



**San Luis & Delta-Mendota Water Authority
Monday, September 11, 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/81057987405?pwd=dGVQamovZHpleW5Vd3UzVkZmWUFQdz09>

**Meeting ID: 810 5798 7405
Passcode: 034728**

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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 July 10, 2023 Meeting Minutes**
5. **Water Resources Committee to Consider Recommendation to Board of Directors to Adopt Staff Recommendation for Positions on Legislation, Petersen**
 - A. S. 2636 (Bennett), Healthy Watersheds, Healthy Communities Act
 - B. S. 2250 (Bennett) / H.R. 4902 (Caraveo), Voluntary Groundwater Conservation Act of 2023

REPORT ITEMS

6. Update on Planned Jones Pumping Plant Operations/Outage, Arroyave
7. 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)
8. Update on Water Policy/Resources Activities, Petersen
(May include reports on federal, state, and local agency regulatory, legislative, and administrative water policy/resources activities)
9. Update on Water Operations and Forecasts, Boardman
10. Committee Member Reports
11. Closed Session

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of Litigation Pursuant to paragraph (4) of Subdivision (d) of Government Code Section 54956.9 – 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. 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)
- E. 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)
- F. 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)
- G. 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)
- H. 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)
- I. 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)
- J. 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)
- K. 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)

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

15. ADJOURNMENT

Persons with a disability may request disability-related modification or accommodation by contacting Cheri Worthy or Sandi Ginda at the San Luis & Delta-Mendota Water Authority Office, 842 6th Street, P.O. Box 2157, Los Banos, California, via telephone at (209) 826-9696, or via email at 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**

JULY 10, 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 Member Chris White presiding.

Water Resources Committee Members Present

Ex-Officio

Absent

Division 1

Anthea Hansen, Alternate

Division 2

Absent

Division 3

Chris White, Member

Division 4

Vincent Gin, Member - Steve Wittry, Alternate

Division 5

Manny Amorelli

Board of Directors Present

Division 1

Anthea Hansen, Director

Division 2

Justin Diener, Alternate

Division 3

Chris White, Alternate

Jarrett Martin, 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
Scott Petersen, Water Policy Director (ZOOM)
Ray Tarka, Director of Finance
Stewart Davis, IT Officer

Others Present

Dana Jacobson, Valley Water
Steve Stadler, San Luis Water District
Gracie Chavez, Del Puerto Water District
William Bourdeau, Westlands Water District (ZOOM)
Jacob McQuirk, DWR (ZOOM)

1. Call to Order/Roll Call

Acting Committee Chair/Member Chris White 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 June 5, 2023 Meeting Minutes.

On a motion of Alternate Member Anthea Hansen, seconded by Member Vince Gin, the Committee approved the June 5, 2023 meeting minutes. The vote on the motion was as follows:

AYES:	Hansen, White, Gin, Amorelli
NOES:	None
ABSTENTIONS:	None

5. Presentation on DWR South Delta Permanent Operable Gates Project.

Chief Operating Officer Pablo Arroyave introduced Jacob McQuirk from the Department of Water Resources. McQuirk presented a PowerPoint presentation on the South Delta Permanent Operable Gates Project. McQuirk answered questions throughout the presentation. Arroyave

reported that the Water Authority has invited Jacob McQuirk to make the same presentation at the August Board meeting.

6. Executive Director's Report.

- a. **Finance & Administration Committee Meeting Topics** – Executive Director Federico Barajas reported that the O'Neill Transformer Project and OM&R water rates will be discussed at the Finance & Administration Committee this afternoon.
- b. **B.F. Sisk Dam Raise and Reservoir Expansion Project** – Executive Director Federico Barajas reported that Water Authority staff are working with activity agreement members on a Letter of Agreement regarding cost share associated with the project.

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 status of the Bay-Delta Water Quality Control Plan updates and potential alternate implementation through Voluntary Agreements, proposed revisions to the Reclamation Manual updates, San Joaquin Valley Blueprint and San Joaquin Valley Collaborative Action Program, and State and Federal legislative activities.

8. Update on Water Operations and Forecasts.

Westlands Water District's Tom Boardman reported that Shasta storage was in the top ten highest years for this date. It was also noted that storage is trending about 50 TAF higher than Reclamation's latest operations forecast. Folsom storage conditions were explained, including a brief report of snowpack conditions.

Delta export rates were reported to be at maximum for both the CVP and SWP thanks to increased demands and available storage space in San Luis Reservoir.

San Luis storage projections and flood flow operations into the Mendota Pool were also briefly discussed.

Boardman responded to Committee and Board member questions throughout his report.

9. Committee Member Reports.

Alternate Member Anthea Hansen reported that the Orestimba Recharge and Recovery Project groundbreaking was June 29, 2023.

10. Agenda Item 10/11/12: Closed Session/Return to Open Session/Report from Closed Session

No Closed Session.

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

No reports.

12. Agenda Item 14: Adjournment

The meeting was adjourned at approximately 11:14 a.m.



MEMORANDUM

TO: Water Resources Committee and Alternates, Board of Directors and Alternates

FROM: Scott Petersen, Water Policy Director

DATE: September 11, 2023

RE: Water Resources Committee to Consider Recommendations on Legislation /
Board of Directors to Consider Same

Staff Recommendation

Federal Legislation

Support

- Adopt a position of “Support” on S. 2636 (Bennett), Healthy Watersheds, Healthy Communities Act
- Adopt a position of “Support” on S. 2250 (Bennett)/H.R. 4902 (Caraveo), Voluntary Groundwater Conservation Act of 2023

Summary

S. 2636 (Bennett), Healthy Watersheds, Healthy Communities Act

RECOMMENDATION: SUPPORT

OBJECTIVE: Improve Water Infrastructure Affecting Authority Member Agencies

Summary

The legislation would amend the Natural Resources Conservation Service’s (NRCS) Watershed and Flood Prevention Operations program (also known as the “PL-566” program) to implement solutions to the natural disaster impacts of extreme drought and flooding. This bill streamlines the program’s planning and administration processes, while promoting projects that benefit the health of our waterways and the communities and wildlife that depend on them.

The Healthy Watersheds, Healthy Communities Act would:

- Make Drought Resilience an Explicit Purpose of the Program, by amending the declaration of policy to include drought as a natural resource concern.
- Consolidate Planning of One or More Subwatersheds: the Act’s statutory limitation to watersheds less than 250,000 acres has historically disadvantaged western interests seeking assistance under



the law. Consolidated planning is now allowed, so that one or more subwatersheds of 250,000 acres each may be planned together at the discretion of the sponsor of a proposed project.

- Define Irrigation Efficiency and Water Conservation, ensuring drought resilience benefits can be realized through projects, similar to flood control benefits under the Act.
- Include Irrigation Districts as a Local Organization, making them clearly eligible for assistance under the law.
- Give State Conservationists More Discretion to Oversee Watershed Plan Review, to meet state and community watershed priorities and speed planning and construction timelines. This bill shifts project assistance and oversight away from the overburdened national office in DC and to NRCS State Conservationists— allowing for more comprehensive planning and flexibility by state and local NRCS staff most knowledgeable of their watersheds and local partner projects.
- Simplify Planning Requirements for Natural Infrastructure Project Components, by reducing agency administrative expenses and giving the Secretary the flexibility to waive the requirement to estimate and assign a monetary value to fish and wildlife habitat restoration or water quality improvements in a project's Watershed Plan.
- Require Public Notification and Prioritize Projects with Multiple Benefits, by requiring the USDA to make publicly available information on project benefits and funding, and prioritize projects that provide multiple conservation and public benefits.
- Recognize Increased Material and Labor Costs and Encourage Interagency Coordination, by raising the allowable federal contribution to projects from \$25 million to \$50 million. In just the last two years alone, materials used in irrigation piping projects have increased in cost by an average of 60%. While the bill maintains current cost-share requirements, it does allow for non-USDA federal funding to go towards the local/state-match requirement to encourage projects at the watershed scale

Status

S. 2636 was introduced on July 27, 2023, and has been referred to the Senate Committee on Agriculture, Nutrition, and Forestry.

Importance to the Authority

The Watershed Protection and Flood Prevention Operations (WFPO) Program includes the Flood Prevention Operations Program (Watershed Operations) authorized by the Flood Control Act of 1944 (P.L. 78-534) and the provisions of the Watershed Protection and Flood Prevention Act of 1954 (P.L. 83- 566). It provides for cooperation between the Federal government and the States and their political subdivisions to address resource concerns due to erosion, floodwater, and sediment and provide for improved utilization of the land and water resources.

The WFPO Program provides technical and financial assistance to States, local governments and Tribes to plan and implement authorized watershed project plans for the purpose of:

- Flood Prevention
- Watershed Protection
- Public Recreation
- Public Fish and Wildlife



- Agricultural Water Management
- Municipal and Industrial Water Supply
- Water Quality Management
- Watershed Structure Rehabilitation (There is a separate program that manages rehabilitation projects)

Importantly, this program has been limited to watersheds of 250,000 acres or smaller, which has limited access of western states to the program's benefits. Additionally, the funding cap of \$25 million for projects has limited access.

Pros:

- The legislation expands upon the allowable purposes of WFPO to multibenefit projects, which should open the program to serve more purposes in the West, rather than single-purpose flood control projects in the Southeast, which is where most of the funding is currently allocated.
- The modification to allow multiple "sub-watersheds" of 250,000 acres to be combined into a single watershed project opens the applicability of this program to more regions in California, including important tributaries to the CVP and to member agency service areas.
- The increased funding cap on projects could improve the implementation of projects necessary to advance a number of member agency priorities, as well as assist in funding the alternative to the Bay-Delta Water Quality Control Plan Unimpaired flow proposal.
- This bill streamlines the program's planning and administration processes, while promoting projects that benefit the health of our waterways and the communities and wildlife that depend on them.

Cons:

- None identified at this time.
-

[S. 2250 \(Bennett\)/H.R. 4902 \(Caraveo\), Voluntary Groundwater Conservation Act of 2023](#)

RECOMMENDATION: SUPPORT

OBJECTIVE: Improve Water Infrastructure Affecting Authority Member Agencies

Summary

The legislation would amend the Natural Resources Conservation Service's (NRCS) Agricultural Conservation Easement Program (ACEP) to establish a voluntary groundwater conservation easement program within ACEP. The program would be used to assist in the purchase of groundwater conservation easements that would advance local, regional, or state groundwater management to promote the conservation and reduction in groundwater use, including the recharge of groundwater aquifers, while allowing for continued agricultural production and to promote renewable energy in the face of long-term declines in groundwater availability. Easements must be for a minimum of 3 years, with an option to extend further based on conditions.



Status

S. 2250 was introduced on July 11, 2023, and has been referred to the Senate Committee on Agriculture, Nutrition, and Forestry.

H.R. 4902 was introduced on July 26, 2023, and has been referred to the House Committee on Agriculture.

Importance to the Authority

The Agricultural Conservation Easement Program (ACEP) protects the agricultural viability and related conservation values of eligible land by limiting nonagricultural uses which negatively affect agricultural uses and conservation values, protect grazing uses and related conservation values by restoring or conserving eligible grazing land, and protecting and restoring and enhancing wetlands on eligible land.

