

**SAN LUIS & DELTA-MENDOTA WATER AUTHORITY BOARD OF  
DIRECTORS REGULAR MEETING  
MINUTES FOR SEPTEMBER 15, 2022**

The Board of Directors of the San Luis & Delta-Mendota Water Authority convened at approximately 9:30 a.m. at 842 6th Street in Los Banos, California, with Chair Cannon Michael presiding.

**Directors and Alternate Directors in Attendance**

**Division 1**

Dave Weisenberger, Director  
Bobby Pierce, Director  
Lea Emmons, Alternate for Rick Gilmore

**Division 2**

Ryan Ferguson, Director  
Ara Azhderian, Alternate for Beau Correia

**Division 3**

Bill Diedrich, Director  
Chris White, Director - Jarrett Martin, Alternate  
Cannon Michael, Director  
Ric Ortega, Director

**Division 4**

Aaron Baker, Alternate for John Varela  
Jeff Cattaneo, Director

**Division 5**

Bill Pucheu, Director  
Tom Birmingham, Director (left during Item 14.d)  
Manny Amorelli, Director

**Authority Representatives Present**

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

**Others in Attendance**

Frances Mizuno, Mizuno Consulting (ZOOM)  
Tom Boardman, Westlands Water District (ZOOM)  
Dana Jacobson, Valley Water  
John Wiersma, Henry Miller Reclamation District  
Joyce Machado, San Benito County Water District (ZOOM)  
Steve Stadler, San Luis Water District

Vince Lucchesi, Patterson Irrigation District (ZOOM)  
Don Wright, WaterWrights  
Dennis Cardoza, Foley & Lardner, LLP  
Bill Ball, Foley & Lardner  
Justin Gainer  
Mitchell Partovi, The Water Agency  
John Varela, Valley Water (ZOOM)  
Richard Santos, Valley Water (ZOOM)  
Gary Kremen, Valley Water (ZOOM)  
Steve Wittry, San Benito County Water District (ZOOM)

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

The meeting was called to order by Chair Cannon Michael and roll was called.

**2. Board 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.

**CONSENT ITEMS**

**4. Agenda Items 4-6: Board to Consider: a) Draft July 14, 2022 Meeting Minutes b) Acceptance of the Financial & Expenditures Reports, c) Staff Reports.**

On a motion of Director Ryan Ferguson, seconded by Director Chris White, the Board accepted the August 4, 2022 Meeting Minutes, Financial Expenditures Reports, Treasurer’s Report, and Staff Reports. The vote on the motion was as follows:

AYES: Weisenberger, Pierce, Emmons, Ferguson, Azhderian, Diedrich, White, Michael, Ortega, Baker, Cattaneo, Pucheu, Birmingham, Amorelli  
NAYS: None  
ABSTENTIONS: None

**ACTION ITEMS**

**5. Agenda Item 7: Board of Directors to Consider Water Resources Committee Recommendation Regarding Authorization to Execute Agreement with Friant Water Authority+ y for Joint Funding of Consultant Services Relating to Phase 3b of the Delta Smelt Structured Decision Making Project.**

Water Policy Director Scott Petersen reviewed the documents that were included in the packet. Petersen reported that the Board directed staff to pursue additional federal contractor partners to assist

in funding studies associated with the Authority's Science Program, and in particular, joint state-federal contractor funded work performed through the Collaborative Adaptive Management Team (CAMT) and Collaborative Science and Adaptive Management Program (CSAMP). Petersen reported that as staff worked with the State Water Contractors to develop a coordinated cost share proposal for the advancement of the Phase 3b of the Delta Smelt Structured Decision Making Project, staff also approached the Friant Water Authority (Friant) and Contra Costa Water District to consider becoming cost share partners for the federal contractor share of the project. Petersen reported that the total project cost is \$424,722, with the federal contractor share being \$212,361, of which Contra Costa has executed a cost share agreement with the State Water Contractors for \$30,000, resulting in a remaining share of \$182,361. Petersen reported that staff discussions with Friant have resulted in the proposed cost share agreement for the project, which would have Friant match the Exchange Contractor rate of contribution of 18.89% to the Leg-Ops fund, resulting in a contribution by Friant to the Water Authority in the amount of \$34,448, which will reduce the Authority member agency costs by the same amount.

