



Meeting Agenda

Date & Time: 7/6/2026 | 10:00 AM

Location: SLDMWA Boardroom

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

842 6th Street, Los Banos
(List of Member/Alternate Telephonic Locations Attached)

Public Participation Information

Join Zoom Webinar -

<https://us02web.zoom.us/j/81243575320?pwd=v6JqSA9pTISfYGgQBhhYvmJOZJNRFb.1>

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

Item	Topic	Lead
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| 1. | Call to Order/Roll Call | |
| 2. | Water Resources Committee to Consider Additions or Corrections to the Agenda for the Water Resources Committee Meeting only, as Authorized by Government Code Section 54950 <i>et seq.</i> | |
| 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 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

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| 4. | Approval of June 1, 2026 Meeting Minutes | |
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| 5. | Recommendation to Authorize Execution of Agreement with Invariant and Related Expenditure of Up to \$175,000 from the FY 2027 Leg Ops Budget | Petersen |
| 6. | Recommendation to Adopt Staff Recommendation for Positions on Legislation
A. A.B. 1436 (Avila Farias), State Air Resources Control Board: air pollution regulations: private fleets: exception
B. A.B. 1881 (Ramos), California Indian Freedom Act of 2026 | Petersen |
| 7. | Recommendation to Adopt Resolution Authorizing Execution of Letter Agreement for Los Banos Creek Detention Dam Reservoir Re-Operation Project and Los Banos Creek Detention Dam Reservoir Re-Operation Project Activity Agreement | Barajas |

REPORT ITEMS

- | | | |
|-----|--|---------------------------------|
| 8. | Report on Water Blueprint for the San Joaquin Valley Unified Water Plan | Petersen,
Ewell,
Swanson |
| 9. | Status Update Regarding the DMC Subsidence Correction Project | Arroyave |
| 10. | Update on Status of Golden Mussels | Arroyave,
Petersen,
Meyer |
| 11. | Executive Director's Report
(May include reports on activities within the Water Resources Committee's jurisdiction re: 1) CVP/SWP water operations; 2) California infrastructure projects; 3) regulation of the CVP/SWP; 4) existing or possible new State and Federal policies; 5) Water Authority activities) | Barajas |
| 12. | Update on Water Policy/Resources Activities
(May include reports on federal, state, and local agency regulatory, legislative, and administrative water policy/resources activities) | Petersen |
| 13. | Update on Water Operations and Forecasts | Arroyave |
| 14. | Committee Member Reports | |
| 15. | Closed Session | Akroyd |

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of Litigation Pursuant to paragraph (4) of Subdivision (d) of Gov. 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 Gov. Code Section 54956.9 – 2 potential cases

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Existing Litigation Pursuant to paragraph (1) of Subdivision (d) of Gov. Code Section 54956.9

- A. California Sportfishing Protection Alliance (CSPA), et al. v. Nickels, et al., U.S. District Court, E.D. Cal., Case No. 2:11-cv-02980; 9th Cir. Case No. 23-15599; U.S. Supreme Court Case No. 25-989 (GBP Citizen Suit)
- B. CSPA, et al. v. State Water Resources Control Board (SWRCB), et al., Sac. Co. Superior Court, Case No. 34-2021-80003761 (2021 TUCP Order)
- C. CSPA, et al. v. SWRCB, et al., Sac. Co. Superior Court, Case No. 34-2021-80003763 (2021 Temp. Mgmt. Plan)
- D. SWRCB, Administrative Hearings Office, Petitions for Change of California Department of Water Resources (DWR) Water Right Permits, Delta Conveyance Project (DWR Change Petition)
- E. Tehama-Colusa Canal Authority, et al. v. DWR, et al., Sacramento Co. Superior Court, Case No. 24WM000183 (SWP 2024 EIR Challenge)
- F. San Francisco Baykeeper, et al. v. U.S. Bureau of Reclamation, et al. U.S. District Court, E.D. Cal., Case No. 2:26-cv-00671 (2025 CVP Operations)
- G. Bettencourt v. SLDMWA, et al., Merced Co. Superior Court, Case No. 26CV-01422 (employment complaint)
- H. AquAlliance, et al. v. SLDMWA, et al. Sacramento Co. Superior Court, Case No. 26WM000149 (2026-2027 North-to-South Water Transfers CEQA Addendum)

- 16.** Return to Open Session
- 17.** Report from Closed Session, if any, Required by Government Code Section 54957.1
- 18.** Reports Pursuant to Government Code Section 54954.2(a)(3)
- 19.** 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/>.

SLDMWA WATER RESOURCES COMMITTEE REGULAR MEETING TELEPHONIC LOCATIONS

July 6, 2026

15671 W. Oakland Ave
Five Points, CA 93624

5957 E. Greenhill Street
Nampa, Idaho 83687



Meeting Minutes

Date & Time: 6/1/2026 | 10:00 AM
Location: SLDMWA Boardroom
842 6th Street, Los

San Luis & Delta-Mendota Water Authority Water Resources Committee Regular Meeting and Joint Water Resources Committee Regular Meeting – Special Board Workshop Minutes

Attendance

Committee Members Present

Ex-Officio: Cannon Michael
William Bourdeau
Division 1: Anthea Hansen, Member
Division 2: Bill Diedrich, Alternate
Division 3: Chris White, Member
Ric Ortega, Alternate
Division 4: Vince Gin, Member (ZOOM)
Division 5: Manny Amorelli, Alternate

Division 4: Brett Miller, Alternate
Division 5: Manny Amorelli, Director

Authority Representatives Present

Federico Barajas, Executive Director
Pablo Arroyave, Chief Operating Officer
Scott Petersen, Chief Strategic & Admin. Officer
Rebecca Akroyd, General Counsel
Rebecca Harms, Deputy General Counsel
Ray Tarka, Director of Finance
Cindy Meyer, Special Programs Manager
Eddie Reyes, Information Systems Technician
Stewart Davis, IT Officer

Board of Directors Present

Division 1: Anthea Hansen, Director
Division 2: Justin Diener, Director
William Bourdeau, Director
Bill Diedrich, Director
Division 3: Chris White, Alternate
Jarrett Martin, Director
Cannon Michael, Chair/Director
Ric Ortega, Director

Others Present

Chase Hurley, Pacheco Water District
Lea Emmons, City of Tracy (ZOOM)

Agenda

Item	Topic	Lead
1.	Call to Order/Roll Call – The meeting was called to order by Chair William Bourdeau at approximately 10:00 a.m. and roll was called. During roll call, Committee Member Vince Gin was identified as participating remotely via teleconference pursuant to Government Code section 54953(b), consistent with traditional teleconference rules.	
2	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 May 11, 2026 Meeting Minutes** – Chair William Bourdeau deemed the May 11, 2026 Meeting Minutes approved with minor, non-substantive edits.
5. **Recommendation to Board of Directors to Authorize Amendments to Task Orders with Stantec, Inc. and Related Expenditure of \$139,500 from the FY27 Leg Ops and OM&R Budgets** - Chief Strategic & Administrative Officer Scott Petersen reviewed the memo and attachments included in the packet. Petersen reported staff is seeking to add \$124,000 to Task Order 1, and to extend it for the remainder of Fiscal Year 2027 to provide Real-Time Operations Monitoring and an annual report of Central Valley Project Operations. Petersen reported that the extension will place the total contract value over the \$200,000 threshold for Board action. Executive Director Federico Barajas provided additional information. Petersen answered questions throughout the presentation.
M/S - Motion by Member Anthea Hansen, seconded by Member Chris White, the Committee recommended authorization to amendments to Task Orders with Stantec, Inc. and related expenditure of \$139,500 from the FY27 Leg Ops and OM&R Budgets. Roll Call Vote: Ayes – Michael, Bourdeau, Hansen, Diedrich, White, Gin, Amorelli; Nays – 0; Abstentions – 0. Petersen
6. **Update on Status of Golden Mussels** - Chief Operating Officer Pablo Arroyave reviewed that handout that was distributed at the meeting. Arroyave reported that staff will support the organization and facilitation of monthly coordination meetings with the assistance of Kearns & West through July 2026. Arroyave reported on Pilot Studies and Field Testing, which included Bio-coating plates, CO2 treatment, Sand/gravel filter w/UV, HYDAC Filters, and treatment effectiveness test chemicals (CO2 & UV). Special Programs Manager Cindy Meyer provided additional information regarding evaluation of various treatments including work by Contra Costa Water District (lab & field studies). Chief Strategic & Administrative Officer Scott Petersen provided a brief update on legislation regarding golden mussel mitigation and response. Arroyave, Meyer, and Petersen answered questions throughout the presentation. Arroyave, Petersen, Meyer
7. **Executive Director's Report**
 - a. **Congressional Testimony** – Executive Director Federico Barajas thanked Chief Strategic & Administrative Officer Scott Petersen for his outstanding congressional testimony in DC.
 - b. **Assistant Secretary for Water and Science Visit** – Executive Director Federico Barajas reported on a forthcoming visit from the Department of Interior's Assistant Secretary for Water and Science.
 - c. **Tribal Beneficial Uses (TBU)** – Executive Director Federico Barajas reported that State Water Resources Control Board is going to release a public draft of their TBU guidance document for comment this week or next. Barajas reported that a public workshop will be planned sometime in July.

- d. **Procurement Assistance** – Executive Director Federico Barajas reported that Reclamation is continuing to reach out to the Authority for procurement related assistance.
8. **Update on Water Policy/Resources Activities** – Chief Strategic & Administrative Officer Scott Petersen provided an update regarding additional information on the SWRCB TBU activity, SJRRP activity, and the Delta Conveyance Project. Petersen continued his update regarding the Water Blueprint for the San Joaquin Valley and the San Joaquin Valley Collaborative Action Program (SJV CAP). Petersen reported that the SLDMWA will be going out for a new consultant at the federal level. Petersen answered questions throughout the presentation. Petersen
9. **Update on Water Operations and Forecasts** – Arroyave provided a brief update on storage conditions and operations. Arroyave reported that there are systemwide concerns being expressed regarding carryover storage at various facilities. Arroyave reported that staff were able to test all 6-units at DCI both last week and this week. Arroyave answered questions throughout the presentation. Arroyave
10. **Committee Member Reports** – Chase Hurley from Panoche Water District offered thanks for coordination regarding CASP.
11. **Agenda Items 11-14: Closed Session** – Chair William Bourdeau adjourned the open session to address the items listed on the Closed Session Agenda at approximately 10:41 a.m. Upon returning to open session at approximately 11:21 a.m., Chair William Bourdeau reported that no reportable actions were taken in closed session.
12. **Agenda Item 15: Reports Pursuant to Government Code Section 54954.2(a)(3)** – No reports. Akroyd
13. **Agenda Item 16: Adjournment** – The meeting was adjourned at approximately 11:22 a.m.



Official Memorandum

PO Box 2157
Los Banos, CA 93635
sldmwa.org

To: SLDMWA Water Resources Committee Members and Alternates
SLDMWA Board of Directors and Alternates

From: Scott Petersen, Chief Strategic and Administrative Officer

Date: July 6, 2026

RE: Recommendation to Authorize Execution of Agreement with Invariant and Related Expenditure of Up to \$175,000 from the Fiscal Year 2027 Legislative Operations Budget

Background

The San Luis & Delta-Mendota Water Authority's ("Water Authority") adopted a 2023 Strategic Plan with a Mission¹ statement that is reliant on the successful advancement of federal policy objectives. During its December 2025 meeting, the Water Authority Board adopted a Policy Framework² and Policy Action Plan³. The Water Authority has historically engaged a federal affairs consultant to engage in federal government affairs work and has contracted with former Congressman Dennis Cardoza as our primary consultant since 2013, under various firms in which he has been employed, most recently with Foley & Lardner.

In April, we were informed that former Representative Cardoza was departing from Foley & Lardner, resulting in an analysis of Foley & Lardner's capacity to continue to meet the needs of the Water Authority and its member agencies. In response to this analysis and in coordination with the Federal Affairs working group, Water Authority staff recommended a transition away from Foley & Lardner and prepared and released a Request for Proposals ("RFP") for Federal Affairs and Coalition Coordination Services.

Authority staff received two responses to the RFP, reviewed the responses in coordination with the Federal Affairs Workgroup and reached a recommendation.

Issue for Decision

Whether the Water Resources Committee should recommend to the Board that staff execute an agreement with Invariant in the amount of \$175,000 to provide Federal Affairs and Coalition Coordination Services for the Water Authority.

¹ To operate and maintain the Delta-Mendota Canal and related facilities reliably and cost-effectively, and to support member agencies in restoring and protecting adequate, affordable water supplies to benefit people, wildlife, and the economy

² The Policy Framework tiers from the Strategic Plan and sets the framework for policy issues the Water Authority will work on to implement the Strategic Plan. Request from Water Authority staff.

³ The Policy Action Plan tiers from the Policy Framework and sets the annual workplan for policy issues the Water Authority will work on to implement the Strategic Plan. Request from Water Authority staff.



Recommendation

Staff recommends that the Committee recommend, and the Board authorize, execution of a Professional Services Agreement with Invariant and related expenditures.

Analysis

The Water Authority has long operated in the federal affairs space as a traditional water agency, with our own federal affairs consultant seeking to support legislation and funding levels of relevance to Water Authority projects and to support programs of interest to member agencies. However, the power of the Water Authority is in its combined membership and increased coordination of its member agencies and their existing resources on items of common interest to Water Authority members. In response to this, Water Authority staff is seeking coalition coordination support, in addition to federal affairs expertise, to enhance and support coordinated advocacy efforts with the combined federal affairs resources of our member agencies.

As a result of this foundational restructuring of the Water Authority's federal affairs function, Water Authority staff intend to contract with two firms: one as a primary coordinator of member agency federal affairs teams, and one to provide strategic advisory services.

Invariant is qualified and has the experience and resources needed to perform coalition coordination services for the Water Authority. Specifically, Invariant has provided coalition coordination support services for other coalitions, and has staff expertise related to priority issues, including Reclamation, of interest to the Water Authority and its members.

Dennis Cardoza Consulting Services is qualified and has the experience and resources needed to perform strategic advisory services for the Water Authority.

Budget Implications

The Water Authority's Fiscal Year 2027 budget included \$480,000 in Fund 05 (Leg Ops) for Federal Representation. The Water Authority has spent \$90,000 through May, leaving \$390,000 available through the remainder of the fiscal year. There are sufficient funds to execute an agreement with the primary federal affairs consultant and the strategic advisory agreement for the remainder of the fiscal year without requiring budget adjustment, with an estimated termination of the contract with the existing consultant on August 1, 2026.

Firm Name	Monthly Retainer	Current Expenditures	Projected Expenditures	Available Budget
Foley & Lardner (current consultant)	\$30,000	\$90,000	\$150,000	
Dennis Cardoza Consulting Services	\$10,000	\$0	\$60,000	
Invariant	\$25,000	\$0	\$175,000	
			\$385,000	\$480,000



Official Memorandum

PO Box 2157
Los Banos, CA 93635
sldmwa.org

To: SLDMWA Water Resources Committee Members and Alternates / Board of Directors and Alternates

From: Scott Petersen, Chief Strategic and Administrative Officer

Date: July 6, 2026

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

Recommendation

Recommend to the Water Resources Committee and Board of Directors to adopt the following positions on legislation:

State Legislation

- Adopt a position of "Favor" on A.B. 1436 (Avila Farias), State Air Resources Control Board: air pollution regulations: private fleets: exception
- Adopt of position of "Oppose Unless Amended" on A.B. 1881 (Ramos), California Indian Freedom Act of 2026

State Legislation

A.B. 1436 (Avila Farias), State Air Resources Board: air pollution regulations: private fleets: exception

RECOMMENDATION: Favor

POLICY SCOPE: Environmental and Regulatory Compliance

Existing Law

Existing law designates the California Air Resources Board (CARB) as the agency responsible for control of motor vehicle emissions in the state.

Executive Order (EO) N-79-20 requires sales of all new passenger vehicles to be zero-emission by 2035 and for additional measures to be taken to eliminate harmful emissions from the transportation sector. In addition, the EO requires CARB to develop regulations to mandate that 100 percent of in-state sales of new passenger cars and trucks are zero-emission by 2035 and that all operations of medium- and heavy-duty vehicles are 100 percent zero-emission by 2045, where feasible, with the mandate going into effect by 2035 for drayage trucks.

Pursuant to its authority, CARB has adopted the Advanced Clean Fleets (ACF) regulation, which imposes various requirements for transitioning local, state, and federal government fleets of medium- and heavy-duty



trucks, other high-priority fleets of medium- and heavy-duty trucks, and drayage trucks to zero-emission vehicles.

The federal Clean Air Act (CAA) preempts state governments from adopting their own air pollutant emissions standards for new motor vehicles and new motor vehicle engines. Under Section 209 of the CAA, California is permitted to apply to the United States Environmental Protection Agency (EPA) for a waiver from the federal preemption and the EPA is required to grant the waiver absent certain disqualifying conditions.

Summary

This bill would make findings and declarations regarding the unintended impacts of regulatory requirements to privately operated vehicle fleets through mandates placed on public entities or contracts.

This bill would prohibit CARB from adopting or enforcing a regulation that directly or indirectly compels compliance by private fleets, including but not limited to those operated by contractors or subcontractors of the state or a local entity, including but not limited to a city, county, or city and county. This provision would not apply to a regulation adopted after California obtains a CAA waiver.

Status

02-19-2026 As Introduced

As introduced, this bill would have made findings and declarations about addressing climate change through state policy, while ensuring energy costs remain affordable.

This bill related to biomethane procurement targets and would have required biomethane delivered to California through a common carrier pipeline to meet *either* of the following requirements rather than *both*:

- 1) The source of biomethane injects the biomethane into a common carrier pipeline that physically flows within California, or toward the end user in California for which the biomethane was produced, or
- 2) The seller or purchaser of the biomethane demonstrates that the capture or production of biomethane directly results in at least one qualifying environmental benefit. This bill would add the displacement of conventional natural gas that results in a reduction in GHG emissions to the list of qualifying environmental benefits.
 - a) This bill would have required the California Public Utilities Commission (CPUC), by June 1, 2026, to allow recovery in rates of the costs of investments for specified purposes.

03-24-2025 As Amended

As amended, this bill would have required the project of a seller or purchaser of biomethane who seeks to demonstrate that the capture or production of biomethane directly results in the displacement of conventional natural gas that results in reduction in GHG to satisfy prevailing wage and apprenticeship requirements for qualified biogas property.

04-02-2025 As Amended

This bill was gut and amended into a spot bill relating to outreach by the CPUC under Section 1711 of the Public Utilities Code.

06-11-2026 As Amended

This bill was gut and amended to reflect current provisions.



Importance to the Authority

In response to EO N-79-20, CARB adopted several regulations to help achieve its reduced emissions goals, including the ACF regulation. Under the ACF regulation, California fleet owners and operators were required to start purchasing zero-emission vehicles in 2024, with the goal of moving California's medium- and heavy-duty trucks to zero-emission by 2045. The ACF regulation authorizes entities subject to it to apply for exemptions under certain circumstances.

In 2023, Assemblymember Garcia introduced AB 1594 to create additional flexibility for public agencies while the ACF regulation was being implemented. Specifically, it allowed public agency utilities to purchase replacements for traditional utility-specialized vehicles that are at the end of life to maintain reliable service and respond to major foreseeable events, including severe weather, wildfires, natural disasters, and physical attacks. ACWA adopted a "Favor" position on the bill and advocated to expand it to include more than just drinking water systems. As a result of these efforts, the law includes water districts, irrigation districts, flood control agencies, water authorities, reclamation districts, and others. This bill was signed into law, despite concerns from CARB.

Since AB 1594's passage in 2023, CARB has been evaluating how best to incorporate this intended flexibility. CARB requested initial feedback in 2024 from interested stakeholders, and then proceeded with a formal rulemaking amending the ACF regulation in the Summer of 2025.

During this regulatory process, CARB has taken other related actions, too. In January 2025, CARB withdrew a federal CAA waiver pending approval by the EPA that would have allowed it to enforce the ACF regulation on private fleets and drayage operator stakeholders. CARB still retains authority over public sector fleets, including the State and local governments. In September 2025, CARB approved a resolution formally expanding exemptions for public utilities and extending the 50 percent zero-emission vehicle milestone purchase requirements to 2030.

In April 2026, several months after the close of the initial 45-day comment period for the pending ACF regulation amendments, CARB published a set of amendments allowing for another 15-day comment period, followed by a second set of amendments with another 15-day comment period in June 2026. AB 1436 was introduced in response to the most recent amendments to the proposed regulatory changes.

CARB's June 2026 amendments would now require any use of private fleet vehicles to perform public fleet functions, regardless of contract/lease duration, to be compliant with the requirements under ACF. This change could make ACF compliance prohibitively difficult for even the most proactive public fleets, and administratively difficult for CARB to enforce because public fleets rely on leases and contracts for many different functions that do not fit within reporting requirements.

From a process standpoint, CARB is close to its one-year clock on this regulation creating a sense of urgency, although they could request a 180-day extension from the Office of Administrative Law (OAL). Further, the CARB Board will not re-review the regulation before it is submitted to OAL, leaving any final decisions on this policy to CARB staff. CARB may explore further amendments to the regulation before the end of legislative session.

This bill seeks to push back on CARB's interpretation of ACF compliance for public fleets, which includes how public fleets utilize privately owned vehicles. Were this bill to pass, it would re-instate the previous interpretation of how public fleets can use privately owned vehicles.



AB 1436 would prohibit CARB from adopting or enforcing a regulation that compels compliance by private fleets, including those operated by contractors or subcontractors of the state or a local entity, until or unless California obtains a CAA waiver. In doing so, this bill could protect public water agencies' ability to utilize contractors, minimize their contract costs, lessen their administrative burdens, and help ensure that they can provide reliable services.

For these reasons, staff recommends a "Favor" position.

Other Associations

The Association of California Water Agencies, the California Municipal Utilities Association, and the California Special Districts Association have formally registered supportive positions on A.B. 1436 and are operating as a coalition.

A.B. 1881 (Ramos), California Indian Freedom Act of 2026

RECOMMENDATION: Oppose Unless Amended

POLICY SCOPE: Water Supply Reliability, Water Quality and Resource Management, Environmental and Regulatory Compliance

Existing Law

Religious Land Use and Institutionalized Persons Act

The Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) prohibits governments from imposing or implementing a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden is in furtherance of a compelling governmental interest and the least restrictive means of furthering that interest.

Public Resources Code § 5097.9

Existing state law prohibits a public agency or private party using or occupying, or operating on, public property, under a public license, permit, grant, lease, or contract made on or after July 1, 1977, from interfering with the free expression or exercise of Native American religion, as provided in the United States Constitution and California Constitution. A public agency or private party is also prohibited from causing severe or irreparable damage to any Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property, except on a clear and convincing showing that the public interest and necessity so require.

California Environmental Quality Act

The California Environmental Quality Act (CEQA) establishes a formal process for consultation between lead agencies and California Native American tribes (tribes) traditionally and culturally affiliated with the geographic area of a proposed project.

CEQA requires the lead agency of a proposed project, before releasing a negative declaration, mitigated negative declaration, or environmental impact report, to begin consultation with a tribe if the tribe: (1) requested, in writing, to be notified of proposed projects in the geographic area, and (2) responds, in writing, within 30 days of receipt of the formal notification and requests consultation. CEQA requires the tribe, when



responding, to designate a lead contact person. A lead agency is required, within 14 days of determining that an application for a project is complete or of a public agency deciding to undertake a project, to notify the lead contact person of a tribe that requested notice. The tribe has 30 days to request consultation, and the lead agency has 30 days from the date of the request to begin consultation.

CEQA also requires local governments to provide notification to each tribe as an invitation to consult on the proposed project, its location, and its potential effects on tribal cultural resources. Local governments are required to act in good faith to identify whether a tribal cultural resource could be affected by the proposed project and to give deference to tribal information, knowledge and customs, and significance of the resource to the tribe. CEQA prohibits disclosing to the public any information submitted by a tribe during the environmental review process, including the location, description, and use of the tribal cultural resources, unless the tribe provides written consent.

Summary

This bill would establish the California Indian Freedom Act of 2026 (Act) and make findings and declarations regarding state-level protections for California Indian religious and spiritual practices and sacred sites, including enforceable rights, consultation and consent requirements, confidentiality measures, stewardship and comanagement frameworks, and remedies.

This bill would exempt information identifying sacred sites, cultural landscapes, or religious practices of tribes from public disclosure requirements, including the California Public Records Act (PRA).

This bill would define the following terms, among others:

- 1) “California Indian” as a Native American who is a member or citizen of a California Native American tribe,
- 2) “California Native American tribe” as a Native American tribe located in California that is on the Native American Heritage Commission’s contact list,
- 3) “Consultation” as defined in Section 65352.4 of the Government Code,
- 4) “Cultural landscape” as a geographical area that includes cultural and natural resources associated with the spiritual and cultural practices of a tribe,
- 5) “Exercise of religious beliefs or spiritual practices” as any practice undertaken as part of Indian religious, spiritual, or sacred observance, whether or not compelled by, or central to, a system of religious belief and would include the following:
 - a) Practices tied to land, water, cultural landscapes, and sacred sites on state lands, and the use, building, or conversion of real property for religious or sacred purposes and
 - b) Actions and efforts associated with the preparation in the exercise of religious or spiritual practices,
- 6) “Least restrictive” as interpreted consistent with strict scrutiny jurisprudence of California,
- 7) “Sacred site” as any specific location, landscape, landform, waterbody, or area on state lands that is both of the following:
 - a) Historically, culturally, or spiritually significant to a tribe and
 - b) Used, or has historically been used, for religious, ceremonial, or cultural purposes,
- 8) “State lands” as lands owned by the state or any state agency, excluding lands owned by or under the jurisdiction of any city, county, or district,



- 9) 9. “Substantial burden” as any governmental action or policy occurring on and after January 1, 2027 that does any of the following:
- a) Significantly restricts, denies, or unreasonably interferes with gathering or collecting traditional foods and plants used in ceremonies, including funerals, feasts, and celebrations on state lands,
 - b) Denies or unreasonably restricts access to sacred sites, ceremonial grounds, or other locations of religious or spiritual significance on state lands,
 - c) Destroys, desecrates, materially alters, or otherwise interferes with sacred sites, cultural landscapes, or ceremonial items on state lands in a manner that prevents or substantially impedes the practice of sincerely held religious or spiritual beliefs, or
 - d) Screens or restricts items of cultural, sacred, or religious significance, including but not limited to regalia, headdresses, eagle feathers, traditional medicines, ground rattles, or other ceremonial items, when entering state government buildings.

Routine administrative procedures, minor restrictions, or actions that do not materially prevent or significantly interfere with a tribe’s exercise of religious beliefs or spiritual practices would not constitute a substantial burden.

This bill would prohibit a governmental agency from substantially burdening an Indian’s or tribe’s exercise of religious beliefs or spiritual practices on state lands, including their access to and use of sacred sites and objects, and their ability to perform religious ceremonies and rites, even if the burden results from a rule of general applicability, unless the governmental agency demonstrates that the burden is in furtherance of a compelling governmental interest and the least restrictive means of furthering that interest.

This bill would, consistent with the United Nation’s Declaration on the Rights of Indigenous Peoples (UNDRIP), require a governmental agency to seek and document free, prior, informed, and written consent from any affected tribes before undertaking any project on state lands that may pose a risk to sacred sites of which the agency has actual knowledge or has been formally notified that may result in any of the following:

- 1) Physical destruction or alteration of a sacred site,
- 2) Loss of access, privacy, or quiet use, and
- 3) Long-term environmental degradation affecting religious and spiritual practices.

If a tribe does not respond within a reasonable timeframe as designated in the request, a governmental agency could interpret the lack of a response as a grant to the request. If a tribe responds to a request for consent by objecting to the undertaking, the governmental agency could request consultation with the tribe.

This bill would require a governmental agency to allow Indians access to sacred sites on state lands for religious, ceremonial, or cultural activities, except where public safety or resource protection make access impossible.

An Indian or tribe would have standing and be authorized to assert a violation of this prohibition as a claim or defense in a judicial or administrative proceeding and to obtain either declaratory or injunctive relief. The prevailing party would be entitled to reasonable attorney’s fees and costs, and any other equitable remedies determined by the court.

This bill would require the Department of General Services (DGS), in coordination with the Capitol Protection Section, to the greatest extent possible to uphold the religious freedom, ceremonial practices, sacred sites, cultural patrimony, and cultural landscapes of tribes when accessing the State Capitol. The Capitol



Protective Section would be required, to the greatest extent possible, to avoid undue harm when handling tribal instruments and regalia.

This bill would prohibit the Act from limiting or restricting the authority of the state or any state agency to enter into an agreement, memorandum of understanding, or other arrangement with any tribe to allow access to any state lands for the purpose of conducting religious, cultural, or ceremonial practices.

This bill would be limited to a governmental agency's management actions that involve only state lands and would not apply to any actions or direct or indirect effects arising out of or pertaining to lands that are not state lands. In the event of a conflict between this limitation and any other provision in this chapter, this limitation would control.

Status

02-12-2026 As Introduced

As introduced this bill would do the following:

Establish the Act and make findings and declarations regarding the protection of Native American religious and spiritual practices.

Exempt information identifying sacred sites, cultural landscapes, or religious practices of tribes from public disclosure requirements.

Define the following terms, among others: California Native American tribe, consultation, cultural landscape, least restrictive, native nation or tribe, substantial burden, and sacred site.

Prohibit state and local government actions, including permitting decisions, land use approvals, enforcement actions, environmental review, and contracting, licensing, or regulatory activities, from substantially burdening, as defined, a tribe's exercise of religious beliefs or spiritual practices and their ability to perform religious ceremonies and rites, unless the governmental agency demonstrates that the burden is in furtherance of a compelling governmental interest and the least restrictive means of furthering that interest.

Require a governmental agency, before undertaking, approving, permitting, funding, or authorizing a project that may impact a sacred site or landscape, to engage in early, meaningful, and good-faith government-to-government consultation, as defined, with an affected tribe. Consistent with UNDRIP, a governmental agency would be required to seek and document prior and informed consent from an affected tribe for any project that risks any of the following:

1. Physical destruction or alteration of a sacred site,
2. Loss of access, privacy, or quiet use, and
3. Long-term environmental degradation affecting religious and spiritual practices.

