



## MEMORANDUM

TO: SLDMWA Water Resources Committee Members and Alternates

FROM: Scott Petersen, Water Policy Director

DATE: January 8, 2023

RE: Update on Water Policy/Resources Activities

---

### Background

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

### Policy Items

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

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

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

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

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

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

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

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

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

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

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

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

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

---

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

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

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

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

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

On October 14, 2022, Reclamation released an Initial Alternatives Report (IAR).

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

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

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

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

---

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

---

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

On October 10, Reclamation transmitted an Aquatic species Quantitative Biological Assessment, and on October 18, Reclamation transmitted a Terrestrial Species Quantitative Biological Assessment to the Services and to consulting agencies pursuant to the WIIN Act.

Staff anticipates a second Administrative Draft EIS to be released in mid-January for Cooperating Agency review.

### Current Milestones

- Spring 2023 – Public Draft EIS
  - The public draft EIS will be the avenue for comments to Reclamation
  - Cooperating agencies will receive an administrative draft of the EIS
- Fall 2024 – Record of Decision

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

### Bay Delta Water Quality Control Plan Update

#### *Background*

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

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

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

---

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

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

<sup>6</sup> Available at [https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/resolutions/2018/rs2018\\_0059.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2018/rs2018_0059.pdf).

---

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

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

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

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

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

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

---

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

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

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

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

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

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

The draft Staff Report is available for review on the [Board's website](#). Written comments on the report are due by **January 19, 2023**. During the public comment period, staff held two public workshops to explain the report where attendees can also ask questions. The workshops were followed by three public hearings before the State Water Board to receive oral comments on the draft Staff Report.

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

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

### *Schedule*

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

- Winter/Spring 2024
  - Final draft Staff Report for Tuolumne River VA
  - Board workshop and consideration of Tuolumne River VA
  - Final draft EIR and regulation implementing Lower SJR flows and South Delta Salinity
  - Board consideration of regulation implementing Lower SJR flows and South Delta Salinity

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

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

### *Voluntary Agreements*

On March 29, 2022, members of the Newsom Administration joined federal and local water leaders in announcing the signing of a memorandum of understanding<sup>10</sup> that advances integrated efforts to improve ecosystem and fisheries health within the Sacramento-San Joaquin Bay-Delta. State and federal agencies also announced an agreement<sup>11</sup> specifically with the Sacramento River Settlement Contractors on an approach for 2022 water operations on the Sacramento River.

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

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

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

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

### U.S. Bureau of Reclamation

#### Reclamation Manual

#### *Documents out for Comment*

#### *Draft Policy*

- There are currently no Draft Policies out for review.

#### *Draft Directives and Standards*

- [EMG 03-01 Critical Information Requirements Reporting and Duty Officer Program](#) (comments due 02/02/24)
- [EMG 04-01 Continuity of Operations](#) (comments due 01/08/24)

---

<sup>10</sup> Available at <https://resources.ca.gov/-/media/CNRA-Website/Files/NewsRoom/Voluntary-Agreement-Package-March-29-2022.pdf>

<sup>11</sup> Available at <https://calepa.ca.gov/2022/03/29/informational-statement-state-federal-agencies-and-sacramento-river-settlement-contractors-agree-on-approach-for-2022-water-operations-on-the-sacramento-river/>

- [PEC 05-03 Funding and Extended Repayment of Extraordinary Maintenance Costs](#) (comments due 12/21/23, comment period extended)<sup>12</sup>

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

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

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

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

#### *Draft Reclamation Design Standards*

- There are currently no Design Standards out for review.

## San Joaquin Valley Water Blueprint

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

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

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

## Committees

### *Executive/Budget/Personnel*

Blueprint Board changed booking services and appointed Kassy Chauhan as the Board Treasurer and a Finance Committee has been appointed to review contributions and provide recommendations for 2024 contributions and categories. These may coincide with irrigable acres for an equitable process and avoiding redundancy. Hallmark will be providing a revised scope for 2024.