After a brief discussion, Director Tom Birmingham made the motion, which was seconded by Alternate Director Ara Azhderian, and the Board authorized the execution of the agreement with Friant for joint funding of consultant services relating to Phase 3b of the Delta Smelt Structured Decision Making Project. The vote on the motion was as follows:

AYES:	Weisenberger, Pierce, Emmons, Ferguson, Azhderian, Diedrich, White, Michael, Ortega, Baker, Cattaneo, Pucheu, Birmingham, Amorelli
NAYS:	None
ABSTENTIONS:	None

**6. Agenda Item 8: Board of Directors to Consider Authorization to Execute Delta-Mendota Subbasin Sustainable Groundwater Management Act Implementation Grant Special Project Agreement.**

Water Policy Director Scott Petersen reviewed the documents that were included in the packet. Petersen reported that the California Department of Water Resources announced the award of a \$7.6 million grant from the SGMA Round 1 Implementation program to the Del Puerto Water District, the applicant on behalf of the 23 Groundwater Sustainability Agencies in the DM Subbasin. Petersen reported that the award includes funds for grant administration expenses, implementation of groundwater recharge projects, the filling of data and monitoring gaps, outreach and engagement, studies and investigations, and GSP Revisions. Petersen reported that water recharge and enhancement activities are projected to add more than 25,000 acre-feet annually in storage, recharge, and water supply reliability to the DM Subbasin once completed. Petersen reported that the Northern and the Central DM Management Committees and the DM Subbasin Coordination Committee directed staff to prepare and submit to the Authority Board a Special Project Agreement to share the costs of the related grant

administration among the recipients, with the cost share to be split among the grant participants proportionally to their relative total of the grant award. Petersen reported that the Special Project Agreement will authorize the Water Authority to collect funds from and disburse funds to participating entities, as well as to administer the grant at the request of the various DM SGMA Committees, consistent with the prior grant administration work coordinated by the Water Authority for the Proposition 68 SGMA Planning Grant for the Delta-Mendota Subbasin.

On a motion of Director Bobby Pierce, seconded by Director Ric Ortega, the Board Authorized execution of the Delta-Mendota Subbasin Sustainable Groundwater Management Act Implementation Grant Special Project Agreement. The vote on the motion was as follows:

AYES:	Weisenberger, Pierce, Emmons, Ferguson, Azhderian, Diedrich, White, Michael, Ortega, Baker, Cattaneo, Pucheu, Birmingham, Amorelli
NAYS:	None
ABSTENTIONS:	None

**REPORT ITEMS**

**7. Agenda Item 9: Report on State and Federal Affairs.**

Water Policy Director Scott Petersen reported that judicial changes to the 9<sup>th</sup> Circuit Court of Appeals bench continue, with the Senate confirming Salvador Mendoza to the bench on Monday. Petersen reported that President Biden announced the nomination of Anthony Johnstone for the 9<sup>th</sup> Circuit Court of Appeals on September 1<sup>st</sup>.

Petersen reported that Reclamation announced a \$20-million-dollar funding opportunity through the Bipartisan Infrastructure Law for small surface and groundwater storage projects. Petersen reported that funding is available for projects with a water storage capacity between 2,000 and 30,000 acre feet that increase surface water or groundwater storage or convey water directly or indirectly to the storage project. Petersen reported that project sponsors may request up to 25% cost-shared funding for their project's planning, design and/or construction. Petersen reported that Reclamation will host a webinar on Tuesday, Sept. 20, at 1 p.m. MDT to provide more information on this funding opportunity and answer questions. Applications are due to Reclamation on Dec. 9, at 5 p.m. MST.

Petersen reported that the Biden administration announced an expanded \$3.5 billion commitment for pilot projects that could cut carbon emissions from farming, tripling the funding levels announced earlier this year.

Petersen reported that the Biden administration also announced an agreement with thirty-three different states to distribute EV Infrastructure dollars consistent with state plans.

Petersen reported that the Biden administration also outlined all of its requests, or the funding adjustments that it wants to see in a continuing resolution to keep the government open beyond Sept. 30.

Dennis Cardoza, and Bill Ball provided additional information on EV Funding, and the Continuing Resolution.

Petersen reported that the California Water Commission's next meeting will be Wednesday, Sept. 21, in Sacramento. Petersen reported that the commission is expected to decide whether it will conduct site visits to Water Storage Investment Program projects prior to the projects final award hearings. Petersen reported that if the commission approves the project visits, it will also determine how those visits will be conducted.

Petersen reported that Governor Newsom signed AB 2449 into law, which pertains to remote access to Brown Act meetings of legislative bodies.

Kristin Olsen provided additional information, including a reference to the recent decision in the *California Water Curtailment Cases*. Director Tom Birmingham posed a question to staff regarding the decision, which was addressed under Agenda Item 18, below.