Require a governmental agency to avoid adverse impacts to sacred sites to the maximum extent feasible. If avoidance is not feasible, a governmental agency would be required to (1) demonstrate that no prudent and feasible alternative exists, (2) minimize impacts to the greatest extent possible, and (3) adopt mitigation measures approved by the affected tribe.



Require a governmental agency to allow California Indians access to sacred sites on public lands, including a waterbody, for religious, ceremonial, or cultural activities, unless public safety or resource protection makes access impossible.

Authorize a tribe to assert a violation of this prohibition as a claim or defense in a judicial or administrative proceeding and to obtain either declaratory or injunctive relief. The prevailing party would be entitled to reasonable attorney's fees and costs, and any other equitable remedies determined by the court.

04-8-2026 As Amended

State Public Lands

This bill would prohibit a governmental agency from substantially burdening an Indian's or tribe's exercise of religious beliefs or spiritual practices on *state public lands*. This prohibition would no longer apply to all state and local government actions.

Definitions

This bill would define "California Indian" and "Capitol Protective Section".

This bill would make non-substantive changes to the definition of "consultation".

This bill would amend the definition of "exercise of religious beliefs or spiritual practices" to include spiritual and religious practices tied to land, water, sacred sites, *and cultural landscapes, and actions and efforts associated with preparation in the exercise of religious or spiritual practices, such as gathering and collecting of traditional foods and plants for ceremonial purposes.*

This bill would amend the definition of "governmental agency" to no longer refer to a local government.

This bill would amend the definition of "substantial burden" to mean any governmental action or policy occurring on or after January 1, 2027 that does any of the following:

1. Significantly restricts, denies, or unreasonably interferes with gathering or collecting traditional foods and plants used in ceremonies, including funerals, feasts, and celebrations,
2. Denies or unreasonably restricts access to sacred sites, ceremonial grounds, or other locations or religious or spiritual significance,
3. Destroys, desecrates, materially alters, or otherwise interferes with sacred sites, cultural landscapes, or ceremonial items in a manner that prevents or substantially impedes the practice of sincerely held religious or spiritual beliefs, or
4. Screens or restricts items of cultural, sacred, or religious significance when entering state government buildings. Under this bill, these items would be permitted and could only be inspected by hand or other nontechnological means.

Routine administrative procedures, minor restrictions, or actions that do not materially prevent or significantly interfere with an Indian's or tribe's exercise of religious beliefs or spiritual practices would not constitute a substantial burden.

Consent

This bill would remove the requirement for a governmental agency to engage in early, meaningful, and good faith government-to-government consultation with an affected tribe before it undertakes, approves, permits,



funds, or authorizes a project that may impact a sacred site or cultural landscape. Instead, this bill would, consistent with UNDRIP, require a governmental agency to seek and document free, prior, informed, and written consent of any affected tribe before undertaking any project action that may pose a risk to sacred sites of which the agency has actual knowledge or has been formally notified that may result in physical destruction or alteration of a sacred site; loss of access, privacy, or quiet use; or long-term environmental degradation affecting religious and spiritual practices. If a tribe does not respond within a reasonable timeframe as designated in the request for consent, the governmental agency could interpret the lack of a response as a grant of request. If a tribe responds to a request for consent by objecting to the undertaking, the governmental agency could request consultation with the tribe.

Adverse Impacts

This bill would remove the requirement for governmental agencies to avoid adverse impacts to sacred sites.

State Capitol

This bill would require DGS, in coordination with the Capitol Protective Section, to uphold the religious freedom, ceremonial practices, sacred sites, cultural patrimony, and cultural landscapes of tribes when accessing the State Capitol. The Capitol Protective Section would also be required to avoid undue harm when handling tribal instruments and regalia.

Right of Access to Information

This bill would strike Section 7 relating to the limitation of the public's right of access to information that Indians and tribes share with governmental agencies about the location and significance of sacred sites, cultural landscapes, and practices of profound cultural, religious, and spiritual beliefs.

Statewide Concern

This bill would strike Section 8 relating to findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair, and therefore, apply to all cities.

04-16-2026 As Amended

This bill would be co-authored by Assemblymembers Bauer-Kahan, Connolly, Harabedian, Valencia, and Zbur.

This bill would reference "state public lands" throughout the entire bill, including in the definitions of "cultural landscape", "exercise of religious beliefs or spiritual practices", "substantially burden", and "sacred site" and in the provision relating to seeking consent before undertaking a project action.

05-18-2026 As Amended

This bill would refer to "state lands" instead of "state public lands" and would define "state lands" as lands owned by the state or any state agency, excluding lands owned by or under the jurisdiction of any city, county, or district. "State lands" would not include private lands or lands used for public infrastructure or services, or authorized for private use or development.

This bill would prohibit the Act from limiting or restricting the authority of the state or any state agency from entering into an agreement, memorandum of understanding, or other arrangement with any tribe to allow access to any state lands for the purpose of conducting religious, cultural, or ceremonial practices.



05-19-2026 As Amended

This bill would limit this chapter's applicability to a governmental agency's management actions that involve state lands. The chapter would not apply to actions or direct or indirect effects arising out of or relating to lands that are not state lands. This provision would control in the event of a conflict with any other provision in this chapter.

Importance to the Authority

AB 1881 prohibits a governmental agency from substantially burdening an Indian's or tribe's exercise of religious beliefs or spiritual practices on state lands, including access to objects and sacred sites, unless it is in furtherance of a compelling government interest by the least restrictive means. There are concerns that this prohibition extends beyond the scope of the bill and could result in increased litigation.

State Lands

While the definition of the term "state lands" has been narrowed to exclude lands used for public infrastructure or services, it requires further refinement. Sacred sites would include a specific location, landscape, landform, waterbody, or area on state lands owned by the state or any state agency, excluding lands owned by or under the jurisdiction of any city, county, or district and would not include private lands or lands used for public infrastructure or services, or authorized for private use or development. Despite this, the scope of what is defined as a state land is far-reaching. The public trust doctrine establishes that the state holds certain natural resources—including tidelands, navigable waterways, and submerged lands—in trust for the benefit of all Californians. These public trust resources are, by definition, state-owned lands, and would therefore fall squarely within the bill's coverage. The definition of "state lands" must clearly exclude lands not held in public trust. In addition, land required as mitigation for public infrastructure or land that has been acquired for public infrastructure would still be considered "state lands".

Shifts the Burden of Proof

Under RLUIPA, the party seeking relief bears the burden of proving that a government practice substantially burdens their exercise of religion. The burden of proving that the government action in question is in furtherance of a compelling governmental interest and the least restrictive means of furthering that interest only shifts to the government agency *after* the plaintiff provides sufficient proof to support their initial claim. AB 1881 would shift the burden of proof to the state and impose a strict scrutiny standard of review. Codifying this standard for tribal interests would elevate tribal religious freedom of expression, spiritual practices, sacred sites, objects, and ceremonies above all other competing interests, without a clear limiting principle.

Duplicates and Conflicts with Existing State and Federal Laws

The religious and spiritual practice protection requirements proposed in AB 1881 closely mirror those under RLUIPA. In addition, the proposal to create a path for tribal consultation outside of, or separate from, CEQA is duplicative and could constrain projects. Of particular concern is the requirement for a government agency to "seek and document free, prior, and informed consent from an affected tribe for any project". This shift from consultation to mandating consent marks a fundamental change in California land use law and could effectively grant a single tribe the power to halt or indefinitely delay any project – including those that have already undergone extensive environmental review and received all other required approvals.

There is consensus that the scope of "state lands" as used in the current bill could implicate water management actions across California. Amendments are being sought to ensure the scope of the bill is



specific to property under state governmental agencies' control and without unintended consequences to public infrastructure overseen by local agencies.

Staff recommends an "Oppose Unless Amended" position on the legislation through policy committee, with delegated authority to move to a straight "Oppose" position if the legislation is not sufficiently amended by the time it reaches the Senate Appropriations Committee.

Guidelines for Taking Positions on Legislation

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

Policy

By Agenda Item 7, dated December 12, 2025, the Board adopted the Policy Framework and Fiscal Year 2027 Policy Action Plan.

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 in the Strategic Plan, as implemented through the Policy Framework and Annual Policy Action Plan.

The Water Authority may take the following positions on legislation: Oppose, Support, Oppose Unless Amended, Support if Amended, Support and Amend, Not Favor, Favor, Not Favor Unless Amended, Favor if Amended, Favor and Amend, and Watch (neutral).

The Water Authority's staff and consultants testify and advocate with legislators and staff through direct meetings and coordination of 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, the Water Authority's delegation, and relevant Committees.

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 the Policy Framework and Annual Policy Action Plan, 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 a position contingent on amendments, 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

AMENDED IN SENATE JUNE 22, 2026

AMENDED IN SENATE JUNE 11, 2026

AMENDED IN ASSEMBLY APRIL 2, 2025

AMENDED IN ASSEMBLY MARCH 24, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 1436

Introduced by Assembly Member Ávila Farías

February 21, 2025

An act to add Section 43110 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1436, as amended, Ávila Farías. State Air Resources Board: air pollution regulations: private fleets: exception.

Existing law requires the State Air Resources Board to adopt and implement motor vehicle emission standards, in-use performance standards, and motor vehicle fuel specifications for the control of air contaminants and sources of air pollution that the state board has found necessary, cost effective, and technologically feasible. The California Global Warming Solutions Act of 2006 establishes the state board as the state agency responsible for monitoring and regulating sources emitting greenhouse gases and requires the state board to adopt rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions from those sources.

Pursuant to its authority, the state board has adopted the Advanced Clean Fleets Regulation, which imposes various requirements for transitioning local, state, and federal government fleets of medium- and

heavy-duty trucks, other high-priority fleets of medium- and heavy-duty trucks, and drayage trucks to zero-emission vehicles.

Existing federal law, the Clean Air Act, prohibits any state or any political subdivision thereof from adopting or attempting to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines, except through a waiver, as provided.

This bill would prohibit the state board from ~~adopting or~~ enforcing any regulation that directly or indirectly compels compliance by private fleets, as provided, ~~unless~~ *until* the state has obtained a required waiver or authorization under the federal Clean Air Act.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares both of
2 the following:

3 (1) Extending regulatory requirements to privately operated
4 vehicle fleets through mandates placed on public entities or
5 contracts, whether directly or indirectly, may have unintended
6 impacts on affordability and the continuity of services provided
7 to residents through public and private partnerships.

8 (2) Providing regulatory clarity and predictability for public
9 entities and their private partners is necessary given the potential
10 fiscal and operational constraints that could be imposed and the
11 need to maintain reliable delivery of essential public services.

12 (b) It is the intent of the Legislature to ensure that regulatory
13 actions described in subdivision (a) do not occur unless the State
14 Air Resources Board obtains authorization to regulate privately
15 operated vehicle fleets under applicable federal law.

16 SEC. 2. Section 43110 is added to the Health and Safety Code,
17 to read:

18 43110. (a) The state board shall not ~~adopt or~~ enforce any
19 regulation that directly or indirectly compels compliance by private
20 ~~fleets, including, but not limited to, those operated by contractors~~
21 ~~or subcontractors of the state or a local entity, including, but not~~
22 ~~limited to, a city, a county, or a city and county. fleets that would~~
23 ~~be preempted under Section 209(a) of the federal Clean Air Act~~
24 ~~(42 U.S.C. Sec. 7543(a)) until the required waiver or authorization~~

1 *is obtained in accordance with Section 209(b) of the federal Clean*
2 *Air Act (42 U.S.C. Sec. 7543(b)).*

3 ~~(b) Subdivision (a) does not apply to a regulation adopted after~~
4 ~~the state has obtained a required waiver or authorization under~~
5 ~~Section 209 of the federal Clean Air Act (42 U.S.C. Sec. 7543).~~

6 *(b) The use of private fleets in subdivision (a) includes, but is*
7 *not limited to, those operated by contractors or subcontractors of*
8 *the state or a local government entity, including, but not limited*
9 *to, any city, county, public utility, special district, local agency or*
10 *district, and any department, division, public corporation, or public*
11 *agency of the State of California.*

12 (c) Any provision of a regulation adopted in violation of this
13 section is void and unenforceable.

AMENDED IN ASSEMBLY MAY 19, 2026

AMENDED IN ASSEMBLY MAY 18, 2026

AMENDED IN ASSEMBLY APRIL 16, 2026

AMENDED IN ASSEMBLY APRIL 8, 2026

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 1881

Introduced by Assembly Member Ramos
(Coauthors: Assembly Members Bauer-Kahan, Connolly,
Harabedian, Valencia, and Zbur)

February 12, 2026

An act to amend Section 7930.205 of the Government Code, and to add Chapter 1.79 (commencing with Section 5097.1000) to Division 5 of the Public Resources Code, relating to California Indians.

LEGISLATIVE COUNSEL'S DIGEST

AB 1881, as amended, Ramos. California Indian Freedom Act of 2026.

Existing law establishes various protections for California Native American tribes, including prohibiting a public agency or private party using or occupying public property or operating on public property from interfering with the free expression or exercise of Native American religion as provided in the United States Constitution and the California Constitution. Existing law also requires a local government to provide formal notification to each California Native American tribe that is traditionally and culturally affiliated with the project site as an invitation to consult on the proposed project, as provided. Existing law requires the local government, during the consultation, to give deference to the

tribal information, tribal knowledge and customs, and the significance of the resource to the California Native American tribe. Existing law prohibits any information, as described, that is submitted by a California Native American tribe during the environmental review process from being included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, as specified, without the prior consent of the tribe that provided the information.

Existing law, the California Public Records Act, requires each state and local agency, as defined, to make its records open to public inspection at all times during office hours, except as specifically exempted from disclosure by law. The act specifically exempts from disclosure records that are exempted or prohibited from disclosure by federal or state law and lists records subject to that exemption, specifying that the listed exemptions are not inclusive of all exemptions under the act.

This bill, the California Indian Freedom Act of 2026, would prohibit a governmental agency from substantially burdening a California Indian or California Native American tribe's exercise of religious beliefs or spiritual practices on state lands, including their access to and use of sacred sites and objects, and their ability to perform religious ceremonies and rites, even if the burden results from a rule of general applicability, unless the governmental agency demonstrates that application of the burden is in furtherance of a compelling governmental interest and is in the least restrictive means of furthering that interest. The bill would authorize a California Indian or tribe to assert a violation of these provisions as a claim or defense in any judicial or administrative proceeding, as specified. The bill would require a governmental agency to allow California Indians access to sacred sites on state lands, as specified. The bill would require a governmental agency to seek and document free, prior, and informed consent from affected tribes before undertaking any project action on state lands that may pose a risk to sacred sites, as specified. The bill would require the affirmation of consent from the governing body of the affected tribe to be in writing, as described.

This bill would require the Department of General Services, in coordination with the Capitol Protective Section, to the greatest extent possible, to uphold the religious freedom, ceremonial practices, sacred sites, cultural patrimony, and cultural landscapes of tribes when accessing the State Capitol Building Annex and grounds. The bill would

require the Capitol Protective Section, to the greatest extent possible, to avoid undue harm when handling tribal instruments and regalia.

This bill would provide that the application of the act is strictly limited to a governmental agency's management actions that involve only state lands, as specified.

This bill would require information identifying sacred sites, cultural landscapes, or religious practices obtained by a governmental agency for the purposes of the California Indian Freedom Act of 2026 to be confidential and would exempt this information from public record laws, including the California Public Records Act. The bill would revise the list of exempted records under the California Public Records Act to add the above-described exemption. The bill would prohibit the provisions of the act from being construed to limit or restrict the authority of the state or any state agency to enter into an agreement, memorandum of understanding, or other arrangement with any tribe to allow access to any state lands for the purpose of conducting religious, cultural, or ceremonial practices. The bill would define various terms for these purposes and would make related legislative findings.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known, and may be cited, as the
2 California Indian Freedom Act of 2026.

3
4 California Indian Freedom Act of 2026
5

6 SEC. 2. The Legislature finds and declares all of the following:

7 (a) California is home to the greatest number of California
8 Indians living in the United States, approximately 700,000
9 according to the 2025 United States Census.

1 (b) More than 100 Native Nations call California home, each
2 with distinct religions, spiritual traditions, and ceremonies that
3 long predate statehood and continue to be practiced to this day.

4 (c) California Indian religions and spiritual beliefs, like many
5 Indigenous religions, are exercised through land-based practices,
6 including sacred sites and ceremonies tied to specific geographies,
7 and require access to cultural landscapes that remain integral to
8 the continued survival of California Indian religions and spiritual
9 practices.

10 (d) Prior to the annexation of the California territory by the
11 United States of America, the Indigenous people of this land were
12 subjected to systems of conversion and enslavement under Spanish
13 rule until 1821 through the Franciscan mission system.

14 (e) During the Mexican administration of the province from
15 1821 to 1845, the ancestral homelands of California's Native
16 Nations continued to be carved up by migrating Mexican, United
17 States, British, and Canadian settlers, therefore, losing access to
18 their spiritual sites and the natural resources.

19 (f) Since the incorporation of California territory into the United
20 States of America in 1849, the relationship between the state and
21 California Indians was fraught with violence, exploitation,
22 dispossession, and the attempted destruction of tribal communities
23 and criminalization of Native religious and spiritual practices.

24 (g) In 1850, the State of California passed An Act for the
25 Government and Protection of Indians, which facilitated the
26 removal of Indigenous groups from their ancestral lands through
27 family separation and indentured servitude. The act also facilitated
28 the punishment of Indigenous people for minor crimes, and
29 prohibited the religious and spiritual practices of California Indians.

30 (h) Between 1850 and 1859, the State of California actively
31 engaged in violent conflicts against its Native population,
32 organizing private militias and calling up the state militia to
33 respond to what officials perceived as "Indian attacks."

34 (i) In 1851, Governor Peter Hardeman Burnett, California's first
35 governor, declared in his State of the State address that "a war of
36 extermination will continue to be waged between the two races
37 until the Indian race becomes extinct must be expected."

38 (j) Between 1854 and 1859, the state authorized a series of
39 military expeditions against Native communities in Humboldt,
40 Klamath, Modoc, Pit River, San Bernardino, and Tulare. These

1 campaigns generated an estimated cost of \$449,605.74. California
2 later submitted the expenses to Congress for reimbursement, but
3 only \$229,987.67 was ultimately approved and repaid under the
4 Congressional Appropriations Act of March 2, 1861.

5 (k) Between 1892 and 1974, California was home to 13 federal
6 Indian boarding schools that, under a federal mandate to assimilate
7 California Indian children into American culture, forcibly removed
8 thousands of Native children from their families, subjected them
9 to harsh discipline and cultural suppression, including the loss of
10 language, identity, and spiritual practices, and left a legacy of
11 profound intergenerational trauma that continues to affect the
12 well-being of California Native American tribes.

13 (l) Prior to 2022, more than 100 geographic features and places
14 in California carried the term “squaw,” along with other derogatory
15 names assigned to locations within the ancestral homelands of
16 Native Nations. These names reinforced harmful stereotypes, fueled
17 prejudice, and connected to the broader crisis of missing and
18 murdered Indigenous people.

19 (m) Government-sanctioned policies and actions that
20 dispossessed California Indian tribes from their lands normalized
21 a broader culture of mistreatment throughout the early 20th century,
22 and the consequences of these injustices remain visible and deeply
23 felt today.

24 (n) California Indian tribes continue to be separated from their
25 cultural items and the ancestral human remains.

26 (o) Existing federal protections for Native American religious
27 and spiritual practices, including the American Indian Religious
28 Freedom Act of 1978 (42 U.S.C. Sec. 1996) (AIRFA) and the
29 Religious Freedom Restoration Act of 1993 (42 U.S.C. Sec.
30 2000bb) (RFRA), are limited in scope, underenforced, or
31 inapplicable to state and private actions.

32 (p) Existing California laws do not require Indigenous consent
33 to state and local actions that would burden Native American
34 religious freedom or provide comprehensive protection for the free
35 exercise of Native American religious and spiritual practices,
36 sacred sites, or access to cultural landscapes.

37 (q) California has a compelling interest in safeguarding
38 Indigenous religious freedom, ceremonial practices, sacred sites,
39 cultural patrimony, and access to cultural landscapes as a matter
40 of human rights, cultural survival, and compliance with the United

1 Nations Declaration on the Rights of Indigenous Peoples
2 (UNDRIP), including Article 11 (right to practices and revitalize
3 cultural traditions), Article 12 (right to maintain, protect, and access
4 religious and cultural sites), Article 25 (right to maintain spiritual
5 relationships with traditional lands), and Article 32 (right to
6 determine and develop priorities for the use of lands and resources),
7 as endorsed by the United States in 2010.

8 (r) It is therefore necessary to enact comprehensive state-level
9 protections for California Indian religious and spiritual practice
10 freedom protections and sacred site protections, including
11 enforceable rights, consultation and consent requirements,
12 confidentiality measures, stewardship and comanagement
13 frameworks, and remedies.

14 SEC. 3. Section 7930.205 of the Government Code is amended
15 to read:

16 7930.205. The following provisions may operate to exempt
17 certain records, or portions thereof, from disclosure pursuant to
18 this division:

19 Information identifying sacred sites, cultural landscapes, or
20 religious practices of California Native American tribes, Section
21 5097.1002, Public Resources Code.

22 Taxpayer information, confidentiality, local taxes, Section
23 7925.000, this code.

24 Tax preparer, disclosure of information obtained in business of
25 preparing tax returns, Section 17530.5, Business and Professions
26 Code.

27 Teacher, credential holder or applicant, information provided to
28 Commission on Teacher Credentialing, confidentiality of, Section
29 44341, Education Code.

30 Teacher, certified school personnel examination results,
31 confidentiality of, Section 44289, Education Code.

32 Telephone answering service customer list, trade secret, Section
33 16606, Business and Professions Code.

34 Timber yield tax, disclosure to county assessor, Section 38706,
35 Revenue and Taxation Code.

36 Timber yield tax, disclosure of information, Section 38705,
37 Revenue and Taxation Code.

38 Title insurers, confidentiality of notice of noncompliance, Section
39 12414.14, Insurance Code.

1 Tobacco products, exemption from disclosure for distribution
2 information provided to the State Department of Public Health,
3 Section 22954, Business and Professions Code.

4 Tow truck driver, information in records of the Department of
5 the California Highway Patrol, Department of Motor Vehicles, or
6 other agencies, confidentiality of, Sections 2431 and 2432.3,
7 Vehicle Code.

8 Toxic Substances Control, Department of, inspection of records
9 of, Section 25152.5, Health and Safety Code.

10 Trade secrets, Section 1060, Evidence Code.

11 Trade secrets, confidentiality of, occupational safety and health
12 inspections, Section 6322, Labor Code.

13 Trade secrets, disclosure of public records, Section 3426.7, Civil
14 Code.

15 Trade secrets, food, drugs, cosmetics, nondisclosure, Sections
16 110165 and 110370, Health and Safety Code.

17 Trade secrets, protection by Director of Pesticide Regulation,
18 Sections 7924.300 to 7924.335, inclusive, this code.

19 Trade secrets and proprietary information relating to pesticides,
20 confidentiality of, Sections 14022 and 14023, Food and
21 Agricultural Code.

22 Trade secrets, protection by Director of Industrial Relations,
23 Section 6396, Labor Code.

24 Trade secrets relating to hazardous substances, disclosure of,
25 Sections 78480 to 78495, inclusive, and Section 78930, Health
26 and Safety Code.

27 Traffic violator school licensee records, confidentiality of,
28 Section 11212, Vehicle Code.

29 Traffic offense, dismissed for participation in driving school or
30 program, record of, confidentiality of, Section 1808.7, Vehicle
31 Code.

32 Transit districts, questionnaire and financial statement
33 information in bids, Section 99154, Public Utilities Code.

34 Tribal financial information, Section 8450, this code.

35 Tribal-state gaming compacts, exemption from disclosure for
36 records of an Indian tribe relating to securitization of annual
37 payments, Section 63048.63, this code.

38 Trust companies, disclosure of private trust confidential
39 information, Section 1602, Financial Code.

SEC. 4. Chapter 1.79 (commencing with Section 5097.1000) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 1.79. CALIFORNIA INDIAN FREEDOM ACT OF 2026

5097.1000. For purposes of this act, the following definitions apply:

(a) “California Indian” means a Native American who is a member or citizen of a California Native American tribe.

(b) “California Native American tribe” means a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004.

(c) “Capitol Protective Section” means the division of the Department of the California Highway Patrol that provides law enforcement and safety services for the State Capitol Building and grounds and for the State Capitol Building Annex and grounds.

(d) “Consultation” has the same meaning as defined in Section 65352.4 of the Government Code.

(e) “Cultural landscape” means a geographical area on state lands that includes cultural and natural resources associated with the spiritual and cultural practices of a California Native American tribe.

(f) (1) “Exercise of religious beliefs or spiritual practices” means any tribal traditional practice undertaken as part of California Indian religious, spiritual, or sacred observance, whether or not compelled by, or central to, a system of religious belief.

(2) This term includes California Indian spiritual and religious practices tied to land, water, cultural landscapes, and sacred sites on state lands, and the use, building, or conversion of real property for religious or sacred purposes.

(3) This term includes actions and efforts associated with the preparation in the exercise of California Indian religious or spiritual practices, such as the gathering and collecting of California Indian traditional foods and plants for ceremonial purposes.

(g) “Governmental agency” means any state agency, department, board, or commission.

(h) “Least restrictive means” shall be interpreted consistent with strict scrutiny jurisprudence of California.

1 (i) “Native Nation” or “tribe” means any federally recognized
2 or nonfederally recognized California Native American tribe.

3 (j) “Sacred site” means any specific location, landscape,
4 landform, waterbody, or area on state lands that is both of the
5 following:

6 (1) Historically, culturally, or spiritually significant to a
7 California Indian or tribe.

8 (2) Used, or has historically been used, for religious, ceremonial,
9 or cultural purposes.

10 (k) (1) “State lands” means lands owned by the state or any
11 state agency, excluding lands owned by or under the jurisdiction
12 of any city, county, or district.

13 (2) “State lands” does not include private lands or lands used
14 for public infrastructure or services, or authorized for private use
15 or development.

16 (l) (1) “Substantial burden” means any government action or
17 policy that occurs on or after January 1, 2027, that does any of the
18 following:

19 (A) Significantly restricts, denies, or unreasonably interferes
20 with gathering or collecting traditional foods and plants used in
21 ceremonies, including funerals, feasts, and celebrations on state
22 lands.

23 (B) Denies or unreasonably restricts access to sacred sites,
24 ceremonial grounds, or other locations of religious or spiritual
25 significance on state lands.

26 (C) Destroys, desecrates, materially alters, or otherwise
27 interferes with sacred sites, cultural landscapes, or ceremonial
28 items on state lands in a manner that prevents or substantially
29 impedes the practice of sincerely held religious or spiritual beliefs.

30 (D) (i) Screens or restricts items of cultural, sacred, or religious
31 significance, including, but not limited to, regalia, headdresses,
32 eagle feathers, traditional medicines, gourd rattles, or other
33 ceremonial items, when entering state government buildings.

34 (ii) The items shall be permitted and may only be inspected by
35 hand or through other nontechnological means.

36 (iii) The items shall not be inspected by technological screening.

37 (2) Routine administrative procedures, minor restrictions, or
38 actions that do not materially prevent or significantly interfere
39 with a California Indian’s or tribe’s exercise of religious beliefs
40 or spiritual practices shall not constitute a substantial burden.

1 5097.1001. (a) A governmental agency shall not substantially
2 burden a California Indian or California Native American tribe's
3 exercise of religious beliefs or spiritual practices on state lands,
4 including their access to and use of sacred sites and objects, and
5 their ability to perform religious ceremonies and rites, even if the
6 burden results from a rule of general applicability, unless the
7 governmental agency demonstrates that application of the burden
8 is both of the following:

9 (1) In furtherance of a compelling governmental interest.

10 (2) The least restrictive means of furthering that interest.

11 (b) (1) A California Indian or tribe shall have standing and may
12 assert a violation of this section as a claim or defense in any judicial
13 or administrative proceeding.

14 (2) A California Indian or tribe may obtain either of the
15 following:

16 (A) Declaratory relief.

17 (B) Injunctive relief.

18 (3) A prevailing party asserting a claim under this act shall be
19 entitled to reasonable attorney's fees and costs, and any other
20 equitable remedies determined by the court.

21 5097.1002. (a) A governmental agency shall allow California
22 Indians access to sacred sites on state lands for Native American
23 religious, ceremonial, or cultural activities, except where public
24 safety or resource protection make access impossible.

25 (b) Consistent with United Nations Declaration on the Rights
26 of Indigenous Peoples (UNDRIP) Articles 11, 12, 25, and 32, a
27 governmental agency shall seek and document free, prior, and
28 informed consent of any affected tribe before undertaking any
29 project action on state lands that may pose a risk to sacred sites of
30 which the agency has actual knowledge or has been formally
31 notified that may result in any of the following:

32 (1) Physical destruction or alteration of a sacred site.

33 (2) Loss of access, privacy, or quiet use.

34 (3) Long-term environmental degradation affecting religious
35 and spiritual practices.

36 (c) (1) Affirmation of consent from the governing body of the
37 affected tribe shall be in writing.

38 (2) If a tribe does not respond within a reasonable timeframe
39 designated in the request, then the governmental agency may
40 interpret the lack of response as a grant of request.

1 (3) If a tribe responds to a request for consent by objecting to
2 the undertaking, the governmental agency may request consultation
3 with the tribe to see if issues raised by the tribe can be addressed.

4 (d) Information identifying sacred sites, cultural landscapes, or
5 religious practices obtained by a governmental agency for the
6 purposes of this chapter shall be confidential and exempt from
7 public records laws, including, but not limited to, the California
8 Public Records Act (Division 10 (commencing with Section
9 7920.000) of Title 1 of the Government Code).

10 5097.1003. (a) The Department of General Services, in
11 coordination with the Capitol Protective Section, shall, to the
12 greatest extent possible, uphold the religious freedom, ceremonial
13 practices, sacred sites, cultural patrimony, and cultural landscapes
14 of tribes when accessing the State Capitol Building Annex and
15 grounds.

16 (b) The Capitol Protective Section shall, to the greatest extent
17 possible, avoid undue harm when handling tribal instruments and
18 regalia.