ACEP has two components:

- [Agricultural Land Easements](#) (ALE) help private and tribal landowners, land trusts, and other entities such as state and local governments protect croplands and grasslands on working farms and ranches by limiting non-agricultural uses of the land through conservation easements.
- [Wetland Reserve Easements](#) (WRE) help private and tribal landowners protect, restore and enhance wetlands which have been previously degraded due to agricultural uses.

Additionally, through ACEP, USDA offers the [Wetland Reserve Enhancement Partnership](#) (WREP), a voluntary program through which NRCS enters into agreements with eligible partners to leverage resources to carry out high priority wetland protection, restoration, and enhancement and to improve wildlife habitat.

This legislation would provide for ACEP to be expanded to provide funding through conservation easements for groundwater pumping reductions required by SGMA implementation, as long as the easements were consistent with the underlying goals of the program.

Pros:

- The legislation expands upon the allowable purposes of ACEP to fund groundwater conservation easements, which could assist growers in necessary land transitions as a result of implementation of the SGMA.

Cons:

- Could increase pressure on limited funding pools for other conservation title activities funded through ACEP.
-

Guidelines for Taking Positions on Legislation

A number of controversial bills are introduced each year in the Congress and in the California Legislature. It is important to understand how the Authority takes positions on legislation.

Policy

By Agenda Item 9, dated December 8, 2022, the Board adopted the Fiscal Year 2024 Objectives.



Water Authority's Positions on Legislation

The Water Authority takes positions on legislation that, if enacted, would impact Water Authority members, consistent with Water Authority Board adopted Goals and Objectives. The Water Authority may take the following positions on legislation: Oppose, Support, Oppose Unless Amended, Support if Amended, Not Favor, Favor, Not Favor Unless Amended, Favor if Amended, and Watch (neutral). The Water Authority's staff and consultants testify and advocate with legislators and staff through meetings and member agency contacts on all positions except Watch, Favor and Not Favor. For Favor and Not Favor positions, written communication of the Water Authority's position is provided to the legislator. Nothing in this section should be read to preclude the Executive Director or his or her delegee from taking an informal support or informal oppose position on behalf of the Water Authority that is consistent with adopted legislative or policy objectives, or to preclude the Executive Director from communicating a position on emergency legislation after obtaining the concurrence of the Chair, or the Chair's designee, provided that the Executive Director informs the Board regarding such positions on emergency legislation no later than the next regularly scheduled Board meeting.

Amendment Development Process

If the Water Authority takes an Oppose Unless Amended or Support if Amended position, the Water Authority will typically discuss the concepts for the amendments at the meeting. Then Water Authority staff, in consultation with Committee and/or Board Members as needed, will develop the amendments after the meeting.

Information Sharing

To provide adequate information to the entire Water Authority membership, the Water Authority provides legislative updates, posts positions and other information on our website, and sends out advisories and alerts on key legislation.

The Water Authority's legislative department is available to provide specific information on bills on request and Board Members are encouraged to communicate Water Authority positions on priority legislation in meetings with legislative staff, consistent with Water Authority policy. The Water Authority's Water Policy Director appreciates being informed by Water Authority members of positions taken by Water Authority members on legislation.

BILL TEXT

118TH CONGRESS
1ST SESSION

S. 2636

To amend the Watershed Protection and Flood Prevention Act to improve that Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 27, 2023

Mr. BENNET (for himself, Mrs. FISCHER, and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Watershed Protection and Flood Prevention Act to improve that Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Healthy Watersheds,
5 Healthy Communities Act of 2023”.

6 **SEC. 2. SHORT TITLE; FINDINGS; DECLARATION OF POLICY.**

7 The first section of the Watershed Protection and
8 Flood Prevention Act (16 U.S.C. 1001) is amended to
9 read as follows:

1 **“SECTION 1. SHORT TITLE; FINDINGS; DECLARATION OF**
2 **POLICY.**

3 “(a) **SHORT TITLE.**—This Act may be cited as the
4 ‘Watershed Protection and Flood Prevention Act’.

5 “(b) **FINDINGS.**—Congress finds that erosion, flood-
6 water, drought, and sediment damages in the watersheds
7 of the rivers and streams of the United States cause loss
8 of life, declines in agricultural production, harm to fish,
9 birds, wildlife, and recreation opportunities, and damage
10 to property, thereby constituting a menace to the national
11 welfare.

12 “(c) **SENSE OF CONGRESS.**—It is the sense of Con-
13 gress that the Federal Government should cooperate with
14 States and political subdivisions of States, Tribal organi-
15 zations described in section 2(2)(C), insular areas (as de-
16 fined in section 1404 of the National Agricultural Re-
17 search, Extension, and Teaching Policy Act of 1977 (7
18 U.S.C. 3103)), soil or water conservation districts, flood
19 prevention or control districts, irrigation districts or simi-
20 lar entities, nonprofit organizations, and other local public
21 agencies for the purposes of—

22 “(1) preventing the damages described in sub-
23 section (b);

24 “(2) furthering the conservation, development,
25 utilization, and disposal of water, and the conserva-
26 tion and utilization of land; and

1 “(3) thereby preserving, protecting, and improv-
2 ing land and water resources and the quality of the
3 environment.”.

4 **SEC. 3. DEFINITIONS.**

5 Section 2 of the Watershed Protection and Flood
6 Prevention Act (16 U.S.C. 1002) is amended to read as
7 follows:

8 **“SEC. 2. DEFINITIONS.**

9 “In this Act:

10 “(1) IRRIGATION EFFICIENCY.—The term ‘irri-
11 gation efficiency’ means a reduction in the quantity
12 of non-consumed water diverted at a source for irri-
13 gation purposes, consistent with State water law.

14 “(2) LOCAL ORGANIZATION.—The term ‘local
15 organization’ means—

16 “(A)(i) any State, political subdivision of a
17 State, soil or water conservation district, flood
18 prevention or control district, or combination
19 thereof; or

20 “(ii) any other governmental agency having
21 authority under State law to carry out, main-
22 tain, and operate a work of improvement;

23 “(B) any irrigation district or reservoir
24 company, water users’ association, canal com-
25 pany, ditch association, acequia, or similar enti-

1 ty, or nongovernmental organization that is not
2 being operated for profit, with—

3 “(i) the capacity to engage in the
4 planning or implementation of land treat-
5 ment and related conservation measures;
6 or

7 “(ii) the authority to construct and
8 maintain structural measures; or

9 “(C) any Indian Tribe or Tribal organiza-
10 tion (as those terms are defined in section 4 of
11 the Indian Self-Determination and Education
12 Assistance Act (25 U.S.C. 5304)) having au-
13 thority under Federal, State, or Indian Tribal
14 law to carry out, maintain, and operate a work
15 of improvement.

16 “(3) MULTIBENEFIT WORK OF IMPROVE-
17 MENT.—The term ‘multibenefit work of improve-
18 ment’ means a work of improvement, including irri-
19 gation efficiency, flood-damage reduction, water
20 management, or watershed protection, that provides
21 2 or more of the following public benefits:

22 “(A) Improvement in the condition of a
23 natural feature that increases fish or wildlife
24 habitat, reduces drought impact, or reduces
25 flood-risk.

1 “(B) Improvement in water quality.

2 “(C) Water conservation.

3 “(D) Improvement to instream flow.

4 “(E) Enhanced fish passage or reduction
5 in fish entrainment.

6 “(F) Permanent protection of a natural
7 feature.

8 “(G) Off-channel renewable energy produc-
9 tion.

10 “(4) NATURAL FEATURE.—The term ‘natural
11 feature’ means a feature that is created through the
12 action of physical, geological, biological, and natural
13 chemical processes over time.

14 “(5) SECRETARY.—The term ‘Secretary’ means
15 the Secretary of Agriculture.

16 “(6) WATER CONSERVATION.—The term ‘water
17 conservation’ means a reduction in total annual con-
18 sumptive water use compared to total annual con-
19 sumptive water use before a work of improvement is
20 carried out under this Act.

21 “(7) WATER MANAGEMENT.—The term ‘water
22 management’ means any project or activity carried
23 out to increase the efficiency of water use, transfer,
24 diversion, or conveyance.

25 “(8) WORK OF IMPROVEMENT.—

1 “(A) IN GENERAL.—The term ‘work of im-
2 provement’ means any undertaking carried out
3 in a watershed or subwatershed area not ex-
4 ceeding 250,000 acres (including on Federal
5 land necessary to accomplish the purposes of
6 the undertaking) for—

7 “(i) flood prevention (including struc-
8 tural and land treatment measures);

9 “(ii) the conservation, development,
10 utilization, and disposal of water; or

11 “(iii) the conservation and proper uti-
12 lization of land.

13 “(B) EXCLUSION.—The term ‘work of im-
14 provement’ does not include any single struc-
15 ture that provides—

16 “(i) more than 12,500 acre-feet of
17 floodwater detention capacity; and

18 “(ii) more than 25,000 acre-feet of
19 total capacity.

20 “(C) REQUIREMENT FOR AGRICULTURE OR
21 CONSERVATION BENEFITS.—Each undertaking
22 described in subparagraph (A) shall contain
23 benefits directly related to agriculture or con-
24 servation, including communities in rural areas
25 (as defined in section 343(a) of the Consoli-

1 dated Farm and Rural Development Act (7
2 U.S.C. 1991(a))), that account for at least 20
3 percent of the total benefits of the undertaking.

4 “(D) CONSOLIDATED PLANNING.—1 or
5 more subwatersheds, when the subwatersheds
6 are components of a larger watershed, may be
7 planned together at the discretion of the local
8 organization sponsoring the applicable under-
9 taking.”.

10 **SEC. 4. ASSISTANCE TO LOCAL ORGANIZATIONS.**

11 Section 3 of the Watershed Protection and Flood
12 Prevention Act (16 U.S.C. 1003) is amended—

13 (1) by redesignating subsection (b) as sub-
14 section (e);

15 (2) in subsection (a)(6), in the first sentence,
16 by striking “occupiers, individually” and inserting
17 the following: “occupiers in accordance with sub-
18 section (b).

19 “(b) AGREEMENTS WITH LANDOWNERS, OPERA-
20 TORS, AND OCCUPIERS.—

21 “(1) IN GENERAL.—The Secretary may enter
22 into agreements under subsection (a)(6) with land-
23 owners, operators, and occupiers, individually”;

24 (3) in subsection (b) (as so designated)—

1 (A) by striking “supplemented. Applica-
2 tions” and inserting the following: “supple-
3 mented.

4 “(2) APPLICATIONS.—Applications”;

5 (B) in paragraph (2) (as so designated)—

6 (i) in the first sentence, by striking
7 “such conservation plans” and inserting
8 “conservation plans described in paragraph
9 (1)”; and

10 (ii) by striking “such district. In re-
11 turn” and all that follows through “inter-
12 est. The portion” and inserting the fol-
13 lowing: “that district.

14 “(3) COST SHARING.—

15 “(A) IN GENERAL.—The Secretary may
16 agree to share the costs of carrying out a work
17 of improvement, or specific practices and meas-
18 ures described in such an agreement, if the Sec-
19 retary determines that cost sharing is appro-
20 priate and in the public interest.”;

21 “(B) PORTION OF COSTS.—The portion”;

22 and

23 (iii) in subparagraph (B) (as so des-
24 ignated)—

1 (I) by striking “programs. The
2 Secretary” and inserting the fol-
3 lowing: “programs.

