maunder & Deriso Delta Smelt – Anticipated

Estimated populations growth rates



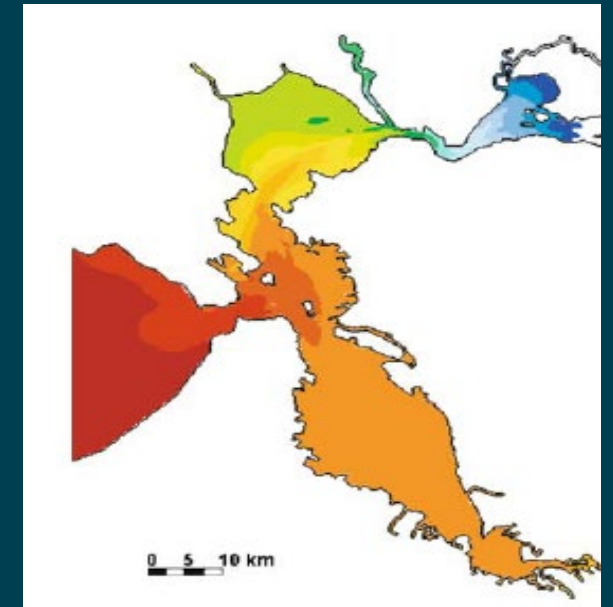
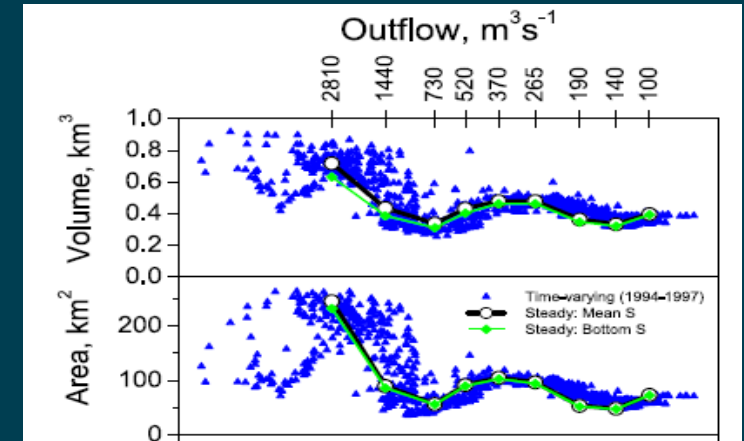


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# App. K- Summer/Fall X2

## Major Comments/Resolution

- Added relevant literature about zooplankton observations, salinity, and temperatures in relation to Delta Smelt tolerances
- Added relevant literature about SCHISM validation
- Added Maunder and Deriso model





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# App. L- Shasta CWP Mgt.

**Shasta CWP Carryover and Refill Analysis- In Progress**

Frequency of Bin Criteria Met

**Shasta Temp Analysis- Anticipated**

Frequency of Temperature Criteria Met

**Temperature Dependent Mortality Analysis- Anticipated**

Predicted TDM

**Winter-run Juvenile Production Index- Anticipated**

Predicted winter-run JPI





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# App. L- Shasta CWP Mgt.

