



## MEMORANDUM

TO: SLDMWA Water Resources Committee Members and Alternates

FROM: Scott Petersen, Water Policy Director

DATE: July 7, 2025

RE: Update on Water Policy/Resources Activities

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### Background

This memorandum is provided to briefly summarize the current status of various agency processes regarding water policy activities, including but not limited to the (1) 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 2024 Record of Decision on Long-Term Operations of the Central Valley Project and State Water Project

On December 20, Reclamation executed the Record of Decision and both the Fish and Wildlife Service and NOAA Fisheries issued their Final Biological Opinions, beginning operations under the new operations regime.

On January 2024, President Trump issued Executive Order 14181, detailing analysis of potential changes to the operations in the 2024 ROD for consideration by the Administration. There is currently work underway to develop an implementation plan for the Executive Order and future action on project operations.

#### Adaptive Management Program

As part of implementation of the 2024 Record of Decision, state and federal agencies initiated and completed a structured decision-making process to assess alternatives to implement the Summer-Fall Habitat Action, including an analysis of summer and fall X2, for elevation to the agency directors to make a decision regarding summer-fall operations.

The group has met to outline fundamental and means objectives and developed 14 alternatives to model. Modeling has been completed and the respective steering committee members completed weighted rankings of the modeling results of the alternatives based on their individual values. Importantly, there will be a narrative that accompanies the analysis provided to the Director's that informs potential

modifications to real time operations and associated sensitivity analysis in the event of elevated temperatures.

After completion of the analysis, the Directors elected to offramp Fall X2 operations for this water year and instead extended the operations of the Suisun Marsh Salinity Control Gates by 30 days.

### Endangered Species Act Consultation Milestones

- TBD: Trinity Cooperating Agency Draft EIS/Draft Biological Assessment
- TBD: Trinity Public Draft EIS
- TBD: Trinity Biological Opinion, Final NEPA and ROD

**Note:** There are also Endangered Species Act consultations on the Trinity River and Klamath River that may have overlap/interactions with the operations of the CVP/SWP.

## 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>1</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 – San Joaquin River and its Tributaries*

The State Water Board adopted a resolution<sup>2</sup> to adopt amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and adopt the Final Substitute Environmental Document during its December 12, 2018 public meeting.

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<sup>1</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>2</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>3</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>4</sup>.

#### *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, 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>5</sup> to the State Water Board that reflect progress since December to flesh-out the previously submitted framework to improve conditions for fish through targeted river flows and a suite of habitat-enhancing projects including floodplain inundation and physical improvement of spawning and rearing areas.

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

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<sup>3</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>4</sup> Request from Authority staff

<sup>5</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.

### *Phase 2 Draft Staff Report*

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](#). The Authority coordinated and submitted comments with member agencies<sup>6</sup>.

### *Program of Implementation*

On Oct. 25, the State Water Resources Control Board released a [draft of potential updates](#) for the Sacramento/Delta portions of the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Watershed (Bay-Delta Plan). The draft changes include options for incorporating a regulatory pathway, which features tributary inflow and cold water habitat provisions and inflow-based Delta outflows, or a pathway based on the [Healthy Rivers and Landscapes Program](#), formerly referred to as the Voluntary Agreements. Additionally, the draft updates include options for two modular alternatives (Alternatives 5a and 6a) that were described in the State Water Board's 2023 [draft staff report](#).

The State Water Board has not yet selected a pathway for updating the Sacramento/Delta portions of the Bay-Delta Plan. State Water Board staff will develop a revised draft of proposed updates based on comments on this draft.

The State Water Board held multiday workshops, with dates scheduled in November, December, and January, to discuss the draft changes. Written comments on the draft Program of Implementation were

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<sup>6</sup> Request from Authority staff.

submitted by the Water Authority and some of its members<sup>7</sup>. Additionally, written comments on Alternatives 5a and 6a were submitted January 31<sup>8</sup>.

### *Schedule*

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

- Summer/Fall 2025
  - Final draft Staff Report for Tuolumne River VA
  - Board workshop and consideration of Tuolumne River VA
  - Final draft EIR and regulation implementing Lower SJR flows and South Delta Salinity
  - Board consideration of regulation implementing Lower SJR flows and South Delta Salinity

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

- Summer/Fall 2025: Response to comments and development of proposed final changes to the Bay-Delta Plan
- Fall/Winter 2025: Board consideration of adoption

### *Healthy Rivers and Landscapes Program*

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>9</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>10</sup> specifically with the Sacramento River Settlement Contractors on an approach for 2022 water operations on the Sacramento River.