4 “(4) TERMINATION; MODIFICATIONS.—The Sec-
5 retary”;

6 (C) in paragraph (4) (as so designated)—

7 (i) in the first sentence, by striking
8 “hereunder, as he” and inserting “under
9 this subsection, as the Secretary”; and

10 (ii) by striking “herein. Notwith-
11 standing” and inserting the following:
12 “under this subsection.

13 “(5) PRESERVATION OR SURRENDER OF HIS-
14 TORY.—Notwithstanding”; and

15 (D) in paragraph (5) (as so designated)—

16 (i) by striking “he” and inserting “the
17 Secretary”;

18 (ii) by striking “paragraph” and in-
19 serting “subsection”;

20 (iii) by striking “hereunder for (1)
21 preservation” and inserting the following:
22 “under this paragraph for—

23 “(A) preservation”; and

24 (iv) in subparagraph (A) (as so des-
25 ignated), by striking “crop; or (2) sur-

1 render” and inserting the following: “crop;

2 or

3 “(B) surrender”;

4 (4) by inserting after subsection (b) (as so des-
5 ignated) the following:

6 “(c) DELEGATION OF AUTHORITIES.—The Secretary
7 shall delegate final decision-making authority to the State
8 Conservationist, or the agency having that responsibility,
9 of the State in which the work of improvement is located
10 for the determination of when the watershed plan for a
11 work of improvement shall be released for final public
12 comment.

13 “(d) DEADLINE FOR APPROVAL OR DISAPPROVAL.—

14 “(1) IN GENERAL.—Subject to paragraph (2),
15 not later than 45 days after the date on which an
16 application for a work of improvement is submitted
17 to the Secretary, the Secretary shall approve or dis-
18 approve the application.

19 “(2) EXTENSIONS.—The Secretary may extend
20 the deadline described in paragraph (1) by 45 days,
21 if necessary.”;

22 (5) in subsection (e) (as so redesignated)—

23 (A) in the matter preceding paragraph

24 (1)—

1 (i) by inserting “or the delegated au-
2 thority under subsection (c)” after “The
3 Secretary”; and

4 (ii) by inserting “or the delegated au-
5 thority” after “if the Secretary”; and

6 (B) in paragraph (2), by striking “section
7 4” and inserting “section 7”; and

8 (6) by adding at the end the following:

9 “(f) APPROVAL OF PLANS THAT IMPROVE THE CON-
10 DITION OF A NATURAL FEATURE.—Notwithstanding sub-
11 section (a)(3), the Secretary may approve a plan for a
12 multibenefit work of improvement, regardless of the ratio
13 of costs to benefits of the multibenefit work of improve-
14 ment.

15 “(g) GUARANTEE OF FUNDING FOR CERTAIN CON-
16 STRUCTION MATERIALS.—

17 “(1) IN GENERAL.—Except as provided in para-
18 graph (2), the Secretary may approve funding under
19 a work of improvement for construction materials
20 for pipes to convey water if the Secretary determines
21 that the construction materials—

22 “(A) are fully recyclable;

23 “(B) maintain structural integrity for not
24 less than 100 years; and

1 “(C) are capable of being manufactured
2 on-site.

3 “(2) CONSTRUCTION MATERIALS WITH LESS
4 THAN 100-YEAR STRUCTURAL INTEGRITY.—The Sec-
5 retary, at the election of a project sponsor and with
6 the recommendation of the applicable State Con-
7 servationist of the project sponsor, may approve
8 funding under a work of improvement for construc-
9 tion materials for pipes to convey water that do not
10 meet the criteria described in subparagraphs (A)
11 through (C) of paragraph (1).”.

12 **SEC. 5. NOTIFICATION REQUIREMENT.**

13 Section 4 of the Watershed Protection and Flood
14 Prevention Act (16 U.S.C. 1004) is amended to read as
15 follows:

16 **“SEC. 4. NOTIFICATION REQUIREMENT.**

17 “(a) IN GENERAL.—

18 “(1) APPROVAL BY SECRETARY REQUIRED.—

19 No amounts shall be provided under this Act for any
20 plan for a work of improvement involving an esti-
21 mated Federal contribution to construction costs in
22 excess of \$50,000,000, or that includes any struc-
23 ture that provides more than 2,500 acre-feet of total
24 capacity, unless the Secretary has approved the work
25 of improvement.

1 “(2) NOTICE.—Except in the case of a flood
2 prevention project described in subsection (b), not
3 less than 60 days before approving a plan described
4 in paragraph (1), the Secretary shall provide to the
5 Committee on Agriculture, Nutrition, and Forestry
6 of the Senate and the Committee on Agriculture of
7 the House of Representatives a notice of the ap-
8 proval, including a description of the justification for
9 the approval and a copy of the plan.

10 “(b) FLOOD PREVENTION PROJECTS.—

11 “(1) PROJECTS LESS THAN 4,000 ACRE-FEET OF
12 CAPACITY.—In the case of any plan for a flood pre-
13 vention project under this Act involving no single
14 structure providing more than 4,000 acre-feet of
15 total capacity, not less than 60 days before approv-
16 ing a plan described in subsection (a)(1), the Sec-
17 retary shall provide to the Committee on Agri-
18 culture, Nutrition, and Forestry of the Senate and
19 the Committee on Agriculture of the House of Rep-
20 resentatives a notice of the approval, including a de-
21 scription of the justification for the approval and a
22 copy of the plan.

23 “(2) PROJECTS MORE THAN 4,000 ACRE-FEET
24 OF CAPACITY.—In the case of any plan for a flood
25 prevention project under this Act involving any sin-

1 gle structure providing more than 4,000 acre-feet of
2 total capacity, not less than 60 days before approv-
3 ing a plan described in subsection (a)(1), the Sec-
4 retary shall provide to the Committee on Environ-
5 ment and Public Works of the Senate and the Com-
6 mittee on Transportation and Infrastructure of the
7 House of Representatives a notice of the approval,
8 including a description of the justification for the
9 approval and a copy of the plan.

10 “(c) WATERSHED OR SUBWATERSHED AREAS.—If
11 the estimated Federal contribution to the construction
12 cost of works of improvement in the plan for any water-
13 shed or subwatershed area exceeds \$50,000,000 or in-
14 cludes any structure that provides more than 2,500 acre-
15 feet of total capacity, the Secretary shall provide a copy
16 of the plan and a justification for the plan to—

17 “(1) the Committee on Agriculture, Nutrition,
18 and Forestry of the Senate and the Committee on
19 Agriculture of the House of Representatives, if the
20 plan includes no single structure providing more
21 than 4,000 acre-feet of total capacity; or

22 “(2) the Committee on Environment and Public
23 Works of the Senate and the Committee on Trans-
24 portation and Infrastructure of the House of Rep-
25 resentatives, if the plan includes any single structure

1 providing more than 4,000 acre-feet of total capac-
2 ity.”.

3 **SEC. 6. MULTIBENEFIT WORK OF IMPROVEMENT ALLOCA-**
4 **TION.**

5 Section 5 of the Watershed Protection and Flood
6 Prevention Act (16 U.S.C. 1005) is amended to read as
7 follows:

8 **“SEC. 5. MULTIBENEFIT WORK OF IMPROVEMENT ALLOCA-**
9 **TION.**

10 “The Secretary shall allocate not less than 50 percent
11 of the total amount made available under this Act for each
12 fiscal year for the planning, design, or construction of
13 multibenefit works of improvement.”.

14 **SEC. 7. REPEALS; REDESIGNATIONS.**

15 (a) REPEALS.—Sections 9 and 11 of the Watershed
16 Protection and Flood Prevention Act (16 U.S.C. 1006b;
17 16 U.S.C. 1001 note; 68 Stat. 668; 70 Stat. 1090) are
18 repealed.

19 (b) REDESIGNATIONS.—The Watershed Protection
20 and Flood Prevention Act is amended by redesignating
21 sections 3A, 6, 7, 8, 12, 13, 14, and 15 (16 U.S.C. 1003a,
22 1006; 68 Stat. 668; 16 U.S.C. 1006a, 1008, 1010, 1012,
23 1012a) as sections 6, 9, 11, 12, 13, 14, 15, and 16, respec-
24 tively.

25 (c) CONFORMING AMENDMENTS.—

1 (1) Section 515(b)(8)(B) of the Surface Mining
2 Control and Reclamation Act of 1977 (30 U.S.C.
3 1265(b)(8)(B)) is amended by striking “Public Law
4 83–566 (16 U.S.C. 1006)” and inserting “section 9
5 of the Watershed Protection and Flood Prevention
6 Act”.

7 (2) Section 1211(a)(3)(D) of the Food Security
8 Act of 1985 (16 U.S.C. 3811(a)(3)(D)) is amend-
9 ed—

10 (A) by striking “or 8”;

11 (B) by striking “and 1006a”; and

12 (C) by inserting “or section 12 of that
13 Act” before the period at the end.

14 (3) Section 1221(b)(3)(D) of the Food Security
15 Act of 1985 (16 U.S.C. 3821(b)(3)(D)) is amend-
16 ed—

17 (A) by striking “or 8”;

18 (B) by striking “and 1006a”; and

19 (C) by inserting “or section 12 of that
20 Act” before the period at the end.

21 (4) Section 1271A(1)(F) of the Food Security
22 Act of 1985 (16 U.S.C. 3871a(1)(F)) is amended by
23 striking “section 14 (16 U.S.C. 1012) of that Act”
24 and inserting “section 15 of that Act”.

1 (5) Section 10 of the Watershed Protection and
2 Flood Prevention Act (16 U.S.C. 1007) is amended,
3 in the second sentence, by striking “provisions of
4 section 3 or clause (a) of section 8 of this Act” and
5 inserting “section 3 or subsection (a) of the first
6 sentence of section 12”.

7 **SEC. 8. COST SHARE ASSISTANCE.**

8 Section 6 of the Watershed Protection and Flood
9 Prevention Act (16 U.S.C. 1001 et seq.) (as redesignated
10 by section 7(b)) is amended—

11 (1) in subsection (a), by inserting “, as deter-
12 mined by the Secretary,” after “assistance”; and

13 (2) by adding at the end the following:

14 “(c) TREATMENT OF OTHER FEDERAL FUNDS FOR
15 WORKS OF IMPROVEMENT.—Any funds provided for a
16 work of improvement through any Federal department or
17 agency other than the Department of Agriculture shall be
18 considered to be part of the non-Federal share of the cost
19 of the work of improvement provided by the sponsor of
20 the work of improvement.”.