- ACWA Collective Meeting & Presentation: The Blueprint hosted a presentation at ACWA for representatives from both northern and southern California. Discussion focused on mutual concerns/issues faced by water scarcity as well as opportunities for collaboration including recharge, conveyance, and funding. An overview of the Blueprint, recharge, and conveyance opportunities as well as the environmentally friendly pilot were shared.
- Urban Water Agency Partnerships: Several meetings took place at ACWA and a request for a letter agreement with Urban Water Agencies and the Blueprint has been requested for monetary participation and pursuit of water storage and conveyance opportunities.

---

<sup>12</sup> SLDMWA submitted comments, included in Appendix A.



### *Technical Committee*

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

### *Advocacy/Communications*

Blueprint will be scheduling a meeting in the first of the year in Sacramento to brief legislative staff, policy makers, legislators, and Advisor Villaraigosa to highlight alignment with the Governor's water resiliency plan and priorities for a potential Water Bond, highlighting policy decisions that need to be made on reducing impacts to the central valley. The second phase of the Farmer to Farmer Delta/SJV summit is scheduled for January 29th and 30th here in the Central Valley.

### *Activities*

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

Initial modeling for Fresno State/California Water Institute has preliminarily identified FID, Consolidated ID, Raisin City WD and North Fork Kings GSA for strong multi benefit recharge potential. The group is focused on multi-benefits for recharge with a focus on drinking water with measurable results.

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

The Blueprint and California Water Institute, Fresno State are developing a Unified Water Plan for the San Joaquin Valley, consistent with the Bureau of Reclamation grant. Both Stantec and The Hallmark Group are helping develop the plan. The final water plan will include measures to address San Joaquin Valley needs and potential portfolios to address needs and objectives, this report will ultimately be transmitted to Congress by Reclamation in 2025.

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

### *Background*

The CAP Plenary Group met on February 28 and approved the formation of work groups to advance the revised Term Sheet<sup>13</sup>, adopted on November 22, 2022. Phase II, Work Groups are beginning to meet and discuss priorities and drafting for their respective areas: Safe Drinking Water; Sustainable Water Supplies; Ecosystem Health; Land Use, Demand Reduction and Land Repurposing; Implementation.

The Plenary Group met on December 5 and 6, at University of California, Merced, to finalize certain 2023 actions and to set priorities for 2024. A meeting summary can be found in Appendix A.

### *Final Actions for 2023*

The group reviewed the actions intended to be completed by the end of 2023.

1. The letters to the Governor regarding the climate/natural resource bond and groundwater recharge are complete and will be sent to the Governor.<sup>14</sup>

---

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

<sup>14</sup> SLDMWA signed onto the climate bond recommendations letter. See Appendix A.

2. The caucuses have approved the SB 522 letter to county elected officials and will be circulated to the Plenary Group requesting approval for CAP members who would like their names listed.
3. The caucuses have approved the on-farm habitat position statement and restoration principles, which will be used to guide future recommendations.
4. An issue regarding the Williamson Act recommendations in the letter to the Governor regarding process improvements to utility-scale solar needs additional discussion between the author and local government caucus members before it is finalized. However, it is supported by the other four caucuses.
5. Recommendations for protecting domestic shallow wells will be carried over into the new year.

The next meeting of the CAP Plenary Group will be held on January 23<sup>rd</sup>, from 3:00 – 5:00 pm.

## **APPENDIX A**

**San Luis & Delta-Mendota Water Authority**



P.O. Box 2157  
Los Banos, CA 93635  
Phone: (209) 826-9696  
Fax: (209) 826-9698

***VIA ELECTRONIC MAIL***

December 21, 2023

Morgan Raymond  
Program Analyst  
Law Administration Division  
Bureau of Reclamation  
Denver Federal Center  
Denver CO 80225-0007

RE: Request for Extension on Public Comment Period on Proposed PEC 05-03 2023 revisions  
Extended Repayment of Extraordinary Maintenance Costs

Dear Morgan:

I am writing today on behalf of San Luis & Delta-Mendota Water Authority (“Water Authority”) in response to the Bureau of Reclamation’s (“Reclamation’s”) draft revisions to PEC 05-03, “Extended Repayment of Extraordinary Maintenance Costs”.