**Sacramento WUA analysis- Anticipated**

Estimated area available

**Sacramento Dewatering analysis-**

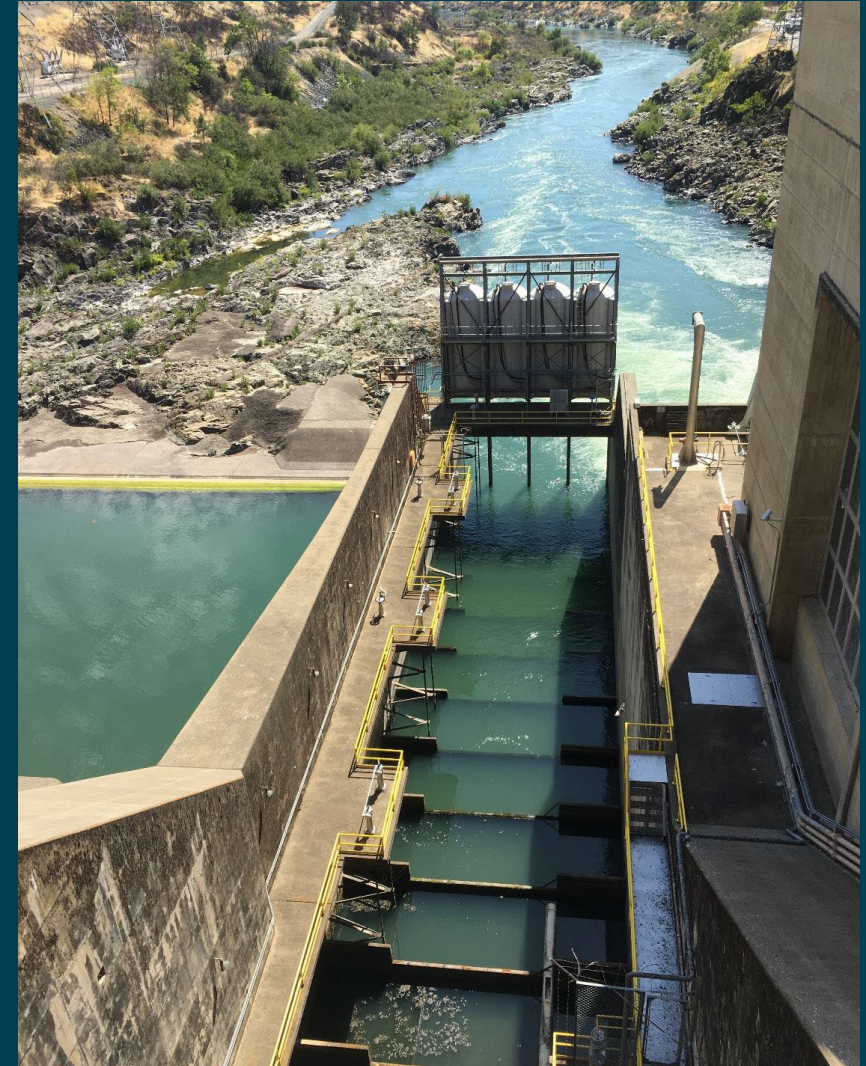
Anticipated

Estimated proportion of redds dewatered

**Sacramento Juvenile stranding analysis-**

Anticipated

Estimated proportion of juveniles stranded







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# App. L- Shasta CWP Mgt.

## Major Comments/Resolution

- Reviewed and updated Central Valley temperature criteria for ESA and other aquatic species



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# App. M- Folsom Flow & Temp.

American River spawning WUA-

Anticipated

Estimated area available

American River temperature analysis-

Anticipated

Frequency of temperature criteria met

American River salmonid redd dewatering-

Anticipated

Estimated proportion of redds dewatered





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# App. N- Stanislaus SRP

## Stanislaus River temperature analysis- Anticipated

Frequency of Temperature Criteria Met

### Major Comments/Resolution

- Considering adding a WUA rearing and spawning analysis, based on availability.



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# App. O- Tributary Habitat

SIT DSM habitat modeling

Drafted

Estimated area available

Clear Creek WUA for spawning and rearing

Anticipated

Estimated area available

Clear Creek Temp Analysis- Anticipated

Frequency of Temperature Criteria Met





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# App. P- Delta Habitat

No quantitative lines of evidence

## Major Comments/Resolution

- Added literature regarding Delta habitat and contaminants, lower trophic food web, clams, and predation





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# App. Q- Georgiana Barrier

No quantitative lines of evidence

## Major Comments/Resolution

- Reviewing and adding relevant DWR barrier effectiveness modeling, monitoring study plan, and performance measures



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# App. U-Monitoring

No quantitative lines of evidence

## Major Comments/Resolution

- Reviewed and included some ITP monitoring (i.e. FRP, Yolo Bypass monitoring projects)