19 5097.1004. Nothing in this act shall be construed to limit or
20 restrict the authority of the state or any state agency to enter into
21 an agreement, memorandum of understanding, or other arrangement
22 with any tribe to allow access to any state lands for the purpose of
23 conducting religious, cultural, or ceremonial practices.

24 5097.1005. *(a) The application of this chapter is strictly limited*
25 *to a governmental agency's management actions that involve only*
26 *state lands, regardless of whether this limitation is specified in*
27 *any provision in this chapter.*

28 *(b) This chapter has no application to any actions or direct or*
29 *indirect effects arising out of, pertaining to, or relating to lands*
30 *that are not state lands.*

31 *(c) To the extent there is a conflict between this section and any*
32 *other provision of this chapter, this section shall control.*

33 SEC. 5. The provisions of this act are severable. If any
34 provision of this act or its application is held invalid, that invalidity
35 shall not affect other provisions or applications that can be given
36 effect without the invalid provision or application.

37 SEC. 6. The Legislature finds and declares that Sections 3 and
38 4 of this act, which amend Section 7930.205 of the Government
39 Code and add Chapter 1.79 (commencing with Section 5097.1000)
40 to Division 5 of the Public Resources Code, respectively, impose

1 a limitation on the public’s right of access to the meetings of public
2 bodies or the writings of public officials and agencies within the
3 meaning of Section 3 of Article I of the California Constitution.
4 Pursuant to that constitutional provision, the Legislature makes
5 the following findings to demonstrate the interest protected by this
6 limitation and the need for protecting that interest:

7 The Legislature recognizes the state’s destructive role in the
8 ability of California Indians to freely and safely practice their
9 religious and spiritual beliefs through its past legislative actions,
10 and that in order to both protect the privacy of California Indians
11 and California Native American tribes with regard to information
12 they may share with governmental agencies about the location and
13 significance of sacred sites, cultural landscapes, and the practices
14 of profound cultural, religious, and spiritual beliefs, it is necessary
15 that this act limit the public’s right of access to that information
16 and for it to remain confidential.



Official Memorandum

PO Box 2157
Los Banos, CA 93635
sldmwa.org

To: SLDMWA Board of Directors, Alternates
SLDMWA Water Resources Committee, Alternates

From: Federico Barajas, Executive Director

Date: July 6, 2026

RE: Adoption of Resolution Authorizing Execution of Letter Agreement for Los Banos Creek Detention Dam Reservoir Re-Operation Project and Los Banos Creek Detention Dam Reservoir Re-Operation Project Activity Agreement

Background

The San Luis & Delta-Mendota Water Authority (Water Authority) has collaborated with the U.S. Bureau of Reclamation (Reclamation) on drought-resiliency objectives identified in the “Memorandum of Understanding between the United States of America Department of Interior Bureau of Reclamation and FWA [Friant Water Authority], SLDMWA, and SJRECWA [San Joaquin River Exchange Contractors Water Authority] for Establishing a South of Delta Drought Resiliency Framework” (Drought Plan MOU), including the need to develop surface and groundwater storage options outside of, and in addition to, the federal share of San Luis Reservoir. The Los Banos Creek Detention Dam, a federally owned joint-use facility, has been identified as one such potential storage option for further evaluation.

Secretarial Order 3446 directs Reclamation to maximize acquisition flexibility by working with and leveraging the acquisition tools of its partners, including the Authority. Article 35 of the Water Authority’s Transfer Agreement with Reclamation (Contract No. 8-07-20-X0354-X) provides the mechanism for Reclamation to provide cooperation/mutual aid to the Authority to undertake various projects like the Los Banos Creek Detention Dam Reservoir Re-Operation Project (Project).

Through Section 50233 (Drought Mitigation in the Reclamation States) of Public Law 117-169, Reclamation has made \$16,000,000 of non-reimbursable funds available for the Project. Reclamation recently shared a draft Letter Agreement (Funding Agreement) for the non-reimbursable funds, which would provide the mechanism for Reclamation to provide the non-reimbursable funds to the Water Authority. The Water Authority would concurrently execute a Los Banos Creek Detention Dam Reservoir Re-Operation Project Activity Agreement (Activity Agreement) with interested member agencies (Activity Agreement Members or Participating Agencies). The Water Authority would then work with Activity Agreement Members to utilize the non-reimbursable funds to carry out activities deemed necessary for completing the Project.

Issue for Decision

Whether the Water Resources Committee should recommend, and the Board of Directors should adopt, the proposed resolution authorizing execution of Letter Agreement for Los Banos Creek Detention Dam Reservoir Re-Operation Project and Los Banos Creek Detention Dam Reservoir Re-Operation Project Activity Agreement.



Recommendation

Staff recommends adoption of the proposed resolution.

Analysis

Letter Agreement

Adopting the proposed resolution and executing the proposed Letter Agreement will enable the Water Authority to access the non-reimbursable funds. Accessing these funds is a crucial step for the Authority to work with Participating Agencies to proceed with the Project.

While the draft Letter Agreement has been reviewed by staff and is near final, it is possible that some edits may be required before the document is finalized and executed. For this reason, staff is requesting authorization to execute the Letter Agreement in substantial form.

Activity Agreement

Executing the Activity Agreement will provide the mechanism for the Water Authority to disburse the non-reimbursable funds to Participating Agencies to carry out all activities necessary for completing the Project.

As a condition to disbursement, the Authority may establish processes and requirements for itself and/or the Activity Agreement Members that are consistent with the Office of Management and Budget's ("OMB") Uniform Guidance for intermediaries advancing government funding contained in Code of Federal Regulations Title 2/Subtitle A/Chapter II/Part 200 (see 2 CFR 200.302, 200.305, 200.331–332), OMB Circular A-102, and any other laws, rules, regulations, and guidances the Authority deems appropriate. The Activity Agreement explains that the Authority plans to enter into a separate agreement with the Activity Agreement Members who are to receive the funding for the purpose of detailing the specifics applicable to disbursement of the funds. By executing the Activity Agreement, the Activity Agreement Members who receive the funding agree to enter into such an agreement with the Authority.

Staff worked with member agencies San Luis Water District, Grassland Water District, and Central California Irrigation District to develop the draft Activity Agreement. One or more of these districts will be the ultimate recipient of the funding and will be responsible for carrying out all activities necessary for preparing and completing the Project, including, but not limited to, technical, engineering, modeling, environmental, project management, implementation, and related tasks.

While the draft Activity Agreement is near final, it is possible that some edits may be required before the document is finalized and executed. For this reason, staff is requesting authorization to execute the Activity Agreement in substantial form.

Execution of the Letter Agreement and the Activity Agreement are administrative and organizational actions that will not result in a direct change in the environment or a reasonably foreseeable indirect change to the environment and, thus, do not constitute projects under the California Environmental Quality Act (CEQA). (CEQA Guidelines, § 15378(b)(5).)



Budget Implications

The OM&R budget is not impacted by adoption of the proposed resolution. However, the Activity Agreement would require an initial collection of \$20,000 from the Activity Agreement Members to initially fund the budget (e.g. Activity Agreement Expenses / staff time) for the Activity Agreement.

Attachments

1. Draft Resolution Authorizing Execution of Letter Agreement for Los Banos Creek Detention Dam Reservoir Re-Operation Project and Los Banos Creek Detention Dam Reservoir Re-Operation Project Activity Agreement
2. Draft Letter Agreement for Los Banos Creek Detention Dam Reservoir Re-Operation Project
3. Draft Los Banos Creek Detention Dam Reservoir Re-Operation Project Activity Agreement

SAN LUIS & DELTA-MENDOTA WATER AUTHORITY

RESOLUTION NO. 2026-

RESOLUTION AUTHORIZING EXECUTION OF LETTER AGREEMENT FOR LOS BANOS CREEK DETENTION DAM RESERVOIR RE-OPERATION PROJECT AND LOS BANOS CREEK DETENTION DAM RESERVOIR RE-OPERATION PROJECT ACTIVITY AGREEMENT

WHEREAS, the San Luis & Delta-Mendota Water Authority (“Water Authority”) has collaborated with the U.S. Bureau of Reclamation (“Reclamation”) on drought-resiliency objectives identified in the “Memorandum of Understanding between the United States of America Department of Interior Bureau of Reclamation and FWA [Friant Water Authority], SLDMWA, and SJRECWA [San Joaquin River Exchange Contractors Water Authority] for Establishing a South of Delta Drought Resiliency Framework” (“Drought Plan MOU”), including the need to develop surface and groundwater storage options outside of, and in addition to, the federal share of San Luis Reservoir; and

WHEREAS, the Los Banos Creek Detention Dam, a federally owned joint-use facility, has been identified as one such potential storage option for further evaluation; and

WHEREAS, Secretarial Order 3446 directs Reclamation to maximize acquisition flexibility by working with and leveraging the acquisition tools of its partners, including the Water Authority, and Article 35 of the Water Authority’s Transfer Agreement with Reclamation (Contract No. 8-07-20-X0354-X) provides the mechanism for Reclamation to provide cooperation/mutual aid to the Water Authority to undertake various projects like the Los Banos Creek Detention Dam Reservoir Re-Operation Project (“Project”); and

WHEREAS, through Section 50233 (Drought Mitigation in the Reclamation States) of Public Law 117-169, Reclamation has made \$16,000,000 of non-reimbursable funds available for the Project, and Reclamation has shared a draft Letter Agreement (“Funding Agreement”) for the non-reimbursable funds that would provide the mechanism for Reclamation to provide the non-reimbursable funds to the Water Authority; and

WHEREAS, the Water Authority is in the process of finalizing the Los Banos Creek Detention Dam Reservoir Re-Operation Project Activity Agreement (“Activity Agreement”) for Water Authority members who desire to participate in the benefits and incur the obligations of utilizing the non-reimbursable funds to carry out activities deemed necessary for completing the Project; and

WHEREAS, the Board has considered the latest draft of the Letter Agreement and the Activity Agreement, copies of which have been presented to the Board; and

WHEREAS, execution of the Letter Agreement and the Activity Agreement are administrative and organizational actions that will not result in a direct change in the environment or a reasonably foreseeable indirect change to the environment and, thus, do not constitute projects under the California Environmental Quality Act (“CEQA”). (CEQA Guidelines, § 15378(b)(5).)

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS, THAT:

Section 1. The facts stated in the recitals above are true and correct, and the Board so finds and determines.

Section 2. The Board hereby authorizes the Executive Director to execute the Letter Agreement for the Los Banos Creek Detention Dam Reservoir Re-Operation Project in substantially the form presented to the Board, subject to such additions, deletions, and other revisions as the said Executive Director shall approve prior to execution.

Section 3. The Board hereby authorizes the Executive Director to execute the Los Banos Creek Detention Dam Reservoir Re-Operation Project Activity Agreement in substantially the form presented to the Board, subject to such additions, deletions, and other revisions as the said Executive Director shall approve prior to execution.

Section 4. The Executive Director, Chief Operating Officer, or such Water Authority employee or consultant, as either of such officers designate, are further authorized and directed to take such additional steps, and to execute such additional documents, as may be required or reasonably necessary to the completion of the activities authorized by this Resolution.

PASSED, APPROVED AND ADOPTED this 9th day of July, 2026, by the Board of Directors of the San Luis & Delta-Mendota Water Authority.

Cannon Michael, Chair
San Luis & Delta-Mendota Water Authority

Attest:

Federico Barajas, Secretary

I hereby certify that the foregoing Resolution No. 2026- was duly and regularly adopted by the Board of Directors of the San Luis & Delta-Mendota Water Authority at the meeting thereof held on the 9th day of July, 2026.

Federico Barajas, Secretary



IN REPLY REFER TO:

CGB-100
1.3.11

United States Department of the Interior

BUREAU OF RECLAMATION
2800 Cottage Way
Sacramento, CA 95825-1898



Board of Directors
San Luis & Delta-Mendota Water Authority
842 6th Street
Los Baños, California 93635

Subject: Letter Agreement for the Los Banos Creek Detention Dam Reservoir Re-Operation Project

Dear Board Members:

This funding agreement (Agreement) made this ____ day of _____, 2026, pursuant to the Reclamation Act of June 17, 1902 (32 Stat. 388), and acts amendatory and supplementary thereto, including but not limited to, Section 50233, Inflation Reduction Act, Pub. L. No. 117-169, 136 Stat. 2053 (Aug. 16, 2022), and the San Joaquin River Restoration Settlement Act, Pub. L. 111-11, Title X, all collectively hereinafter referred to as “Federal Reclamation law”, between THE UNITED STATES OF AMERICA acting by and through the Bureau of Reclamation, hereinafter referred to as the “United States” or “Reclamation”, and the SAN LUIS & DELTA-MENDOTA WATER AUTHORITY, hereinafter referred to as the “Authority”, a joint powers authority duly organized, existing, and acting pursuant to the laws of the State of California and pursuant to that certain transferred works agreement (Contract No. 8-07-20-X0354-X, as amended) hereinafter referred to as the “Transfer Agreement.” Reclamation and the Authority may be referred to individually as a “Party” and collectively as “Parties.” This Agreement identifies the authority, roles, work, and responsibilities associated with disbursement of non-reimbursable funds authorized by Section 50233 (Drought Mitigation in the Reclamation States) of P.L. 117-169, and the San Joaquin River Restoration Settlement Act, Pub. L. 111-11, Title X, for the Los Banos Creek Detention Dam Reservoir Re-Operation Project (“Project”).

I. Recitals

- A. The Los Banos Creek Detention Dam (“LBCDD”) and Los Banos Creek Detention Reservoir (“LBCDR”) are federally-owned and state-operated facilities that were constructed jointly by Reclamation and the California Department of Water Resources (“DWR”) as part of the San Luis Unit of the Central Valley Project (“CVP”) to provide flood control protection to the San Luis Canal.

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- B. The LBCDD became operational in 1966 and the LBCDR has a maximum storage of 34,500 acre-feet (“AF”), although it is currently operated near or below the U.S. Army Corps of Engineers conservation pool of 20,600 AF of storage.
- C. The Parties have collaborated on drought-resiliency objectives identified in the “Memorandum of Understanding Between the United States of America Department of the Interior Bureau of Reclamation and FWA, SLDMWA, and SJRECWA for Establishing a South of Delta Drought Resiliency Framework” (Drought Plan MOU), including the need to develop surface and groundwater storage options outside of, and in addition to, the federal share of San Luis Reservoir. The Los Banos Creek Detention Dam has been identified as one such potential storage option for further evaluation.
- D. Reclamation has also collaborated with San Luis Water District, Grassland Water District, and the San Joaquin River Exchange Contactors to complete the permitting and construction necessary to reoperate the LBCDD within the existing 20,600 AF conservation pool under their proposed Los Banos Creek Detention Reservoir Storage Program. The program releases riparian water when necessary and allows the storage of up to approximately 8,000 AF of water within the conservation pool limit. This program was reviewed and approved by Reclamation and a temporary standing order was issued February 21, 2025.
- E. This Project is separate from the program identified in Recital D and is intended to modify the existing conservation pool without adversely affecting the Reclamation approved program in Recital D.
- F. The United States Department of the Interior Secretarial Order No. 3446 (November 20, 2025) directs Reclamation to “through its regional and area offices...actively engage with its water and power partners to identify opportunities to modify existing contracts or incorporate new provisions that enable qualified entities to assume responsibility for procuring and managing federally funded construction and maintenance projects at BOR facilities.”
- G. Consistent with the directive of Secretarial Order No. 3446, Reclamation has determined that the Authority is uniquely positioned to assist in completing the Project under the Mutual Aid (Article 35) provisions of the Transfer Agreement between Reclamation and the Authority (Contract No. 8-07-20-X0354-X).
- H. Pursuant to Section 50233 (Drought Mitigation in the Reclamation States) of P.L. 117-169, and the San Joaquin River Restoration Settlement Act, Pub. L. 111-11, Title X, Subtitle A, which together authorize the provision of non-reimbursable funds, the Secretary of the Interior, acting through Reclamation, is authorized to allocate non-reimbursable funds (not subject to repayment by the non-Federal beneficiaries [i.e. San Luis Unit, Delta Division, and San Felipe Division contractors]) to the Authority for the Project.

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- I. Secretarial Order No. 3446 directs Reclamation to maximize acquisition flexibility by working with and leveraging the acquisition tools of our partners and to explore the feasibility of expanding this partner-led approach to other Bureaus and Offices.
- J. This Agreement documents our shared understanding and intent for the Authority, representing member agencies who will collectively share in the costs and benefits of the Project (“Participating Agencies”) through the Los Banos Creek Detention Dam Reservoir Re-Operation Project Activity Agreement, as may be amended or supplemented, attached as Exhibit A (“Activity Agreement”), to assist Reclamation by carrying out, coordinating, and as needed, acquiring the technical, engineering, scientific, and professional services necessary to support completion of the Project.

NOW, THEREFORE, Reclamation and the Authority agree as follows:

II. Background

A. General Information:

- i. The Parties jointly developed Exhibit B, “Components of the South of Delta Drought Resiliency Framework,” pursuant to the Drought Plan MOU, which identified the need to pursue water storage options outside of, and in addition to, the federal share of San Luis Reservoir to improve long-term water supply reliability during multi-year drought conditions. As part of this effort, the Parties recognized LBCDD as a potential facility to relocate/protect stored drought-pool water in San Luis Reservoir that is subject to loss, thereby increasing operational flexibility for south-of-Delta CVP contractors.
- ii. LBCDD, a federally owned joint-use facility located approximately seven miles southwest of Los Banos, within the service area of San Luis Water District, provides flood control protection for the San Luis Canal, the Delta-Mendota Canal, the City of Los Banos, and surrounding agricultural lands. Reclamation identified the need to evaluate the reservoir’s capability to safely utilize up to 14,000 AF of temporary flood-space storage for drought-pool purposes and selected the Los Banos Creek Detention Dam Reservoir Re-Operation Project to receive \$16,000,000 in Inflation Reduction Act funding to conduct the necessary technical, engineering, dam-safety, environmental, and feasibility assessments required for this determination.
- iii. The Project will include performing a risk analysis and evaluating operational, regulatory, structural, and environmental considerations to determine whether re-operation of the facility can support the drought-resiliency objectives identified by the Parties in the Drought Plan MOU. Work related to San Luis Water District pumping plant system expansions to convey sufficient water from the San Luis Canal into the

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LBCDR may be evaluated as part of this analysis. However, any implementation or construction activities on the Federal reservoir will occur only after Reclamation has reviewed all outputs, including the Safety of Dams review, and has provided concurrence to proceed.

B. Funding to be Provided

- i. Reclamation will provide \$16,000,000 of non-reimbursable funding for the Authority to make available to Participating Agencies pursuant to Section 50233, Inflation Reduction Act, Pub. L. No. 117-169, 136 Stat. 2053 (Aug. 16, 2022) for the Project through miscellaneous obligation.
- ii. All non-reimbursable funds made available under this Agreement shall remain available by the United States until obligated through September 30, 2026, which constitutes the expiration of the funds obligation authority provided under Section 50233, Inflation Reduction Act, Pub. L. No. 117-169, 136 Stat. 2053 (Aug. 16, 2022), unless extended by a subsequently applicable appropriations act. Reclamation shall provide written notice to the Authority if any change to this obligation availability period occurs.
- iii. Any amounts obligated on or before September 30, 2026 shall remain available for liquidation through September 30, 2031. At the conclusion of the applicable liquidation period, any unobligated or unliquidated balances shall be de-obligated and returned to the United States.

C. Planned Work

- i. The Authority will provide the means for Participating Agencies to carry out all activities deemed necessary for completing the Project. This includes, but is not limited to, technical, engineering, modeling, environmental, project management, implementation, and related tasks. The Authority will oversee activities as described in the Activity Agreement. Reclamation will provide technical input as requested.
- ii. The specific deliverables to be provided to Reclamation under this Agreement include:
 1. Reservoir re-operation plan, including construction;
 2. Safety of Dams Report;
 3. Environmental compliance documentation;
 4. Los Banos Creek Detention Dam risk analysis and resulting recommendation;
 5. San Luis Water District Pumping Plant Nos. 8 and 9 evaluation, improvement plan, and upgrades;

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6. Design, planning, and implementation documents for eligible project elements;
7. Recreation and affected-facility evaluation and relocation; and
8. Final reports, supporting technical memoranda, cost estimates, schedules, and other documentation reasonably necessary for Reclamation review, funding compliance, and implementation of the Project.

D. Roles and Responsibilities

- i. Authority and/or Participating Agencies
 1. Complete and Implement Project
 2. Contracting Agent
 3. Secure third-party program manager to ensure funding agreement obligations and project deliverables are accomplished
- ii. Reclamation
 1. Funding pursuant to this Agreement
 2. Technical Guidance & Review as Requested
 3. Quality Assurance & Compliance
 4. Approve Project Scopes, Deliverables, and Implementation

III. **Reporting:** Reclamation and the Authority will each prepare and submit to the other Party a quarterly report of all Project expenditures incurred by such Party during each quarter of the Federal fiscal year. The reports will be due not later than thirty (30) days following the end of the previous quarter.

IV. **General Provisions**

- A. Drafting Considerations: This Agreement has been negotiated and reviewed by the Parties, each of whom is sophisticated in the matters to which this Agreement pertains, and neither Party will be considered to have drafted the Agreement or any of the articles.
- B. Contracts with Third Parties: The Authority and/or Participating Agencies shall have exclusive authority over all procurement activities conducted under this Agreement. All acquisitions, contracts, and purchasing decisions will be governed by the applicable procurement laws, regulations, and policies of the State. The Parties agree to comply with all applicable state procurement requirements, including competitive bidding procedures, contract oversight, and ethical standards. Any disputes arising from procurement activities will be resolved according to state law and applicable regulatory provisions.
- C. Professional Responsibility and Indemnification: The Authority and/or Participating Agencies shall be solely responsible for all technical, engineering,

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modeling, environmental, project management, and implementation work once approved by Reclamation completed in carrying out the Project by or on their behalf. To the fullest extent permitted by law, the Authority shall hold harmless and indemnify the United States from any and all claims arising from errors, omissions, or deficiencies in such work, except for intentional torts committed by employees of the United States. This obligation survives termination of this Agreement.

- D. Failure to Complete Work: In the event that the Authority fails to complete the work to be performed pursuant to this Agreement for any reason other than the failure of the United States to appropriate and allocate funds, the Authority shall, upon receipt of written notice from the Contracting Officer, suspend payment on all current contracts and return to the United States any unexpended balance of funds advanced by the United States and contributed by the Contractor in such amounts as determined to be equitable by the Contracting Officer.
- E. Assignment Limited – Successors Assigns Obligated: The provisions of this Agreement will apply to and bind the successors and assigns of the Parties, but no assignment to transfer of this Agreement or any part or interest therein by the Authority shall be valid until approved by the United States. Such approval shall not be withheld unreasonably.
- F. Rules, Regulations, and Determinations: The Regional Director shall have the right to make determinations necessary to administer this Agreement that are consistent with the expressed and implied provisions of this Agreement, the laws of the United States and the State of California, and the rules and regulations promulgated by the Secretary of the Interior. Such determinations shall be made in consultation with the Authority.
- G. Term of Agreement: This Agreement shall be effective on the date it has been signed by both Parties, and shall terminate on the Project completion date as announced in writing by the Contracting Officer or by September 30, 2031 when authorization for the non-reimbursable funds provided under this Agreement pursuant to Section 50233, Inflation Reduction Act, Pub. L. No. 117-169, 136 Stat. 2053 (Aug. 16, 2022) has expired, whichever comes sooner.
- H. Compliance with Legal Requirements: The Authority, the Participating Agencies, and relevant contractors shall comply with all applicable Federal, State, and local laws, executive orders, rules and regulations applicable to its performance under this Agreement.
- I. Incorporation of Transfer Agreement Provisions: The Parties acknowledge and agree that Articles of the Transfer Agreement are applicable to this Agreement and are incorporated into this Agreement by reference, including the following: Articles 10 (Resolution of Disputes), 15 (Books, Records, and Reports), 21 (Contingent on Appropriation or Allotment of Funds), 22 (Officials Not to Benefit), 24

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(Compliance with Civil Rights Laws and Regulations), 26 (Notices), 29 (Changes in Organization), and 35 (Cooperation/Mutual Aid).

- J. Non-Waiver: The Parties acknowledge and agree that by the Authority entering into this Agreement, that approval does not cause any San Luis Unit, Delta Division, or San Felipe Division Contractor (CVP Contractor) to waive or release any rights or obligations under their applicable Water Delivery Contract (as such term is defined in the Transfer Agreement) or with respect to the implementation of the Project. The Parties acknowledge that each CVP Contractor expressly preserves its right to make any and all claims it may have now or in the future pursuant to such CVP Contractor's Water Delivery Contract, including but not limited to, the obligation to make payments with respect to the Project under their respective Water Delivery Contract beyond their respective share of Project OM&R costs budgeted and approved by the Authority Board.

Sincerely,

Adam Nickels
Acting Regional Director

The San Luis & Delta-Mendota Water Authority hereby agrees to the foregoing terms.

SAN LUIS & DELTA-MENDOTA WATER
AUTHORITY

By: _____
Chair, Board of Directors

Attest:

By: _____
Secretary of the Board of Directors

SAN LUIS & DELTA-MENDOTA WATER AUTHORITY
LOS BANOS CREEK DETENTION DAM RESERVOIR RE-OPERATION PROJECT
ACTIVITY AGREEMENT

This **LOS BANOS CREEK DETENTION DAM RESERVOIR RE-OPERATION PROJECT ACTIVITY AGREEMENT** (“**Activity Agreement**”) is entered into and made effective as of this ____ day of _____ 2026 (“**Effective Date**”), by and among the San Luis & Delta-Mendota Water Authority (“**Authority**”), a joint powers agency of the State of California, and any member or members who execute this Agreement, who are hereinafter referred to jointly by the term “**Activity Agreement Members**.” Capitalized terms used in this Activity Agreement shall have the meanings set forth in Section 2 below.

1. RECITALS

A. The Activity Agreement Members, together with certain other local agencies, are parties to the Second Amended and Restated Joint Exercise of Powers Agreement for the San Luis & Delta-Mendota Water Authority, dated July 8, 2024 (the “**JPA**” or “**JPA Agreement**”), by and among the parties indicated therein, establishing the Authority for the purpose of exercising the common powers of the Activity Agreement Members, including those powers described in this Activity Agreement.

B. The Activity Agreement Members are each empowered, among other powers, to provide water service to lands within their boundaries; to operate and maintain works and facilities for the development, distribution, and use of water for irrigation and for any drainage or reclamation works connected therewith or incidental thereto and/or to operate and maintain works and facilities for the development, distribution and use of water for municipal and industrial use; to contract with the United States, the State and other public agencies and, effective January 1, 1995, with mutual water companies, for such purposes; to control the quality of water accepted into their respective systems; to exercise powers related to the construction, operation, or maintenance of water storage and delivery facilities; and to adopt rules and regulations necessary to the exercise of such powers.

C. The Activity Agreement Members have each entered into contracts with the United States Bureau of Reclamation (“**Reclamation**”) for water service and/or the use of Central Valley Project (“**CVP**”) storage and/or conveyance facilities including, but not limited to, the Delta-Mendota Canal, the San Luis Canal, and/or the Pacheco Pumping Plant and Tunnel.

D. The Los Banos Creek Detention Dam (“**LBCDD**”) and Los Banos Creek Detention Reservoir (“**LBCDR**”) are federally-owned and state-operated facilities that were constructed jointly by Reclamation and the California Department of Water Resources (“DWR”) as part of the San Luis Unit of the Central Valley Project (“CVP”) to provide flood control protection to the San Luis Canal.

E. The LBCDD became operational in 1966 and the LBCDR has a maximum storage of 34,500 acre-feet (“**AF**”), although it is currently operated near or below the U.S. Army Corps of Engineers conservation pool of 20,600 AF of storage.

F. The Authority and Reclamation have collaborated on drought-resiliency objectives identified in the “Memorandum of Understanding Between the United States of America Department of the Interior Bureau of Reclamation and FWA, SLDMWA, and SJRECWA for Establishing a South of Delta Drought Resiliency Framework”, including the need to develop surface and groundwater storage options outside of, and in addition to, the federal share of San Luis Reservoir. The Los Banos Creek Detention Dam has been identified as one such potential storage option for further evaluation.

G. Reclamation has also collaborated with San Luis Water District, Grassland Water District, and the San Joaquin River Exchange Contactors to complete the permitting and construction necessary to reoperate the LBCDD within the existing 20,600 AF conservation pool, to allow for the release of riparian water when necessary and the storage of up to approximately 8,000 AF of water.

H. The LBCDD, located approximately seven miles southwest of Los Banos, within the service area of San Luis Water District, provides flood control protection for the San Luis Canal, the Delta-Mendota Canal, the City of Los Banos, and surrounding agricultural lands. Reclamation identified the need to evaluate the reservoir’s capability to safely utilize up to 14,000 acre-feet of temporary flood-space storage for drought-pool purposes and selected the Los Banos Creek Detention Dam Reservoir Re-Operation Plan to receive \$16,000,000 in non-reimbursable Inflation Reduction Act funding (“**Non-Reimbursable Funding**”), authorized by Section 50233 (Drought Mitigation in the Reclamation States) of P.L. 117-169, to conduct the necessary technical, engineering, dam-safety, environmental, and feasibility assessments required for this determination.

I. The Los Banos Creek Detention Dam Reservoir Re-Operation Project (“Project”) will include performing a risk analysis, evaluating operational, regulatory, structural, and environmental considerations to determine whether re-operation of the facility can support the identified drought-resiliency objectives, implementing recommendations resulting from the risk analysis, and completing the necessary San Luis pumping plant system expansions to convey sufficient water from the San Luis Canal into the LBCDR.

J. The Project is more fully described in Exhibit “B” to this Agreement.

K. The United States Department of the Interior Secretarial Order No. 3446 (November 20, 2025) directs Reclamation to “through its regional and area offices...actively engage with its water and power partners to identify opportunities to modify existing contracts or incorporate new provisions that enable qualified entities to assume responsibility for procuring and managing federally funded construction and maintenance projects at BOR facilities.”

L. Consistent with the directive of Secretarial Order No. 3446, Reclamation has determined that the Authority is uniquely positioned to assist in completing the Project under the Mutual Aid (Article 35) provisions of the Transfer Agreement between Reclamation and the Authority (Contract No. 8-07-20-X0354-X).