The Water Authority is a public agency with its principal office located in Los Banos, California. It was formed in 1992 as a joint powers authority, to serve two important roles: 1) to provide representation on common interests of the Water Authority’s member agencies; and 2) to operate and maintain the Delta Division and south of Delta Central Valley Project (“CVP”) facilities, including the Jones Pumping Plant, the Delta- Mendota Canal (“DMC”) and the O’Neill Pumping Plant, that the Water Authority’s member agencies depend on for delivery of CVP water. Most of the Water Authority’s member agencies depend upon the CVP as the principal source of water they provide to users within their service areas. That water supply serves approximately 1.2 million acres of agricultural lands within the San Joaquin, Santa Clara, and San Benito Valleys, a portion of the water supply for nearly 2 million people in the Silicon Valley, and millions of waterfowl that depend upon nearly 200,000 acres of managed wetlands and other critical habitat within the largest contiguous wetland in the western United States.

We largely agree with the joint comments submitted by the Family Farm Alliance and the National Water Resources Association and strongly believe an extension of the comment period is

warranted. An extension would allow Reclamation to directly engage with us and others to ensure a complete understanding of all the changes proposed, which constitute a major rewrite of the D&S that was originally developed in 2018 through a collaborative process involving the Water Authority and numerous other stakeholders throughout all of Reclamation's jurisdictions.

The Water Authority would be directly and significantly affected by the proposed changes and believes that Reclamation should deliberately slow down the finalization process for at least two months and engage affected entities through a series of workshops during that time.

Thank you for your consideration.

Sincerely,

*Pablo Arroyave*

Pablo Arroyave, Chief Operating Officer

Cc: Adam Nickels, CGB Principal Deputy Regional Director

**SAN JOAQUIN VALLEY WATER COLLABORATIVE ACTION PROGRAM**  
**Plenary Group Meeting**  
**Notes**

**December 5-6, 2023 | University of California, Merced**

**Participation**

*42 CAP members participated on Tuesday, December 5, and 38 members participated on Wednesday, December 6. The California Water Institute staff and the consultant team participated on both days.*

**Agenda Item #2 Overview of the Agenda and Meeting Objectives**

The objectives for the meeting were:

1. Finalize the 2023 actions.
2. Identify objectives and potential actions for 2024.
3. Continue to deepen relationships and build trust amongst the CAP members.

At the end, participants agreed the meeting was highly successful in achieving the objectives and supported quarterly in-person meetings in 2024.

**Agenda Item #3 Final Actions for 2023**

The group reviewed the actions intended to be completed by the end of 2023.

1. The letters to the Governor regarding the climate/natural resource bond and groundwater recharge are complete and will be sent to the Governor.
2. The caucuses have approved the SB 522 letter to county elected officials and will be circulated to the Plenary Group requesting approval for CAP members who would like their names listed.
3. The caucuses have approved the on-farm habitat position statement and restoration principles, which will be used to guide future recommendations.
4. An issue regarding the Williamson Act recommendations in the letter to the Governor regarding process improvements to utility-scale solar needs additional discussion between the author and local government caucus members before it is finalized. However, it is supported by the other four caucuses.
5. Recommendations for protecting domestic shallow wells will be carried over into the new year.

**Agenda Item #4 In-Valley Wet Period Surplus Water Briefing**

Jennifer Pierre and Scott Petersen from the Sustainable Water Supply workgroup provided an overview of the State Water Project (SWP) and Central Valley Project (CVP) operations, including opportunities for partnerships within the CAP to benefit the interests of various caucuses. An example is the underground storage of excess project water from the SWP and CVP, which can benefit safe drinking water, environmental management, and water agency drought resiliency. Scott Petersen also reviewed the

next steps of the Water Supply Analytical group and how they are considering the range of surplus water available in the San Joaquin Valley and the Delta, per the CAP Term Sheet. The presentation stressed a storage issue when managing excess flows, as seen in 2023 when water was available for diversion but there were insufficient storage areas.

## **Caucus Panels**

Most of the first day and a portion of the second day morning were devoted to hearing from members of each caucus about their work on water-related issues in 2024 and where they thought the CAP leverage could be beneficial. The purpose of the panels was to provide Plenary Group members with a better understanding of the priority work of individual members and the overlap with the potential work of the CAP in 2024. The comments summarized below were provided by various members in a caucus and not positions agreed to by the entire caucus.