21 **SEC. 9. CONDITIONS FOR FEDERAL ASSISTANCE.**

22 The Watershed Protection and Flood Prevention Act
23 (16 U.S.C. 1001 et seq.) is amended by inserting after
24 section 6 (as redesignated by section 7(b)) the following:

1 **“SEC. 7. CONDITIONS FOR FEDERAL ASSISTANCE.**

2 “(a) IN GENERAL.—The Secretary shall require, as
3 a condition of providing Federal assistance for the instal-
4 lation of a work of improvement, that a local organization
5 sponsoring the work of improvement shall—

6 “(1) acquire, or, with respect to interests in
7 land to be acquired by condemnation, provide assur-
8 ances satisfactory to the Secretary that they will ac-
9 quire, without cost to the Federal Government from
10 funds appropriated for the purposes of this Act (ex-
11 cept as provided in subsection (b)), such land, ease-
12 ments, or rights-of-way as will be needed in connec-
13 tion with works of improvement installed with Fed-
14 eral assistance;

15 “(2) make arrangements satisfactory to the
16 Secretary for defraying costs of operating and main-
17 taining such works of improvement, in accordance
18 with regulations presented by the Secretary;

19 “(3) acquire, or provide assurance that land-
20 owners or water users have acquired, such water
21 rights, pursuant to State law, as may be needed in
22 the installation and operation of the work of im-
23 provement;

24 “(4) obtain agreements to carry out rec-
25 ommended soil conservation measures and proper
26 farm plans from owners of not less than 50 percent

1 of the land situated in the drainage area above each
 2 retention reservoir to be installed with Federal as-
 3 sistance; and

4 “(5) submit a plan of repayment satisfactory to
 5 the Secretary for any loan or advancement made
 6 under section 12.

7 “(b) COST SHARE OR ADVANCE PAYMENTS FOR CER-
 8 TAIN ACTIVITIES.—

9 “(1) PUBLIC FISH AND WILDLIFE OR REC-
 10 REATIONAL DEVELOPMENT.—

11 “(A) IN GENERAL.—If a local organization
 12 agrees to operate and maintain any reservoir or
 13 other area included in a plan for public fish and
 14 wildlife or recreational development, the Sec-
 15 retary shall not bear more than 50 percent of
 16 the costs of—

17 “(i) the land, easements, or rights-of-
 18 way acquired or to be acquired by the local
 19 organization for such reservoir or other
 20 area; and

21 “(ii) minimum basic facilities needed
 22 for public health and safety, access to, and
 23 use of such reservoir or other area for such
 24 purposes.

25 “(B) RECREATIONAL DEVELOPMENT.—

1 “(i) CONDITIONS.—The Secretary
2 may participate in recreational develop-
3 ment in any watershed project under sub-
4 paragraph (A) only to the extent that the
5 need for the recreational development is
6 demonstrated in accordance with standards
7 established by the Secretary—

8 “(I) taking into account the an-
9 ticipated man-days of use of the pro-
10 jected recreational development; and

11 “(II) giving consideration to the
12 availability within the region of exist-
13 ing water-based outdoor recreational
14 developments.

15 “(ii) LIMITATIONS.—The Secretary
16 may participate in—

17 “(I) not more than 1 recreational
18 development in a watershed project
19 containing less than 75,000 acres;

20 “(II) not more than 2 rec-
21 reational developments in a watershed
22 project containing—

23 “(aa) not less than 75,000
24 acres; and

1 “(bb) not more than
2 150,000 acres; or

3 “(III) not more than 3 rec-
4 reational developments in a watershed
5 project containing more than 150,000
6 acres.

7 “(2) ADVANCE PAYMENTS.—If the Secretary
8 and a local organization have agreed that the imme-
9 diate acquisition by the local organization of land,
10 easements, or rights-of-way is advisable for the pres-
11 ervation of sites for works of improvement included
12 in a plan from encroachment by residential, commer-
13 cial, industrial, or other development—

14 “(A) the Secretary may advance to the
15 local organization from funds appropriated for
16 construction of works of improvement the
17 amounts required for the acquisition of such
18 land, easements, or rights-of-way; and

19 “(B) except where such costs are to be
20 borne by the Secretary, such advance shall be
21 repaid by the local organization, with interest,
22 prior to construction of the works of improve-
23 ment, for credit to such construction funds.

24 “(3) MITIGATION OF FISH AND WILDLIFE HABI-
25 TAT LOSSES.—

1 “(A) IN GENERAL.—The Secretary may
2 bear an amount not to exceed 50 percent of the
3 costs of the land, easements, or rights-of-way
4 acquired or to be acquired by a local organiza-
5 tion for mitigation of fish and wildlife habitat
6 losses.

7 “(B) OUTSIDE BOUNDARIES.—An acquisi-
8 tion under subparagraph (A) shall not be lim-
9 ited to the confines of the watershed project
10 boundaries.

11 “(c) FUTURE DEMANDS.—

12 “(1) IN GENERAL.—The Secretary shall re-
13 quire, as a condition of providing Federal assistance
14 for the installation of works of improvement, that—

15 “(A) the cost of water storage to meet fu-
16 ture demands may not exceed 30 percent of the
17 total estimated cost of the reservoir structure;
18 and

19 “(B) the local organization shall give rea-
20 sonable assurances, and provide evidence, that
21 such demands for the use of such storage will
22 be made within a period of time which will per-
23 mit repayment within the life of the reservoir
24 structure of the cost of such storage.

1 “(2) ASSURANCES.—The Secretary shall deter-
2 mine prior to initiation of construction or modifica-
3 tion of any reservoir structure including water sup-
4 ply storage that there are adequate assurances by
5 the local organization or by an agency of the State
6 having authority to give such assurances, that—

7 “(A) the Secretary will be reimbursed the
8 cost of water supply storage for anticipated fu-
9 ture demands; and

10 “(B) the local organization will pay not
11 less than 50 percent of the cost of storage for
12 present water supply demands.

13 “(3) REPAYMENT.—

14 “(A) IN GENERAL.—The cost to be borne
15 by the local organization for anticipated future
16 demands may be repaid within the life of the
17 reservoir structure but in no event to exceed 50
18 years after the reservoir structure is first used
19 for the storage of water for anticipated future
20 water supply demands, except that—

21 “(i) no reimbursement of the cost of
22 such water supply storage for anticipated
23 future demands need be made until such
24 supply is first used; and

1 “(ii) no interest shall be charged on
2 the cost of such water supply storage for
3 anticipated future demands until such sup-
4 ply is first used, but in no case shall the
5 interest-free period exceed 10 years.

6 “(B) INTEREST RATE.—The interest rate
7 used for purposes of computing the interest on
8 the unpaid balance under subparagraph (A)(ii)
9 shall be determined in accordance with section
10 12.

11 “(d) CONDITION OF FUNDS.—Nothing in this Act
12 shall be construed to supersede or in any manner affect
13 or conflict with State water law, Federal water law, inter-
14 state compacts, or treaty obligations.”.

15 **SEC. 10. CONTRACT SERVICES.**

16 The Watershed Protection and Flood Prevention Act
17 (16 U.S.C. 1001 et seq.) is amended by inserting after
18 section 7 (as added by section 9) the following:

19 **“SEC. 8. CONTRACT SERVICES.**

20 “(a) IN GENERAL.—

21 “(1) SECURING SERVICES.—A local organiza-
22 tion may secure services, including for the planning,
23 design, preparation of contracts and specifications,
24 awarding of contracts, and supervision of construc-
25 tion, in connection with works of improvement, if—

1 “(A) the Secretary and the interested local
2 organization have agreed on a plan for the
3 works of improvement;

4 “(B) the Secretary, in consultation with
5 the delegated authority under section 3(e), has
6 determined that the benefits exceed the costs,
7 except that the benefits of fish and wildlife
8 habitat or water quality improvement shall not
9 be required to be monetized to be considered
10 against costs;

11 “(C) the local organization has met the re-
12 quirements for participation in carrying out the
13 works of improvement described in section 7;
14 and

15 “(D) the Secretary, in consultation with
16 the delegated authority under section 3(e), has
17 determined that the services are satisfactory,
18 based on the works of improvement.

19 “(2) SERVICES PROVIDED BY THE SEC-
20 RETARY.—The Secretary may provide services under
21 paragraph (1) on request by the local organization,
22 with priority given to multibenefit works of improve-
23 ment.

24 “(3) REIMBURSEMENT.—If the local organiza-
25 tion elects to secure services under paragraph (1),

1 the Secretary shall reimburse the local organization
2 for the costs charged for work in an amount not to
3 exceed the amount agreed upon in the plan for
4 works of improvement or any modification thereof.

5 “(4) ADVANCE PAYMENTS.—

6 “(A) IN GENERAL.—The Secretary may
7 advance such amounts as may be necessary to
8 pay for services described in paragraph (1).

9 “(B) LIMITATIONS.—Advances under sub-
10 paragraph (A) shall not exceed—

11 “(i) in the case of a work of improve-
12 ment for flood prevention or drought resil-
13 iency, 5 percent of the estimated installa-
14 tion cost of the work of improvement; and

15 “(ii) in the case of a work of improve-
16 ment the primary purpose of which is fish
17 and wildlife habitat or water quality im-
18 provement, 75 percent of the estimated in-
19 stallation cost of the work of improvement.

20 “(b) CONSTRUCTION OF STRUCTURES.—

21 “(1) IN GENERAL.—Except as to the installa-
22 tion of works of improvement on Federal land and
23 as provided in paragraph (2), the Secretary shall not
24 construct or enter into any contract for the con-
25 struction of any structure.

1 “(2) REQUESTS OF LOCAL ORGANIZATION.—
2 The Secretary may enter into a contract for the con-
3 struction of structures on request of a local organi-
4 zation.”.

5 **SEC. 11. MAXIMUM LOAN AMOUNT.**

6 Section 12 of the Watershed Protection and Flood
7 Prevention Act (16 U.S.C. 1001 et seq.) (as redesignated
8 by section 7(b)) is amended, in the third sentence, by
9 striking “five million dollars” and inserting
10 “\$10,000,000”.

11 **SEC. 12. DATA.**

12 Section 14 of the Watershed Protection and Flood
13 Prevention Act (16 U.S.C. 1001 et seq.) (as redesignated
14 by section 7(b)) is amended—

15 (1) in the matter preceding paragraph (1), by
16 striking “collect and maintain” and inserting “col-
17 lect, maintain, and publish on the website of the De-
18 partment of Agriculture”;

19 (2) in paragraph (1), by striking “control and
20 conservation” and inserting “control, conservation,
21 and drought resilience”; and

22 (3) by striking paragraph (2) and inserting the
23 following:

24 “(2) expenditures for—

1 “(A) improvement in the condition of a
2 natural feature that increases fish or wildlife
3 habitat, reduces drought impact, or reduces
4 flood-risk;

5 “(B) improvement in water quality;

6 “(C) water conservation;

7 “(D) improvement to instream flow;

8 “(E) enhanced fish passage or reduction in
9 fish entrainment;

10 “(F) permanent protection of a natural
11 feature; and

12 “(G) off-channel renewable energy produc-
13 tion.”.

○

118TH CONGRESS
1ST SESSION

S. 2250

To amend the Food Security Act of 1985 to establish a groundwater conservation easement program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 11, 2023

Mr. BENNET (for himself, Mr. MORAN, and Mr. HEINRICH) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Food Security Act of 1985 to establish a groundwater conservation easement program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Voluntary Ground-
5 water Conservation Act of 2023”.