M. The Authority and Reclamation entered into a “Letter Agreement for the Los Banos Creek Detention Dam Reservoir Re-Operation Project,” dated [REDACTED], 2026, which identifies the authority, roles, work, and responsibilities of the Authority and Reclamation associated with disbursement of the Non-Reimbursable Funding for the Project (“**Letter Agreement**”).

N. This Activity Agreement, along with any future agreement entered into between the Authority and any Activity Agreement Member who receives disbursement of the Non-Reimbursable Funding from the Authority, govern the Authority’s disbursement of the Non-Reimbursable Funding to the Activity Agreement Members.

O. The Activity Agreement Members may enter into a separate agreement among themselves to govern the activities undertaken in furtherance of the Project.

P. Each of the Activity Agreement Members desire to participate in the benefits and is willing to incur the obligations of this Activity Agreement through the joint exercise of their common powers.

Q. The Authority and each of the Activity Agreement Members have shared, and continue to share, a common interest in sharing information and resources reasonably necessary to accomplish the purpose in this Activity Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the true and correct facts recited above, and of the covenants, terms, and conditions set forth herein, the Activity Agreement Members and the Authority agree as follows:

2. DEFINITIONS

A. **“Activity Agreement”** or **“Agreement”** shall mean this Los Banos Creek Detention Dam Funding Activity Agreement.

B. **“Activity Agreement Expenses”** shall mean all expenses directly incurred by the Authority pursuant to this Activity Agreement and any agreements executed in conjunction with this Activity Agreement, together with a share of Authority Administration Costs allocable to Activity Agreement Members.

C. **“Activity Agreement Member”** shall mean a member of the Authority who is signatory to this Activity Agreement. The Activity Agreement Members are listed in Exhibit “A” attached hereto.

D. **“Administration Agreement(s)”** shall mean those certain agreements between the Authority and Activity Agreement Members for the undertaking of activities and sharing of costs and benefits pursuant to Sections 22 and 23 of the JPA.

E. **“Authority”** shall mean the San Luis & Delta-Mendota Water Authority.

F. **“Authority Administration Costs”** shall mean the Authority’s general administration expenses, including rent and other occupancy charges, acquisition costs of office furniture and equipment, including telephone, telecopy, photocopy, cost of cars and other vehicles, insurance premiums, salaries and wages of employees including payments in connection with retirement programs and other benefit programs, fees of creditors, lawyers, engineers and other consultants, travel, telephone, telecopy, and photocopy expenses, and any other general administrative expenses, a percentage of which will be allocated to this Activity Agreement by the Authority.

G. **“Board of Directors”** shall mean the Board of Directors of the San Luis & Delta-Mendota Water Authority.

- H. **“Fiscal Year”** shall mean the Authority’s March 1 – February 28/29 fiscal year.
- I. **“JPA”** or **“JPA Agreement”** shall mean that certain Second Amended and Restated Joint Exercise of Powers Agreement effective July 8, 2024, establishing the Authority, as it has been and may be amended or restated over time.
- J. **“LBCDD”** shall mean the Los Banos Creek Detention Dam.
- K. **“LBCDR”** shall mean the Los Banos Creek Detention Reservoir.
- L. **“Letter Agreement”** shall mean the Letter Agreement, dated [REDACTED], 2026, described in Section 1.L. above.
- M. **“Non-Reimbursable Funding”** shall mean the \$16,000,000 in government-provided non-reimbursable Inflation Reduction Act funding for the Los Banos Creek Detention Dam Reservoir Re-Operation Project.
- N. **“Project”** shall mean the Los Banos Creek Detention Dam Reservoir Re-Operation Project, as more specifically described in Exhibit “B” to this Agreement, including preliminary work elements of performing a risk analysis, evaluating operational, regulatory, structural, and environmental considerations to determine whether re-operation of the facility can support the identified drought-resiliency objectives, implementing recommendations resulting from the risk analysis, and completing the necessary San Luis pumping plant system expansions to convey sufficient water from the San Luis Canal into the LBCDR.
- O. All other capitalized terms used herein will have the meanings ascribed to them in this Activity Agreement.

3. PURPOSE OF AGREEMENT

A. The purpose of this Activity Agreement is to provide the contractual basis by which the Authority will disburse and the Activity Agreement Members will receive the Non-Reimbursable Funding for the Project.

5. ORGANIZATION

The business of this Activity Agreement shall be conducted by the Authority at large and therefore governed by the Board of Directors of the Authority.

6. ROLE OF THE AUTHORITY

A. Role of the Authority. The role of the Authority under this Activity Agreement will be to provide, through Authority staff or contracts with consultants, coordinated services to assist the Activity Agreement Members in conducting the activities contemplated by this Agreement. The

Authority will provide only those services supported with funding from the Activity Agreement Members or other means that will not impose costs on members of the Authority that are not Activity Agreement Members, in accordance with budgets recommended by staff, and approved by the Activity Agreement Members and the Board of Directors, as more specifically provided under the terms of this Agreement.

B. Authorized Activities of the Authority under the Activity Agreement. The types of activities authorized to carry out the purposes of this Activity Agreement shall specifically include, but shall not be limited to, the following:

- i. To allocate and disburse the Non-Reimbursable Funding to Activity Agreement Members utilizing Authority staff or contracts with consultants.
- ii. To establish a standardized process for regulatory compliance, financial accountability, and completion of audit trails.
- iii. To provide accounting and billing services to collect from the Activity Agreement Members the costs of services incurred under the Activity Agreement pursuant to the terms of this Activity Agreement.

C. Limitations on Authority Role. Notwithstanding this Activity Agreement, it is the intent of the Parties to this Agreement that the Activity Agreement Members are responsible for carrying out all activities necessary for preparing and completing the Project, including, but not limited to, technical, engineering, modeling, environmental, project management, implementation, and related tasks and that the Activity Agreement Members maintain complete control and autonomy over any eventual purpose or use of the Project. Nothing in this Agreement authorizes the Authority to commit the Activity Agreement Members to study actions within their respective boundaries.

7. POWERS RESERVED TO BOARD OF DIRECTORS AND LIMITATIONS THEREON

A. The Board of Directors shall have ultimate approval authority over all Activity Agreement annual budgets based upon the recommendation of staff and approval of the Activity Agreement Members; provided, the Board of Directors may not modify the Activity Agreement annual budgets without staff's review and recommendation and Activity Agreement Members approval of such modification.

B. The Board of Directors shall have the right, upon recommendation of or in consultation with staff and Activity Agreement Members, to approve all amendments to this Activity Agreement, including any amendment terminating the Activity Agreement, provided, that no amendment of this Activity Agreement shall be required to add new Activity Agreement Members.

C. The Board of Directors shall have the right, upon the recommendation of or in consultation with staff, to act on any claims and to make decisions concerning the prosecution of, defense of, or other participation in actions or proceedings at law brought against the Authority arising from this Activity Agreement.

D. The Board of Directors delegates to staff the authority to conduct the activities described in this Activity Agreement pursuant to the terms of this Activity Agreement, without the required approval of the Board of Directors except as specifically provided in this Section 7. This delegation will specifically include, but not be limited to, the power to enter contracts within approved Activity Agreement budgets.

8. BUDGETARY RESPONSIBILITIES

A. To the extent that the Authority prepares budgets for this Activity Agreement, the Activity Agreement members agree to cooperate with the Authority in the development of any such budgets for the activities authorized by this Activity Agreement, annually or more frequently as needed, for presentation to the Board of Directors in accordance with Section 22 of the JPA Agreement. Budgeted amounts for this Activity Agreement will be collected through the invoicing process described in Section 9 of this Activity Agreement, and formal amendment of such budgets through Board of Directors approval is not required for adjustments that are fully collected as described in Section 9 of this Activity Agreement.

B. Initial Budget. To initially fund the budget for this Activity Agreement, the Activity Agreement Members agree to contribute a total of \$20,000 in equal shares. In the event the Activity Agreement Members have contributed initial funding for purposes of the Activity Agreement through a separate form of agreement then the amounts paid under such agreement shall be credited against the initial costs for all Activity Agreements required by this Section, with appropriate adjustments for any overpayments.

C. Budget to Actual Adjustments. The Authority shall true up budgeted amounts for Activity Agreement Expenses collected from the Activity Agreement Members annually following

the end of each fiscal year. Any over-payments shall be credited or refunded to each Activity Agreement Member for the period through February 28, 2027, and for each year thereafter. Each Activity Agreement Member shall be billed for any under-payment following the true-up, with payment due thirty (30) days after the invoice is received.

9. ACTIVITY AGREEMENT EXPENSES AND ALLOCATION OF ADMINISTRATION COSTS

A. Each member of the Authority has entered into an Administration Agreement which authorizes an agreement by and among the Authority and any of its members or other entities to provide for undertaking and sharing costs and benefits of any authorized activity of the Authority. The Authority and the Activity Agreement Members agree that all Activity Agreement Expenses incurred by the Authority under this Activity Agreement are the costs of the Activity Agreement Members, and not of the Authority, and shall be paid by the Activity Agreement Members based upon the terms of this Agreement.

B. The Authority shall bill each Activity Agreement Member for Activity Agreement Expenses on the same schedule as it utilizes for collecting membership dues to implement the Authority budget for each March 1 through February 28/29 fiscal year, generally twice yearly in mid-March and August. Activity Agreement Members shall make payment to the Authority within thirty (30) days of receipt of invoice from the Authority.

C. The Activity Agreement Members further agree that the Board of Directors is authorized to allocate a share of Authority Administration Costs to cover the cost to the Authority of administering this Activity Agreement.

10. DISBURSEMENT OF FUNDS

A. As a condition to disbursement, the Authority may establish processes and requirements for itself and/or the Activity Agreement Members that are consistent with the Office of Management and Budget's ("OMB") Uniform Guidance for intermediaries advancing government funding contained in Code of Federal Regulations Title 2/Subtitle A/Chapter II/Part 200 (see 2 CFR 200.302, 200.305, 200.331–332), OMB Circular A-102, and any other laws, rules, regulations, and guidances the Authority deems appropriate.

B. The Authority may require the Activity Agreement Members who are to receive the funding to enter into an agreement with the Authority for the purpose of detailing the specifics

applicable to disbursement of the funds. The Activity Agreement Members who receive the funding agree to enter into such an agreement with the Authority if so required by the Authority.

11. APPROVAL BY AN ACTIVITY AGREEMENT MEMBER

A. When the terms of this Agreement or applicable law require the approval of an Activity Agreement Member, written documentation of such approval, whether by Resolution, motion, or other form of authorization, must be provided to the Authority and to each of the other Activity Agreement Members.

B. For actions requiring the approval of only a particular Activity Agreement Member, approval by such Activity Agreement Member is required. When approval of the Activity Agreement Members is required for a particular action, the approval of a majority of the Activity Agreement Members will constitute approval of the action.

C. Approval by the Activity Agreement Member or the Activity Agreement Members as appropriate shall be required for: (i) Approval of an annual budget and (ii) Amendment of this Agreement, including but not limited to, for purposes of adding a new Member or the replacement of this Agreement with an alternative form of agreement.

12. ACCOUNTABILITY, REPORTS, AND AUDITS

A. The Activity Agreement Members understand that implementation of Secretarial Order No. 3446 is “subject to the availability of appropriated funds and must comply with all applicable laws. All financial transactions and partner reimbursements shall be recorded, audited, and reported in accordance with the Department’s financial management standards and Office of Management and Budget guidance. No agreement entered pursuant to this Order shall permit a partner obligate Federal funds beyond what is legally available or appropriated for that purpose.” (Secretarial Order No. 3446, Section 7.)

B. Full books and accounts for this Activity Agreement shall be maintained by the Authority in accordance with practices established by, or consistent with, those utilized by the Controller of the State of California for public entities. The books and records shall be open to inspection by the Activity Agreement Members at all reasonable times, and by bondholders and lenders as and to the extent provided by resolution or indenture.

C. There shall be strict accountability of all funds deposited on behalf of the Activity Agreement with the Authority. The Treasurer of the Authority, directly or acting through its Accounting Department, shall provide regular reports of Activity Agreement accounts. Funds of

the Activity Agreement shall be subject to audit by the official auditor of the Authority. An Activity Agreement Member may request an independent audit of the Activity Agreement funds; any such audit shall be conducted at the expense of the requesting Activity Agreement Member.

13. SOURCE OF PAYMENTS

Each Activity Member agrees that it will timely take actions necessary to provide sufficient money to meet its obligations hereunder.

14. INDEMNIFICATION

A. The Activity Agreement Members shall hold the Authority and each of its members who are not Activity Agreement Members, free and harmless from and indemnify each of them against any and all costs, losses, damages, claims and liabilities arising from actions or inactions taken under this Activity Agreement and the Letter Agreement. This indemnification obligation includes the obligation of the Activity Agreement Members to defend the Authority, and all members of the Authority that are not Activity Agreement Members, at the sole expense of the Activity Agreement Members, in any action or proceeding brought against the Authority or any of its members that are not Activity Agreement Members, to recover any such costs, losses, damages, claims or liabilities arising from this Activity Agreement or the Letter Agreement, as well as the obligation to pay for any and all costs of litigation incurred by the Authority as a result of entering into this Activity Agreement or the Letter Agreement. Such costs may include, but are not limited to, attorneys' fees and costs incurred by the Authority pursuant to approved budgets to defend its provision of services under this Activity Agreement.

B. Any Activity Agreement Member that withdraws from the Activity Agreement agrees that it shall indemnify the Authority and all other Activity Agreement Members from costs, losses, damages, claims or liabilities incurred as of the date of its withdrawal or arising from its withdrawal from the Activity Agreement, without increasing the indemnification obligation of other Activity Agreement Members.

C. Any Activity Agreement Member that fails to perform its financial obligations under the Activity Agreement agrees that it shall indemnify the Authority and all other Activity Agreement Members from costs, losses, damages, claims, or liabilities arising from its failure to perform such financial obligations.

15. TERM

This Activity Agreement shall take effect following execution by at least one (1) Authority member (“**Effective Date**”), will be retroactive for costs incurred in pursuit of the Letter Agreement and development of this Activity Agreement, and shall remain in full force and effect until rescinded or terminated by the Authority and the Activity Agreement Members.

16. WITHDRAWAL FROM FURTHER PARTICIPATION

A. An Activity Agreement Member may withdraw from this Agreement at any time by obtaining the agreement of one or more other Activity Agreement Members to fully assume the benefits and obligations pertaining to the withdrawing Activity Agreement Member and by satisfying the process and requirements set forth in this Section 15.

B. Notice and Effective Date. An Activity Agreement Member may withdraw from this Activity Agreement at any time by providing written notice to the Authority and the other Activity Agreement members. The withdrawal shall be effective thirty (30) days after sending the written notice.

C. Payment Obligations. Withdrawal is conditioned upon the withdrawing Activity Agreement Member ensuring to the satisfaction of the other Activity Agreement Members that there are no adverse impacts to those members from the withdrawal. This may occur via the withdrawing Activity Agreement Member’s payment or agreement to pay its share of all debts, liabilities, and obligations of the Authority pursuant to this Activity Agreement and any agreement with the Authority described in Section 10.B and incurred prior to the effective date of such withdrawal and reimbursement to the Authority of any unused Project funds disbursed to the withdrawing member by the Authority. A withdrawing party shall, within thirty (30) days of the withdrawal date, pay all such Activity Agreement Member’s financial obligations incurred prior to such withdrawal date pursuant to the terms of this Activity Agreement and reimburse unused funds to the Authority or enter into an agreement acceptable to the Authority for continuing payment of such obligations until fully paid.

D. Rights Following Withdrawal. As of the withdrawal date, all rights of participation in this Activity Agreement shall cease for the withdrawing Activity Agreement Member.

E. Obligations Following Withdrawal. Withdrawal shall not excuse the withdrawing Activity Agreement Member’s performance of obligations imposed upon that party by any judgment which has been entered by a court of competent jurisdiction or regulation to which the Authority or the Activity Agreement Members are subject and that arise from or are related to

activities of the Activity Agreement conducted during the period when the withdrawing Activity Agreement Member participated in this Activity Agreement. Furthermore, the indemnification obligations set forth in Section 13 of this Activity Agreement shall survive a party's withdrawal from this Activity Agreement for activities under this Activity Agreement conducted during the period when the withdrawing Activity Agreement Member participated in this Agreement.

17. ADMISSION OF NEW MEMBERS

After thirty (30) days from Effective Date of this Agreement, no additional members of the Authority may become participants of this Agreement without the written consent of all of the other Activity Agreement Members and of the Board of Directors. The written consent of the other Activity Agreement Members and of the Board of Directors will include terms, if necessary, to ensure the Activity Agreement Members do not bear undue financial obligations, e.g. payment of an equal share of the costs previously paid by Activity Agreement Members. The admission of any Activity Agreement Member pursuant to this section shall be documented by that new Activity Agreement Member signing this Activity Agreement. Upon admission of a new Activity Agreement Member, the parties shall agree to any necessary modifications to the Activity Agreement as may be required.

18. MISCELLANEOUS

A. California Environmental Quality Act. Each potential activity subject to this Activity Agreement or other related agreements has been or will be fully evaluated in compliance with CEQA, as applicable. This Activity Agreement does not, and is not intended to, bind any party to a definite course of action or limit in any manner the discretion of the Authority and/or Activity Agreement Members, or any other public agency, as applicable, in connection with the Project. Executing the Activity Agreement is an administrative and organizational action that will not result in a direct physical change in the environment or a reasonably foreseeable indirect change to the environment and thus is not a project as defined by CEQA Guidelines section 15378(b)(5).

B. Amendments. This Agreement may be amended in writing by the Authority and the Activity Agreement Members.

C. Contracts with Third Parties. Activity Agreement Members agree that all acquisitions, contracts, and purchasing decisions made in furtherance of the Project will be governed by the applicable procurement laws, regulations, and policies of the State. The Activity Agreement Members agree to comply with all applicable state procurement requirements, including

competitive bidding procedures, contract oversight, and ethical standards in any activities undertaken in furtherance of the Project.

D. Assignment; Binding on Successors. Except as otherwise provided in this Activity Agreement, the rights and duties of the Activity Agreement Members may not be assigned or delegated without the written consent of the Authority and other Activity Agreement Members. Any attempt to assign or delegate such rights or duties in contravention of this Activity Agreement shall be null and void. Any approved assignment or delegation shall be consistent with the terms of any contracts, resolutions, indemnities, and other obligations of the Authority then in effect. This Activity Agreement shall inure to the benefit of, and be binding upon, the successors and assigns of the Authority and the Activity Agreement Members.

E. Counterparts. This Activity Agreement may be executed by the Authority and the Activity Agreement Members in separate counterparts, each of which when so executed and delivered shall be an original, but all such counterparts shall together constitute but one and the same instrument.

F. Governing Law. This Activity Agreement shall be governed by the laws of the State of California.

G. Severability. If one or more clauses, sentences, paragraphs or provisions of this Activity Agreement shall be held to be unlawful, invalid or unenforceable, it is hereby agreed by the Activity Agreement Members and the Authority that the remainder of the Activity Agreement shall not be affected thereby.

H. Headings. The titles of sections of this Activity Agreement are for convenience only and no presumption or implication of the intent of the parties as to the construction of this Activity Agreement shall be drawn therefrom.

I. Reasonable Cooperation. Activity Agreement Members will reasonably cooperate with each other and the Authority to perform the obligations under this Activity Agreement and to carry out the purpose and intent of this Activity Agreement.

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IN WITNESS WHEREOF, the Members and the Authority have executed this Activity Agreement as of the date appearing next to their respective signature lines:

SAN LUIS & DELTA-MENDOTA WATER AUTHORITY

By: _____

Name: _____

Title: _____

Date: _____

ACTIVITY AGREEMENT MEMBERS

[Insert Member Agency Name]

By: _____

Name: _____

Title: _____

Date: _____

[Insert Member Agency Name]

By: _____

Name: _____

Title: _____

Date: _____

[Insert Member Agency Name]

By: _____

Name: _____

Title: _____

Date: _____

EXHIBIT “A”
ACTIVITY AGREEMENT MEMBERS

[insert list of members here]

DRAFT

Exhibit B — Preliminary Project Work Plan and Cost Allocation

Los Banos Creek Detention Dam

Reservoir Re-Operation Plan to Utilize the Upper 14,000 AF of Storage for Drought Pool Purposes

June 2026

The Los Banos Creek Detention Dam (LBCDD or dam) and Los Banos Creek Detention Reservoir (LBCDR or reservoir) are Federally owned and State operated facilities that were constructed jointly by the United States Bureau of Reclamation (Reclamation) and the California Department of Water Resources (DWR) as part of the San Luis Unit of the Central Valley Project (CVP) to provide flood control protection to the San Luis Canal. The LBCDR also provides flood protection to the City of Los Banos. The California Department of Parks and Recreation (DPR) operates the public recreational facilities at LBCDR. The dam and reservoir are located approximately six miles southwest of the City of Los Banos. The dam became operational in 1966 and the reservoir has a maximum storage of 34,500 acre-feet (AF). The LBCDR is currently operated near or below the United States Army Corps of Engineers (USACE) conservation pool of 20,600 AF of storage, even though summer operations allow storage of 34,500 AF as authorized by the USACE guidance manual.

The dam has been operated primarily as a flood control facility during the late fall and winter months. During flood flows the water surface may temporarily exceed the 20,600 AF conservation pool but operators release water in accordance with the USACE flood control diagram to return to the top of conservation pool as soon as possible.

In 2012, Reclamation was asked to consider a reoperation of LBCDD that allowed water to be pumped into the reservoir from San Luis Water District’s Pumping Plant #8 on the San Luis Canal and stored in the upper 14,000 AF of the reservoir. Water would be returned to the CVP by releasing water from the existing reservoir outlet works into the creek and diverted into the Delta-Mendota Canal for use in the summer and fall.

In response to the request, Reclamation’s TSC developed a work plan and cost estimate to prepare a dam safety evaluation and recommendations regarding storing water at the higher levels. (See Attachment 5)

Most recently, Reclamation, San Luis Water District, Grassland Water District, and the San Joaquin River Exchange Contractors completed the permitting and construction necessary to reoperate LBCDD within the existing 20,600 acre-foot conservation pool. The completed project allows for the release of riparian water when necessary and the storage of up to approximately 8,000 acre-feet of water developed or made available by the three participating entities.

The proposed project would allow water at risk of spill or loss from San Luis Reservoir to be temporarily stored in Los Banos Creek Detention Reservoir and released later in the water year when it can be beneficially used subject to applicable operational conditions and recognition of existing LBCDD operating requirements and the operational needs and capacity limitations of San Luis Water District facilities.

Preliminary Work Elements: The work elements and cost estimates shown below are preliminary, planning-level estimates and are subject to refinement based on Reclamation review, dam-safety findings, environmental compliance, design development, funding eligibility, and agreement among the participating agencies.

- 1) Retain a qualified consultant to work with the Denver Technical Services Center (TSC) to perform a “Los Banos Creek Detention Dam Risk Analysis” with recommendations for instrumentation or dam modifications to store water in the reservoir above 20,600 AF. (See Attachment 5.)
- 2) Implement recommendations resulting from the Risk Analysis.
- 3) To convey sufficient water from the San Luis Canal into the reservoir, an expansion of the SLWD pumping plant #8 and #9 systems, including necessary filter and treatment systems, will be needed. The existing San Luis Canal turnout is rated at approximately 100 cfs, but the existing pumping facilities are limited to approximately 30 cfs.
 - a. Perform a planning study in parallel with Task 1 to determine immediate retrofits to existing SLWD facilities to immediately increase delivery capacity to LBCDD. The planning study will evaluate and identify operational control, capacity priority and operation and maintenance cost recovery for the Project. The planning study will also include a preliminary evaluation of whether Reclamation’s existing water rights and the proposed water sources and water types are compatible with storage in LBCDD.
 - b. Perform retrofits to existing SLWD system and increase delivery capacity as approved by SLWD.
 - c. Evaluate and implement longer-term improvements to increase the capacity of the SLWD delivery system, including a potential parallel pipeline.
- 4) Evaluate potential effects of higher reservoir operations on day-use, camping, parking, roadway, utility, and related recreation facilities, and relocate, modify, replace, or protect those facilities as determined necessary.
- 5) A diversion facility was installed in 2017 in Los Banos Creek to divert reservoir releases into the Delta-Mendota Canal. (Work Completed)

Preliminary Cost Estimate

TASK		Estimated Cost (\$)	Comments
1 – TSC-guided Risk Analysis of Reservoir Re-operation		\$1,500,000	Escalated from 2012 proposal
2 - Possible work on LBCDD from TSC recommendations.		\$1,500,000	To be determined through TSC study.
3 - Retrofit SLWD PP #8-9 System to increase flow capacity			
	a. Planning and other Studies to determine project improvements and operational requirements .	\$350,000	Work done in parallel with work task 1.
	b. Immediate - Pump stations 8 & 9, filter station and existing pipeline upgrades.	\$2,500,000	Estimate to be confirmed in 3a. Increases existing delivery system capacity immediately.
	c. Next Steps - increase capacity of SLWD system Install a parallel pipeline.	\$8,000,000	Estimate to be confirmed in 3a. Needed flow capacity to fully utilize upper reservoir space.
4 - Relocate certain LBCDD Day Use Facilities		\$2,150,000	
Total		\$16,000,000	

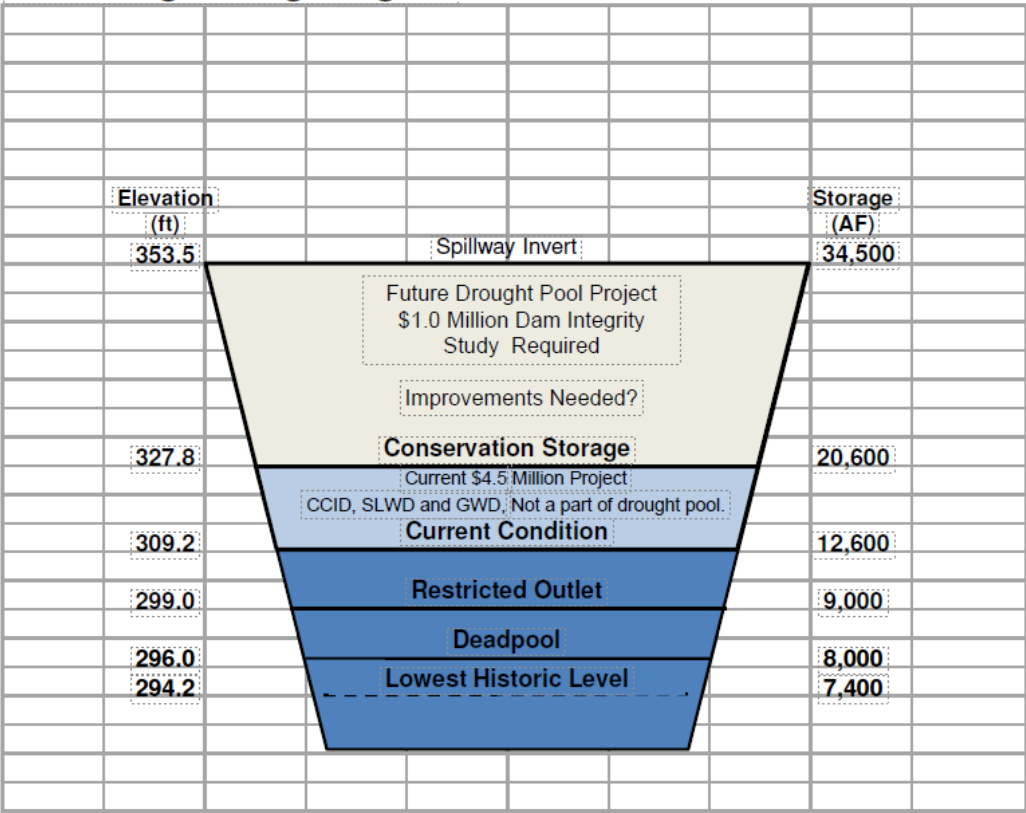
Attachments

- 1 – LBCDR Stage-Storage Diagram showing Drought Pool Project space.
- 2 – Current USACE Flood Control diagram schedule.
- 3 - LBCDD Location Map.
- 4 - LBCDD Vicinity Map, with facilities.
- 5 – 2012 TSC Risk Analysis Project Management Plan — Provided for Background and Reference