### **Agenda Item #6 Safe Drinking Water Caucus**

Some of the ideas recommended for the CAP included the importance of CAP advocating for funding, the integration of regulatory programs (e.g., SGMA and CV-SALTS), engaging directly with DACs, reflecting on the lessons learned from 2023, and continuing to build on the momentum to address the safe drinking water issues. The needs assessment by the State Water Resources Control Board was identified as an important body of information for the Plenary Group and how it could be used to consider drinking water priorities and potential bond funding requests.

Domestic well mitigation is a top priority, including proactive and responsive components. Being proactive includes actively monitoring, identifying where the problems may be, and being responsive by having a program available to step in when problems are discovered. Appreciation was expressed for the CAP, emphasizing that safe drinking water must be one of the highest priorities in California, the urgency of this issue, and the opportunity for the CAP to communicate this often.

Continued support for addressing the well drilling backlog was also mentioned.

Caucus members were asked if there is a comprehensive plan for addressing the safe drinking water needs in the valley. The answer was no, but Plenary Group members strongly supported making this a priority for the CAP in 2024.

### **Agenda Item #7 Water Agencies Caucus**

The State Water Resources Board SGMA probation process for GSAs that were deemed inadequate was discussed. Concern was expressed that the State Board process, if not careful, could diminish positive momentum and create more uncertainty in achieving SGMA's goals. It was suggested that the CAP could identify ways to improve the State Board process to reward positive momentum and discourage in-action. Additional areas the CAP could provide support for are the need for expanding storage and cost-sharing opportunities, ensuring that communities are supported, and direct advocacy from the CAP on proposed policies (Voluntary Agreements, etc.). This presentation was the first time that the SGMA probation process was discussed.

The additional storage need for the State Water Project was mentioned. Several caucus members are actively looking into more storage and how to create multi-benefits, but there are affordability issues.

There are several significant infrastructure investments that the caucus is working on, and advancing these projects is something they will be focusing on in the coming year. However, the largest projects cost about \$1 billion for each, with affordability concerns that can affect all interests. One of the biggest issues is the reliability of the water supply. Several policy changes are coming in 2024 that can reduce water availability and increase uncertainty. It was suggested that it would be important for Plenary Group members to understand the implications.

Three additional suggestions were mentioned for potential advocacy from the CAP:

1. Funding San Joaquin River Restoration Settlement.
2. Restoring and improving capacity in the valley with existing canal systems.
3. The stability and reliability of Delta water supply

### **Agenda Item #8 Ag Caucus**

An interest was expressed for the CAP to provide more input on landowner recharge program development and implementation. It was suggested that the CAP speak with those involved in recharge programs to get advice on the direction the recharge programs should take to include environmental and community concerns better.

Support for the utility solar letter was recommended.

There was also a concern about the loss of agriculture-related jobs and the need to support workforce transition.

Members of this group also raised the State Board probation process. There is a perspective that there is no clear pathway for getting out of probation for GSPs deemed inadequate. There are triggers to get into probation, but nothing is easily defined on how to get out.

Developing a needs assessment for the Term Sheet was encouraged. This will allow the state legislature to move forward on funding and give it a higher chance of making an impact.

There was also a recommendation to engage Delta interests in the CAP.

### **Agenda Item #9 Local Government Caucus**

Members discussed some challenges going into 2024, such as funding for the counties to support their SGMA responsibilities. In several instances, counties have had to take on the SGMA responsibilities for “white areas,” which don’t have the administrative or financial infrastructure of established irrigation districts. General funds are being used to pay for SGMA implementation, but there is concern about using those funds to pay for SGMA implementation in specific basins.

There were also recommendations that the CAP advocate for additional funding for actions to implement flood water recharge (CWC Section 8201 compliant flood plans), provide other resources for MLRP block grantees, and raise meaningful discussions about Proposition 218 and how it poses challenges with SGMA implementation.