1 **SEC. 2. GROUNDWATER CONSERVATION EASEMENT PRO-**
 2 **GRAM.**

3 (a) AGRICULTURAL CONSERVATION EASEMENT PRO-
 4 GRAM PURPOSES.—Section 1265(b) of the Food Security
 5 Act of 1985 (16 U.S.C. 3865(b)) is amended—

6 (1) in paragraph (3), by striking “and” at the
 7 end;

8 (2) in paragraph (4), by striking the period at
 9 the end and inserting “; and”; and

10 (3) by adding at the end the following:

11 “(5) facilitate reductions in groundwater con-
 12 sumption to support local, regional, or State ground-
 13 water management.”.

14 (b) ESTABLISHMENT.—Subtitle H of title XII of the
 15 Food Security Act of 1985 (16 U.S.C. 3865 et seq.) is
 16 amended by adding at the end the following:

17 **“SEC. 1265E. GROUNDWATER CONSERVATION EASEMENT**
 18 **PROGRAM.**

19 “(a) DEFINITIONS.—In this section:

20 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
 21 tity’ means—

22 “(A) an agency of State or local govern-
 23 ment;

24 “(B) an Indian Tribe; or

25 “(C) an organization described in section
 26 1265A(3)(B).

1 “(2) ELIGIBLE LAND.—The term ‘eligible land’
2 means the surface estate of land on which eligible
3 water rights have been historically used, as deter-
4 mined by governing State law, including—

5 “(A) cropland;

6 “(B) grassland;

7 “(C) rangeland;

8 “(D) pasture land;

9 “(E) nonindustrial private forest land; and

10 “(F) other agricultural land.

11 “(3) ELIGIBLE WATER RIGHTS.—The term ‘eli-
12 gible water rights’ means rights that are—

13 “(A) owned or controlled by 1 or more pri-
14 vate, governmental, or Tribal landowners to
15 groundwater that has been used on eligible
16 land; and

17 “(B) subject to a pending offer for the
18 purchase of a groundwater conservation ease-
19 ment from an eligible entity, the purchase of
20 which would—

21 “(i) promote reduced groundwater
22 consumption and reduced reliance on
23 groundwater; and

24 “(ii) advance local, regional, or State
25 groundwater management consistent with

1 the purposes of the groundwater conserva-
2 tion easement program.

3 “(4) GROUNDWATER CONSERVATION EASE-
4 MENT.—

5 “(A) IN GENERAL.—The term ‘ground-
6 water conservation easement’ means an ease-
7 ment or other interest in eligible water rights
8 that—

9 “(i) is conveyed for the purpose of
10 supporting local, regional, or State ground-
11 water management that reduces ground-
12 water consumption while providing commu-
13 nity and environmental benefits;

14 “(ii) includes restrictions on the con-
15 sumption of groundwater related to the
16 historical withdrawals of the groundwater
17 of the landowner associated with the en-
18 tirety of the eligible land associated with
19 the eligible water rights; and

20 “(iii) expressly permits the landowner
21 the right to continue agricultural produc-
22 tion and other uses compatible with re-
23 duced groundwater consumption, con-
24 sistent with the legally permissible use and

1 administration of the water rights by the
2 applicable State.

3 “(B) ELIGIBLE LAND.—An easement or
4 other interest described in subparagraph (A)
5 may include eligible land associated with the eli-
6 gible water rights described in that subpara-
7 graph, subject to the choice of the owner of the
8 eligible land, consistent with applicable State
9 law.

10 “(b) ESTABLISHMENT.—The Secretary shall estab-
11 lish a groundwater conservation easement program for the
12 conservation of groundwater resources associated with eli-
13 gible water rights, which may include eligible land associ-
14 ated with those eligible water rights, through groundwater
15 conservation easements.

16 “(c) PURPOSES.—The purposes of the groundwater
17 conservation easement program are—

18 “(1) to promote the conservation and reduction
19 in consumption of groundwater resources, including
20 the recharging of declining aquifers, while allowing
21 for continued agricultural production and other uses;

22 “(2) to support landowners in the adaptation
23 to, and reduction in reliance on, declining ground-
24 water resources; and

1 “(3) to protect agricultural use, community vi-
2 tality, and economic well-being, including through
3 the development of renewable energy, in the face of
4 long-term declines in groundwater availability.

5 “(d) AVAILABILITY OF ASSISTANCE.—The Secretary
6 shall facilitate and provide funding for—

7 “(1) the purchase by eligible entities of ground-
8 water conservation easements; and

9 “(2) technical assistance to implement the
10 groundwater conservation easement program.

11 “(e) COST-SHARE ASSISTANCE.—

12 “(1) IN GENERAL.—The Secretary shall encour-
13 age conservation of groundwater resources through
14 cost-share assistance to eligible entities for pur-
15 chasing groundwater conservation easements.

16 “(2) SCOPE OF ASSISTANCE AVAILABLE.—

17 “(A) IN GENERAL.—An agreement de-
18 scribed in paragraph (4) shall provide for—

19 “(i) subject to subparagraph (D), a
20 Federal share determined by the Secretary
21 of an amount not to exceed 65 percent of
22 the fair market value of the groundwater
23 conservation easement, as determined
24 under subparagraph (B); and

1 “(ii) an additional payment in an
2 amount not to exceed 5 percent of the
3 Federal share determined under clause (i)
4 for costs associated with securing a deed to
5 the groundwater conservation easement,
6 including the costs of valuation, survey, in-
7 spection, and title.

8 “(B) FAIR MARKET VALUE.—The fair
9 market value of a groundwater conservation
10 easement shall be determined by the Secretary
11 using—

12 “(i) the Uniform Standards of Profes-
13 sional Appraisal Practice;

14 “(ii) an areawide market analysis or
15 survey;

16 “(iii) another industry-approved meth-
17 od;

18 “(iv) a methodology used by another
19 Federal agency;

20 “(v) a model for valuation developed
21 by a research institution; or

22 “(vi) a method of valuing ecosystem
23 services associated with protected water
24 rights.

25 “(C) REIMBURSABLE COSTS.—

1 “(i) IN GENERAL.—Except as pro-
2 vided in clause (ii), the Secretary shall pro-
3 vide a payment under subparagraph (A)(ii)
4 to an eligible entity as a reimbursement
5 after the costs described in that subpara-
6 graph are incurred by the eligible entity.

7 “(ii) LIMITED RESOURCE LAND-
8 OWNERS.—In the case of eligible water
9 rights or eligible land owned by a limited-
10 resource landowner, as determined by the
11 Secretary, the Secretary shall provide a
12 payment under subparagraph (A)(ii) in ad-
13 vance as part of an agreement described in
14 paragraph (4).

15 “(D) LOWER FEDERAL SHARE OPTION.—

16 “(i) IN GENERAL.—An eligible entity
17 may elect to enter into an agreement de-
18 scribed in paragraph (4) under which the
19 Federal share does not exceed 25 percent
20 of the fair market value of the ground-
21 water conservation easement, as deter-
22 mined under subparagraph (B).

23 “(ii) NO RIGHT OF ENFORCEMENT.—
24 Notwithstanding paragraph (4)(C)(iii), an
25 agreement with respect to which an eligible

1 entity makes the election under clause (i)
2 shall not include a right of enforcement for
3 the Secretary.

4 “(E) PERMISSIBLE FORMS.—The non-Fed-
5 eral share provided by an eligible entity under
6 this paragraph may comprise—

7 “(i) cash resources;

8 “(ii) a charitable donation or qualified
9 conservation contribution (as defined in
10 section 170(h) of the Internal Revenue
11 Code of 1986) from the landowner from
12 which the groundwater conservation ease-
13 ment will be purchased;

14 “(iii) costs associated with securing a
15 deed to the groundwater conservation ease-
16 ment, including the cost of appraisal, sur-
17 vey, inspection, and title; and

18 “(iv) other costs, as determined by the
19 Secretary.

20 “(3) EVALUATION AND RANKING OF APPLICA-
21 TIONS.—

22 “(A) CRITERIA.—The Secretary shall es-
23 tablish evaluation and ranking criteria to maxi-
24 mize the benefit of Federal investment under

1 the groundwater conservation easement pro-
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3 “(B) CONSIDERATIONS.—In establishing
4 the criteria under subparagraph (A), the Sec-
5 retary shall emphasize support for—

6 “(i) maintaining or enhancing ground-
7 water-dependent ecosystems; and

8 “(ii) advancing long-term groundwater
9 sustainability consistent with existing State
10 or local groundwater management initia-
11 tives.

12 “(C) BIDDING DOWN.—If the Secretary
13 determines that 2 or more applications for cost-
14 share assistance under this subsection are com-
15 parable in achieving the purpose of the ground-
16 water conservation easement program, the Sec-
17 retary shall not assign a higher priority to any
18 of those applications solely on the basis of less-
19 er cost to the groundwater conservation ease-
20 ment program.

21 “(4) AGREEMENTS WITH ELIGIBLE ENTITIES.—

22 “(A) IN GENERAL.—The Secretary shall
23 enter into agreements with eligible entities to
24 stipulate the terms and conditions under which

1 the eligible entity is permitted to use cost-share
2 assistance provided under this subsection.

3 “(B) LENGTH OF AGREEMENTS.—An
4 agreement under this paragraph shall be for a
5 term that is—

6 “(i) in the case of an eligible entity
7 certified under the process described in
8 paragraph (5), a minimum of 5 years; and

9 “(ii) for all other eligible entities, not
10 less than 3, but not more than 5, years.

11 “(C) MINIMUM TERMS AND CONDITIONS.—
12 An eligible entity shall be authorized to use
13 such terms and conditions for groundwater con-
14 servation easements as the eligible entity may
15 establish, subject to the condition that the Sec-
16 retary shall determine that those terms and
17 conditions—

18 “(i) are consistent with the purposes
19 of the groundwater conservation easement
20 program;

21 “(ii) permit effective enforcement of
22 the conservation purposes of the ground-
23 water conservation easements, including—

1 “(I) a mechanism for the meas-
2 urement of groundwater pumping re-
3 ductions; and

4 “(II) the ability to enforce those
5 reductions under relevant State law;

6 “(iii) except as provided in paragraph
7 (2)(D)(ii), include a right of enforcement
8 for the Secretary, which may be used only
9 if the terms of the groundwater conserva-
10 tion easement are not enforced by the
11 holder of the groundwater conservation
12 easement; and

13 “(iv) subject the eligible water rights
14 and eligible land, if applicable, in which an
15 interest is purchased to a groundwater
16 conservation easement plan that includes—

17 “(I) a description of the activities
18 that demonstrate protection of soil re-
19 sources and reduced groundwater use
20 and meet any other conservation pur-
21 poses for which the groundwater con-
22 servation easement was acquired;

23 “(II) a groundwater conservation
24 plan, where appropriate, that includes,
25 at the option of the Secretary, activi-

1 ties that will help maintain or enhance
2 groundwater-dependent ecosystems;
3 and

4 “(III) any other provisions that
5 the Secretary determines to be nec-
6 essary to accomplish the purposes of
7 the groundwater conservation ease-
8 ment program.

9 “(D) SUBSTITUTION OF QUALIFIED
10 PROJECTS.—An agreement under this para-
11 graph shall allow, on mutual agreement of the
12 parties, substitution of qualified projects that
13 are identified at the time of the proposed sub-
14 stitution.