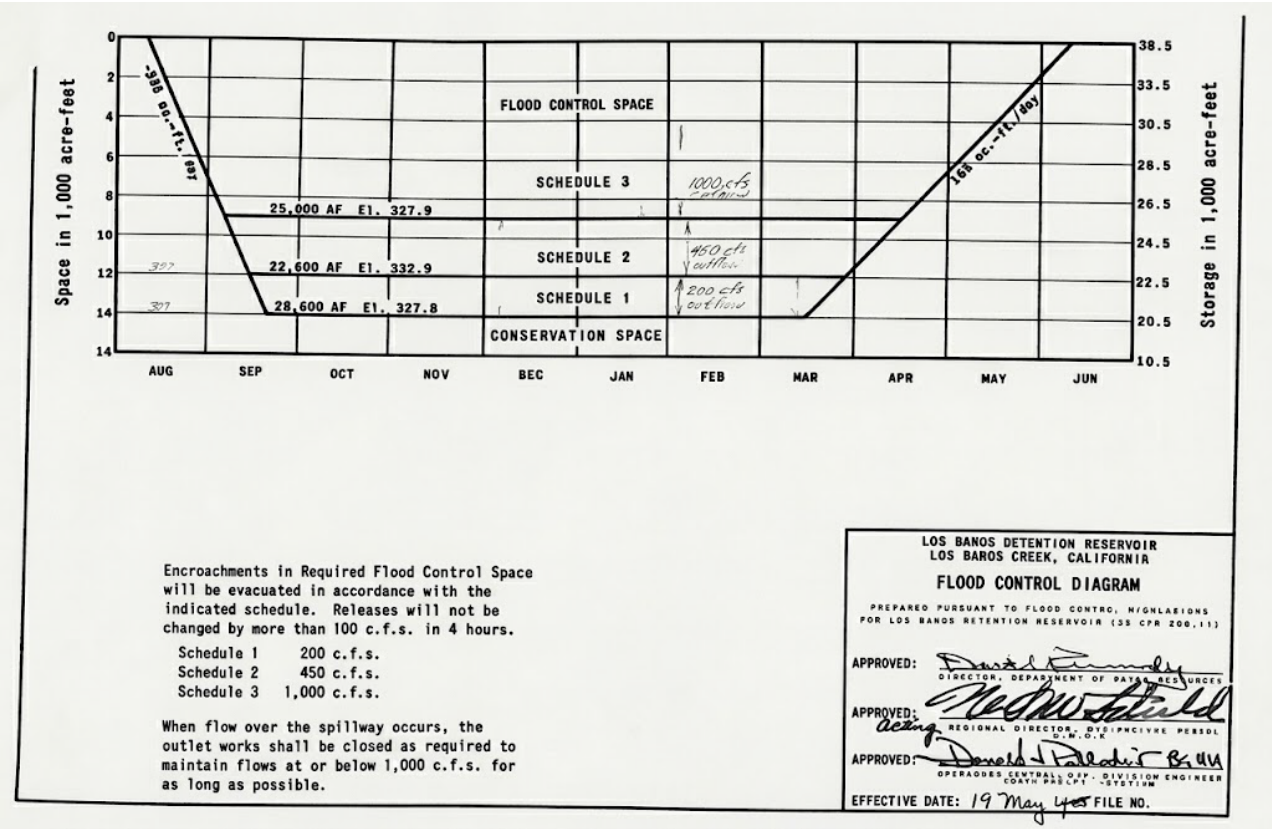
Attachment 1

8/19/2016

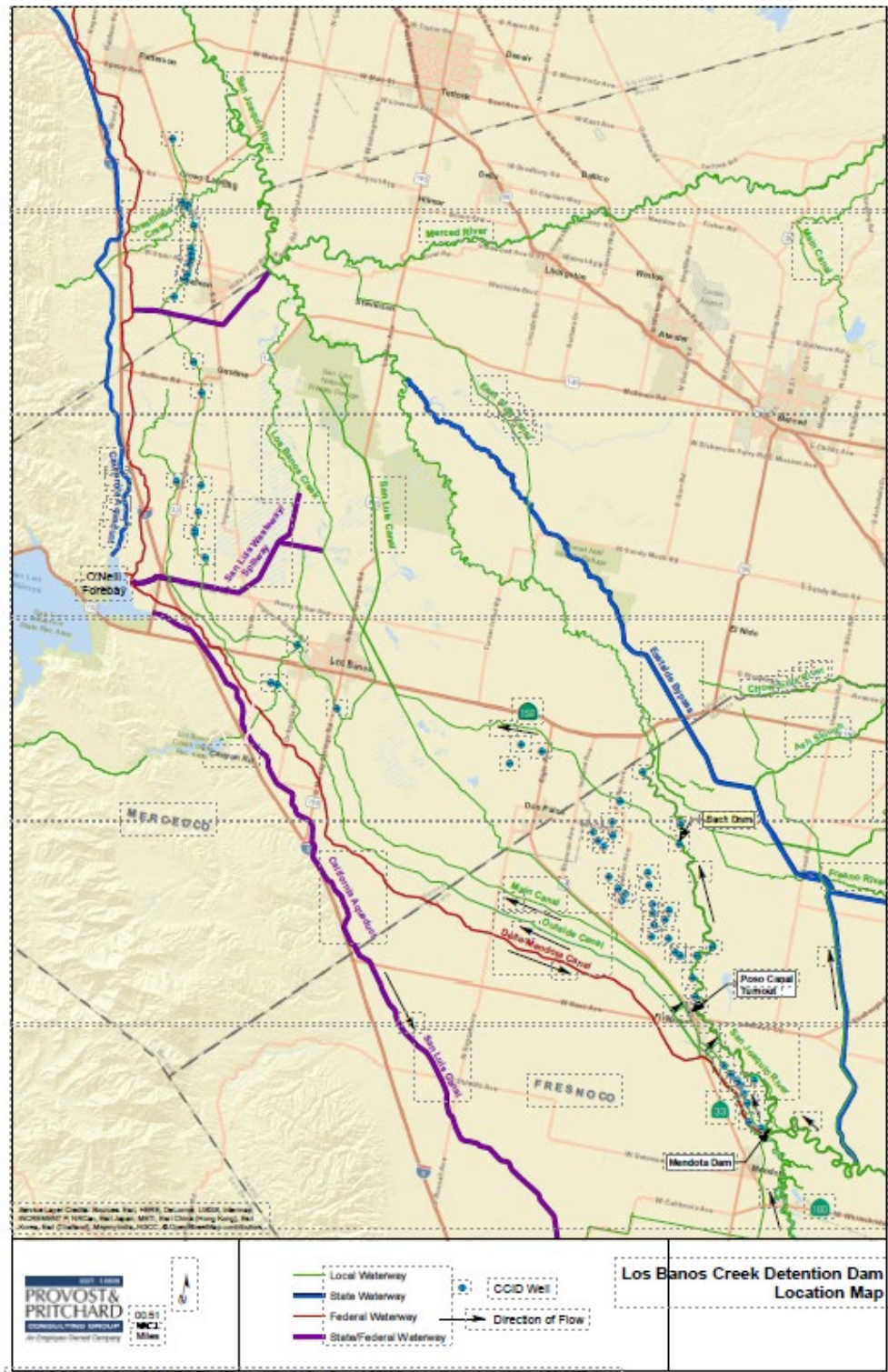
LBCDR Stage-Storage Diagram



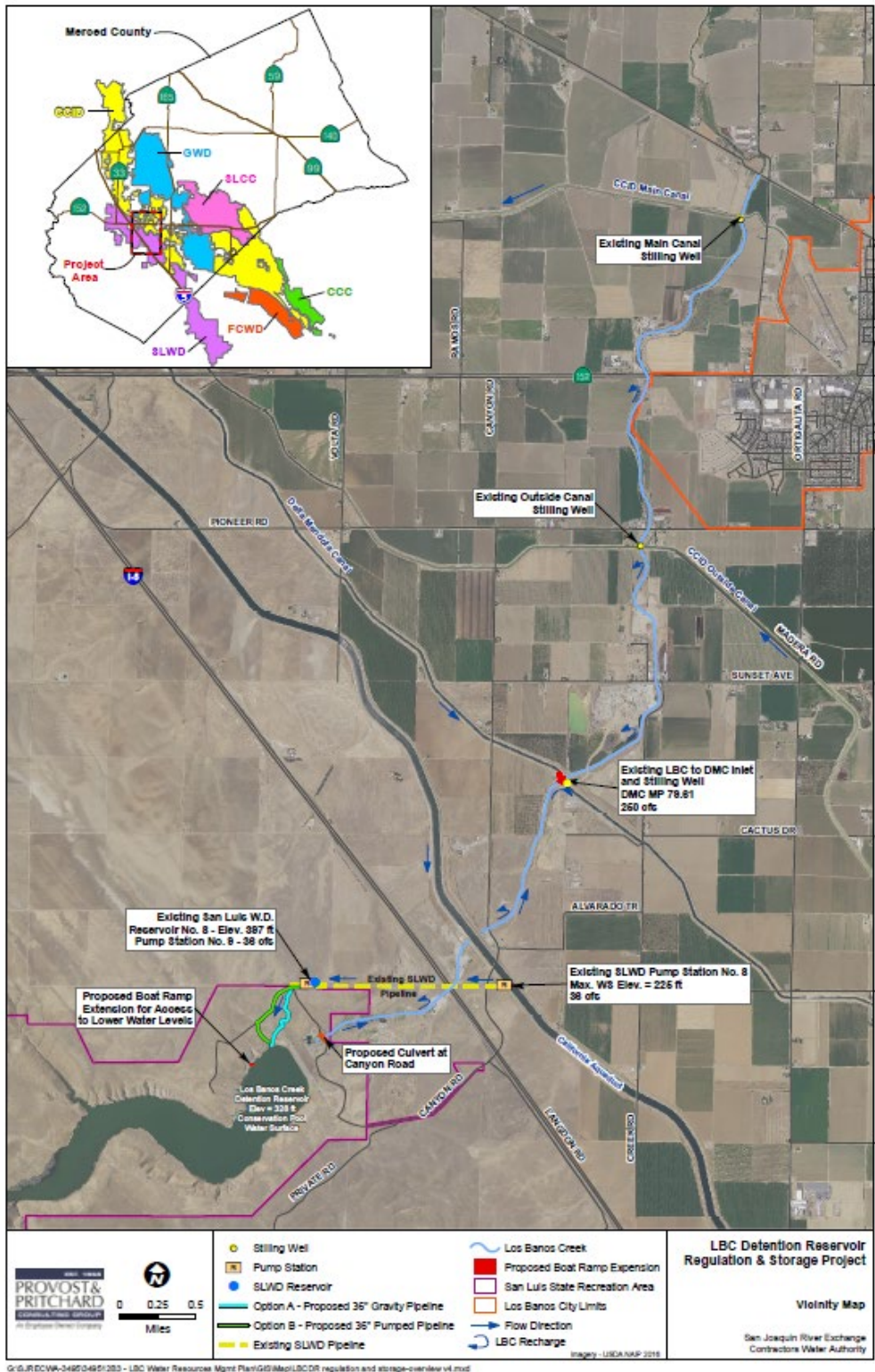
Attachment 2



Attachment 3



Attachment 4



Attachment 5 - 2012 TSC Risk Analysis Project Management Plan — Provided for Background and Reference

Los Banos Detention Dam Reservoir Re-operation, RISK ANALYSES

Project Management Plan

November 27, 2012

1. Project Background and Objectives

The San Joaquin River Exchange Contractors Water Authority (Exchange Contractors) has proposed to revise the reservoir operations at Los Banos Creek Detention Reservoir to provide increased storage during the spring and summer months. The revised reservoir operations would occur from March through September. No changes during the flood control season (fall and winter months) are proposed. The water stored in Los Banos Detention Dam will be released in August and September to supplement deliveries from the San Luis Canal located just downstream of Los Banos Detention Dam. The Exchange Contractors have developed three proposals including:

1. Storage to 20,600 af (el. 327.8 ft), which is the current top of active conservation (TAC), and dropping to 8,000 af (el. 295 ft). This would not result in a higher reservoir water surface (RWS) but would lower the RWS by about 20 to 25 ft during releases. This plan would result in the RWS being maintained at the TAC for a longer duration compared to current operation.
2. Increase storage to 25,000 af (el. 337 ft) and dropping to 15,000 af (el. 315 ft). This would result in a higher RWS by 10 to 12 ft and lower the RWS by 10 to 12 ft compared to current operation.
3. Increase storage to 34,600 af (el. 353.5 ft), which is to the spillway crest, and dropping to 15,000 af (el. 315 ft). This would result in a higher RWS by 25 to 27 ft and lower the RWS by 10 to 12 ft compared to current operation.

The TSC has been requested to evaluate how the proposed operational changes might impact dam safety risks at Los Banos Creek Detention Dam. In August of 2012, Reclamation accepted proposal No. 1 with some modification to the instrumentation monitoring schedule and installation of additional instrumentation. Installation of new observation wells and drilling of additional test holes at the downstream toe of the dam is planned. Information collected will be used to evaluate proposal Nos. 2 and 3.

The proposed operational changes under proposal Nos. 2 or 3 are expected to increase pore pressures in the dam and foundation and decrease the amount of freeboard available relative to current operations during the summer months, which will likely increase the

static (normal operations), hydrologic, and seismic risks. To evaluate the proposed operational changes for increasing the storage level, baseline risk estimates will be developed during a team risk analysis to better understand current dam safety risks under existing operations. Risk estimates will also be developed by the risk estimating team for the two proposed higher reservoir operating levels. Conclusions regarding dam safety will be made using results of the risk analyses.

It was requested that the project be completed in phases. Phase I included a cursory review of available information relative to the risks at Los Banos Creek Detention Reservoir, instrumentation evaluation (and any associated recommendations) for proposal No. 1, identification of additional data or engineering analysis needs and development of this detailed Project Management Plan (PMP) for future work "Phase II". This PMP contains the proposed scope of work, schedule, and staff day budget for Phase II.

We understand the Exchange Contractors will include Reclamation's cost estimates for completing a dam safety risk analysis in the total reservoir re-operation project cost to evaluate the viability of the two proposals. Due to the limited amount of subsurface information at Los Banos Detention Dam a number of "contingency" tasks have been identified in this PMP. Cost estimates for the work in this PMP without the contingency tasks and with the contingency tasks have been included. Further discussion of project risks and contingencies are discussed herein.

The Exchange Contractors have requested that Reclamation approach the risk analysis by completing the minimum amount of work to incrementally approve increases to the current reservoir operating levels. Reclamation believes this incremental approach will add unnecessary cost to the project and therefore plans to evaluate proposal Nos. 2 and 3 concurrently. If the proposals were evaluated individually, a similar level of effort would be required for each. Therefore this PMP provides a scope of work and estimated budget to evaluate both reservoir re-operation plans during the risk analysis meeting(s). Evaluations related to any proposed modifications to the dam needed to implement the reoperation plan are not included in this PMP.

2. Scope of Work

This project plan includes a detailed review of existing data, engineering analysis related to seismic and hydrologic loadings, review of previous consequences estimates, and completion of a risk analysis to estimate baseline risks and risk associated with the two higher reservoir operating level proposals. Phase II will include a decision document summarizing findings of the dam safety evaluations and recommendations regarding the proposed operational changes. A dam safety advisory team (DSAT) review will be held at the outset of the project.

Work included in this PMP has been divided into 11 tasks. Depending on the results of the initial risk analysis meeting and findings from the previous tasks it may be determined that additional field data and engineering analyses are needed. Tasks 8 through 11 are included as contingencies and include an additional field investigation, seismic analysis, deformation analysis and follow-up risk analysis meeting. Justification for the additional field investigations and analysis will be dependent on the degree of confidence that can be made in the risk estimates given the amount of data and analysis

available. The TSC will work closely with the client contact prior to starting any of the contingency tasks.

If it is determined during the project that the additional data and analysis are not needed then the scope of work will be modified and the cost for these tasks will be removed from the budget. Work to be completed for each task is described below. Tasks considered as contingencies are clearly indicated.

TASK 1 – Project Management and Coordination

Subtasks and Deliverables

- Quarterly Status Reports – Quarterly status reports will be prepared by the team leader updating the schedule and budget for the work described herein.
- Coordination – Coordination of described work between groups.
- Team Meetings – Team meetings will be held when necessary.

TASK 2 – Review Geologic Data Collected as Part of Phase I Filed Investigation (Downstream Toe Observation Well Installation and Field Investigation)

A review of previous geologic investigations at Los Banos Detention Dam indicates there is limited foundation information. There have been no standard penetration tests (SPT) performed at the site and there are no piezometers or observation wells within the embankment section or within the foundation soils at the downstream toe. The TSC has requested installation of two observations wells and three additional SPTs at the downstream toe of the dam. This work would be completed as part of Phase I of the project. Costs associated with this field work are not included in this PMP. A review of the SPT and groundwater monitoring data collected will be performed as part of this project and utilized during performance of Task 5 (liquefaction and stability analysis) and Task 7 (risk analysis meeting).

Subtasks and Deliverables

- Review field investigation and observation well data collected at the downstream toe.
- Compile available geologic information in preparation for the risk analysis meeting.

TASK 3 – Seismic Hazard Study

The 2009 CFR recommended that the existing seismic hazard and probabilistic seismic hazard analysis (PSHA) be updated for Los Banos Detention Dam if a higher level risk study is to be completed. This work will include incorporating current seismic source models and new Next Generation Attenuation (NGA) ground motion relationships. The updated seismic loadings will be used by the risk analysis team to evaluate the performance of Los Banos Detention Dam during and following an earthquake for a range of seismic loadings.

Subtasks and Deliverables

- Fault Review and Characterization.
- Update the PSHA using the new NGA relationships.
- De-aggregate the PSHA by source and distance.
- Summarize results in a memorandum in preparation for the risk analysis meeting.

TASK 4 –Hydrologic and Hydraulic Analyses

A review of previous hydrologic analyses at Los Banos Detention Dam indicates this information may be directly used to evaluate the proposed higher reservoir operating levels. Previous flood routings completed for the summertime thunderstorm Probable Maximum Flood (PMF), with a starting reservoir level at the spillway crest, indicates the existing storage above the spillway crest and spillway capacity are sufficient to store and pass the summertime PMF. This analysis is applicable to both proposal Nos. 2 and 3 as the reservoir level will be at or below the spillway crest during the proposed higher reservoir level period.

Flood routings during the winter months were evaluated for the winter general storm PMF, with a starting reservoir level at the TAC, and indicate the dam may overtop from a flood with an approximate 1,000,000-year return period making dam overtopping highly unlikely. Proposal Nos. 2 and 3 will return the reservoir level to the TAC during winter months making the previous analysis applicable for the proposed re-operation plans.

An engineer from TSC’s Flood Hydrology Group (86-68250) will review the existing information in greater detail prior to the risk analysis. Judgments regarding whether there might or might not be changes to the baseline hydrologic risk estimates will be made during the risk analysis.

Subtasks and Deliverables

- Detailed review of existing hydrologic and hydraulic analyses to verify that the results are still applicable.
- Confirm that existing flood frequency hydrographs and flood routings are applicable for the proposed higher starting reservoir elevations.
- Summarize findings in a memorandum in preparation for the risk analysis meeting.

TASK 5 –Liquefaction Triggering and Post-Liquefaction Stability Analyses

The assembled geologic data and updated seismic loadings will be used to perform a liquefaction triggering and post-seismic stability analysis. Results of the analysis will be used by the risk analysis team to make judgments regarding changes to the seismic risks at Los Banos Detention Dam considering the proposed re-operation plans.

Subtasks and Deliverables

- Review the available geologic data – The TSC will assemble and review the relevant data that is available for Los Banos Detention Dam.

- Material property characterization – Material properties such as density, index, erodibility, permeability and strength will be developed for liquefaction and stability analysis.
- Perform a liquefaction triggering analysis – The available geologic sections, SPT data, and soil characterizations will be used to perform a liquefaction triggering analysis using the Simplified Seed Method.
- Perform a post-liquefaction stability analysis – The computer program SLOPE/W will be used to perform a post-liquefaction stability analysis. This work may not be required if it is shown that foundation liquefaction is not a concern.

TASK 6 – Review and Update Previous Consequence Estimates

A review of the previous consequences estimates will be completed as part of this work. We do not expect significant changes to the number of persons at risk (PAR) downstream of the dam since the 2009 CFR estimate. The 2010 census counts will be reviewed and Reclamation area staff and the dam operators will be questioned to estimate if there has been enough changes to the PAR downstream that might impact the previous loss of life (LOL) estimates. Re-estimation of the potential LOL will be made using the revised PAR if needed. These preliminary LOL estimates will be reviewed by the risk estimating team during the risk analysis.

Subtasks and Deliverables

- Review all previous the consequence estimates and methodology for the PAR below Los Banos Detention Dam.
- Review recent census and downstream changes.
- Previous PAR estimates will be updated if needed.
- Based on a cursory review of the previous work it is planned to update LOL estimates for hydrologic overtopping and rapid failure scenarios during either a static sunny day or seismic failure. Daytime and nighttime estimates will be made.

TASK 7 - Risk Analysis for Proposed Re-operation Proposals

A team risk analysis will be held at the TSC consisting of a panel of experts from various disciplines as well as Reclamation staff involved with the operation of Los Banos Detention Dam. To evaluate the proposed operational changes for increasing the storage level, baseline risk estimates will be developed during a team risk analysis to better understand current dam safety risks under existing operations. Risk estimates will be made for the viable potential failure modes considering the proposed reservoir re-operation plans. Conclusions regarding dam safety will be made using results of the risk analyses. Findings from the risk analysis will be documented and presented to a DSAT.

Subtasks and Deliverables

- Data Review – Memoranda and assembled data packages developed during other tasks in this PMP will be distributed to risk team members and facilitators prior to the risk team meeting for their review.

- Risk Team Meeting – A team meeting will be held to identify potential failure modes and evaluate risks. The risk analysis team evaluate the static, hydrologic and seismic risks for Los Banos Detention Dam considering both the existing operations and proposed reservoir re-operation plans. The risk analysis team will also postulate new potential failure modes (PFMs) resulting from the change in reservoir operations and make risk estimates as needed.
- Identify Additional Data and Analysis Needs – If the Risk Team cannot make risk estimates with a high degree of confidence then the team will make recommendations for additional data collection and analysis needs.
- Draft Report – A draft report will be prepared and distributed to all team members and peer reviewers within approximately 10 weeks of the team meeting.
- Report Review – Report review will be performed by the facilitator to verify the discussions and findings of the team meeting and analysis have been adequately portrayed. A DSAT draft report will then be prepared and distributed to appropriate team members and the DSAT representatives at least two weeks prior to the DSAT meeting.
- DSAT – A presentation of the report of findings, including all review comments, will be made to the DSAT and dam safety office (DSO).
- Technical Memorandum (TM) and Technical Report of Findings (TROF) – The risk analysis report and report of findings will be prepared within 8 weeks following the DSAT meeting.

Contingency Tasks

Work included in this PMP will be phased so that the minimum amount of field investigations and engineering analysis are performed while still allowing for a high degree of confidence in the risk estimates. For example if the Phase I field investigation at the downstream toe indicates liquefaction is highly unlikely, then additionally drilling through the embankment will likely not be needed.

However, if foundation liquefaction is a concern based on findings at the downstream toe, then drilling through the embankment section may be required and higher level stability and deformation analysis will be performed. Seismic induced ground motion time-histories will be developed and a site response analysis will be performed. These tasks are contingent on findings from the field investigation at the downstream toe and possibly findings from the risk analysis. Although careful and prudent engineering judgment will be exercised after collection and evaluation of the field data, it is not possible to predict the results of a seismic risk analysis beforehand. Thus, there is a chance that additional data needs could be identified as a result of the risk analysis. Therefore, Tasks 9 through 11 described below are included as contingencies and may be removed from the scope and budget if it is shown that they are not needed.

TASK 8 – Additional Field Investigation and Laboratory Testing

Work included in this task is contingent on the field investigation performed at the downstream toe as part of Phase I. If SPT data at the downstream toe indicates low blow counts and a high likelihood for liquefaction of the foundation materials, then additional drilling through the embankment section to sample foundation soils beneath the dam is recommended. However, if the blow counts at the downstream toe are sufficiently high to very likely preclude liquefaction, then additional drilling through the embankment would not be needed. If the field and analyses results indicate a potential for liquefaction and instability then a decision will need to be made whether to proceed with the risk analysis or obtain additional data. Additionally, it may be concluded that alternative investigation methods such as test pitting, Becker Penetration Tests or geophysics may be required. For preparation of a cost estimate it was assumed that three drill holes through the embankment would be performed. Costs associated with this task will be separated from the total project cost and listed as a contingency. If the additional test holes are not needed, the costs for this Task will be removed from the project budget.

- Prepare a Field Exploration Request (FER) for drilling 3 additional borings including cross-hole shear wave velocity testing.
- Perform field investigation to collect embankment and foundation SPT information.
- Perform laboratory testing.
- Complete Geologic Investigation Report.
- Compile available geologic information in preparation of the risk analysis.

TASK 9 – Develop Ground Motion Time-Histories

If post-liquefaction stability results indicate low factors of safety, then deformation analysis will be required to understand if there will be sufficient freeboard following the seismic event. Time-histories will be developed for use in FLAC modeling to evaluate the performance of Los Banos Detention Dam during and following an earthquake for a range of seismic loadings and possible post-liquefaction material strengths.

Subtasks and Deliverables

- Provide up to 4 representative UHS (e.g. 2K, 5K, 10K and 50K).
- Provide spectrum compatible time histories (e.g. 2K, 5K, 10K and 50K return periods) for site response analysis.
- Spectral match time histories for the site.
- Summarize results in a memorandum.

TASK 10 – Post-Liquefaction Deformation Analysis

Using the previously developed material characterization and ground motion time-histories for the site a deformation analysis will be performed to evaluate the performance of Los Banos Detention Dam during and following an earthquake for a range of seismic loadings. Results of the analysis will be used in a subsequent risk analysis.

Subtasks and Deliverables

- Develop possible range of embankment deformations and potential cracking for the seismic loadings to be evaluated during the risk analysis.
- Summarize results in a memorandum.

TASK 11 – Follow-up Risk Analysis for Proposed Re-operation Proposals

This task is necessary if the results of the risk analysis indicate additional data is needed. Based on the findings from the initial risk analysis meeting, and potential need for additional field investigation and engineering analysis, a subsequent risk analysis meeting will be held. Additional data and analysis will be used by the team to update the previously made risk estimates. The findings will be documented and presented to a DSAT.

Subtasks and Deliverables

- Risk Team Meeting – A team meeting will be held to update previous risk estimates using additional data and analysis.
- Draft Report – The previous report presented to DSAT will be updated with the subsequent risk analysis findings.
- DSAT – A presentation of the report of findings, including all review comments, will be made to the DSAT and DSO.
- Updated TM and Report of Findings – An updated risk analysis report and report of findings will be prepared within 8 weeks following the DSAT meeting.

3. Schedule

It was assumed that most of the work included in this PMP will be completed during FY2013. Depending on the need for the contingency tasks work may extend into FY2014. A preliminary schedule is provided below.

<u>Milestone</u>	<u>Completion Date</u>
Risk Analysis (FY2013)	
Project Management Plan sent to client	11/15/2012
Project Management Plan (service Agreement) approved	12/15/2012
Start	1/14/2013
PSHA Complete	4/1/2013
Complete Data Review and Engineering Analysis	6/1/2013
Risk analysis	6/15/2013
Draft Decision Document (DD) and TROF	8/15/2013
DSAT Meeting	8/31/2013
Final Decision Document (DD) and TROF	10/15/2013
Contingency Tasks (FY2014)	
Phase II FER complete	11/1/2013
Phase II Field Investigation	2/1/2014
Seismic Time Histories complete	2/1/2014
Deformation Analysis complete	5/1/2014
Follow-up Risk analysis	6/1/2014
DSAT	7/1/2014
Final DD and TROF	9/1/2014
Project Complete	9/31/2014

This schedule is preliminary and will be dependent on staff availability and receiving sufficient notice to begin the work. Unforeseen dam safety work may take priority over this project and staff resources will be utilized as needed. This schedule assumes the Phase I field investigation at the downstream toe will be complete by the project start date of 1/14/2013.

4. Cost Estimate

TASK	Labor Cost (\$)	Non-labor Cost (\$)
1 - Project Management	\$10,000	
2 - Geologic Data Review	\$4,000	
3 – Seismic Hazard Study	\$25,500	\$800
4 – Review Hydrologic analysis	\$10,000	
5 – Liquefaction and Stability Analysis	\$20,000	
6 - Consequences Review	\$5,000	
7 – Risk Analysis Meeting and TM	\$54,500	\$800
8 – Additional Field Investigation	\$90,000	\$250,000
9 – Seismic Time Histories	\$43,500	\$1,600
10 - Deformation Analysis	\$50,500	
11 – Follow-up Risk Analysis Meeting and revised TM	\$44,000	\$800
	Total Cost (\$)	
Estimated TSC Project Cost (Tasks 1 – 7, no contingencies)	\$130,600	
Estimated TSC Contingency Costs (Tasks 8 – 11)	\$480,400	
Estimated TSC Project Cost with contingencies	\$611,000	

Notes: Non-labor costs included estimates for contract work such as drilling and laboratory services. Additional non-labor fees for travel, per diem and report reproduction are included as needed.

Contingencies have been added to this PMP to account for possible additional data and analysis needs. A contingency of \$480,400 should be held for Tasks 8 through 11. We understand the client may choose to approve the estimated TSC project cost of \$130,600 or the estimated TSC project cost with contingencies of \$611,000. If only the estimated TSC project cost is funded then requests for budget increases using the Change Order Form will be made for the contingency tasks as needed. If the estimated TSC project cost with contingencies is funded and it is determined during the project that some of the contingency tasks are not needed, then the costs for these tasks will be removed from the budget. It should be noted that although contingency costs have been estimated for a scenario requiring additional investigations and analyses, it is not possible to precisely define the work at this time given the minimal data available. It is possible that the total TSC costs to complete the risk analysis could exceed the estimate of \$611,000.

The estimated budget and schedule are based on a 20-month duration from the start date. Labor costs are based on FY2013 staff day rates. Labor fees for FY2014 will be adjusted once rates are established.

MP Regional Office and Field Office personnel will be involved in several of the tasks described in this project plan. The TSC can assist the MP Region with preparing non-TSC costs if needed. This service agreement does not cover costs outside of the TSC.

5. Roles and Responsibilities

The Project Team consists of representatives of the TSC, Mid-Pacific Regional Office and the Tracy Field Office (TO). The TSC Team Leader will head up the Project Team and will be responsible for the Team's coordination and overall activities. Team members are responsible for their Group's tasks, including schedules, budgets, and quality control. Team members will ensure their Group's products are complete and will meet the stated goals and objectives of the project. A preliminary listing of team members is provided below. Additional team members will be added during the project as needed.

Chris Ellis, Team Leader 86-68311
Dennis Hanneman, Peer Review, 86-68311
Roy Davis, Instrumentation Review, 86-68360
Jared Vauk, Geologist, 86-68320
Ralph Klinger, Civil Engineer, 86-68330
Chris Wood, Seismologist, 86-68330
Brenda Kinkle, Hydrologist, 86-68250

6. Quality Control

The TSC peer review process emphasizes a review based on the technical approach or other procedures used to develop results and conclusions, and the review establishes validity and suitability of those results. The Project Team will use peer review and checking processes in accordance with TSC Operating Guidelines.

7. Change Management

The Design Team members will continually track their costs. The Team Leader will report these costs on a quarterly basis. If the record shows that the Team's estimate for completing the work is less than what appears to be needed, then the Team Leader will inform the client representative of the problem and its cause. If the change is major, the Team Leader will notify the client representative of the estimated cost change as soon as practical and request approval and funding for the change using the Change Order Form (Appended to this PMP). All changes to Scope will be documented using either the Contingency Fund Request Form or the Change Order Form. The Design Team Leader will immediately notify the client representative of any anticipated delays in schedule or increase in design costs.

The need for the contingency tasks described herein will be communicated to the client contact in advance of the work being completed. Depending on how the project is initially funded costs for the contingency tasks will be tracked using the Change Order Form.