## **DAY 2 Agenda Item #1 Environmental Caucus**

There was support that the CAP would remain engaged in bond discussions, continue to support meaningful recharge, advocate for regional approaches to land repurposing, develop an aligned message to take back to Sacramento and continue to support the implementation of the MLRP. The discussion made apparent the importance of interaction with GSAs and counties as many programs that GSAs desire to implement require planning decisions that counties have the appropriate land use authority to implement.

The recharge letter to the Governor was mentioned as a good example of the work needed to address water supply for all interests. The need was expressed to ensure that recharge projects avoid negative impacts. There is an opportunity to direct recharge projects to make them beneficial for water supplies, but there is a need for more data to make the best decisions. EDF's program groundwater accounting platform was mentioned as one of several tools for making more informed, technically based decisions.

The Nature Conservancy's work with Audubon California to create more arid habitats was mentioned, as well as the need to develop a systemic approach to creating habitat corridors where farmland is fallowed.

The panel said funding is not being provided for essential issues because there is not a clear message of what needs to be done for each problem. A suggestion was given for CAP to play a stronger role by talking to the governor's office and prioritizing better communication to direct investments to the Valley going into 2024.

Flood management was emphasized as being just as important as managing drought conditions because a big wet year can come around unexpectedly. It was recommended that the CAP support the nexus between flood management and recharge to achieve goals set in 2024.

There is interest in using our waterways to focus connections between the ecosystem and valley communities to positively impact disadvantaged and tribal communities.

There was also interest in exploring water trading in ways that can address all the interests of the CAP members and support the Term Sheet.

## **Agenda Item #2 Breakout Groups to Connect the CAP Members**

After the caucus panels, members were formed into small groups to discuss where they thought the CAP should focus on in 2024. The following themes were presented:

- Continued support for MLRP and funding from state and federal sources
- Domestic well mitigation and protection and a comprehensive valley-wide plan to address safe drinking water
- Funding opportunities
- Improving flood management
- Expanding the involvement with the CAP to disadvantaged communities and tribes.
- Successful implementation of SGMA
- Increased groundwater recharge to benefit all interests

### **Agenda Item #3 Group Discussion and Agreement – 2024 Priorities (Breakout Group Reports)**

Group 5: This group discussed Land Repurposing within MLRP and how CAP might be able to engage. The group recommended CAP guide and influence planning, guiding it to the local level instead of trying to replace structures that are already in place. The group discussed mapping and the ways that mapping can be done that are not seen as aggressive. The group mentioned a buffer zone paper exploring where there is overlap in soil quality that is good for recharge and proximity to waterways that can easily reach disadvantaged communities. They also discussed Solar conveyance and the need for coordination, as it must be strategically placed. The group mentioned on-farm concerns for repurposing and suggested CAP help coordinate and get funding from the federal government and do local outreach to landowners regarding land repurposing.

Group 4: This group discussed SGMA implementation and an opportunity for CAP to explore alignment on potential recommendations for the SGMA probation process. The group also discussed funding for Multi beneficial infrastructure and the potential to explore what an expanded term sheet might look like in the future. The group mentioned challenges associated with hyacinth and other aquatic weeds causing issues with ecosystems and infrastructure and suggested the CAP recommend improvements for aquatic invasive weed management.

Group 3: This group suggested the CAP find and highlight projects that will positively impact rural and disadvantaged communities and bring more attention to those projects underway. The group also discussed CAP collecting projects around the valley instead of just at the Tulare basin. The group recommended CAP serve a role to ensure counties communicate with each other to minimize conflicts.

Group 2: This group focused on the importance of drinking water for everyone. SGMA helped emphasize that. The group suggested some initiatives CAP can focus on, such as assessing rural communities to help understand what types of water issues they might be facing and what can be done to help. The goal of the Safe Drinking Water Caucus for 2024 is to create a plan for drinking water needs with the help of CAP. The group discussed water right permit delay issues. Many permits have not yet been processed, and it was suggested that CAP help by improving communication to speed up the process.

Group 1: This group discussed funding and alignment and suggested creating a story about the most critical issues. Having a clear storyline will give the legislature clear and consistent messaging to get projects funded. The group also discussed dollar amounts needed to achieve what CAP envisions for the San Joaquin Valley going forward.