The HRL parties continue to meet to advance various components of the HRL Program for State Board consideration as it considers the updates to the Bay-Delta Water Quality Control Plan.

### *New Water Rights Reporting System*

The State Water Resources Control Board is launching a new and improved system called CalWATRS (short for *California Water Accounting Tracking and Reporting System*) to make reporting water rights easier and more efficient. This system will help the state manage water data better and make it easier for the public to access important information.

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<sup>7</sup> Request from Authority staff.

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

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

<sup>10</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/>

### *What You Need to Know*

- **Early Access Starts in July 2025** You'll be able to explore and get used to the new CalWATRS system from July through September 2025. This is your chance to try it out before official reporting begins. Look for more information on the CalWATRS website.
- **Official Reporting Begins October 2025** You can start submitting your water rights reports to CalWATRS in October 2025. Reports for the 2024-2025 water year will be due by January 31, 2026. More details and instructions will be shared closer to October.
- **Current System (eWRIMS) Will Close June 8, 2025** The current system, eWRIMS, will stop accepting reports on June 8, 2025. You'll still be able to search for water rights information in eWRIMS after that, but you won't be able to submit anything new.
- **No Changes to Old Reports from June 8 – September 30, 2025** During the switch to CalWATRS, you won't be able to edit or amend past reports between June 8 and September 30, 2025. If you need to make changes to old reports, do it before June 8 in eWRIMS, or wait until after October 1 in CalWATRS.
- **CalWATRS Website and Email Updates** The CalWATRS website is your go-to hub for the latest news, system updates, and helpful resources. While you're there, sign up for the CalWATRS email list to receive important announcements and helpful information straight to your inbox.

### San Joaquin River Restoration Program

#### Restoration Allocation

On June 10, the River Flow Coordinator indicated that the 2025 Restoration Allocation was finalized at 269.355 TAF, as measured at Gravelly Ford. In response, the Restoration Program Administrator's June 6 schedule of Restoration Flows<sup>11</sup> will release approximately 186 TAF to the San Joaquin River with the remainder as Unreleased Restoration Flows (URFs). 54.7 TAF of URFs have been released to date. There are no planned use of Buffer Flows or URF Exchange water at this time.

The Administrator provided objectives for the proposed scheduling and have consulted the TAC and fishery experts on the proposed action. The recommendation shifts a moderate volume of water from spring into summer as URFs. Accordingly, this schedule and URF distribution plan went through an extensive Water Supply Test. The latest forecast information indicates there are no water supply reductions to any Friant Contractor caused by extra storage of Restoration Flows or Unreleased Restoration Flows in Millerton Lake. Therefore, your recommendation passes the Water Supply Test.

This flow schedule does not impact public safety and is consistent with the Settlement, Legislation, SJRRP Water Rights Order, and the Restoration Flow Guidelines. **The flow schedule is approved.**

### Delta Conveyance Project

#### Petition for Change of Point of Diversion and Rediversion for the Delta Conveyance Project

The State Water Resources Control Board Administrative Hearings Office is holding a Public Hearing on the pending Petitions for Change of Water Right Permits 16478, 16479, 16481, and 16482 (Applications 5630, 14443, 14445A, and 17512, respectively) of the **Department of Water Resources**.

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<sup>11</sup> See Appendix.

The evidentiary portion of the Public Hearing **will continue on May 1** (starting at 1:00 p.m.), **2, 5, 14, 15, 21-23, 27 & 28 and June 10 & 11, 2025**, and additional dates as necessary.

Policy statements will be **heard in person and by Zoom Webinar on May 19, 2025, starting at 9:00 a.m.**, at Joe Serna Jr. CalEPA Building, Byron Sher Hearing Room, 1001 I Street, Second Floor, Sacramento, California.

The portion of the hearing for presentation of Protestants' cases-in-chief will begin on **August 12 and will continue on August 13, 14, 18 & 25, and September 2, 5, 9, 10, 11, 15, 29 & 30, and October 1, 6, 9 & 10, 2025.**

## U.S. Bureau of Reclamation

### Reclamation Manual

#### *Documents out for Comment*

##### *Draft Policy*

- There are currently no draft Policies out for review.