**8. Agenda Item 10: Executive Director's Report.**

- a. **San Luis Transmission Project (SLTP)** – Executive Director Federico Barajas briefly reviewed the item and then introduced Frances Mizuno to provide background on Golden State Clean Energy's Plan B funding proposal. Mizuno reported that Golden State Clean Energy withdrew their funding proposal, and the project work has stopped. Mizuno reported that Western Area Power Administration sent a letter to Reclamation and the Authority stating that they will not be moving forward with executing the agreements necessary to implement SLTP. Director Bill Diedrich and others thanked Frances Mizuno for her dedication to this project.
- b. **Authority 30<sup>th</sup> Anniversary**- Executive Director Federico Barajas reported that next month is the Authority's 30-year anniversary. Barajas reported that lunch will be provided after the October 6 Board meeting, and there will be a Special Board Workshop October 12.
- c. **DMC Subsidence Correction Project** – Executive Director Federico Barajas reported that Reclamation completed a Design, Estimating and Construction (DEC) review for this project. effort.
- d. **O'Neill Pumping Plant**– Executive Director Federico Barajas reported that a Value planning review of the O'Neil Pumping Plant is scheduled to take place next week.

**9. Agenda Item 11: Chief Operating Officer's Report**

Chief Operating Officer Pablo Arroyave reported that the contractor for the O'Neill Transformer Rehabilitation Project withdrew their proposal. Arroyave reported that the project will go back out to bid again in December.

Arroyave reported that the Jones Pumping Plant Unit 4 rewind will be completed next week, and that staff will start the reassembly process that will continue into early November, and then performance testing will occur in mid-November. Arroyave reported that the rewind of Unit 3 will begin after the completion of Unit 4 work.

Arroyave reported that once the permit is received for the Mendota Wildlife Area, the Authority will be issuing another contract to treat Hyacinth via helicopter.

Arroyave reported that Reclamation will be holding an Aging Infrastructure Application “lessons learned” session September 29. Arroyave reported that Authority staff will bring initial projects to the Board for review in October, and then in November a resolution will be brought to the Board to authorize application.

**10. Agenda Item 12: Update on Water Operations and Forecasts**

Westlands Water District’s Tom Boardman reported on current storage conditions at Shasta and noted Reclamation’s projected refill levels for next spring under dry and median conditions. The probability of having a 3<sup>rd</sup> consecutive Shasta critical year was discussed which included a brief presentation of a chart showing the Shasta unimpaired inflow for the past 100 years. Folsom storage and recent reservoir release operations were also stated.

Current Delta conditions were reported, which included export pumping rates and the pertinent standards limiting pumping. Boardman noted that Jones is projected to operate at 2-3 units into October absent early fall storms.

The accounting balance under the Coordinated Operations Agreement was stated along with a brief report on the plans to balance the accounting between the SWP and CVP.

CVP San Luis storage was reported including an explanation of the amount of 2022 CVP Project water currently in San Luis Reservoir.

Responding to a question from the public, Boardman discussed a coarse analysis that showed the frequency of refilling Shasta to about 3.5 MAF next spring using the past 100 years of unimpaired inflow to Shasta.

**II. Agenda Item 13: Committee Reports.**

- a. **Water Resources Committee** – Committee Chair Tom Birmingham reported that the committee met and addressed agenda items.
- b. **Finance & Administration Committee** – Board Chair Cannon Michael reported that the committee met and addressed agenda items.
- c. **O&M Committee** – Committee Chair Chris White reported that a meeting is scheduled for October 17, 9:30 a.m.

12. **Agenda Item 14: Outside Agency/Organization Reports.**

a. **State and Federal Contractors Water Agency (SFCWA)**

No report.

b. **Family Farm Alliance (FFA)**

Report included in the packet.

c. **Farm Water Coalition.**

No report.

d. **Association of California Water Agencies**

General Counsel Rebecca Akroyd briefly reported on ACWA Legal Affairs MCLE events. Speaking as a member of the public, John Varela provided a brief update reporting that Region 5 has an event in Monterey. Varela reported that the ACWA fall conference is in Indian Wells November 29-December 1. Director Tom Birmingham left the meeting during this agenda item.

e. **Water Blueprint for the San Joaquin Valley**

Water Policy Director Scott Petersen reported that there is a Blueprint Board meeting scheduled September 21, and a large group meeting in Madera on October 21.

f. **SJV CAP**

Water Policy Director Scott Petersen reported that there are continuing discussions on the CAP term sheet.

G. **CVPWA**

The CVPWA Finance Committee meeting is tomorrow, September 16.

13. **Agenda Item 15: Board Member Reports.**

Director William Bourdeau will be speaking at the Orange County Water Summit.

14. **Agenda Items 16-17: Closed Session Report.**

Chair Cannon Michael adjourned the open session to address the items listed on the Closed Session Agenda at approximately 10:38 a.m. Upon return to open session at approximately 10:46 a.m., Chair Cannon Michael stated that no reportable actions were taken.

15. **Agenda Item 18: Reports Pursuant to Government Code Section 54954.2(a)(3)**

General Counsel Rebecca Akroyd reported that a request made earlier for analysis regarding the *California Water Curtailment Cases* decision would be treated as made under this agenda item.

16. **Agenda Item 19: Adjournment.**

The meeting was adjourned at approximately 10:48 a.m.