### **Agenda Item #4 Are changes needed in the CAP structure or process for success?**

The group ended the in-person meeting with a group discussion on how the CAP process could be improved in 2024. It was suggested that there be better version control for documents going to caucus review. There was also a desire to commit to fewer meetings throughout the year and instead focus on potential quarterly in-person meeting opportunities. In the interim, caucuses would work to advance the items discussed at the in-person meetings. There was a suggestion to develop task teams, rather than working groups, that could work to promote a specific action with broad caucus input. There were also some questions about how the CAP will be funded. There was a desire to create a “roadshow” to take to local governments and present how the actions of the CAP could benefit their goals.

Jim Kramer shared that a website would be developed for the CAP in the coming weeks. In addition, there is an online repository of documents prepared by the CAP, which will be shared with the plenary members.

Regarding funding, CAP is adequately funded through the first few months of 2024, and the Bureau of Reclamation is anticipated funding in 2024 which would support CAP for approximately 12 months. The CAP leadership and support staff will explore additional funding opportunities and strategies.

### **Protentional Actions and Topics for the CAP in 2024 Identified at the in-person meeting and by the 2023 workgroups**

#### Safe Drinking Water

1. Comprehensive plan for providing safe, affordable drinking water
  - a. Mapping
  - b. Quantify need.
  - c. Actions need to be accomplished in an urgent timeframe.
  - d. Understand SLDMWA's strategic approach with SHE to assess DAC needs in their service area.
2. Domestic well protection and mitigation
3. Better understanding of water quality impacts from recharge
4. Improve the consolidation process
5. Additional funding for monitoring wells
6. Continue support to reduce the well drilling backlog

#### Ecosystem

1. Support funding to implement the San Joaquin River Restoration Program.
2. Advance regional approaches to MLRP block grantees for landscape-scale continuity.
3. Conservation agreements/safe harbor.

#### Water Supply

1. Shared unground storage of surplus water for DACs, environment, and water agency drought resilience.
2. Cost-sharing to develop projects that provide SWP/CWP in exchange for better water management.
3. Bureau of Reclamation analytic tool to evaluate projects
4. Advocate for conveyance restoration and improvements
5. Concern for NGO Delta alternative
6. Create more incentives for landowner recharge.
7. Improve the State permit approval process.
8. Improve data to track and manage water use.
9. Identify in-valley and delta wet year surplus and projects
10. Estimate overall water need by each element of Term Sheet

#### SMGA

1. Communication with the State Board regarding probation regarding how to recognize and reward momentum.
2. Advance integration between SGMA, CV-Salts, and other regulatory programs.
3. Consider best practices for groundwater trading
4. County funding for white areas

#### Funding

1. Support for local governments and state agencies to increase capacity for implementation of SGMA and flood management responsibilities.
2. Consider how Prop 218 interacts with SGMA.
3. Continue advocacy for climate bonds.
4. Needs assessment for Term Sheet outcomes.
5. MLRP state and federal funding.

#### Structure and Process

1. Quarterly In-Person Meetings
2. Website
3. Sharing stories and related results (e.g. Multibenefit Grants)
4. Shared library
5. Improve the process for finalizing letters/actions, including document tracking
6. One pager on results from 2023 and ongoing.
7. Task teams in addition to or instead of workgroups.
8. Create more relationships with agencies like the one with DWR.

#### Outreach

1. County elected officials
2. Governor's office and legislature on needs and actions
3. Tribes
4. More local government staff involvement
5. Delta interests
6. Direct engagement of DACs

#### Other

1. Lessons learned from 2023 water year.
2. Expanding term sheet (include flooding)
3. Aquatic weed management
4. CAP cheerleader for good projects



San Joaquin Valley Water  
Collaborative Action  
Program

December 13, 2023

Governor Gavin Newsom

Sacramento, CA

Dear Governor Newsom,

Thank you for your leadership in addressing sustainable water management and climate adaptation for California. We are writing to request your support for critically needed strategic investments that should be included in any natural resource and climate bonds that are put before the voters in 2024.

As a collective of over 80 leaders from agriculture, water agencies, safe drinking water advocates and technical assistance providers, environmental organizations, technical assistance organizations, academia, and state and federal agencies, the San Joaquin Valley Water Collaborative Action Program (CAP) developed recommendations for more resilient water and land management to support your leadership and reinforce the urgency to avert statewide drought and flood disruptions.