15 “(E) EFFECT OF VIOLATION.—If a viola-
16 tion of a term or condition of an agreement
17 under this paragraph occurs, the Secretary
18 may—

19 “(i) terminate the agreement; and

20 “(ii) require the eligible entity to re-
21 fund all, or part of, any payments received
22 by the eligible entity under the ground-
23 water conservation easement program, with
24 interest on the payments, as determined
25 appropriate by the Secretary.

1 “(5) CERTIFICATION OF ELIGIBLE ENTITIES.—

2 “(A) CERTIFICATION PROCESS.—The Sec-
3 retary shall establish a process under which the
4 Secretary may—

5 “(i) directly certify eligible entities
6 that meet established criteria;

7 “(ii) enter into long-term agreements
8 with certified eligible entities; and

9 “(iii) accept proposals for cost-share
10 assistance for the purchase of groundwater
11 conservation easements throughout the du-
12 ration of those agreements.

13 “(B) CERTIFICATION CRITERIA.—To be
14 certified under subparagraph (A), an eligible
15 entity shall demonstrate to the Secretary that
16 the eligible entity will maintain, at a minimum,
17 for the duration of the agreement—

18 “(i) a plan for administering ground-
19 water conservation easements that is con-
20 sistent with the purposes of the ground-
21 water conservation easement program;

22 “(ii) the capacity and resources to
23 monitor and enforce groundwater conserva-
24 tion easements; and

1 “(iii) policies and procedures to en-
2 sure—

3 “(I) the long-term integrity of
4 groundwater conservation easements;

5 “(II) timely completion of acqui-
6 sitions of groundwater conservation
7 easements; and

8 “(III) timely and complete eval-
9 uation and reporting to the Secretary
10 with respect to the use of funds pro-
11 vided under the groundwater con-
12 servation easement program.

13 “(C) REVIEW AND REVISION.—

14 “(i) REVIEW.—The Secretary shall
15 conduct a review of eligible entities cer-
16 tified under subparagraph (A) not less fre-
17 quently than once every 3 years to ensure
18 that the eligible entities are meeting the
19 criteria established under subparagraph
20 (B).

21 “(ii) REVOCATION.—If the Secretary
22 finds that a certified eligible entity no
23 longer meets the criteria established under
24 subparagraph (B), the Secretary may—

1 “(I) allow the certified eligible
2 entity a specified period of time, but
3 not less than 180 days, during which
4 to take such actions as may be nec-
5 essary to meet the criteria; and

6 “(II) revoke the certification of
7 the eligible entity, if, after that speci-
8 fied period of time, the certified eligi-
9 ble entity does not meet the criteria.

10 “(f) GEOGRAPHIC SCOPE.—The Secretary may only
11 enroll eligible water rights or eligible land under this sec-
12 tion in regions—

13 “(1) experiencing significant groundwater de-
14 pletion, as determined by the Secretary consistent
15 with data of the United States Geological Survey;
16 and

17 “(2) where groundwater monitoring and permit-
18 ting exists through the State, a local government, or
19 a groundwater management district.

20 “(g) METHOD OF ENROLLMENT.—The Secretary
21 shall enroll eligible water rights and eligible land under
22 this section through the use of—

23 “(1) permanent easements; or

24 “(2) easements for the maximum duration al-
25 lowed under applicable State laws.

1 “(h) TECHNICAL ASSISTANCE.—The Secretary may
2 provide technical assistance, if requested, to assist in—

3 “(1) compliance with the terms and conditions
4 of groundwater conservation easements; and

5 “(2) implementation of an approved ground-
6 water conservation easement plan described in sub-
7 section (e)(4)(C)(iv).”.

8 **SEC. 3. ADJUSTED GROSS INCOME LIMITATION.**

9 Section 1001D of the Food Security Act of 1985 (7
10 U.S.C. 1308–3a) is amended—

11 (1) in subsection (a)(1)—

12 (A) by striking “In this” and inserting the
13 following:

14 “(A) IN GENERAL.—In this”; and

15 (B) by adding at the end the following:

16 “(B) EXCLUSION.—In this section, the
17 term ‘average adjusted gross income’ does not
18 include any income received by a person or legal
19 entity that is a landowner of eligible land (as
20 defined in section 1265A) as compensation for
21 the purchase of an agricultural land easement
22 under subtitle H.”; and

23 (2) in subsection (b)(3), by inserting “, or aqui-
24 fer recovery or a permanent reduction in consump-

1 tive use of water would be achieved,” after “pro-
2 tected”.

○

118TH CONGRESS
1ST SESSION

H. R. 4902

To amend the Food Security Act of 1985 to establish a groundwater conservation easement program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2023

Ms. CARAVEO (for herself and Mr. LATURNER) introduced the following bill;
which was referred to the Committee on Agriculture

A BILL

To amend the Food Security Act of 1985 to establish a groundwater conservation easement program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Voluntary Ground-
5 water Conservation Act of 2023”.

6 **SEC. 2. GROUNDWATER CONSERVATION EASEMENT PRO-**
7 **GRAM.**

8 (a) AGRICULTURAL CONSERVATION EASEMENT PRO-
9 GRAM PURPOSES.—Section 1265(b) of the Food Security
10 Act of 1985 (16 U.S.C. 3865(b)) is amended—

1 (1) in paragraph (3), by striking “and” at the
2 end;

3 (2) in paragraph (4), by striking the period at
4 the end and inserting “; and”; and

5 (3) by adding at the end the following:

6 “(5) facilitate reductions in groundwater con-
7 sumption to support local, regional, or State ground-
8 water management.”.

9 (b) ESTABLISHMENT.—Subtitle H of title XII of the
10 Food Security Act of 1985 (16 U.S.C. 3865 et seq.) is
11 amended by adding at the end the following:

12 **“SEC. 1265E. GROUNDWATER CONSERVATION EASEMENT**
13 **PROGRAM.**

14 “(a) DEFINITIONS.—In this section:

15 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
16 tity’ means—

17 “(A) an agency of State or local govern-
18 ment;

19 “(B) an Indian Tribe; or

20 “(C) an organization described in section
21 1265A(3)(B).

22 “(2) ELIGIBLE LAND.—The term ‘eligible land’
23 means the surface estate of land on which eligible
24 water rights have been historically used, as deter-
25 mined by governing State law, including—

1 “(A) cropland;

2 “(B) grassland;

3 “(C) rangeland;

4 “(D) pasture land;

5 “(E) nonindustrial private forest land; and

6 “(F) other agricultural land.

7 “(3) ELIGIBLE WATER RIGHTS.—The term ‘eli-
8 gible water rights’ means rights that are—

9 “(A) owned or controlled by 1 or more pri-
10 vate, governmental, or Tribal landowners to
11 groundwater that has been used on eligible
12 land; and

13 “(B) subject to a pending offer for the
14 purchase of a groundwater conservation ease-
15 ment from an eligible entity, the purchase of
16 which would—

17 “(i) promote reduced groundwater
18 consumption and reduced reliance on
19 groundwater; and

20 “(ii) advance local, regional, or State
21 groundwater management consistent with
22 the purposes of the groundwater conserva-
23 tion easement program.

24 “(4) GROUNDWATER CONSERVATION EASE-
25 MENT.—

1 “(A) IN GENERAL.—The term ‘ground-
2 water conservation easement’ means an ease-
3 ment or other interest in eligible water rights
4 that—

5 “(i) is conveyed for the purpose of
6 supporting local, regional, or State ground-
7 water management that reduces ground-
8 water consumption while providing commu-
9 nity and environmental benefits;

10 “(ii) includes restrictions on the con-
11 sumption of groundwater related to the
12 historical withdrawals of the groundwater
13 of the landowner associated with the en-
14 tirety of the eligible land associated with
15 the eligible water rights; and

16 “(iii) expressly permits the landowner
17 the right to continue agricultural produc-
18 tion and other uses compatible with re-
19 duced groundwater consumption, con-
20 sistent with the legally permissible use and
21 administration of the water rights by the
22 applicable State.

23 “(B) ELIGIBLE LAND.—An easement or
24 other interest described in subparagraph (A)
25 may include eligible land associated with the eli-

1 gible water rights described in that subpara-
2 graph, subject to the choice of the owner of the
3 eligible land, consistent with applicable State
4 law.

5 “(b) ESTABLISHMENT.—The Secretary shall estab-
6 lish a groundwater conservation easement program for the
7 conservation of groundwater resources associated with eli-
8 gible water rights, which may include eligible land associ-
9 ated with those eligible water rights, through groundwater
10 conservation easements.

11 “(c) PURPOSES.—The purposes of the groundwater
12 conservation easement program are—

13 “(1) to promote the conservation and reduction
14 in consumption of groundwater resources, including
15 the recharging of declining aquifers, while allowing
16 for continued agricultural production and other uses;

17 “(2) to support landowners in the adaptation
18 to, and reduction in reliance on, declining ground-
19 water resources; and

20 “(3) to protect agricultural use, community vi-
21 tality, and economic well-being, including through
22 the development of renewable energy, in the face of
23 long-term declines in groundwater availability.

24 “(d) AVAILABILITY OF ASSISTANCE.—The Secretary
25 shall facilitate and provide funding for—

1 “(1) the purchase by eligible entities of ground-
2 water conservation easements; and

3 “(2) technical assistance to implement the
4 groundwater conservation easement program.

5 “(e) COST-SHARE ASSISTANCE.—

6 “(1) IN GENERAL.—The Secretary shall encour-
7 age conservation of groundwater resources through
8 cost-share assistance to eligible entities for pur-
9 chasing groundwater conservation easements.

10 “(2) SCOPE OF ASSISTANCE AVAILABLE.—

11 “(A) IN GENERAL.—An agreement de-
12 scribed in paragraph (4) shall provide for—

13 “(i) subject to subparagraph (D), a
14 Federal share determined by the Secretary
15 of an amount not to exceed 65 percent of
16 the fair market value of the groundwater
17 conservation easement, as determined
18 under subparagraph (B); and

19 “(ii) an additional payment in an
20 amount not to exceed 5 percent of the
21 Federal share determined under clause (i)
22 for costs associated with securing a deed to
23 the groundwater conservation easement,
24 including the costs of valuation, survey, in-
25 spection, and title.

1 “(B) FAIR MARKET VALUE.—The fair
2 market value of a groundwater conservation
3 easement shall be determined by the Secretary
4 using—

5 “(i) the Uniform Standards of Profes-
6 sional Appraisal Practice;

7 “(ii) an areawide market analysis or
8 survey;

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12 Federal agency;

13 “(v) a model for valuation developed
14 by a research institution; or

15 “(vi) a method of valuing ecosystem
16 services associated with protected water
17 rights.

18 “(C) REIMBURSABLE COSTS.—

19 “(i) IN GENERAL.—Except as pro-
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23 after the costs described in that subpara-
24 graph are incurred by the eligible entity.

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2 OWNERS.—In the case of eligible water
3 rights or eligible land owned by a limited-
4 resource landowner, as determined by the
5 Secretary, the Secretary shall provide a
6 payment under subparagraph (A)(ii) in ad-
7 vance as part of an agreement described in
8 paragraph (4).