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# Lifecycle Analyses

## IOS- Anticipated

pop'n growth rate, abundance and production trends

## OBAN- Anticipated

pop'n growth rate, abundance and production trends

## SIT Winter-run and Spring run LCA- In progress

pop'n growth rate, abundance and production trends

## Delta smelt LCM-E- Drafted

pop'n growth rate





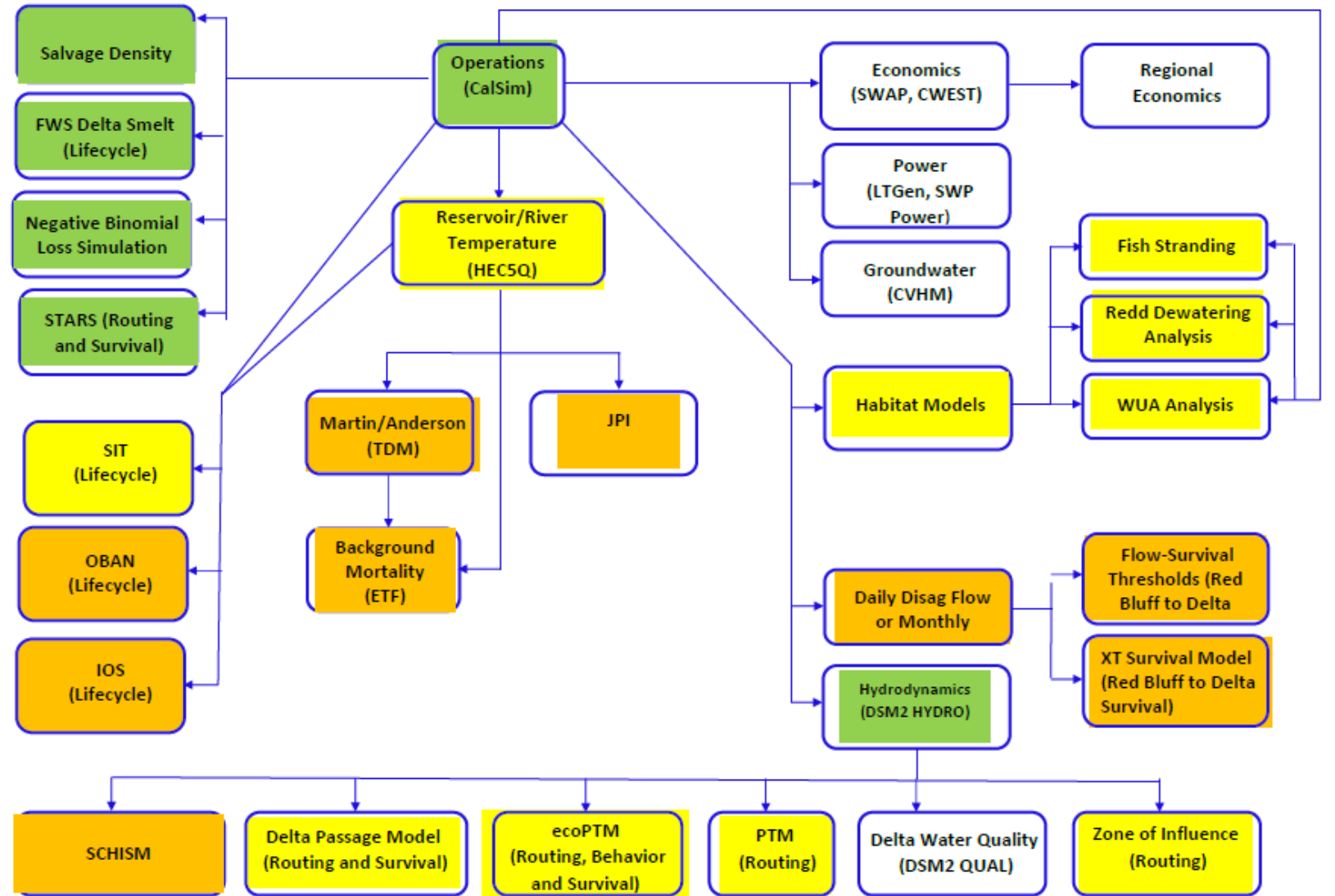
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DRAFT – SUBJECT TO REVISION

Drafted

In progress

Anticipated



# Coordination and Remaining Schedule

- Cooperating Agency Draft Environmental Impact Statement
- Public Draft EIS and Final Biological Assessments
- Record of Decision





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Thank you