Our work is focused in the San Joaquin Valley, the watershed that feeds California's urban and agricultural populations. These requests are focused here, given their importance to over 27 million Californians dependent on the State Water Project and Central Valley Project and to the 40 million Californians (and untold global populations) who consume the food produced in the valley. Nowhere else in the state offers better opportunities for bold and visionary public investments that solve multiple problems simultaneously to the benefit of California's people, economy, and ecosystems.

Investment in the San Joaquin Valley carries another crucial benefit: virtually every census tract in the valley meets the state's official definition as a disadvantaged community under Senate Bill 535. Your administration and the Legislature have rightly emphasized that the benefits of climate-related public investments must also serve to uplift these communities.

This is a critical time to increase state funding to advance sustainable water management, climate adaptation and improve safe, reliable, and affordable access to water, vibrant farms, and healthy ecosystems. The Natural Resources and Climate bonds can be an important next step in the state's ongoing investment in our communities and natural environment.

Attached are recommendations supported by our diverse collaborative for inclusion in the bonds. Our

top priority is funding to improve the quantity and quality of water for disadvantaged communities with at-risk drinking water. The collective interests of the CAP also recognize that all of these funding priorities are critical to advancing meaningful and sustainable work in the San Joaquin Valley and support the inclusion of all items within proposed bond legislation.

We request your consideration of recommendations for your proposal to the legislature.

Sincerely,



Ann Hayden  
Environmental Defense Fund



Sarah Woolf  
Water Wise

Co-Chairs  
San Joaquin Valley Water Collaborative Action Program

The CAP Members in Support		
Name	Caucus	Organization
Mike Faria	Agriculture	Faria Farms
Megan Nicolas-Harper	Agriculture	Manulife
Mas Masumoto	Agriculture	Masumoto Family Farms
Jon Reiter	Agriculture	McConnell Farms
Geoff Vanden Heuvel	Agriculture	Milk Producers Council
Kimberly Brown	Agriculture	Wonderful Orchards
Sarah Woolf	Agriculture	Water Wise
Kara Heckert	Agriculture	American Farmlands Trust
Cannon Michael	Agriculture	Bowles Farming Company
Emmy Cattani	Agriculture	
Mike Lynes	Environmental	Audubon California
Ann Hayden	Environmental	Environmental Defense Fund
Julie Rentner	Environmental	River Partners
Ashley Boren	Environmental	Sustainable Conservation
Amy Merrill	Environmental	Vollmar Natural Lands Consulting
Susan Long	Environmental	
John Shelton	Environmental	
Soapy Mulholland	Environmental	
Stephanie Anagnoson	Local Government	
Paul Boyer	Safe Drinking Water	Farmersville City Council
Eddie Ocampo	Safe Drinking Water	Self Help Enterprises
Kassy Chauhan	Safe Drinking Water	
Jennifer Clary	Safe Drinking Water	
Justine Massey	Safe Drinking Water	

Barton "Buzz" Thompson	Strategic Advisor	
Jason Phillips	Water Agencies	Friant Water Authority
Aaron Fukuda	Water Agencies	Mid Kaweah Groundwater Sustainability Agency
Scott Petersen	Water Agencies	San Luis & Delta-Mendota Water Authority
Jennifer Pierre	Water Agencies	State Water Contractors
Ric Ortega	Water Agencies	Grassland Water District
Austin Ewell	Water Agencies	

# **The San Joaquin Valley Water Collaborative Action Program (CAP)**

## **Natural Resource and Climate Bond Recommendations**

### **Safe Drinking Water**

Support funding for:

1. Projects that ensure the provision of safe drinking water to all Valley residents, including consolidation of at-risk and failing community water systems with nearby systems; funding infrastructure needs for low-income community water systems and domestic well owners; and providing access to new sources of drinking water for systems dependent on a single source of supply.
2. Projects that address wastewater infrastructure needs, particularly replacing failing septic systems that affect drinking water.
3. Funding to restore aquifers that serve as drinking water sources contaminated by nitrates, including recharge projects and programs in the vicinity of communities impacted by nitrate contamination.
4. Partnership-based multibenefit infrastructure projects that deliver targeted benefits to improve water supply and quality for disadvantaged and at-risk communities lacking safe and reliable drinking water.