9 “(D) LOWER FEDERAL SHARE OPTION.—

10 “(i) IN GENERAL.—An eligible entity
11 may elect to enter into an agreement de-
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13 Federal share does not exceed 25 percent
14 of the fair market value of the ground-
15 water conservation easement, as deter-
16 mined under subparagraph (B).

17 “(ii) NO RIGHT OF ENFORCEMENT.—
18 Notwithstanding paragraph (4)(C)(iii), an
19 agreement with respect to which an eligible
20 entity makes the election under clause (i)
21 shall not include a right of enforcement for
22 the Secretary.

23 “(E) PERMISSIBLE FORMS.—The non-Fed-
24 eral share provided by an eligible entity under
25 this paragraph may comprise—

1 “(i) cash resources;

2 “(ii) a charitable donation or qualified
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22 the criteria under subparagraph (A), the Sec-
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6 determines that 2 or more applications for cost-
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11 of those applications solely on the basis of less-
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14 “(4) AGREEMENTS WITH ELIGIBLE ENTITIES.—

15 “(A) IN GENERAL.—The Secretary shall
16 enter into agreements with eligible entities to
17 stipulate the terms and conditions under which
18 the eligible entity is permitted to use cost-share
19 assistance provided under this subsection.

20 “(B) LENGTH OF AGREEMENTS.—An
21 agreement under this paragraph shall be for a
22 term that is—

23 “(i) in the case of an eligible entity
24 certified under the process described in
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2 less than 3, but not more than 5, years.

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4 An eligible entity shall be authorized to use
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20 reductions under relevant State law;

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2 parties, substitution of qualified projects that
3 are identified at the time of the proposed sub-
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9 “(i) terminate the agreement; and

10 “(ii) require the eligible entity to re-
11 fund all, or part of, any payments received
12 by the eligible entity under the ground-
13 water conservation easement program, with
14 interest on the payments, as determined
15 appropriate by the Secretary.

16 “(5) CERTIFICATION OF ELIGIBLE ENTITIES.—

17 “(A) CERTIFICATION PROCESS.—The Sec-
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19 Secretary may—

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21 that meet established criteria;

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2 ration of those agreements.

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17 “(I) the long-term integrity of
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4 “(i) REVIEW.—The Secretary shall
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6 tified under subparagraph (A) not less fre-
7 quently than once every 3 years to ensure
8 that the eligible entities are meeting the
9 criteria established under subparagraph
10 (B).

11 “(ii) REVOCATION.—If the Secretary
12 finds that a certified eligible entity no
13 longer meets the criteria established under
14 subparagraph (B), the Secretary may—

15 “(I) allow the certified eligible
16 entity a specified period of time, but
17 not less than 180 days, during which
18 to take such actions as may be nec-
19 essary to meet the criteria; and

20 “(II) revoke the certification of
21 the eligible entity, if, after that speci-
22 fied period of time, the certified eligi-
23 ble entity does not meet the criteria.

1 “(f) GEOGRAPHIC SCOPE.—The Secretary may only
2 enroll eligible water rights or eligible land under this sec-
3 tion in regions—

4 “(1) experiencing significant groundwater de-
5 pletion, as determined by the Secretary consistent
6 with data of the United States Geological Survey;
7 and

8 “(2) where groundwater monitoring and permit-
9 ting exists through the State, a local government, or
10 a groundwater management district.

11 “(g) METHOD OF ENROLLMENT.—The Secretary
12 shall enroll eligible water rights and eligible land under
13 this section through the use of—

14 “(1) permanent easements; or

15 “(2) easements for the maximum duration al-
16 lowed under applicable State laws.

17 “(h) TECHNICAL ASSISTANCE.—The Secretary may
18 provide technical assistance, if requested, to assist in—

19 “(1) compliance with the terms and conditions
20 of groundwater conservation easements; and

21 “(2) implementation of an approved ground-
22 water conservation easement plan described in sub-
23 section (e)(4)(C)(iv).”.

1 **SEC. 3. ADJUSTED GROSS INCOME LIMITATION.**

2 Section 1001D of the Food Security Act of 1985 (7
3 U.S.C. 1308–3a) is amended—

4 (1) in subsection (a)(1)—

5 (A) by striking “In this” and inserting the
6 following:

7 “(A) IN GENERAL.—In this”; and

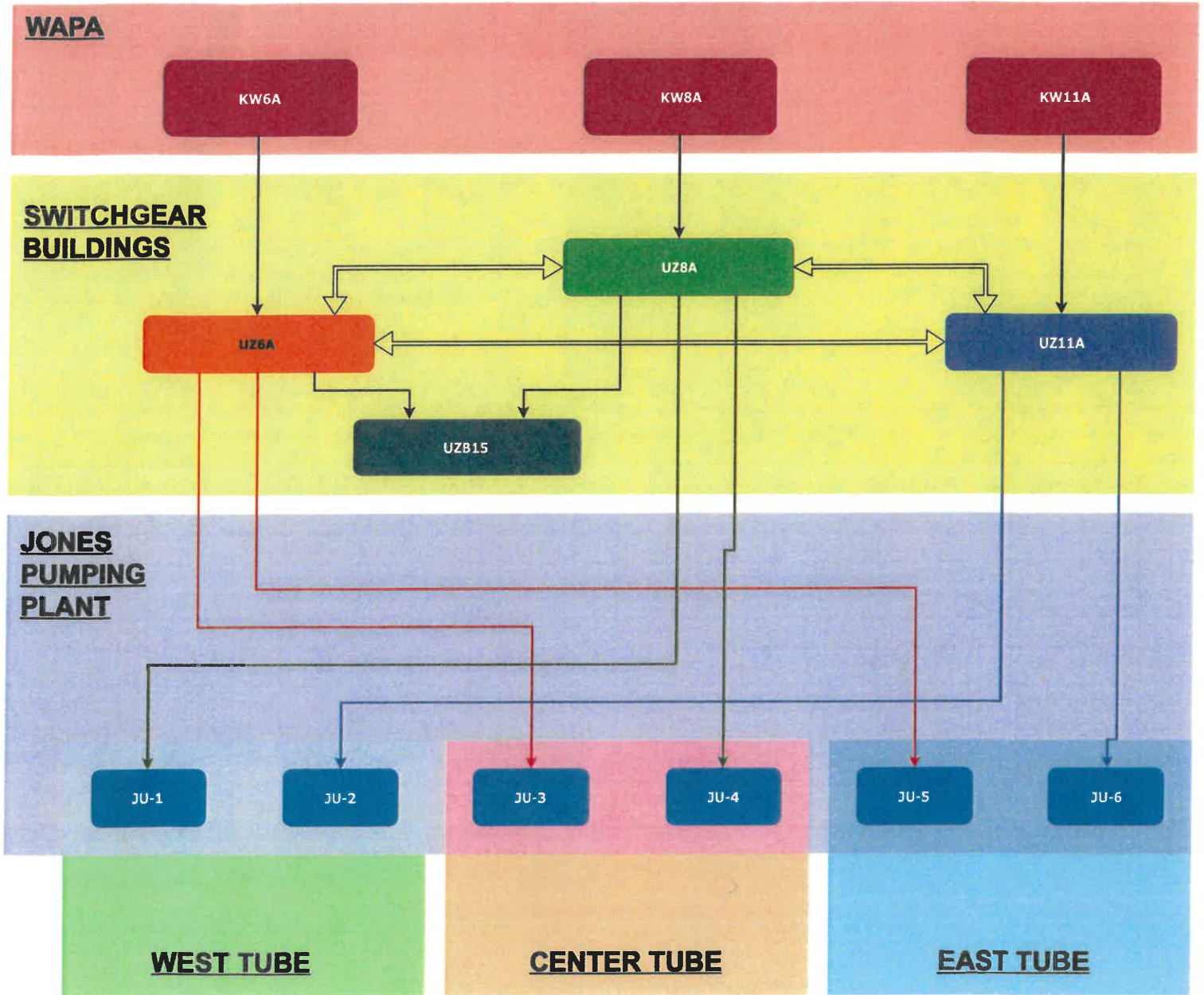
8 (B) by adding at the end the following:

9 “(B) EXCLUSION.—In this section, the
10 term ‘average adjusted gross income’ does not
11 include any income received by a person or legal
12 entity that is a landowner of eligible land (as
13 defined in section 1265A) as compensation for
14 the purchase of an agricultural land easement
15 under subtitle H.”; and

16 (2) in subsection (b)(3), by inserting “, or aqui-
17 fer recovery or a permanent reduction in consump-
18 tive use of water would be achieved,” after “pro-
19 tected”.

○

JONES PUMPING PLANT POWER SYSTEM AND PUMP UNITS CORRELATION





MEMORANDUM

TO: SLDMWA Water Resources Committee Members and Alternates

FROM: Scott Petersen, Water Policy Director

DATE: September 11, 2023

RE: Update on Water Policy/Resources Activities

Background

This memorandum is provided to briefly summarize the current status of various agency processes regarding water policy activities, including but not limited to the (1) Reinitiation of Consultation on Long-Term Operations 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 sheet¹ attached that included a non-exclusive list of agency actions that heads of the relevant agencies will review in accordance with the Executive Order. Importantly, the NOAA Fisheries and U.S. Fish and Wildlife Service Biological Opinions on the Long-Term Operation of the Central Valley Project and State Water Project were both included in the list of agency actions for review.

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 Project². 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.

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

² <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 Report³ 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 12, Reclamation will hold its next Quarterly Public meeting to provide an update on the LTO. The [meeting](#) will be held on Teams from 1:00-3:00 pm PT.

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

Current Milestones

- September/October 2023 – Public Draft EIS/Quantitative Biological Assessment
 - 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

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 Quantitative Biological Assessment. As a part of this work, the Benchmark model has been updated, with further updates to come. Importantly, the CalSim modeling is transitioning from CalSim2 to CalSim3, which may have some implications that need to be analyzed for potential water supply impacts.

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.⁴ 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 resolution⁵ 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.

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

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

Most recently, on July 18, 2022, the State Water Resources Control Board issued a Notice of Preparation (NOP)⁶ 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 comments⁷.

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 documents⁸ 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.

⁶ Available at https://www.waterboards.ca.gov/public_notices/notices/20220715-implementation-nop-and-scoping-dwr-baydelta.pdf

⁷ Request from Authority staff

⁸ Available at 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.

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

- Summer 2023: Scientific Basis Report Supplement for Sacramento River/Delta Voluntary Agreements submitted for peer review after addressing public comments
- Fall 2023: Draft Sacramento River/Delta Update Staff Report public review and comment
- Winter 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

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 understanding⁹ that advances integrated efforts to improve ecosystem and fisheries health within the Sacramento-San Joaquin Bay-Delta. State and federal agencies also announced an agreement¹⁰ specifically with the Sacramento River Settlement Contractors on an approach for 2022 water operations on the Sacramento River.

⁹ Available at <https://resources.ca.gov/-/media/CNRA-Website/Files/NewsRoom/Voluntary-Agreement-Package-March-29-2022.pdf>

¹⁰ 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/>

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.

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 understanding¹¹ 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.