8. Communication Plan

The team leader will be the point of contact at the TSC for this project. Under the leadership of the Team Leader, team members will interact with each other to ensure that all products coming into and going out of their design groups are accomplished in a timely and satisfactory manner. Team members should communicate freely between each other. The Team will meet as appropriate to discuss ongoing progress, and to ensure communication between team members.

Status reports:

The team leaders will have conference calls with the client representative to report on progress at least monthly once the project is initiated.

9. Risk Management Plan

The following risks are identified by the TSC as having a probability of occurrence and may result in impacts to budget and/or schedule. These risk events will be monitored throughout the project and reported in the status reports. Other risk events not discussed below that impact the project will be managed by the Change Management process. Although contingency costs have been estimated for a scenario requiring additional investigations and analyses, it is not possible to precisely define the work at this time given the minimal data available.

Risk #1: Depending on the findings from the earlier tasks and initial risk analysis meeting additional field data and engineering analysis may be needed. Costs for these tasks have been estimated and are included as contingencies for inclusion in the reservoir re-operation risk analysis cost.

- **Level of Risk Occurring:** High
- **How Could Risk Affect Project:** TSC costs for the project may increase as much as three fold depending on the need for the additional data and analysis needs. It will likely cause a slip to the schedule and require additional staff days.
- **Owner:** TO
- **Response to Risk:** The client accepts the consequence and ownership of the risk and has chosen not to provide contingency funds for the risk.
- **Specific Action to Implement Risk Response Strategy:** The TSC will make every effort to make risk estimates with the minimum amount of data and analysis. If confidence in the estimates is low and uncertainty is high then requests for additional data and analysis will be made.
- **Date to Complete the Specific Risk Response Action:** After the initial risk analysis meeting (~July 2013)

- **Budget and Schedule for Response:** Costs for the contingency tasks have been estimated in this PMP.
- **Contingency Plan (action that will be taken if risk becomes a problem):**
Assumptions will be made with client approval if data are not available when needed. Assumptions that are incorrect will require rework and may affect cost estimates. No funding was established for rework. If the rework exceeds 3 staff days, additional funding and schedule will be requested through the Change Management process.

Risk #2: The geology exploration data and other foundation data may not be received by the date shown in Schedule. Scheduling of the risk analysis will be contingent on receipt of this data.

- **Level of Risk Occurring:** Moderate to High
- **How Could Risk Affect Project:** Depending on when the exploration and data is received and what it reveals, it may cause a slip to the schedule and require additional staff days.
- **Owner:** TO and MP drill crew
- **Response to Risk:** The client accepts the consequence and ownership of the risk and has chosen not to provide contingency funds for the risk.
- **Specific Action to Implement Risk Response Strategy:** If exploration data are not received by start date of this project (~1/15/2013), contact appropriate persons to determine when data will be available. Partial data and embankment assumptions will be used to the extent possible to complete studies. If warranted by results of geology data, changes will be initiated when received.
- **Date to Complete the Specific Risk Response Action:** January 15, 2013.
- **Budget and Schedule for Response:** No budget or schedule adjustment has been provided in this PMP to accommodate this risk.
- **Contingency Plan (action that will be taken if risk becomes a problem):**
Assumptions will be made with client approval if data are not available when needed. Assumptions that are incorrect will require rework and may affect cost estimates. No funding was established for rework. If the rework exceeds 3 staff days, additional funding and schedule will be requested through the Change Management process.

Risk #3: The PSHA is not completed by the date shown in Schedule. Seismotectonic group staff may be allocated to unanticipated work on higher priority dam safety projects. Scheduling of the risk analysis will be contingent on receipt of this data.

- **Level of Risk Occurring:** Low to Moderate
- **How Could Risk Affect Project:** Depending on when the PSHA is completed engineering analysis and what it reveals, it may cause a slip to the schedule and require additional staff days.
- **Owner:** TSC
- **Response to Risk:** The TSC Seismotectonics Group will make every effort to complete the agreed work by the scheduled completion date.
- **Specific Action to Implement Risk Response Strategy:** If PSHA is not completed by April 1, 2013, contact appropriate persons to determine when analysis will be complete. If warranted by schedule previous seismic hazard information will be used to start the engineering analysis.
- **Date to Complete the Specific Risk Response Action:** April 1, 2013.
- **Budget and Schedule for Response:** No budget or schedule adjustment has been provided in this PMP to accommodate this risk.
- **Contingency Plan (action that will be taken if risk becomes a problem):** Assumptions will be made with client approval if data are not available when needed. Assumptions that are incorrect will require rework and may affect cost estimates. No funding was established for rework. If the rework exceeds 3 staff days, additional funding and schedule will be requested through the Change Management process.

10. Project Closeout

The project will be closed out once the deliverables are received and accepted. The Team Leader will ensure that all project files are assembled and filed. The Team Leader will ensure that all products have been delivered to the client, all costs have cleared the government financial systems, final payments have been received from the client, and request that the WOID be closed.

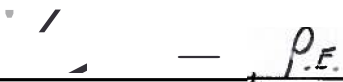
The budget and schedule for the project closeout tasks are incorporated into the budget and schedule sections of this project plan. Team Leader will distribute a project feedback survey to the team members, and to the TO, that is to be collected

within two weeks. The budget and schedule for the project closeout tasks are incorporated into the budget and schedule sections of this project plan.

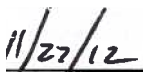
11. Signatures

The signatures below indicate concurrence with this project management plan. The Technical Service Center and the Tracy Field Office are in agreement with all elements of this project plan.

Technical Service Center:



Team Leader, Technical Service Center



Date



Group Manager, Technical Service Center



Date

Tracy Field Office:

Project Manager, Tracy Field Office

Date

APPENDIX A

WORK BREAKDOWN STRUCTURE (By Design Group)

This work breakdown structure shows work for the individual design groups for all work associated with this project plan.

Team members will assist the Team Leader in providing the Client with:

- Team members for risk analyses
- Other items as required

The tasks of the design groups include:

Team Leader

- Provides overall team leadership and project coordination
- Serves as single point of contact for TSC Design Team

All TSC Design Groups – General Activities

- Review Project Management Plan
- Participate in meetings and phone calls as required
- Participate in budget and schedule tracking
- Review data collected and engineering analyses

86-68010 Client and Support Services Office

- Provide liaison between the TSC and the Client

86-68250 Flood Hydrology Emergency Management Group

- Review hydrology to evaluate proposed reservoir re-operation proposals
- Complete engineering analysis as needed
- Participate in risk analysis

86-68330 Seismotectonics and Geophysics Group

- Update site PSHA
- Complete engineering analysis as needed
- Participate in risk analysis

86-68311 Geotechnical Engineering Group

- Provide team leader
- Prepare Project Management Plan
- Review geology reports
- Complete engineering analysis as needed
- Coordinate activities with risk analyses leader
- Participate in risk analysis
- Provide risk analysis facilitator
- Coordinate DSAT

86-68330 Engineering Geology Group

- Review geology reports
- Prepare FER
- Monitor geologic/geotechnical investigations
- Participate in risk analysis

86-68360 Instrumentation and Inspections Group

- Participate in risk analysis

86-68130 Concrete Waterways and Dams

- Participate in risk analysis

APPENDIX B

Change Order Form

Project: Los Banos Detention Dam Risk Analysis
Change No.: _____
WBS No.: _____
Task Name: _____
Added Cost: \$ _____ SL1 _____ SL2 _____ SL3 _____

Budget: _____ No Impact _____ Contingency Fund _____ Added Cost
Schedule: _____ No Impact _____ Slip (Number of Schedule days _____)

Description of Change:

Reason for Change:

Major Change: (Change in Scope)
New Requirement (Attachment Yes/No)

Task: (New / Existing) _____
Scheduled Days: _____
Staff Assigned: _____
Start Date: _____

Submitted by: _____
TSC Design Team Leader Date

_____ Approved _____ Not Approved

MP Regional Office Date

APPENDIX C

Contingency Fund Request Form

Minor change: Budget – 3 days or less or Schedule – No effect on Milestones

Project: Los Banos Detention Dam Risk Analysis

Change No.: _____ WBS No.: _____

Task Name: _____

Added Cost: \$ _____ SL1 _____ SL2 _____ SL3 _____

Budget: _____ No Impact _____ Contingency Fund

Schedule: _____ No Impact _____ Slip (Number of Schedule days _____)

Description of Contingency Fund Use:

Reason:

New Requirement (Attachment Yes/No)

Task: (New / Existing) _____

Scheduled Days: _____ Staff Assigned: _____ Start

Date: _____

Budget: _____ No Impact _____ Contingency

Fund Schedule: _____ No Impact _____

Slip

Submitted by:

Date

____ Approved

____ Not Approved

TSC Team Leader



Official Memorandum

PO Box 2157
Los Banos, CA 93635
sldmwa.org

To: SLDMWA Water Resources Committee Members and Alternates

From: Scott Petersen, Chief Strategic and Administrative Officer

Date: July 6, 2026

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) Implementation of Long-Term Operations of the Central Valley Project and State Water Project, including environmental compliance; (2) State Water Resources Control Board action; (3) Central Valley Regional Water Board Action, (4) San Joaquin River Restoration Program; (5) Delta conveyance; (6) Reclamation action; (7) Delta Stewardship Council action; (8) San Joaquin Valley Water Blueprint, and (9) San Joaquin Valley Water Collaborative Action Plan.

Policy Items

Implementation of Executive Order 14181

On January 2024, President Trump issued Executive Order 14181¹, directing analysis of potential changes to the operations in the 2024 Record of Decision ("ROD") for consideration by the Administration. On December 4, 2025, Reclamation executed a Record of Decision on the Long-Term Operations of the Central Valley Project and State Water Project, as a first step towards implementing EO 14181.

Implementation of 2024 Record of Decision (ROD) on Long-Term Operations (LTO) of the Central Valley Project (CVP) and State Water Project (SWP)

Green Sturgeon Incidental Take and Reinitiation of Consultation

As of June 13, 2 Green Sturgeon were salvaged at the CVP and 4 were salvaged at the SWP facilities. This results in a WY2026 cumulative expanded salvage of 15 fish (annual expanded salvage threshold = 14 fish), which exceeds the incidental take statement in the 2024 NMFS Biological Opinion of 14 fish per water year. Juvenile Green Sturgeon are typically in the Delta year-round and salvaged at low levels. The cumulative salvage ITL threshold resets on September 30, 2026.

A green sturgeon assessment² was prepared by Reclamation and presented to the Fish and Water Operations Group.

¹ <https://www.govinfo.gov/content/pkg/FR-2025-01-31/pdf/2025-02174.pdf>

² See Attachments



Juvenile production appears to be higher than other recent years. The zone of influence from export pumping is currently small. Juvenile Green Sturgeon are likely to move volitionally; therefore, exports are unlikely to affect migratory behaviors. Salvage effects are non-lethal and fish are released. Detections of Green Sturgeon in salvage are potentially due to higher juvenile production and hypothesized environmental conditions affecting migration behavior. No information suggests salvage poses additional risks to the population than considered in the 2025 Record of Decision.

Reclamation has reinitiated consultation and is currently working with National Marine Fisheries Service on a path forward.

LTO Record of Decision

On December 4, 2025, Reclamation executed a Record of Decision³ on the Long-Term Operations of the Central Valley Project and State Water Project, as a first step towards implementing EO 14181, updating operations associated with the Record of Decision executed by Reclamation and the Biological Opinions issued by the Fish and Wildlife Service and NOAA Fisheries in December 2024. This new operation is described as “Action 5”.

Specifically, the Action 5 ROD updates the operations of the Projects by:

- (1) **Removing the Delta Smelt Summer and Fall Habitat Action (Fall X2)**, in response to findings by the U.S. Fish and Wildlife Service that the action is not anticipated to have observable effects on delta smelt survival,
- (2) **Removing the early implementation measure of the Delta export reduction of the Healthy Rivers and Landscapes (“HRL”) program**, in response to uncertainties associated with the timing of potential adoption and implementation of the HRL Program by California’s State Water Resources Control Board,
- (3) **Updating the Delta operating criteria** to expand the opportunities for Old and Middle River (“OMR”) management at no more negative than -5,000 cubic feet per second (cfs), and a stormflex action of -6,500 cfs, including the use of predictive tools for real-time assessment of environmental conditions.

Modeling of these proposed operational changes has estimated between 250 – 400 TAF improvement in combined CVP and SWP export capacity under Action 5 operations, with the SWP benefits being uncertain based on how the SWP operates under the Incidental Take Permit required for compliance with the California Endangered Species Act.

There is additional analysis being performed to assess the efficacy of additional potential operational changes that could improve water supply and maintain species protections, as well as alternative methods to address environmental effects on species listed under the federal Endangered Species Act (“ESA”) and advance species recovery efforts.

Trinity River Endangered Species Act Consultation

On June 5, Reclamation transmitted a Cooperating Agency draft Supplemental EIS for the 2021 Reinitiation of Consultation on the Long-Term Operation of the Central Valley Project and the State Water Project – Trinity River Division (TRD). Written comments are due July 8.

³ https://www.usbr.gov/mp/nepa/nepa_project_details.php?Project_ID=54661



Water Authority staff are coordinating with member agencies and are evaluating how the proposed changes to TRD operations may affect south-of-Delta water supply and CVP operations.

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 – San Joaquin River and its Tributaries

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.

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).

In response to the release of the NOP, the Water Authority and member agencies provided scoping comments⁷ and the State Water Board is working through a long-term process to address Phase 1 elements of the Water Quality Control Plan Update.

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

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

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

⁷ Request from Authority staff



A long delay in Phase 1 action occurred as legal activity was undertaken.

Recently, on September 19, 2025, the State Water Resources Control Board (Board) released a [Notice of Opportunity for Public Comment and Workshop on the Draft Scientific Basis Report Supplement for the Tuolumne River Voluntary Agreement](#) Proposal (Draft TVA Scientific Basis Report), to which the Water Authority provided comments⁸.

Next Steps

- 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

Phase 2 Status – Sacramento River and its Tributaries and Bay-Delta

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.

Revised Draft Sacramento/Delta Updates to the Water Quality Control Plan

Background

In July, the Board released a draft Bay Delta Plan (July 2025 revised draft), which included proposed changes to the draft Bay Delta Plan released in October 2024 (2024 draft), based on public input and comments received throughout the planning process, including comments on several options for possible changes to the plan identified in the 2024 draft. Specifically, the 2024 draft identified the possible inclusion of flow, cold water habitat and related provisions that were based on the proposed Plan amendments and alternatives identified in the 2023 draft Staff Report in support of updates to the Bay Delta Plan, as well as options for these provisions. The 2024 draft also identified the possible inclusion of Voluntary Agreements (VAs) to provide flows and non-flow habitat proposed by state and federal agencies and water users referred to as the Healthy Rivers and Landscapes proposal, as well as options associated with inclusions of VAs. The regulatory provisions would apply to all water right holders if the Board did not move forward with VAs, or in the event the Board moved forward with VAs would apply to water rights not participating in approved VAs. The 2025 revised draft proposes to move forward with the inclusion of VAs in the Bay Delta Plan for water rights included in approved VAs (VA pathway) and the regulatory provisions for water rights not included as part of approved VAs (regulatory pathway). The 2025 revised draft also includes proposals for addressing other options identified in the 2024 draft. The 2025 revised draft also proposes the designation of Tribal Tradition and Culture (CUL) beneficial use as part of the current Bay Delta Plan update.

Current Activity

On September 16, 2025, the State Water Resources Control Board (State Water Board or Board) rescinded the August 22, 2025 Second Revised Notice of Opportunity for Public Comment and Hearing on Revised Draft

⁸ Request from Authority staff



Sacramento/Delta Updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Watershed (Bay-Delta Plan or Plan). The Rescinded Notice is available on the [Board's website](#). Accordingly, the hearing previously scheduled for September 24-25, 2025, and the associated public comment period are cancelled and will be rescheduled to a future date.

Instead, the Board has released a revised Bay-Delta Plan, with workshops that occurred on January 28-30, and written comments due on February 2. Water Authority staff coordinated written comments⁹ with member agencies and other interested parties.

Additionally, the State Water Board has received term sheets for additional voluntary agreements from Nevada Irrigation District (NID) and South Sutter Water District (SSWD) specific to the Bear River, Yuba River, and Auburn Ravine that are available to the public.

San Joaquin River Restoration Program

Restoration Allocation

On May 15, Reclamation issued an update to the 2026 Restoration Allocation and Default Flow Schedule¹⁰. Consistent with the Restoration Flows Guidelines and based upon the best available forecast information, the Restoration Allocation covering the period March 1, 2026 through February 28, 2027 **is set at 281,739 acre-feet at Gravelly Ford and is a Normal-Dry year type**.

The Restoration Administrator recommended a flow schedule¹¹ on May 4, which Reclamation is reviewing at the time this memo was drafted. This Restoration Allocation will be posted on the Program website in the coming days: <http://RestoreSJR.net>.

For Information about Restoration Flows, please visit <https://restoresjr.net/flows/>.

For the Restoration Administrator recommendations, please visit <https://restoresjr.net/flows/flow-scheduling/>.

Delta Conveyance Project

Construction ESA Compliance

On June 5, DWR announced that it [received Biological Opinions](#) from the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) for Delta Conveyance Project construction and construction-related maintenance activities. This important milestone marks the completion of the Endangered Species Act (ESA) process for construction.

Compliance with ESA is required to ensure a project will not jeopardize the continued existence of any federally listed species or adversely modify or destroy listed critical habitat.

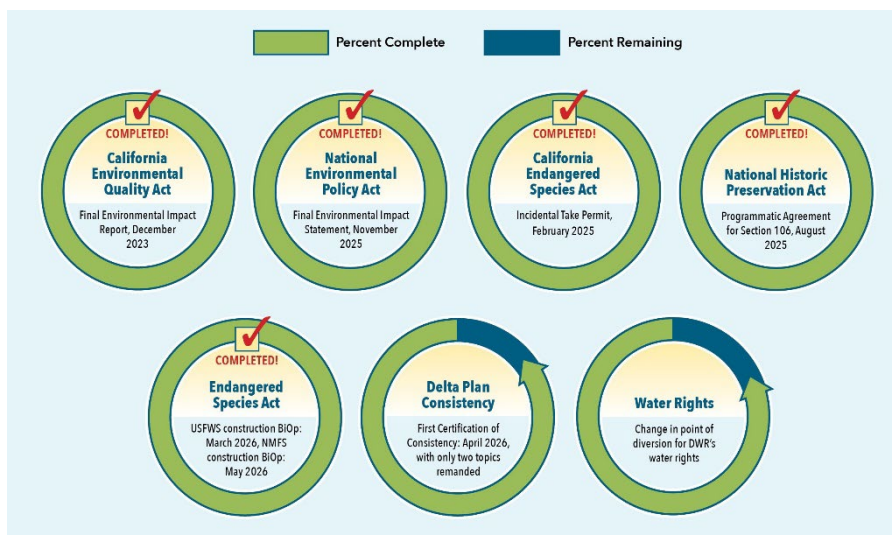
California is now one critical step closer to completing the complex state and federal planning and permitting processes needed to begin project implementation.

⁹ Request from Water Authority staff.

¹⁰ Request from Water Authority staff.

¹¹ Attached

Planning and Permitting Progress



U.S. Bureau of Reclamation

Reclamation Manual

Documents out for Comment

- No Documents out for Comment

San Joaquin Valley Water Blueprint

The Water Blueprint represents water users, districts, farmers, and municipalities across the Central Valley. Their problem statement is crystal-clear; California faces a major water supply shortfall that could affect one million acres, costing \$7.2 billion in farm revenue and 85,000 jobs statewide. Engaging various stakeholders inside and outside the Central Valley, the team advocates for a combination of infrastructure investments and policy changes to capture excess flows during wet years and replenish aquifers.

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."

Strategic Planning

September 16, 2026, is the date for board strategic planning following completion of the United Water Plan, noting that the current plan runs through 2026. The planning session will focus on the importance of defining the scope of future organizational activities—including legislative advocacy, policy, communications—and engaging the board early to help shape direction for 2026 and beyond.

SB72 Implementation

Senate Bill 72 (Caballero) directs DWR to consult with the Water Commission on the establishment of an advisory committee to inform the development of the 2028 update to the Water Plan. The 2028 update will usher in a new emphasis on setting and meeting quantifiable water supply goals. This builds on California's [Water Supply Strategy \(2022\)](#), which outlined necessary actions for the state to adapt to a hotter, drier future where the changing climate leaves less water to meet California's needs. Blueprint, as an interested party in the State's water supply strategy, has been provided with the opportunity to present and provide public comment.

Groundwater Banking Study with Metropolitan Water District – Status and Next Steps

The groundwater banking study with Metropolitan Water District (Met) is progressing toward implementation, with a targeted kickoff in mid-July that aligns well with the anticipated completion of the UWP work. Met has previously reviewed and approved the scope of work and budget submitted last summer. The goal is to finalize the updated task order and complete execution by the end of the month to maintain schedule alignment. Next steps include confirming the Blueprint participants who should attend the kickoff meeting, coordinating availability with Met, and completing the final contract/task order updates. Once executed, the team can proceed with the mid-July kickoff and initiate the groundwater banking study effort.

California Gubernatorial Priorities Letter

A draft letter¹² from the Water Blueprint for the San Joaquin Valley presents a proposed two-term water agenda for a new California administration focused on improving water reliability, quality, ecosystem health, and flood resilience. It identifies a structural water supply shortfall in the San Joaquin Valley of approximately 2.5 million acre-feet annually, threatening rural communities, agriculture, jobs, and the environment. The letter advocates a coordinated Unified Water Plan that integrates local groundwater sustainability efforts with regional infrastructure, conveyance improvements, recharge, conservation, and environmental restoration.

The recommendations include improving drinking water reliability for disadvantaged communities, restoring capacity in major conveyance systems such as the California Aqueduct, Delta-Mendota Canal, and Friant-Kern Canal, supporting local groundwater recharge and demand reduction projects, and developing large-scale infrastructure to increase water supplies and storage. The plan also proposes flood reduction measures, habitat restoration, farmland repurposing strategies, and economic transition support for communities impacted by water shortages.

The letter concludes by urging stronger state leadership, coordinated agency action, sustainable water funding, streamlined permitting, science-based decision-making, and accountability measures. It argues that investments in Valley water infrastructure and management would not only benefit the San Joaquin Valley but also improve statewide water resilience, including drought protection and supply reliability for Southern California.

Unified Water Plan

The purpose of the Unified Valley Plan for the San Joaquin Valley is to identify and present possible solutions for long-term water needs in the San Joaquin Valley by bringing together existing water plans, strategies, and

¹² See Attachments



knowledge from across the San Joaquin Valley into one coordinated, valley-wide planning framework. The San Joaquin Valley has a massive water supply gap at 2.5-3 million acre-feet by 2040, incorporating SGMA compliance needs, climate change impacts, and environmental flow requirements. A full administrative draft is now available.

The Unified Valley Water Plan Shows a Massive Water Supply Gap —Even under the most optimistic scenario — combining restored canal capacity, local recharge projects, and increased Delta access — the gap cannot be fully closed. Best-case projections still leave ~0.5–0.9 million acre-feet unmet and 200,000– 400,000 acres needing to be repurposed, at a total infrastructure cost of \$13–20 billion.

Water Blueprint SJV & CWI – Unified Water Plan

The purpose of the Unified Valley Plan for the San Joaquin Valley is to identify and present possible solutions for long-term water needs in the San Joaquin Valley by bringing together existing water plans, strategies, and knowledge from across the San Joaquin Valley into one coordinated, valley-wide planning framework.

Bureau of Reclamation Report to Congress:

- Chapter 1 Introduction
- Chapter 2 Overview of the water resource needs and opportunities in the San Joaquin Valley.
- Chapter 3 Overview of flood risks and management in the San Joaquin Valley and opportunities for improving flood management.
- Chapter 4 Illustration of an environmental vision for the San Joaquin Valley and estimates of the water supplies needed to implement that vision.
- Chapter 5 Evaluation of a range of potential solutions.
- Chapter 6 Recommendations for a path forward and a roadmap for implementation. Includes policy recommendations.

San Joaquin Valley Water Collaborative Action Program (SJV CAP)

Background

The CAP Plenary Group adopted work groups to implement the CAP Term Sheet¹³, adopted on November 22, 2022. During Phase II, Work Groups are continuing to meet and discuss priorities and drafting various documents for their respective areas: Safe Drinking Water; Sustainable Water Supplies; Ecosystem Health; Land Use, Demand Reduction and Land Repurposing; Implementation.

The Bureau of Reclamation is currently funding the CAP. This funding supports its management and facilitation of the overall CAP process and the development of a prioritization tool. The tool is envisioned to be used by CAP participants, federal and state agencies, other stakeholders, and the public to evaluate policy recommendations, programmatic changes, and projects to achieve sustainable water management in the San Joaquin Valley.

The Steering Committee created a subgroup and will review several prioritization tools developed by other organizations and use those examples to craft a work plan and initial set of criteria for consideration.

¹³ Request from Authority staff



Updates

On Friday, May 29, the CAP released its “Vision for the San Joaquin Valley”¹⁴, detailing desired outcomes, investment strategies, and policy reforms needed to transition the region toward sustainable water management for people, agriculture, and the environment.

¹⁴ Request from Authority staff



ATTACHMENTS

Assessment of CVP and SWP Delta Operations on Green Sturgeon

June 22, 2026

Executive Summary

On June 13, the cumulative salvage of 15 Green Sturgeon exceeded the incidental take statement in the 2024 NMFS Biological Opinion of 14 fish per water year. Juvenile Green Sturgeon are typically in the Delta year-round and salvaged at low levels.

Juvenile production appears to be higher than other recent years. The zone of influence from export pumping is currently small. Juvenile Green Sturgeon are likely to move volitionally; therefore, exports are unlikely to affect migratory behaviors. Salvage effects are non-lethal and fish are released.

Detections of Green Sturgeon in salvage are potentially due to higher juvenile production and hypothesized environmental conditions affecting migration behavior. No information suggests salvage poses additional risks to the population than considered in the 2025 Record of Decision.

Operational and Regulatory Conditions

Green Sturgeon annual cumulative salvage exceeded both the annual (14 individuals) and 3-year rolling average (5 individuals) Incidental Take Limit set by the 2024 NMFS Biological Opinion (BiOp) on June 13 with the salvage of 15 individuals. The cumulative salvage ITL threshold resets on September 30, 2026.

Biology Distribution and Evaluation of Green Sturgeon

Delta Life Stages

Juvenile/Adult/Subadult

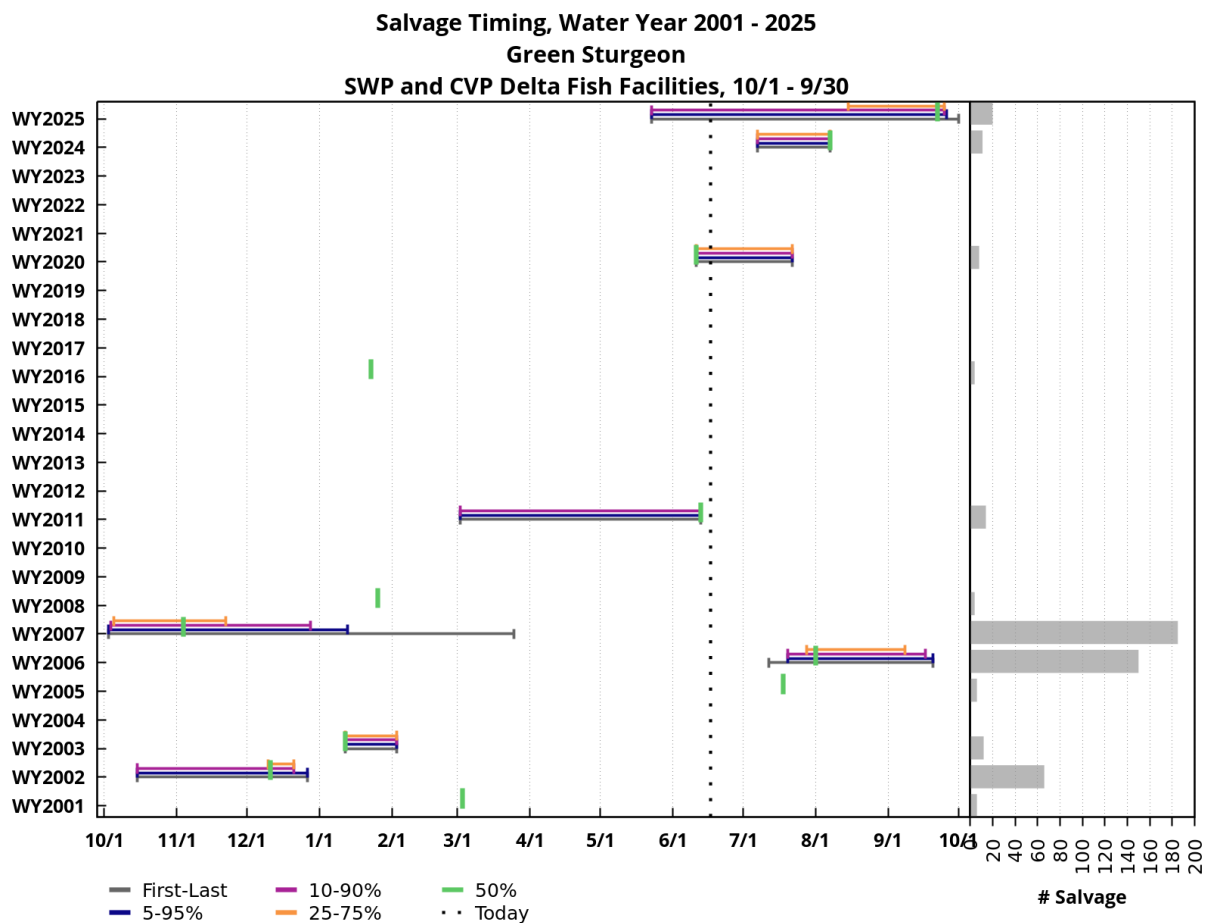
Historic Information

Subadult/Adult: Most abundant during spring spawning migration period of March through May, and post spawning out-migration periods May through June (early outmigrants) or September through January (late outmigrants) depending on interannual flow conditions in the spring and winter. Adults are present year-round to a lesser extent in the Delta, but mainly in San Pablo Bay. In 2021, the adult abundance estimate was 13,161 (Dudley et al 2021 in NMFS 2021).