### **SGMA Implementation and Groundwater Recharge**

Support funding for:

1. GSA projects for SGMA compliance
2. Groundwater recharge projects, which offer increased water supply reliability for all beneficial users such as drinking water and agriculture, particularly those that incorporate any of the following benefits: ecosystem enhancement, particularly with expanded floodplain reconnections; flood risk reduction; subsidence mitigation; climate change adaptation; water quality improvement; improved water quantity or water quality for disadvantaged communities; improved water quantity or water quality for agricultural water users and municipal users.
3. Project funding to support the engagement of community members in local project planning and development.
4. GSAs for enhancing the establishment of monitoring systems designed to answer water quality questions related to the movement and timing of pollutant plumes towards drinking water wells, detect problems early, adjust management actions accordingly, and improve water quality risk assessments for recharge projects generally.
5. Projects to improve conveyance and storage capacity to accommodate improved opportunities for SGMA implementation and groundwater recharge opportunities.
6. Electrical infrastructure supporting power delivery for SGMA implementation and additional groundwater recharge.



## **Sustainable Agriculture**

Support funding for:

1. The California Department of Food and Agriculture's State Water Efficiency and Enhancement Program with specific funding allocations to promote on-farm water use efficiency and grower adoption of groundwater recharge practices.
2. The California Department of Food and Agriculture's Healthy Soils Program with specific funding allocations in proposed soil health funding for cover cropping practices.
3. Agricultural land conversion to natural floodplains adjacent to rivers and/or crops that accommodate frequent flooding.
4. Land conversion program that promotes on-farm water use efficiency improves soil health, accelerates atmospheric carbon removal or soil carbon sequestration, enhances groundwater recharge, and improves habitat.

## **Multibenefit Land Repurposing**

Support funding for:

1. The Multibenefit Land Repurposing program, which is aimed at the long-term repurposing of irrigated agricultural land to other uses that require little to no water, supports groundwater sustainability and benefits local communities and the environment. Funding will support collaborative planning and beneficial projects, including creating and restoring habitat, multibenefit groundwater recharge, floodplain restoration, community parks, low-impact renewable energy generation, utility-scale solar and associated transmission, and other land uses that require little to no water while maintaining natural and working lands.

## **Habitat Restoration and Improvement**

Support funding for:

1. Voluntary projects that achieve multiple benefits, i.e., restoration, public access, flood protection, etc., with clear criteria to assess costs/benefits and monitoring to validate that measurable, desired outcomes are achieved.
2. Voluntary projects that utilize efficient permitting mechanisms, such as the Habitat Restoration Enhancement Act and the California Department of Fish and Wildlife's Restoration Management Permit.
3. Projects to help restore existing south Delta channels that achieve multiple benefits, including reducing or mitigating water stagnation in channels, which exacerbates contaminant accumulation and low dissolved oxygen conditions, impacting water quality and fish habitats.

## **Water Data Collection**

Support funding for:

1. Water data infrastructure, including the implementation of stream gauges, monitoring wells, support for local and state databases such as the Groundwater Ambient Monitoring and

Assessment Program, etc.

## **Flood Control**

Support funding for:

1. Local flood control, with priority given to projects designed and implemented to achieve the objectives of both flood safety and ecosystem functions while providing additional benefits.
2. Focus on funding to widen and restore floodplains in the San Joaquin Valley to reduce downstream flood effects and increase groundwater recharge, among other benefits.
3. Flood control improvements that protect low-income communities.
4. Flood control improvements that provide greater storage and conveyance opportunities through expanded capacity and/or management strategies, including modernized operations.

## **Reducing Greenhouse Gas Emissions**

Support funding for:

1. Projects that will enhance the functionality and operations of water projects and advance them toward achieving 100% renewable and zero-carbon resource goals – while improving statewide grid reliability and resilience, through improvements to existing infrastructure and the expansion of grid infrastructure including construction and development – by 2035.