##### *Draft Directives and Standards*

- There are currently no draft Directives and Standards out for review.

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

- [FIST 2-6 Maintenance of Auxiliary Mechanical Equipment](#) (comments due 07/07/25)
- [FIST 3-14 Excitation Systems for Hydroelectric Units](#) (comments due 07/07/25)
- [FIST 4-1A Maintenance Scheduling for Mechanical Equipment](#) (comments due 07/07/25)
- [FIST 4-1B Maintenance Scheduling for Electrical Equipment](#) (comments due 07/07/25)

##### *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 contribution requests have been circulated and Board members will be following up with participants.

### *Technical Committee*

At the last Board meeting the Technical Committee provided a list of potential engagement by the Blueprint in facilitating groundwater recharge. The Board is reviewing these activities to determine what the Blueprint will engage in. The Board has requested that Stantec update the South Valley Water Resiliency Plan (Trans valley Pipeline) to act as a possible planning guide.

The following list was shared with the Board: 1) Streamlining Funding Distribution; 2) Engaging on Multi-Benefit Land Repurposing Regulations; 3) Providing Educational Resources for On-Farm Recharge; 4) Identify obstacles to recharging high flow water and developing possible solutions; 5) Advocate for expanded CVP place of use; 6) Monitoring and Documenting Groundwater Overdraft Impacts.

## Activities

### *Executive Orders*

The Blueprint has developed a set of recommendations to guide federal action under Executive Order 14181 and state action under Executive Order N-16-25, with a primary goal of increasing California's water supply by 9 million acre-feet per year by 2040. Letters of Support to President Trump and Governor Newsom have been prepared to advocate for coordinated implementation.

President Trump's January 24, 2025, Executive Order 14181 and Governor Newsom's Executive Order N-16-25 on California Water marks a historic opportunity to restore reliability to the San Joaquin Valley's water supply. The directive instructs federal agencies to take immediate and comprehensive steps to increase water deliveries, modernize regulations, and accelerate infrastructure investment. As stakeholders, it is important that we define the benchmarks for success. Based on current supply shortfalls, system capacity, and regulatory opportunities, we believe the federal response should target an increase of 9 million acre-feet per year (MAF/yr) in available water supply to Central and Southern California by 2040—with measurable progress beginning now. (See planning target in SB72 Caballero - Water Code SEC 5. Section 10004.6 (f))

### *Water Resiliency Projects*

The Blueprint is working with Stantec to develop a water supply plan for the San Joaquin Valley that is consistent with the Blueprint's mission of maximizing accessible, affordable, and reliable supplies for sustainable and productive farms and ranches, healthy communities, and thriving ecosystems in the San Joaquin Valley.

With assistance from the Hallmark Group, the Blueprint developed a water supply strategy comprised of three phases: increasing use (primarily recharge) of surplus local water, modernizing Delta regulations (removing ineffective/inefficient Delta regulations), and improved Delta infrastructure (to increase exports without harm to listed species).

We have reviewed the documents DWR provided and there is significant overlap and consistency between DWRs plan and Blueprint goals. The Blueprint has also reviewed the Governor's Water Resiliency Portfolio



and see alignment under that strategic framework between DWRs efforts (SWP Adaptation Plan, watershed studies and conveyance studies) and Blueprint efforts (increased capture and use of surplus water).

State Water Project Adaptation Plan - Continued maintenance and restoration of degraded conveyance capacity in California Aqueduct is a high priority because restoring degraded conveyance capacity in the California Aqueduct increases Table A deliveries compared to a future without these investments.

San Joaquin Basin Watershed Studies - Additional recharge of high flow water provides benefits for water supply, flood management, groundwater sustainability, subsidence correction, and ecosystems. The Blueprint is working with Stantec to develop a water supply plan for the San Joaquin Valley that is consistent with the Blueprint's mission of maximizing accessible, affordable, and reliable supplies for sustainable and productive farms and ranches, healthy communities, and thriving ecosystems in the San Joaquin Valley.

The Blueprint supports and encourages DWR Near Term strategies to increase groundwater recharge, especially implementation of GSP water supply projects, MLRP (especially where subsidence is problematic), and FIRO.