Juvenile: Age-1 through Age-3 juveniles are present year-round and widely distributed, with more frequent detections in the Delta. This life stage is migrating, sheltering, foraging, and rearing in the Delta with greater detection in the winter and spring than in the summer and fall (Miller et al. 2020). Juveniles tagged with acoustic tags in the Sacramento River near

Sherman Island were detected as far upstream as the Cache Slough complex, in the San Joaquin River at the Antioch Bridge, and in Threemile, Horseshoe Bend, and Montezuma Sloughs (CDFW 2021). Seasonal abundance at the study's primary sampling site (near Sherman Island) appears to be highest during summer based on capture and telemetry data. Residence time at the primary sampling site for individual fish ranges from one day to over one year but telemetry data show outmigration from the primary sampling site to the Pacific Ocean ranges from 27 to 552 days. In 2021, the juvenile abundance estimate was 4,387 (Dudley et al 2021 in NMFS 2021). Juvenile Green Sturgeon develop osmoregulatory capacity by 1.5 years (~750mm, Allen and Cech 2007) and are hypothesized to migrate into estuarine conditions to maintain optimal growth.

Salvage: Salvage events have historically been infrequent (**Figure 1**). Since 2008, juvenile salvage has occurred only in 2016, 2017, 2020, 2024, and 2025 with recent salvage events occurring in the summer.



www.cbr.washington.edu/sacramento/

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Figure 1. Historical salvage timing, Water Years 2001-2025. Source: SacPAS Salvage Timing Query (https://www.cbr.washington.edu/sacramento/data/query_salvage_hrt.html).

Current Information

As of June 13, 2025, 2 Green Sturgeon were salvaged at the CVP and 4 were salvaged at the SWP facilities. This results in a WY2026 cumulative expanded salvage of 15 fish (annual expanded salvage threshold = 14 fish). Fish were salvaged between 11/12/2025 and 06/13/2026. Size of the fish range from 347-600 mm with back-calculated ages based on Von Bertalanffy growth curves developed in Farr et al. (2002) for Oregon Green Sturgeon ranging from Age 1 to Age 2.

Other recent Green Sturgeon catch includes:

CDFW Juvenile Sturgeon monitoring and tagging (Marc Beccio, pers. comm.):

- 2 tagged juvenile Green Surgeon in Grizzly Bay for 2026. CPUE is expected to be at its highest mid-July through mid-October

CDFW Bay Study (Kenji Soto, pers. Comm.):

- 7/1/2025 Green Sturgeon at Station 736 (Sacramento River near Sherman Island) – 423mm TL
- 7/15/2025 Green Sturgeon at Station 106 (San Francisco Bay) – 767mm TL
- 8/11/2025 Green Sturgeon at Station 431 (Suisun Bay) – 417mm TL
- 9/3/2025 Green Sturgeon at Station 431 (Suisun Bay) – 591mm TL (Wanded, no PIT Tag)
- 3/3/2026 Green Sturgeon at Station 752 (Lower Sacramento River – North End of Decker Island) – 193mm TL. Likely to be a young-of-the-year.
- All released alive

USFWS Rotary Screw Trap Monitoring (Bill Poytress, pers. comm.):

- Larval Green Sturgeon were being caught daily in increasing numbers along juvenile size class sturgeon during periods of 06/01/2026-06/09/2026.

Table 1. Historical Green Sturgeon Catch and CPUV

Water Year	Salvage Facility Catch	Expanded Salvage	CDFW Bay Study Captures	USFWS Red Bluff Green Sturgeon RST CPUV (fish/ac-ft)
2010	0	0	2	n/a
2011	0	0	0	n/a
2012	0	0	0	n/a
2013	0	0	3	2.86
2014	0	0	4	2.98
2015	0	0	1	3.25

2016	1	4	0	30.35
2017	1	4	1	29.79
2018	0	0	2	0.41
2019	0	0	1	22.19
2020	2	8	0	1.58
2021	0	0	0	12.32
2022	0	0	1	0.02
2023	0	0	0	37.05
2024	3	11	3	9.10
2025	7	20	4	2.88
2026	5	15	n/a	8.71 (through 6/10/2026)

Evaluation

At current operations is salvage of Green Sturgeon likely to continue?

Possibly, based on historical salvage data (Figure 1), salvage has occurred through summer and fall months. Juvenile and subadult Green Sturgeon are observed in the Delta and Bay in the Fall, though usually in low abundance (Miller et al. 2020, Figure A1). Limited detections occurred this winter and spring.

Will continued salvage of Green Sturgeon have population level effects?

With limited recent juvenile or adult abundance data, there is high uncertainty regarding the magnitude of Green Sturgeon salvage and if there is significant associated mortality. However, based on historical salvage levels, periodicity patterns, and lack of mortality observed in 2026 so far, continued salvage on Green Sturgeon is unlikely to have a population level effect. Similar levels of salvage observed between 2016-2020 (annual salvage= 0 to 8 fish) were considered a low threat in the most recent 5-year status review (NMFS 2021) compared to the period prior to 2009, when annual salvage ranged from 0 to less than 200 fishes.

All sturgeon salvaged in 2026 were successfully released alive in the Delta. Laboratory studies by Steel et al. (2022) demonstrated that fish guidance through louvers similar to those utilized in salvage facilities was varied for sturgeon less than 120 mm (43%-99%), much higher (99%) for sturgeon exceeding 120 mm in length, and 100% for sturgeon greater than 280 mm. Furthermore, research by Baird et al. (2019) indicates that Green Sturgeon larger than 200 mm face minimal predation risk from common predators such as Striped Bass and Largemouth Bass present adjacent to salvage facilities. Given that sturgeon salvaged were greater than 280 mm,

these findings collectively suggest that unobserved take of Sturgeon over the same salvage period did not occur.

Is increased facility entrainment in WY 2026 a result of delta hydrodynamics due to delta operations or increased population size of Green Sturgeon due to ongoing recovery?

Favorable spring hydrologic conditions during Above Normal (AN) and Wet (W) water years in 2023, 2024, and 2025 may have promoted increased survival rates for early life stages in these years, contributing to increased juvenile Green Sturgeon presence in the Delta. Dudley et al (2026) noted that there is an increasing number of spawners with a larger line occurring every 4-year cycle (e.g. BY2026, BY2022, etc.), which could suggest greater spawner abundance around the dominant year (e.g. on the shoulders of these brood years). Annual Red Bluff Green Sturgeon CPUV since 2023 has included the highest recorded estimate in 26 years of monitoring (Poythress & McCraney 2025; Table 1), with 4,290 larvae and 26 juveniles caught and continued larval recruitment in the past few years. The fish salvaged this year were likely 1+ and 2-year-old fish hatched during these favorable spring hydrological conditions.

The presence of Green Sturgeon salvage over the past week may have been influenced by different environmental attributes affecting movement behavior. For instance, hydrodynamic conditions during the last two weeks have had smaller zones of influence than typically observed during the summer when green sturgeon salvage occurs. Over the 7-day period from June 08 through June 15, 2026, which encompasses the majority of WY 2026 salvage, mean flows at Sacramento River at Freeport and San Joaquin River at Vernalis were 12,342 cfs, 1,555 cfs, respectively. On 6/16, daily exports were 923 cfs for Jones Pumping Plant and 271 cfs for Harvey O. Banks Pumping Plant. Ranges for the daily, 5-day, and 14-day average OMRI from June 08 to June 15, were -3,305 to -1661, -3,684 to -2,839, and -3,044 to -3,400 cfs, respectively. Based on the real-time hydrodynamic modeling from June 1 and June 8 (Figure A3), the zone of influence extends through the Old and Middle River corridor only as far north as Victoria Cut. An environmental attribute which could affect behavior is temperature. Temperatures have increased over the last two weeks in the South Delta (Figure A4), and this is hypothesized to potentially affect juvenile green sturgeon distribution and residence time in freshwater (Heublein et al 2017).

Appendix.

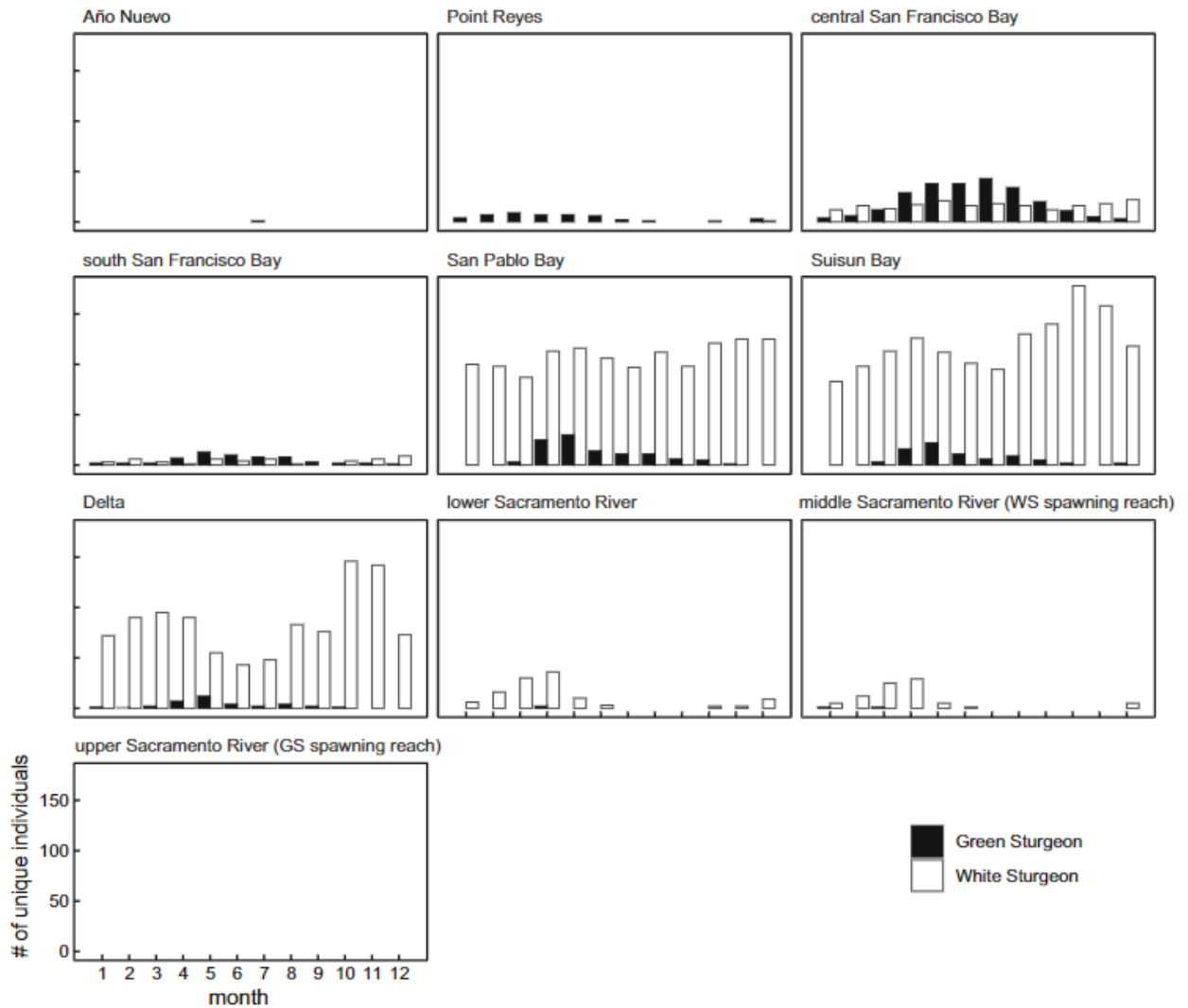


Figure A1. Subadult Green Sturgeon Presence Across all Months by River Reach (Source: Miller et al. 2020)

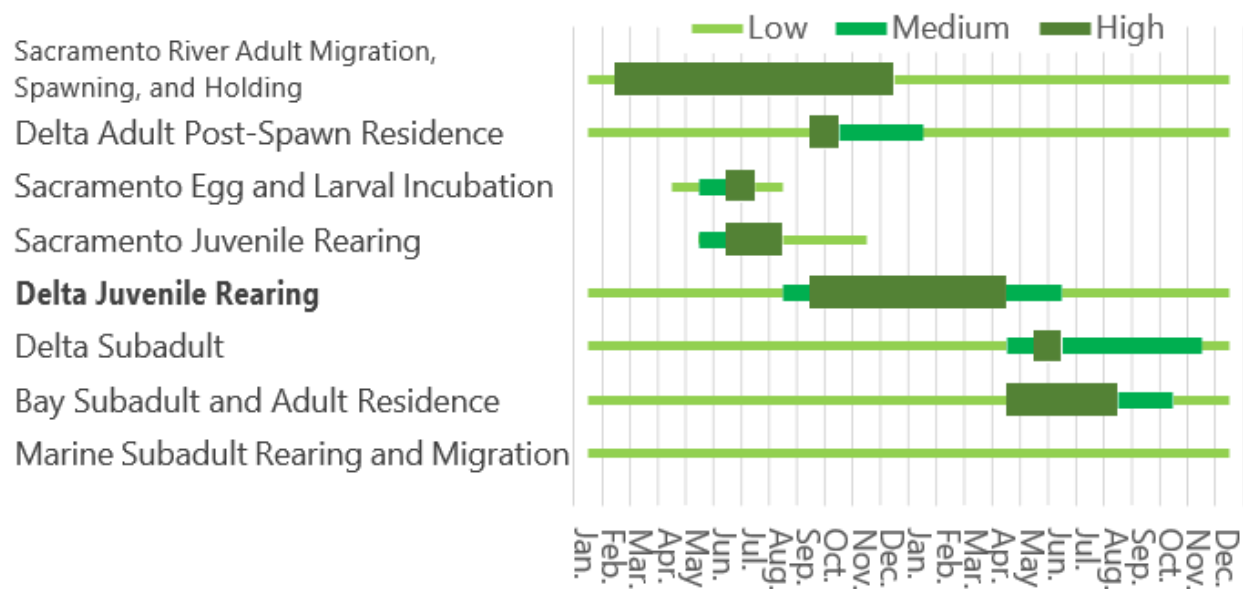


Figure A2. Temporal Life Stage Domains for Green Sturgeon (Figure D-8 from LTO EIS Appendix AB-D)

Table A1. Downriver Adult Migration Timing Based on Early and Late Groups Identified in Telemetry Analysis (Table C-125 of LTO EIS Appendix AB-C)

Year	Early Downriver				Late Downriver			
	Count	First Date	Mean Date	Last Date	Count	First Date	Mean Date	Last Date
2007	1	Aug 17	—	—	3	Dec 7	Dec 18	Jan 6
2008	0	—	—	—	—	—	—	—
2009	0	—	—	—	3	Oct 14	Nov 16	Jan 14
2010	0	—	—	—	3	Dec 7	Dec 9	Dec 11
2011	1	Jun 28	—	—	1	Jan 23	—	—
2012	10	May 24	Jun 14	Jul 24	7	Nov 21	Nov 25	Dec 2
2013	3	Jul 1	Jul 7	Jul 12	10	Dec 15	Feb 5	Feb 14
2014	3	May 22	Jun 11	Jul 26	10	Dec 1	Dec 4	Dec 6
2015	4	May 20	Jun 23	Jul 26	16	Oct 15	Dec 14	Jan 9
2016	9	Apr 15	May 21	Jul 7	17	Sep 22	Nov 13	Dec 12
2017	6	May 18	Jun 9	Jul 7	10	Nov 22	Jan 14	Mar 24

Source: Colborne pers. comm.

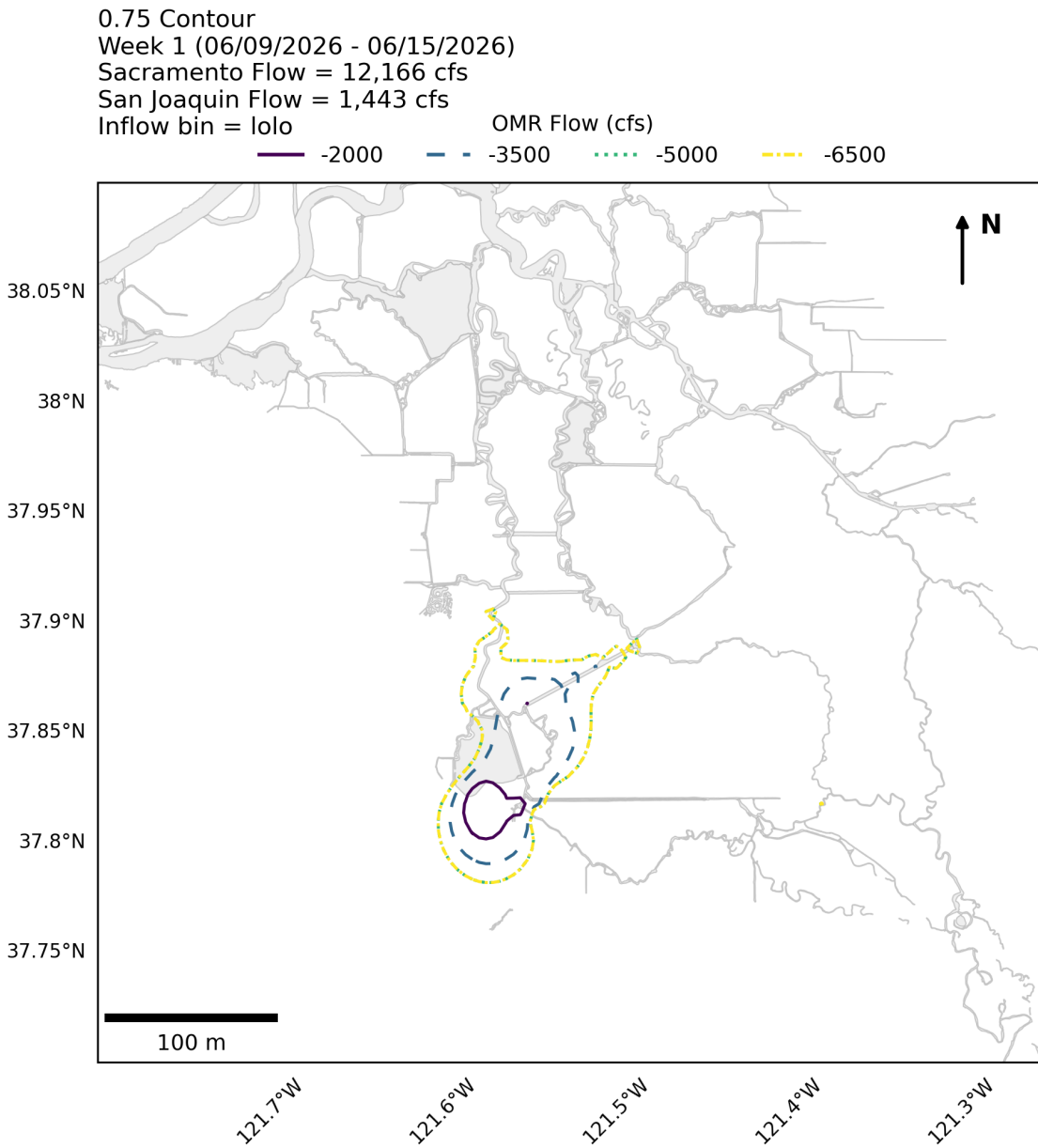


Figure A3. Contour maps delineating Delta Export Zone of Influence under varying inflows and OMR (Source Stantec 2026).

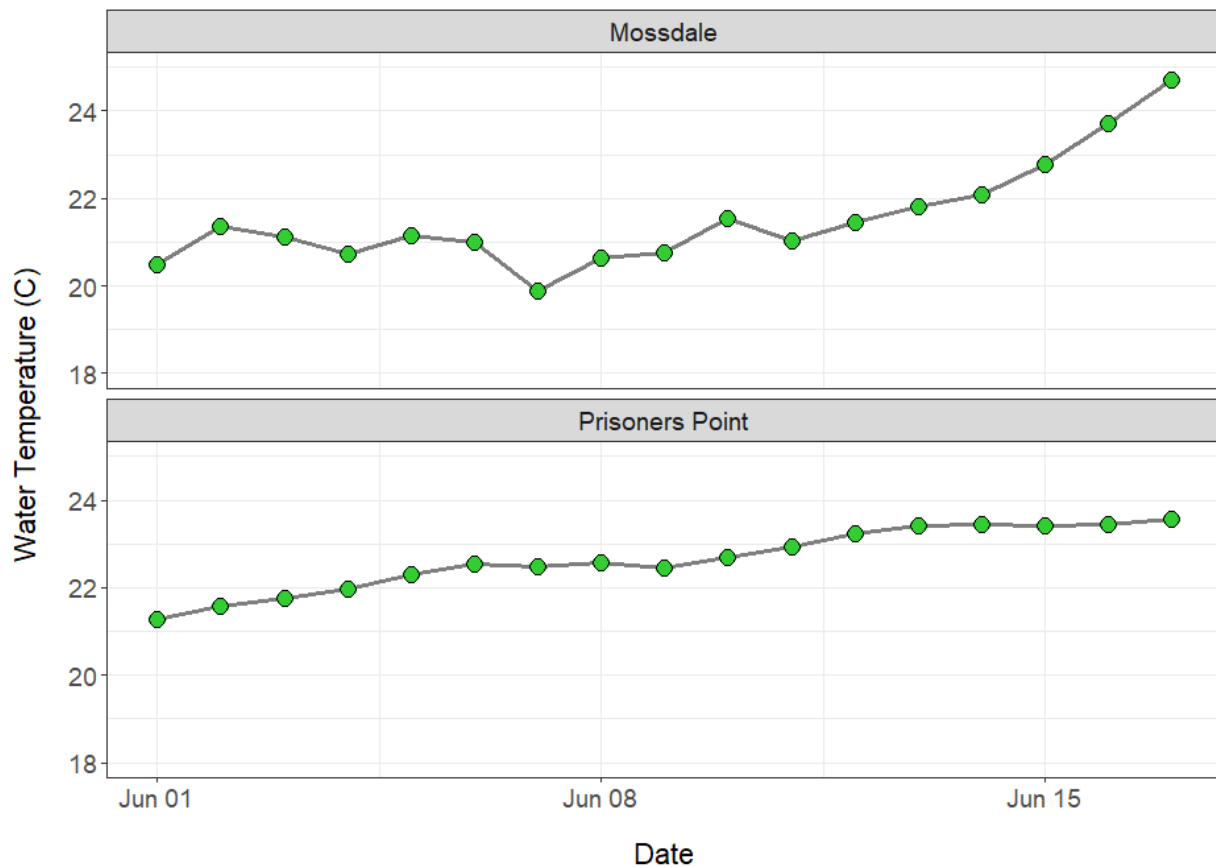


Figure A4. Daily water temperatures (°C) at Mossdale and Prisoners Point in the Sacramento-San Joaquin Delta, June 1-16, 2026.

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To: Incoming Gubernatorial Administration (Governor-elect Transition Team; CNRA Secretary; CalEPA Secretary; SWRCB Chair/Executive Director; DWR Director; Cal OES Director; DHCS/Health & Human Services leadership; Governor's Office of Planning & Research)

A Two-Term Water Agenda that Protects and Improves Water Supply and Quality, Restores Ecosystems and Reduces Flooding to enable a Stronger San Joaquin Valley and a More Water Resilient Southern California

Summary

California's San Joaquin Valley is navigating a structural water shortfall that affects families, farmworkers, small rural communities, the environment and the Valley's economic backbone. The Valley is expected to experience an average annual shortfall of around 2.5 million acre-feet, with projected impacts that include large-scale land fallowing and job losses unless there are thoughtful, strategic solutions.

The Valley needs real solutions to overcome its water shortfalls, not aspirational plans or projects that are unaffordable. The Water Blueprint has spent years developing a realistic, affordable water plan that not only benefits the San Joaquin Valley but provides substantially improved water supplies and drought protection for southern California. The plan is diverse, addressing not only water supplies and water quality, but proposes flood management and environmental enhancement for the Valley that goes well beyond previous planning efforts.

There are no quick and easy solutions for California's water problems. The problems facing us today have taken decades to evolve and are likely to be exacerbated by climate change. They will take sustained, coordinated efforts to resolve, but resolution is achievable. The Valley faces water management challenges that threaten communities and the economy with risks of significant land fallowing, job losses and related social issues.

Local agencies are implementing the Sustainable Groundwater Management Act (SGMA) through Groundwater Sustainability Plans (GSPs). The Unified Water Plan effort—led by the California Water Institute at Fresno State University and Water Blueprint partners—aims to integrate and coordinate subregional efforts into a single, coherent Valley-wide plan to solve an array of water related problems.

The Water Blueprint and the Unified Water Plan

The Unified Water Plan is intended to coordinate and integrate numerous Valley subregional water efforts into a comprehensive regional approach—not to replace local plans, but to add synergy – to align local efforts with new infrastructure to increase benefits and effectiveness.

The Blueprint's Unified Water plan is based on:

- the need to improve drinking water supplies for rural communities,
- the need to restore fundamental, essential conveyance capacity in major canals,
- an understanding of the magnitude of the water management problems in each subbasin and the specific projects needed to address those problems,
- the type and magnitude of environmental enhancement that is both needed and possible in each subbasin,
- the reduction in flood risks that can and should be achieved,
- an understanding that California's climate is highly variable and uncertain and that resilience is achieved through sound planning, and
- a recognition of the need to work with multiple agencies and organizations in a coordinated and strategic manner to advance necessary short-term and long-term projects.

The Water supply components of this plan amount to more than \$10 billion for a water supply increase of up to 2.1-million-acre feet. Preliminary estimates of the average water cost are around \$220/af. The revenues from these investments have been estimated to be around \$7 billion per year.

Objective #1: Water Reliability for Rural Communities - Improvement in drinking water supplies to improve the quality, reliability and affordability of domestic water supplies in rural areas.

Recommendation #1: Create a Community Water Reliability Task Force, co-led by agencies and implementation partners with field capacity (including organizations like Self Help Enterprises).

Core actions include:

- a) rapid assessment and prioritization of small systems and vulnerable areas using consistent GIS layers (floodplain, water quality, subbasin/GSA boundaries) as described in Unified Water Plan work,
- b) bundling planning, design and construction so small communities can compete for funding and move faster (a frequent barrier in rural infrastructure delivery) to address water and sewer challenges, and
- c) alignment of drinking water security with housing stability. Where domestic wells or small systems are at risk, coordinate with housing rehabilitation and resilience programs to reduce displacement pressure.

This approach earns consensus by beginning with a universal value—safe water for families—and builds trust for the harder allocation and infrastructure conversations.

Objective #2: Restoration of conveyance capacity in the major canals in the Valley

Prevention of ongoing subsidence and restoration of the main water conveyance facilities in the San Joaquin Valley is fundamental for providing a reliable supply of water to the Valley and to southern California. Essential facilities include the California Aqueduct/San Luis Canal, the Delta Mendota Canal and the Friant-Kern Canal. Also included in this group is channel restoration and maintenance in the South Delta to restore fish habitat, facilitate escapement of flood water from the San Joaquin River and restore water delivery capability to farmers in the area. An investment in the order of at least \$7.2

billion dollars is required to restore these facilities. An investment of that magnitude is beyond the capabilities of water users. Significant state and federal investments in these facilities will be needed to maintain the economies of central and southern California.

Recommendation #2: Take a leadership role in restoring CVP and SWP conveyance facilities to their design capacity including subsidence-impacted canals and sediment-constrained Delta channels and be proactive in advancing programs and projects that slow or prevent ongoing subsidence. This should include financial and policy support – including streamlined permitting processes.

Objective #3: Implementation of local water projects (scenario 2 projects in the UWP)

Recommendation #3: Direct state partners to provide financial aid, technical support (such as I-FIRM and aerial snow surveys) and streamlined permitting to subbasins to help implement local water projects identified in GSPs that:

- a) enhance water supplies and groundwater recharge utilizing local surplus water,
- b) facilitate demand reduction,
- c) provide operational coordination to transfer water consistent with enhanced local management and control including recirculation of SJRRP water,
- d) proactively pursues the co-equal goals of the Delta Reform Act based on the best available science, and
- e) protects water quality as a co-equal priority

With investments in the order of \$3 billion, the current water supply-demand gap could be reduced from around 2.5 maf to around 1.1 maf (range of 0.9 to 1.3). Without overriding local control a new administration can assist by:

- f) providing technical templates and shared analytics distilled from the implementation of successful projects,
- g) incentivizing multi-benefit projects through strategically designed funding vehicles, and
- h) drawing on proven practices for recharging high flow water without restructuring water rights

Objective #4: Development of water infrastructure

With a sizable water supply-demand gap still remaining after implementing local projects and local supplies fully utilized, the remaining sources of water are flows from the Sacramento-San Joaquin Delta that are not needed for any other purpose, and new reservoirs. Without these projects it is likely that many subbasins will be chronically short of water including Delta-Mendota, Westside, Kern, Kaweah, Tule, and possibly Merced, Chowchilla and Madera.

Recommendation #4: Support efforts to develop affordable large-scale infrastructure that can make a meaningful difference in enhancing the water supply for California. These large projects have long lead times but beginning now, with research and analysis, is critical to avoiding catastrophic conditions in the future.

Core actions:

- a) Infrastructure improvements in the Delta to allow increased water diversions in times of surplus without harming native fish,

- b) new bidirectional conveyance facilities in the Valley to move the increased supplies to areas where they are needed and facilitate groundwater banking, including:
 - i) a Trans Valley Canal linking the California Aqueduct to critically water-short Tulare County while also providing supplemental water to wildlife refuges, and
 - ii) new facilities to convey water from Mendota Pool to white land areas east of it,
- c) development of drought year contingency projects including reservoirs north of the Delta to provide drought year supplies, and reverse flow on the California Aqueduct and Delta Mendota canal to facilitate recovery of banked water during severe droughts, and
- d) wet year contingency projects - transitional storage south of the Delta to hold flood waters until they can be delivered for groundwater recharge or irrigation.

The Valley's share of the cost of these projects is estimated to be around \$4 billion.

Objective #5: Reduction in flood flows

The ground water storage projects and surface water storage projects south of the Delta are expected to reduce flood flows at Vernalis by around 10,000 cfs (range 7,000 to 12,500 cfs) and flood flows to Tulare Lake by 5,000 cfs (range 2,200 to 6,600). While this will not eliminate flooding in the Valley, it is a significant improvement. The costs for these projects are included in the projects listed above.