¹¹ Available at

https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/docs/2023/revised-va-mou-swrcb-copy.pdf

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)

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

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 Blueprint Board approved additional amendments to the Hallmark and Stantec agreements specifically to include work aligned with the California Water Institute/Reclamation Valley Water Plan. The Blueprint sent its annual invoicing, including newly established categories for GSA's coinciding with irrigable acres last month, along with a summary of accomplishments and future goals. Board has approved the evaluation criteria for specific priorities/efforts to help bridge the water deficit in the San Joaquin Valley. The projects/efforts selected will be identified for valley wide support and to date include the Patterson ID conveyance project and Delta Operations.

Advocacy/Communications

With a finalized criteria and selection of projects/efforts the Blueprint will meet again with policy makers, legislators, and Advisor Villaraigosa to highlight alignment with the Governor's water resiliency plan and priority for a potential Water Bond. The Board has provided direction to coordinate efforts with the Collaborative Action Plan where alignment exists. The Blueprint will be looking to meet, discuss and

provide comments to PPIC on their "The Future of Agriculture in the San Joaquin Valley" especially with the scheduled conference at Fresno State September 20th.

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.¹²

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 Sheet¹³, 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.

The August Plenary Group meeting was cancelled while the Steering Committee continues to advance the proposed work plan, scope and budget.

¹² Request from Authority staff

¹³ Request from Authority staff

Estimated CVP Operations 90% Exceedance

Storages

Federal End of the Month Storage/Elevation (TAF/Feet)

Facility	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul
Trinity	1404	1322	1235	1221	1218	1239	1247	1284	1348	1423	1376	1369	1311
Elevation		2288	2280	2278	2278	2280	2281	2284	2290	2297	2293	2292	2287
Whiskeytown	238	238	238	206	206	206	206	206	206	238	238	238	238
Elevation		1209	1209	1199	1199	1199	1199	1199	1199	1209	1209	1209	1209
Shasta	3890	3486	3280	3115	3065	3076	3085	3185	3442	3514	3325	2956	2493
Elevation		1028	1020	1013	1011	1011	1011	1016	1026	1029	1022	1006	984
Folsom	851	725	661	578	501	441	397	416	496	605	702	553	473
Elevation		442	435	426	417	409	403	405	416	429	440	423	413
New Melones	2033	1957	1953	1916	1929	1943	1945	1944	1971	1874	1779	1689	1603
Elevation		1048	1048	1045	1046	1047	1047	1047	1050	1041	1032	1023	1014
Federal San Luis	892	740	742	751	835	951	967	949	959	879	702	418	99
Elevation		N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total	9308	8468	8109	7787	7754	7856	7846	7984	8421	8532	8122	7223	6217

State End of the Month Reservoir Storage (TAF/Feet)

Facility	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul
Oroville	3237	2793	2344	2101	1939	1895	2005	2151	2370	2526	2442	2253	1799
Elevation		849	813	792	777	773	783	797	816	828	822	806	763
State San Luis	969	974	1092	1016	996	883	1054	1018	1063	990	811	595	490
Elevation		N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total San Luis (TAF)	1861	1713	1834	1767	1832	1834	2022	1967	2021	1870	1513	1013	589
Elevation		518	527	522	527	527	543	538	543	530	500	454	408

Monthly River Releases (TAF/cfs)

Facility	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul
Trinity		53	52	23	18	18	18	17	18	32	180	47	28
cfs		857	870	373	300	300	300	300	300	540	2,924	783	450
Clear Creek		9	9	12	12	12	12	11	22	12	18	14	9
cfs		150	150	200	200	200	200	200	363	200	291	242	150
Sacramento		615	416	400	297	307	307	278	258	369	516	595	676
cfs		10000	7000	6500	5000	5000	5000	5000	4200	6200	8400	10000	11000
American		246	173	123	119	123	108	83	92	97	77	223	123
cfs		4000	2900	2000	2001	2000	1750	1501	1503	1638	1250	3741	2000
Stanislaus		74	30	48	12	12	14	22	12	91	76	22	15
cfs		1200	500	774	200	200	226	400	200	1537	1242	363	250
Feather		412	494	270	149	108	58	53	58	57	108	131	346
cfs		6700	8300	4400	2500	1750	950	950	950	950	1750	2200	5630

Trinity Diversions (TAF)

Facility	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul
Carr PP		38	39	0	6	1	5	1	3	29	12	12	40
Spring Crk. PP		30	30	22	0	1	0	1	0	0	0	0	30

Delta Summary (TAF)

Facility/Location/Metric	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul
Tracy		260	250	191	199	200	115	126	99	54	61	40	49
USBR Banks		0	0	44	44	44	0	0	0	0	0	0	11
Contra Costa		12.7	14.0	14.0	16.0	18.0	14.0	14.0	12.7	12.7	12.7	9.8	11.1
Total USBR		273	264	249	259	262	129	140	112	66	74	50	71
State Export		370	396	232	267	160	275	67	150	36	31	44	160
Total Export		643	660	481	526	422	404	207	262	102	105	94	231
COA Balance		2	2	0	0	0	0	0	0	-10	-10	1	-91
Vernalis TAF		224	194	201	83	83	93	121	120	181	175	69	54
Vernalis cfs		3640	3257	3263	1393	1355	1511	2183	1957	3038	2843	1153	884
Old/Middle R. calc. cfs		-7,002	-7,667	-5,147	-6,771	-5,266	-4,971	-2,478	-2,987	-543	-625	-1,285	-3,087
Computed DOI cfs		6914	9363	7109	4505	8703	8931	11400	11403	9497	7564	7094	6507
Excess Outflow		0	2269	0	0	4197	2928	0	0	0	455	0	0
% Export/Inflow		48%	47%	46%	61%	41%	43%	23%	27%	12%	13%	11%	24%
% Export/Inflow std.		65%	65%	65%	65%	65%	65%	45%	35%	35%	35%	35%	65%

Hydrology

	Trinity	Shasta	Folsom	New Melones
Water Year Inflow (TAF)	1536	5,619	4,698	2352
Year to Date + Forecasted % of mean	127%	101%	173%	223%

CVP actual operations do not follow any forecasted operation or outlook; actual operations are based on real-time conditions.

CVP operational forecasts or outlooks represent general system-wide dynamics and do not necessarily address specific watershed/tributary details.

CVP releases or export values represent monthly averages.

CVP Operations are updated monthly as new hydrology information is made available December through May.

Estimated CVP Operations 50% Exceedance

Storages

Federal End of the Month Storage/Elevation (TAF/Feet)

Facility	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul
Trinity	1404	1325	1238	1226	1234	1272	1336	1447	1576	1681	1634	1595	1508
Elevation		2288	2280	2279	2279	2283	2289	2299	2309	2318	2314	2311	2304
Whiskeytown	238	238	238	206	206	206	206	206	206	238	238	238	238
Elevation		1209	1209	1199	1199	1199	1199	1199	1199	1209	1209	1209	1209
Shasta	3890	3486	3280	3212	3211	3193	3433	3694	3962	4274	4306	4068	3569
Elevation		1028	1020	1017	1017	1016	1026	1036	1046	1057	1059	1050	1031
Folsom	851	725	655	581	525	515	544	557	746	886	963	881	756
Elevation		442	435	426	420	418	422	424	444	458	465	457	445
New Melones	2033	1960	1924	1883	1899	1923	1953	2015	2018	2004	2084	2083	2016
Elevation		1049	1045	1041	1043	1045	1048	1054	1054	1053	1060	1060	1054
Federal San Luis	892	740	742	703	838	997	997	997	997	887	656	504	247
Elevation		N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total	9308	8474	8077	7811	7913	8106	8470	8917	9506	9970	9880	9369	8335

State End of the Month Reservoir Storage (TAF/Feet)

Facility	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul
Oroville	3237	2766	2460	2255	2200	2214	2425	2776	2916	3219	3344	3138	2658
Elevation		847	823	806	801	802	820	848	858	879	888	874	839
State San Luis	969	1015	1070	996	968	945	1063	1062	1061	747	499	359	336
Elevation		N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total San Luis (TAF)	1861	1754	1812	1699	1807	1942	2061	2059	2058	1634	1155	863	583
Elevation		521	526	516	525	536	546	546	546	511	468	439	407

Monthly River Releases (TAF/cfs)

Facility	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul
Trinity		53	52	23	18	18	18	17	18	80	258	126	68
cfs		857	870	373	300	300	300	300	300	1,347	4,189	2,120	1,102
Clear Creek		9	9	12	12	12	12	11	22	12	18	14	9
cfs		150	150	200	200	200	200	200	363	200	291	242	150
Sacramento		615	416	323	297	400	369	500	553	297	434	521	738
cfs		10000	7000	5250	5000	6500	6000	9000	9000	5000	7061	8753	12000
American		246	178	154	149	123	123	250	123	286	387	303	246
cfs		4000	3000	2502	2500	2000	2000	4500	2000	4800	6300	5101	4004
Stanislaus		74	48	49	12	12	14	13	93	91	76	56	18
cfs		1200	800	797	200	200	232	236	1521	1537	1242	940	300
Feather		498	405	246	104	108	108	97	307	149	108	256	430
cfs		8100	6800	4000	1750	1760	1750	1750	5000	2500	1750	4300	7000

Trinity Diversions (TAF)

Facility	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul
Carr PP		38	39	0	5	1	1	1	1	20	4	8	39
Spring Crk. PP		30	30	22	0	4	23	34	16	0	0	0	30

Delta Summary (TAF)

Facility/Location/Metric	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul
Tracy		260	250	143	250	243	89	134	109	60	61	251	236
USBR Banks		0	0	44	44	44	0	0	0	0	0	0	0
Contra Costa		12.7	14.0	14.0	16.0	18.0	14.0	14.0	12.7	12.7	12.7	9.8	11.1
Total USBR		273	264	201	310	305	103	148	122	72	74	261	247
State Export		411	333	234	259	250	245	121	350	30	32	187	374
Total Export		684	597	435	569	555	348	269	472	102	106	448	621
COA Balance		0	0	0	0	0	0	0	0	0	0	0	1
Vernalis TAF		291	237	202	99	103	119	237	330	255	279	130	83
Vernalis cfs		4730	3977	3286	1662	1680	1940	4270	5376	4278	4543	2184	1357
Old/Middle R. calc. cfs		-7,025	-6,528	-4,560	-7,207	-6,786	-4,076	-2,399	-4,079	15	128	-5,403	-7,759
Computed DOI cfs		9793	11262	7109	4505	11094	19147	32094	30615	19852	15861	7094	6507
Excess Outflow		2879	4169	0	0	6588	13144	20694	19212	10355	7857	0	0
% Export/Inflow		44%	40%	43%	62%	43%	23%	13%	20%	7%	8%	41%	47%
% Export/Inflow std.		65%	65%	65%	65%	65%	65%	45%	35%	35%	35%	35%	65%

Hydrology

	Trinity	Shasta	Folsom	New Melones
Water Year Inflow (TAF)	1539	5,619	4,698	2352
Year to Date + Forecasted	127%	101%	173%	223%
	% of mean			

CVP actual operations do not follow any forecasted operation or outlook; actual operations are based on real-time conditions.

CVP operational forecasts or outlooks represent general system-wide dynamics and do not necessarily address specific watershed/tributary details.

CVP releases or export values represent monthly averages.

CVP Operations are updated monthly as new hydrology information is made available December through May.