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

The Water Blueprint for the San Joaquin Valley Education Fund and the California Water Institute - Research and Education Division are working together to develop a Unified Water Plan for the San Joaquin Valley. Meeting scheduled with the Madera County water agencies. This two-year project will culminate in publishing a report to be submitted to Congress.

#### *Urban Water Agency Partnerships*

MET plans on moving forward with the revised scope option presented by Stantec. Internally, MET's next steps are to identify the funding source and brief their GM. They will begin drafting a funding agreement between MET and Blueprint as needed. It will likely take 2 months to complete the funding agreement.

DWR presented its internal San Joaquin Valley Watershed Study to the Blueprint leadership. The draft document includes an evaluation of water available for recharge as well as a conveyance study for the SJV.

The Blueprint will be meeting with the DWR Director and staff to provide feedback on the material and discuss future coordination.

### San Joaquin Valley Water Collaborative Action Program (SJVW CAP)

#### Background

The CAP Plenary Group adopted work groups to implement the CAP Term Sheet<sup>12</sup>, 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.

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<sup>12</sup> Request from Authority staff

The Bureau of Reclamation funds 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.

On a parallel track, the subgroup recommends that each caucus develop up to three top-priority actions that will advance the outcomes of the Term Sheet.



— BUREAU OF —  
RECLAMATION

# LTO WINN Act Meeting

June 10, 2025

# Agenda

- Proposed Regulatory Changes
- Executive Orders 14181
- Modification of 2024 ROD
- Trinity River Division Updates
- Sites Reservoir



# Prior WINN Act Quarterly Meeting (1 of 3)

- March 2022 – Scoping Meetings
- June 2022 – Initial Alternatives
- September 2022 – Seasonal Operation Deconstruction and Initial Alternatives
- December 2022 – Lines of Evidence
- March 2023 – Environmental Impact Statement (Alternative Components)



# Prior WIIN Act Quarterly Meeting (2 of 3)

- September 2023 – Modeling Updates, EIS, BA comment themes
- December 2023 – Biological Modeling and Biological Assessment
- March 2024 – Cooperating Agency 2<sup>nd</sup> Draft EIS release
- June 2024 – Cooperating Agency Comment Themes, Release of DEIS





# Prior WIIN Act Quarterly Meeting (3 of 3)

- September 2024 – Themes of Public Meeting Comments Received on DEIS
- September 2024 – Themes of Public Meeting Comments Received on DEIS
- December 2024 – Final Record of Decision and TRD Initial Modeling Progress





# Proposed Regulatory Changes

- Executive Order 14154 – Unleashing American Energy
  - Issued January 20, 2025
  - Rescinded 1977 EO 11514: Protection and Enhancement of Environmental Quality (as amended by EO 11991)
  - Directed CEQ to propose rescission of its NEPA implementing regulation within 30 days



# Proposed Regulatory Changes

- CEW Recission of NEPA Regulations
  - Issued a Memorandum on Implementation of NEPA on February 19, 2025
  - Rescinded its NEPA Implementing Regulations on February 5, 2025
  - Interim Final Rule Effective April 11, 2025
- DOI Existing Procedures for NEPA Regulations
  - 43 CFR Part 46
  - Department Manual 516



# Proposed Regulatory Changes

- On April 17, 2025, USFWS and NMFS proposed a rule to rescind regulatory definition of “harm” in the ESA
- Harm will continue to be included under the statutory term “take”
- Removal of the definition may narrow ESA protections



# Proposed Regulatory Changes

- Potential Outcomes

- Reduced Section 7 consultations
- Narrowed scope of effects due to habitat alteration
- Shifts in mitigation and conservation strategies
- Streamlined environmental compliance processes
- Increased flexibility in water management