To further reduce flooding risks, several types of projects could be investigated further: increased in-Valley recharge capacity, increased capacity for flood water to escape the Valley, such as an expanded Paradise Cut and reconnection of expanded floodplain to reduce peak to reduce flood impacts and create healthier rivers.

Objective #6: Environmental Restoration and Protection

A conceptual environmental plan area was identified in the Blueprint plan encompassing 1.1 million acres. Of this total 350,000 acres are needed to meet stated environmental goals for seven different land cover types: aquatic, floodplain, grassland, riparian, scrub & saltbush, wetland and woodland. Of the 350,000 acres, at least 130,000 acres would come from the repurposing of irrigated land. It is estimated that restoring 350,000 acres while repurposing 130,000 acres would result in a net water savings of 50,000 acre-feet per year. Repurposing 50,000 acres of irrigated land to multi-benefit recharge basins might reduce water demands by another 30,000 acre-feet per year.

Recommendation #6.

- a) Develop a program to fund and distribute \$1 billion over the next 4 years to repurpose farmland consistent with an environmental enhancement plan for the Valley
- b) If there is significant achievement in progress towards environmental goals, relax take provisions when sufficient habitat has been secured to ensure protection of the species, particularly for channel and recharge basin maintenance activities that would otherwise increase flood risks.
- c) Make safe harbor agreements easier to obtain so landowners do not oppose environmental restoration on lands adjoining their property

Objective #7: Implement "managed transition" strategies to reduce impacts on communities and workers in areas where land must be repurposed.

The Water Blueprint projects potentially severe social and economic impacts in areas where the water supply-demand gap cannot be closed through water supply enhancement.

Recommendation #7: To help communities adapt, build a cooperative strategy that includes:

- workforce partnerships and local economic diversification planning in highly impacted areas, and
- housing stability and anti-displacement coordination,.

Objective #8: Responsible Governance & Performance Accountability

Recommendation #8: Create incentives for agencies and stakeholders to work together in a coordinated manner to effectively and efficiently address California water challenges.

Core Actions:

- a) Secure Sustainable Water Funding. Create a reliable, sustainable, state funding source for water infrastructure that provides predictable, long-term investment. This funding should support critical water infrastructure projects, environmental needs, and California's Human Right to Water while leveraging federal, regional, and local investment
- b) Unify State Agencies: Direct state agencies to align under unified statewide water priorities and jointly advance implementation in partnership with local, regional, and federal water managers. Designate a cabinet-level water policy executive, reporting directly to the Governor, to align agencies and organize state resources to implement California's water priorities. Incentivize agency heads to look beyond agency boundaries to meet the broader state goals. CDFW, CDWR, SWRCB, DSC, CNRA should understand state objectives and work cooperatively to achieve them.
- c) Streamline permitting and hold regulators accountable for their decisions.
- d) Require regulatory decisions to be based on the best available science and appoint an ombudsman to mediate disagreements as a first line of recourse.
- e) Focus capital and permitting attention on investments most likely to generate shared benefits. Consensus can be built by implementing a coordinated system of incentives and projects in which parties with diverse interests get better together.
- f) Implement reforms that encourage large scale ecosystem enhancements.
- g) Implement reforms that facilitate flexibility in management of water supplies.
- h) Shift operational control of diversions from rivers to local entities, such as river water masters, who are then coordinated Valley-wide.
- i) Require regular, transparent reporting of progress towards water management and environmental objectives with pathways for impediments to be identified and resolved. Reporting metrics might include:
 - i) households/communities gaining improved drinking water reliability (connections, consolidations, treatment),
 - ii) recharge capacity added, quantity of water recharged (by project or subbasin),
 - iii) ecosystem restoration achieved (by land cover type, by subbasin),
 - iv) conveyance enhancements (interties, turnout upgrades, operational agreements),
 - v) water quality risk reduction actions (priority plumes addressed, systems upgraded),
 - vi) cross-basin agreements executed (MOUs, joint powers arrangements, water accounting frameworks).

The next administration can accelerate progress by focusing on:

1. Safe & reliable water for communities (domestic drinking water and small systems) as a non-negotiable baseline.
2. A unified water plan that integrates surface water, groundwater, recharge, conveyance, conservation, and markets—aligning local GSPs with improvements in Valley-wide infrastructure.
3. Multi-benefit infrastructure investments (recharge, flood-managed aquifer recharge, conveyance modernization, water quality) that protect communities and sustain the Valley's economy.
4. Environmental enhancement based on defensible science and sound ecological

Developing more sustainable supplies from the Delta, restoring conveyance capacity in the California Aqueduct and developing new infrastructure that expands water banking opportunities not only helps the San Joaquin Valley – it greatly enhances the water supply resilience for Southern California. This approach helps California meet its broader water supply objectives. The Water Blueprint is committed to supporting an administration with the vision and capacity to lead this effort.

Sincerely,

Eddie Ocampo, Board of Directors Chair
Water Blueprint for the San Joaquin Valley

Appendix A

Unified Water Plan Alignment with Other Planning Efforts

Several thoughtful water planning efforts have been undertaken. This section highlights the alignment between the Blueprint Plan and the other efforts. Codes include:

- **Alignment** – Blueprint alignment with the plan element but wording may be different. Examples provided but typically not a comprehensive list of Blueprint Plan projects..
- **Consistent** – not considered in the Blueprint plan, but consistent with Blueprint objectives.
- **Inconsistent** - not considered in the Blueprint plan, but likely inconsistent with Blueprint objectives.
- **Not aligned** – Blueprint plan offers a different approach. Explanation provided.

The Governor’s Water Resiliency Portfolio¹

The Governor’s water resilience portfolio embraces a broad, diversified approach. Goals and actions are organized into four categories:

- 1) **Maintain and diversify water supplies:** State government will continue to help regions reduce reliance on any one water source and diversify supplies to enable flexibility as conditions change. Diversification will look different in each region based on available water resources, but it will strengthen water security and reduce pressure on river systems across the state. Alignment – Recommendation #3 focuses on a range of local types of projects, while Recommendation #4 3 focuses on large scale inter-regional infrastructure projects.
- 2) **Protect and enhance natural ecosystems:** State leadership is essential to restore the environmental health of many of our river systems in order to sustain fish and wildlife. This entails effective standard setting, continued investments, and more adaptive, holistic environmental management. Alignment with Objective 5.
- 3) **Build connections:** The state aims to improve physical infrastructure to store, move, and share water more flexibly and integrate water management through shared use of science, data, and technology. Alignment – Blueprint plan proposes major investments in infrastructure maintenance and new conveyance. See Objective #2, Recommendations 4b, 4c.
- 4) **Be prepared:** Each region must prepare for new threats, including flashier floods, deeper droughts, and hotter temperatures. State guidance will enable preparation, protective actions, and adaptation. Alignment – Blueprint plan proposes increased groundwater and surface storage to store water during wet periods to provide resilience during droughts and

¹ [Water Resilience Portfolio](#)

conveyance facilities to enhance groundwater banking opportunities. See Recommendations 3a, 4b, 4c.

ACWAs Vision for our Water Future²

1) Lead on Water

- a) Set a Bold Water Agenda: Establish a focused statewide water agenda aligned with this Vision for Our Water Future. Alignment. Objectives 2 and 4 offer substantial improvements for water supplies for southern California.
- b) Appoint Leaders to Deliver Results: Appoint and empower leaders to deliver measurable outcomes. Consistent with Recommendation 8h.
- c) Unify State Agencies: Direct state agencies to align under unified statewide water priorities and jointly advance implementation in partnership with local, regional, and federal water managers. Designate a cabinet-level water policy executive, reporting directly to the Governor, to align agencies and organize state resources to implement California's water priorities. Alignment - implemented into Recommendation 8b.

2) Protect Affordability

- a) Secure Sustainable Water Funding. Create a reliable sustainable state funding source for water infrastructure that provides predictable, long-term investment. This funding should support critical water infrastructure projects, environmental needs, and California's Human Right to Water while leveraging federal, regional, and local investment. Alignment – implemented into Recommendation 8a and see Recommendation #4.
- b) Accelerate Funding. Improve funding programs and coordination so investments reach projects faster — reducing administrative delays, lowering project costs, and accelerating infrastructure delivery. Alignment – see Recommendation #3.
- c) Integrate Investments Across Sectors. Align state investments and integrate water infrastructure funding across energy, housing, and climate and hazard mitigation to advance multi-benefit projects and maximize federal, state, and regional investment. Consistent – Blueprint recommendations provide benefits for rural communities, agriculture, and the environment.

3) Deliver Critical Infrastructure

- a) Strengthen the State's Water Backbone: Upgrade, repair, and optimize California's essential backbone infrastructure — the California State Water Project and Central Valley Project.
 - i) Modernize and Protect Infrastructure: Advance a durable Delta conveyance solution, strengthen Delta levees, safeguard critical infrastructure from subsidence and seismic risk, and upgrade system technologies — including Forecast Informed Reservoir Operations, snowpack measurement, and remote monitoring control. Alignment – see Recommendations 2 and 3.

² [ACWA-Vision-Document_FINAL.pdf](#)

- ii) Improve Coordinated Operations: Integrate operations of the California State Water Project and Central Valley Project to increase system flexibility, expand the storage and movement of water, and enhance water supply reliability. Alignment with Recommendation 3c.
- b) Safeguard Colorado River Water Supplies: Protect California's Colorado River allocation, consistent with the State's legal entitlements and the efforts of the Colorado River Board of California. Consistent, but beyond the Blueprint's scope.
- c) Empower Regional Water Solutions: Champion regional and watershed-based solutions. State policy should empower regions with the tools, flexibility, and investment needed to advance regional planning, partnerships, and projects that diversify water supplies, strengthen system connectivity and operational efficiency, and restore ecosystem functions to ensure reliable water supplies. Alignment – See Recommendation #3.

4) Modernize Water Management

Improve California's regulatory and operational systems so water projects can move forward reliably and efficiently, infrastructure can be operated more flexibly, and agencies can respond more rapidly to changing conditions. California's regulatory framework should deliver clear, coordinated decisions grounded in the best available science, while maintaining environmental protections, public transparency, and California's existing water rights priority system. Alignment – see Recommendation 6 and 8.

- a) Improve Permitting Performance: Enhance the clarity, coordination, and efficiency of state permitting processes to accelerate infrastructure and operational improvements; eliminate avoidable costs; and ensure state and local agencies deliver timely, accountable results. Alignment with Recommendation 8c.
 - i) Integrate Permit Requirements: Integrate requirements and processes across regulatory agencies to eliminate redundancy and inconsistency.
 - ii) Enhance Regulatory Certainty: Establish transparent procedures, clear criteria for permit approval, and accountable timelines for agency decisions — developed in direct partnership with water suppliers.
 - iii) Streamline Pathways: Create efficient pathways to advance multi-benefit, climate resilient water supply projects.
- b) Modernize Water Operations: Advance operational approaches that reflect changing climate realities to improve water supply reliability across environmental, agricultural, and urban sectors. This may include coordinated reservoir management, flexible diversion rules tied to real time hydrology, accelerated groundwater recharge and conjunctive use, expanded water transfers, and other adaptive strategies. Alignment with Recommendations: 3 and 8g, 8h
- c) Strengthen Water Data and Science: Invest in integrated, science-based statewide data systems and technology that improve transparency, inform real-time decisions, and strengthen regulatory and operational performance to increase efficiency and better manage water resources. Alignment with Recommendation #8.

Three California Department of Water Resources (DWR) planning studies—the San Joaquin Basin Flood-MAR Watershed Studies (Watershed Studies), State Water Project Adaptation Strategy, and the San Joaquin Valley Conveyance Study—inform near- and long-term strategies for addressing water sustainability and resilience in the San Joaquin Valley.

1) SWP Adaptation Strategy

- a) Delta Conveyance Project - provides significant water supply benefits (341,000–411,000 acre-feet increase in total SWP exports per year). While the DCP would improve water reliability, supply and water quality, it is too expensive for agriculture and most of the Valley is not in the SWP place of use.
- b) California Aqueduct Subsidence Program - Without investments, Table A deliveries diminish from over 2,100,000 acre-feet to 300,000 acre-feet per year by 2043. Alignment with Recommendation #2.
- c) FIRO at Oroville - Forecast-informed reservoir operations at Oroville is a safe, cost-effective adaptation investment that has few, if any, drawbacks. Alignment with Recommendation #3
- d) South of Delta Storage - Additional SOD storage can provide an effective strategic water reserve for dry years Alignment with Recommendation #3
- e) Portfolio Approach - When implementing all strategies in combination, reductions to Delta outflow are relatively small (3%) while Table A and Total SWP export improvements are substantial (25–32% and 25–29% respectively). Fundamental alignment with the Blueprint Approach – See p.1

2) San Joaquin Basin Watershed Studies

- a) I-FIRM: Reduces peak flows by 30–55%, as well as frequency and
- b) duration of flood flows in the downstream channel; Recharges 410,000 acre-feet per year on average; Reduces groundwater overdraft by 12%–38% across watersheds (103,000 acre-feet per year basin wide); Basin wide implementation of FIRO-integrated recharge can potentially reduce peak flows at Vernalis. Alignment with Recommendation #3 – improved forecasting combined with modified reservoir operations and new recharge facilities increase groundwater recharge and reduce flooding.

3) San Joaquin Valley Conveyance Study: The purpose of the San Joaquin Valley Conveyance Study was to: describe the impacts of subsidence on San Joaquin Valley conveyance facilities and evaluate the need for improved or expanded conveyance facilities throughout the San Joaquin Valley. Alignment with Recommendations 2 and 4.

SJV Water Collaborative Action Program (CAP) Vision for the San Joaquin Valley

The CAP's Vision for the San Joaquin Valley outlines desired outcomes, investment strategies, and policy reforms needed to transition the region toward sustainable water management for people, agriculture, and the environment.

An alternative future scenario could see the development of new or reoperated water supplies, which could increase reliability in areas that were previously groundwater dependent, resulting in a reduction in retired acreage required to bring basins into balance and adjust to water scarcity. The proposed investments in this plan include funding that would support either scenario, so the total investment amount is greater than for just one scenario. Decisions from federal, state, and local officials need to be made soon about what the future path should be.

1) Challenges. There are seven major categories of challenges:

- a) Drinking Water Insecurity - Many small, rural communities (SRCs) lack safe, reliable, and affordable drinking water
- b) Agriculture Changes - The San Joaquin Valley is heavily impacted by reduced access to groundwater pumping. As previously stated, over 1 million acres of the San Joaquin Valley's 4.5 million acres of irrigated agriculture may need to come out of production to support the groundwater balance required to achieve sustainability .
- c) Water Supply and Demand Imbalance - From 2003 to 2017, the average annual overdraft increased to 2.4 MAF per year.
- d) Habitat Loss and Ecological Decline – Less than 10 percent of the historical habitat remains, and what exists is fragmented and degraded³. Many of the habitat areas are “too small to support sustainable populations of many fish and wildlife species.”
- e) Aging and Insufficient Infrastructure. Most water infrastructure is more than 70 years old. Subsidence caused by groundwater overdraft has reduced the capacity of major canals. This reduces the region's ability to move and store water, worsening shortages and reliability.
- f) Policy Fragmentation and Limited Local Capacity - Local governments face unfunded mandates, declining tax revenues, and insufficient staffing to manage complex water program.

2) Vision: The CAP's comprehensive vision for the Valley's future:

- a) Universal access to safe, reliable, affordable drinking water
- b) Sustainable water supplies that support communities, ecosystems, and agriculture
- c) Expanded and connected habitat areas, including floodplain, riparian, wetland, and upland ecosystems
- d) A resilient agricultural economy that preserves as much viable farmland as possible
- e) Aligned state and federal policies and sufficient public investment
- f) Capacity building for local governments, tribes, and community organizations
- g) Science-based, adaptive management to guide decisions over time

3) Investments

a) Safe Drinking Water Investments

The CAP identifies more than \$4.1 billion in necessary long-term and interim solutions. These include water system consolidations, new and replacement wells, centralized and decentralized treatment, secure interim supplies, technical and managerial assistance, community engagement, and system-level administrative support. An estimated \$8 billion over twenty years is required for operations and maintenance to support system reliability and affordability, particularly for small systems serving small,

³ (Brown, 2000)

rural communities. The CAP estimates that more than \$12.4 billion in infrastructure and capacity expansion is required to ensure safe drinking water for all communities in the San Joaquin Valley.

Proposed Solutions include: consolidation of small systems, centralized or decentralized treatment, new wells or backup supplies, interim bottled water or point-of-use treatment; long-term O&M support to ensure affordability; and operator training and workforce development. Alignment with Recommendation #1.

b) Ecosystem Restoration Investments

To reverse ecological decline and restore habitat connectivity, the CAP identified a need to restore roughly 715,000 acres of various habitat types. Based on recent estimates of habitat restoration project costs, the restoration to meet these goals could exceed \$27 billion, including for on-the-ground restoration and land acquisition, across the Valley floor and adjacent foothills. Programs like the Multibenefit Land Repurposing Program (MLRP) and the implementation of Regional Conservation Investment Strategies across the Valley will help to advance restoration, but additional targeted restoration projects and programs will also be necessary to achieve functional habitat and regional corridors. In addition to these restoration needs, the CAP advocates targeted investments in the San Joaquin River Restoration Program, adequate refuge water supplies, and support for long-term land management. Additional capacity-building investments are recommended to improve permitting efficiency, support native seed production, enhance workforce development, and strengthen tribal and community engagement. Habitat Types to be restored include: riparian, floodplain, seasonal and semi-permanent wetlands, upland habitat. Alignment with Recommendation #6.

Additional Ecosystem Investments

- *\$758 million to complete Stage 1 of the San Joaquin River Restoration Program*
- *Funding for refuge water supply infrastructure to meet CVPIA obligations*
- *Workforce development and seed propagation capacity*
- *Long-term land management*
- *Streamlined permitting ("Cutting the Green Tape")*

Restoration must be landscape-scale and connected to support ecological function.

c) Water Supply Investments

The CAP identifies more than \$14 billion in investments in conveyance, storage, and diversified supply to modernize aging infrastructure, address subsidence-related capacity losses, expand groundwater recharge, and enhance drought and flood resilience. In identifying water supply investment opportunities, the CAP referred to components of the "Unified Water Plan for the San Joaquin Valley" (Unified Water Plan) being prepared by the California Water Institute and Water Blueprint for the San Joaquin Valley. Where projected costs for projects are derived from the Unified Water Plan, they will be denoted. Priority categories include regional and interregional conveyance improvements, surface and groundwater storage development, recycled water and brackish desalination projects, agricultural and urban conservation programs, and enhanced implementation of Flood-Managed Aquifer Recharge (Flood-MAR). Expanding technical and managerial capacity to maintain infrastructure and to implement other local projects introduces additional costs. In total, the CAP estimates \$15.3 billion worth of investments in priority water supply infrastructure projects and actions to improve water supply reliability for the San Joaquin Valley.

To stabilize water availability, investments must include:

- \$2.67 billion for groundwater recharge projects*
- \$6.13 billion for region and interregional conveyance*

- \$1.09 billion for local projects*
 - \$5.04 billion for capacity correction on major infrastructure*
 - \$503 million for local surface water storage*
 - \$1.19 billion for diversified supply development (recycled water, desalination, etc.)*
 - \$198.4 million for water conservation*
 - \$13.2 million for Flood-MAR watershed studies
 - \$91 million per wet year for on-farm recharge
 - \$200 million for recharge basins benefiting SRCs
 - \$64 million for long-term O&M for recharge and ecosystem projects
- * Indicates that the costs for investment categories are identified in the Unified Water Plan

These investments aim to increase flexibility, capture high-flow events, and reduce groundwater overdraft. Alignment with recommendations 2,3,4 but the costs in the Unified Water Plan draft are overstated for local projects where insufficient surplus water is available to implement all projects.

d) Land Repurposing and Demand Reduction

SGMA implementation, changes in surface water availability and droughts could require the repurposing of over a million acres of irrigated farmland. The CAP recommends the funding of approximately \$13.6 billion to the MLRP to facilitate agricultural land transitions that promote habitat restoration, lower-water crops, groundwater recharge basins, renewable energy development, open space, and community amenities. Additional measures include support for the implementation of groundwater allocation programs, expanded incentives, such as the LandFlex program, and policy improvements related to energy transmission siting and the Williamson Act. CAP estimates a total of \$14.6 billion worth of investments to provide adequate support for land transitions and demand reduction.

Repurposing options include: habitat restoration; lower-water-use crops; multi-benefit recharge basins; rangeland, solar development, community parks and buffers.

Key Programs

- \$13.6 billion for Multibenefit Land Repurposing Program
- \$1 billion to expand the LandFlex program
- Support for groundwater allocations and monitoring technologies
- Policy reforms (e.g., Williamson Act subventions, Prop 218 reform)

Alignment with Recommendation #6 and 8e. Conversion of irrigated land to lower-water use crops, rangeland and solar development will likely occur as a result of water demands not being met, and not as part of a water supply plan.

4) Funding Models and Sources

A modern, integrated financing approach is essential to support regional water investments at the scale needed while improving affordability, equity, and participation. This is especially true for small, rural communities. Alignment with Recommendation 8a.

Key considerations include:

- Develop comprehensive, system-level financing strategies rather than relying solely on project-by-project funding.
- Leverage blended funding models that combine public grants, low-cost and below-market financing, philanthropic investments, and revenue-based mechanisms to enable landscape-scale outcomes.

- Engage financial experts to help design creative and sustainable funding structures aligned with priority investments.
- Reform Proposition 218 to enable funding for pass-through mandates (e.g., SGMA and flood control) and ensure inclusive rate-setting that incorporates small, rural communities.
- Establish and fund rate-assistance programs for low-income water customers.
- Create financing structures that support collaboration between small, rural communities and landowners on groundwater recharge, including land acquisition where necessary.

5) Tribes, Stakeholders, and Community Engagement

Capacity building is needed for: Tribal governments, Community-based organizations, Water system boards, Domestic well owners Consistent

6) Path Forward

The CAP calls for:

- Streamlined processes Alignment with Recommendation 8c.
- Integrated, multi-benefit planning Alignment – see top of p.2
- Comprehensive financing systems Alignment with Recommendation 8a.
- Continued collaboration across sectors. Alignment with Recommendations: 3 and 8g, 8h

Across all areas, three cross-cutting needs are essential to successful implementation:

- Enhanced local, state, and federal capacity to plan, permit, implement, and maintain water and habitat projects. Alignment with Recommendation #3.
- Streamlined and coordinated regulatory pathways tailored to multi-benefit and ecosystem restoration projects. Alignment with Recommendation 8c, 8e.
- Robust, equitable, and durable financing mechanisms that blend public, private, and philanthropic capital and ensure affordability for small, rural communities. Alignment with Recommendation 8a.



SAN JOAQUIN VALLEY WATER

Collaborative Action Program

Plenary Group Meeting Summary

June 23, 2026 | 3:00 – 5:00 PM

Participation

On June 23, 2026, the Plenary Group had 26 members participate in the discussion, and all five caucuses were represented.

#1 In-Person Meeting Recap

Jim Kramer shared an update on the most recent in-person meeting on June 12, 2026 at the El Capitan Hotel. The discussions centered on legislative updates, CAP's vision for the Valley, caucus work plan priorities, and goals for the remainder of 2026. CAP's vision for the San Joaquin Valley is focused on covering environmental restoration, land repurposing, safe drinking water, and water supply, with the goal of developing a common message and short advocacy document for the incoming state administration.

#2 Legislative Update

Kyle Jones shared a legislative update. Bills are moving through second-house policy hearings. CAP submitted support letters where applicable, but did not reach consensus on a formal position for AB 2026. Most surviving bills are likely heading to appropriations over the July summer recess. AB 2026 is expected to pass Senate Natural Resources and Water. CAP will monitor amendments and revisit if needed. No new formal positions were adopted.

#3 GRA SGMA Summit

Sam Cunningham shared an update on the GRA SGMA Summit that took place in Clovis. The Summit had high attendance, with a notable increase in participation from GSA managers and local representatives compared to state officials. A recurring theme during the event was the critical need for trust among stakeholders and institutions, with participants noting that progress is limited by the speed of trust. Participants identified a lack of alignment in current incentive structures, funding mechanisms, and governance frameworks as significant barriers to SGMA implementation.

#4 DWR Vision for the Valley Presentation and Comment Deadline

DWR released a vision document that synthesizes three technical studies: the State Water Project Adaptation Strategy, the San Joaquin Basin Watershed Studies, and the San Joaquin Valley Conveyance Study. The vision projects a decline in State Water Project deliveries due to shifting hydrology. Proposed strategies include the Delta Conveyance Project, the Aqueduct Subsidence Program, and the implementation of FIRO. The document emphasizes the need to address subsidence, and advocates for a portfolio approach, including managed aquifer recharge and pilot testing strategies to capture high flows.

The public comment period for the document is open until July 21st. CAP will gather feedback from individual caucuses to formulate a collective response to influence the document's direction.



SAN JOAQUIN VALLEY WATER
**Collaborative
Action Program**

June 10, 2026

Assemblymember Aguiar-Curry
1021 O Street, Suite 8210
Sacramento, CA 95814

**RE: AB 2026 (Aguiar-Curry) Water Diversion: Groundwater Recharge: Permit–
SJVWCAP Requested Feedback**

Thank you for introducing AB 2026 and raising awareness about the need to streamline groundwater recharge as a way to support local agencies to comply with the Sustainable Groundwater Management Act (SGMA), improve groundwater storage, and potentially improve flood protection through better capture of increasingly volatile and climate change driven flows. The San Joaquin Valley Water Collaborative Action Program (CAP) appreciates the request to provide feedback on the bill. The CAP includes many of the parties that should be part of a final agreement, alongside the Legislature and state agencies, to develop a way forward. Ultimately, streamlining groundwater recharge in a manner that protects other water rights holders, communities, and the environment will require significant work to collaborate and understand the needs of all parties involved.

However, we are confident that there is a solution to capture and use floodflows to benefit the aquifers of the San Joaquin Valley and elsewhere while protecting existing water right holders. As a testament to how challenging this work is, we have deliberated your legislation for over a month in all caucuses within the CAP. Given the complexity of these issues, we are unfortunately still unable to reach full agreement on the best way to reach that balance. The language in AB 2026 does however contain many helpful elements that will support moving permits forward and advance groundwater recharge.

One of the key areas of disagreement centers on new diversions of water and how those diversions impact other legal users of water and the environment. Additional work could determine the appropriate flow volume required to ensure no harm to water rights holders, while also ensuring water can be diverted for groundwater recharge.

Our feedback on various elements of the bill is provided below.

Areas of Strong CAP Support

The CAP strongly supports reforms proposed in AB 2026 that would immediately help permits move forward. This includes the proposed changes to 180-Day and Five-Year Temporary Permits to include:

- Addition of Sections 1425(e) and 1431.1 to provide permittees flexibility so that the timelines in permits begin to run when hydrological conditions begin, rather than the time of the issuance of the permit,
- Specification that recharge projects to meet compliance with SGMA meet the definition of “urgent need,” and
- Limited CEQA exemptions for permits.

Areas of CAP Support with Amendments

In addition to the above reforms, the CAP recommends additional amendments to provide permit applicants with more certainty that permits are being processed and available to help ensure full implementation of SGMA, including:

- Require the State Water Resources Control Board (State Water Board) to determine that a water right application substantially complies with the requirements of the Water Code and State Water Board regulations within two years of fee submission by the applicant,
- Require the State Water Board to communicate known deficiencies with permit applications to applicants within 30 days of being accepted,
- Requiring the State Water Board to make a decision on an accepted permit application within two years of it being deemed complete, unless the State Water Board and the applicant agree on a different timeline, and
- Conditioning all permits for recharge uses so that any future extractions of water pursuant to a water right must comply with rules and regulations by an overlying Groundwater Sustainability Agency.

Areas that Need Further Stakeholder Engagement this Year

The CAP believes that it is important to ensure that new water rights permits do not injure legal users of water or unreasonably impact the environment or instream beneficial uses. Consensus among stakeholders on the language effectuating water rights and environmental protection should be sought. At this time, we are unable to reach consensus within the CAP, the membership of which includes water suppliers from multiple watersheds within the San Joaquin Valley as well as the Federal and State Contractors, and environmental NGOs.

Consider a Working Group to Address Streamlining Local Diversion Criteria and Identifying and Addressing Impacts to Water Rights Holders

There remains significant disagreement on how to avoid impacts to the SWP and CVP, and other water rights holders and how to further streamline permits that incorporate local diversion criteria. We are also concerned about the need to determine how to streamline more local

diversion criteria other than the 90/20 method that can benefit all portions of the state. For that reason we feel that DWR Prop 4 Watershed Pilot Projects could be a mechanism to better understand the actual impacts of diversions and opportunities during high flow and flood events, and how those impacts could be mitigated.

A workgroup convened by the Secretary of the California Natural Resources Agency that includes the California Department of Water Resources (DWR), State Water Board, and key stakeholders could be convened to develop a set of recommendations to the Legislature by January 1, 2029, that would address:

- How to determine and mitigate impacts to the Delta, SWP and CVP,
- How watershed modeling, including some of the existing work by DWR could inform local diversion criteria for water rights permitting,
- How to further streamline approval of local diversion criteria, and
- What kind of stream monitoring network would be needed to implement more efficient recharge.

We believe this workgroup should replace the language in proposed Sections 1420-1423.

Remove Amendments to Floodflow Diversion Program in Section 1242.1 other than the Sunset Extension

Finally, we are concerned about the inclusion of expansion of emergency floodflow diversions proposed in Section 1242.1. This section focuses on unpermitted diversions and should remain a limited program, rather than be expanded. There is concern about the potential abuse of this law, particularly with the proposed expansions in AB 2026. As such, we believe it would be better to focus on working to reform the water rights permitting system rather than continue to make changes here and urge removing any amendments from the bill. We agree with extending the sunset on Section 1242.1 to 2034, as proposed in the bill and we would welcome the opportunity to discuss further reforms to Section 1242.1 during the next legislative session.

We appreciate the opportunity to provide feedback on this proposed legislation, and are happy to meet to discuss these issues further.

Sincerely,

Ann Hayden and Sarah Woolf
Co-Chairs

San Joaquin Valley Water Collaborative Action Program