# Executive Order 14181

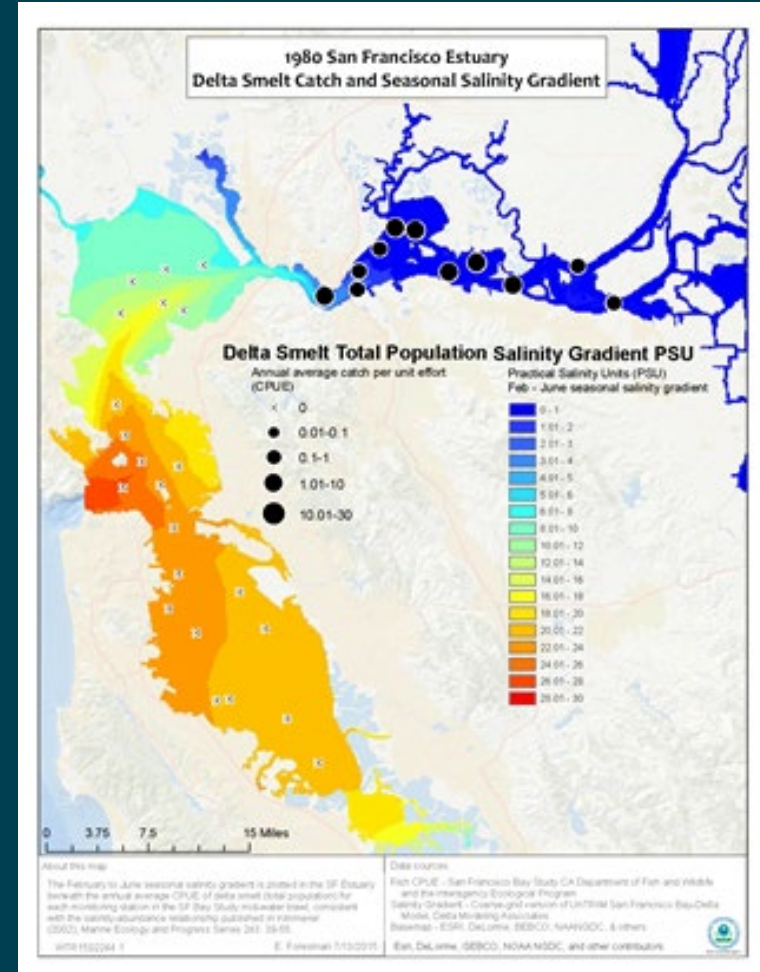
- Emergency Measures to Provide Water Resources in California and Improve Disaster Response in Certain Areas – January 24, 2025
  - Sec. 2 (c) – operate the CVP to deliver more water and produce additional hydropower
  - Sec. 2 (d) – expedite action related the ESA for LTO
- Consider the 2020 ROD





# Modification of 2024 ROD – Remove Fall X2

- Maintain a 30-day average X2  $\leq$  80 km east of GGB from Sep to Oct for wet and above normal years
- Adaptive Management
  - Address uncertainty
  - USFWS 2024 BO – *“The Fall X2 is not anticipated to have observable effects on Delta smelt survival.”*
- Environmental Compliance
  - Reclamation’s evaluation of removing Fall X2
  - Not implementing Fall X2 was analyzed under Alt 1 and 4



Source: US EPA



# Modification of 2024 ROD – Spring Delta Outflow

- In 2025, Reclamation operated to D-1641 and OMR management
- Environmental Compliance
  - Analyzed in the 2024 FEIS
    - Alts2wTUCPwoVA
  - Analyzed in USFWS and NMFS 2024 Bos
    - USFWS: no discernable or incremental negative effect if not implemented
    - NMFS: withing the range of effects under Alt2woTUCPwoVA





# Trinity River Division (TRD) Reconsultation Update

- Eight Joint Lead Technical meetings in 2024
- Three Joint Lead Technical meetings in 2025
- Topics of discussion include
  - Relation to Central Valley
  - Development of Biological Assessment
  - Development of supplemental EIS
  - CalSim modeling
  - Approach for analyzing water temperatures for alternatives
  - Approach for analyzing effects to salmonids
  - Lines of evidence
  - Alternative development and screening



# TRD NEPA Update

- Chapter 3 – Alternatives
- Development of draft Technical Appendices
- CalSim III Model Output
- Resource Analysis
- Lines of Evidence



# Trinity Consultation Schedule

Alternatives Development	<ul style="list-style-type: none"><li>• Ongoing</li><li>• Late Spring 2025</li></ul>
Modeling	<ul style="list-style-type: none"><li>• Late Spring 2025</li></ul>
NEPA/Biological Assessment	<ul style="list-style-type: none"><li>• Summer 2025</li></ul>
Public Draft NEPA	<ul style="list-style-type: none"><li>• Fall 2025</li></ul>
Biological Opinion	<ul style="list-style-type: none"><li>• Late 2025</li></ul>
Final NEPA	<ul style="list-style-type: none"><li>• Early 2026</li></ul>
NEPA Decision	<ul style="list-style-type: none"><li>• Early 2026</li></ul>



# Sites Reservoir

- ESA Framework Programmatic Consultation
  - For Construction – ongoing
  - For Operations - tiering



# Upcoming

- Next WINN Act Quarterly Meeting in September
- E.O. 14181 Implementation
- Trinity Alternatives Analysis
- Trinity Biological Assessment







— BUREAU OF —  
RECLAMATION

Thank you





June 11, 2025

President pro Tempore Mike McGuire  
California State Senate  
1021 O Street, Suite 8518  
Sacramento, CA 95814

Honorable Scott Wiener  
California State Senate  
1021 O Street, Suite 8630  
Sacramento, CA 95814

Honorable Benjamin Allen  
California State Senate  
1021 O Street, Suite 6610  
Sacramento, CA 95814

Speaker Robert Rivas  
California State Assembly  
1021 O Street, Suite 8330  
Sacramento, CA 95814

Honorable Jesse Gabriel  
California State Assembly  
1021 O Street, Suite 8230  
Sacramento, CA 95814

Honorable Steve Bennett  
California State Assembly  
1021 O Street, Suite 4710  
Sacramento, CA 95814

Re: **FY 2025 – 2026 Budget – Oppose Proposed Reduction of Funding for the Agreements to Support Healthy Rivers and Landscapes**



Dear President pro Tempore McGuire, Speaker Rivas, Budget Chairs Weiner and Gabriel, and Subcommittee Chairs Allen and Bennett:

On behalf of the undersigned organizations, I am writing to express our strong opposition to any reduction or reversion of previously committed funding for water resilience projects related to the San Francisco Bay/Sacramento-San Joaquin Delta (Bay-Delta).

Specifically, the Legislature is proposing to rescind critical funding that is currently available to support no-regrets habitat and water supply projects that are already providing drought resiliency for the environment, farms, and people. While these critical projects support early implementation of the Agreements to Support Healthy Rivers and Landscapes (Agreements), formerly referred to as the Voluntary Agreements, these types of projects are urgently needed regardless of what decision the State Water Resources Control Board (State Water Board) may make regarding the updated Bay-Delta Water Quality Control Plan.

These Agreements, and these early implementation actions, represent a collaborative, modern, and holistic approach to improving the Bay-Delta ecosystem and water supply reliability. Through the Agreements, a group of public water agencies are proposing a comprehensive suite of actions that will improve habitat and flows in the Delta and its tributaries to help native fish and wildlife species. Collectively, our organizations represent hundreds of water systems throughout California that deliver the vast majority of water used for agricultural, commercial, and residential purposes. We have long supported the Agreements as a means to addressing some of the most critical issues in the Bay-Delta. These funds are critical to continue successful implementation of vital restoration projects throughout the Delta watershed.

In previous budget cycles, the Administration and Legislature committed funding through the budget process to support the types of projects proposed in the Agreements. In 2021, SB 170 (Chapter 240 Statutes of 2021) and SB 155 (Chapter 258, Statutes of 2021) appropriated funding for the purpose of improving environmental conditions to promote recovery of native fish species in the Sacramento-San Joaquin watershed. In addition, in 2022, AB 178 (Chapter 45, Statutes of 2022) provided \$100 million to the California Natural Resources Agency for these purposes. This funding had broad support from the water community, Legislature, and the Administration.

The Legislature's proposed funding cuts are two-fold with proposed cuts to existing unencumbered funding for the Agreements and rejecting the Governor's proposed reappropriation. The total funding cut will be reverting an unencumbered \$226.7 million and reappropriation of \$125 million for a total cut of \$351.7 million. This proposal would undo and delay the agreements that were made to fund projects that protect fish and wildlife, address environmental issues in the Bay-Delta, and preserve water supply reliability.

Our organizations recognize the state's current fiscal outlook and the budget reductions that must be made. However, the undersigned organizations strongly urge the Administration to reject the Legislature's proposal to cut funding for the Agreements.

If you have any questions, please do not hesitate to contact ACWA's State Legislative Director, Julia Hall at [JuliaH@acwa.com](mailto:JuliaH@acwa.com) or 530-902-9746.

Sincerely,

Julia Bishop Hall  
State Legislative Director  
Association of California Water Agencies

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General Manager  
Western Canal Water District

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California Chamber of Commerce

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California State Budget – Funding for the Agreements to Support Healthy Rivers and Landscapes

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Mark Gilkey  
Manager-Engineer  
Dudley Ridge Water District

Craig Wallace  
Co-Interim General Manager  
Kern County Water Agency

## Water Blueprint for the San Joaquin Valley Memorandum

Date: June 18, 2025

Subject: Implementing Executive Order 14181 – Establishing Stakeholder Priorities for Federal Action and Leadership

### Overview

President Trump's January 24, 2025, Executive Order 14181 on California Water marks a historic opportunity to restore reliability to the San Joaquin Valley's water supply. The directive instructs federal agencies to take immediate and comprehensive steps to increase water deliveries, modernize regulations, and accelerate infrastructure investment.

As stakeholders, it is important that we define the benchmarks for success. Based on current supply shortfalls, system capacity, and regulatory opportunities, we believe the federal response should target an increase of 9 million acre-feet per year (MAF/yr) in available water supply to Central and Southern California by 2040—with measurable progress beginning now. (See planning target in SB72 Caballero - Water Code SEC 5. Section 10004.6 (f))

### Implementation Priorities

To translate the Executive Order into results, federal agencies must move swiftly on the following priorities:

#### 1. Update CVP and SWP Operational Rules (Target: +1 MAF/yr)

Federal agencies must modernize the operational criteria governing the Central Valley Project (CVP) and State Water Project (SWP). Existing biological opinions, flow constraints, and outdated operational rules limit the ability to capture and deliver water even during wet years.

Specific steps should include:

- Real-time operational adjustments under revised biological opinions
- Rebalancing inflow/outflow and environmental flow objectives
- Coordinated export scheduling and flexible reservoir management

These changes alone have the potential to yield at least 1 MAF/yr in additional deliveries.

## **2. Eliminate Nonessential Regulatory Barriers (Target: +300,000 AF/yr)**

Federal agencies should immediately review and revise flow or ratio-based constraints that exceed legal obligations under the Endangered Species Act. Many of these conditions were layered on through policy discretion and are not required to avoid species jeopardy. Removing these unnecessary constraints could restore 300,000 acre-feet per year in system flexibility and deliveries.

## **3. Accelerate Permitting for Storage and Conveyance Projects**

The Order provides authority for agencies to fast-track infrastructure through coordinated reviews and NEPA streamlining. Priority projects should include:

- Surface and groundwater storage
- Aquifer recharge capacity
- Delta and regional conveyance upgrades

A federal implementation schedule with milestones and financing strategy should be established by mid-2026.

## **4. Ensure Adequate Resources and Interagency Coordination**

Effective implementation will require:

- Dedicated staff within BOR, USFWS, and USGS
- Clear coordination across Interior, Commerce, EPA, and CEQ
- Regular progress reporting and accountability to stakeholders

## **The Role of Federal Leadership**

While policy direction is vital, implementation will depend on the personnel chosen to lead it. The Trump administration must appoint individuals with a deep understanding of California's water systems—people who know how to navigate the legal, operational, and political terrain.

Key federal positions should be filled by leaders who:

- Have real-world experience managing CVP/SWP coordination
- Understand state and federal regulatory conflicts
- Can drive interagency reform while protecting supply reliability

Without this level of leadership in place, even a well-crafted Executive Order risks delay, misapplication, or failure.

## **Conclusion**

This is a once-in-a-generation moment to realign federal water policy with the needs of California's most productive agricultural region as well as support a flourishing economy

and population. The Executive Order provides the opening—but stakeholders must now define the target, demand implementation, and insist on competent leadership.

We urge all agencies and allied organizations to align behind a shared goal: 9 MAF/year of additional water supply by 2040, starting with urgent regulatory and infrastructure actions that can yield gains in the next two years.



**June 18, 2025**

The Honorable Donald J. Trump  
President of the United States  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

The Honorable Doug Burgum  
Secretary of the Interior  
U.S. Department of the Interior  
1849 C Street NW  
Washington, DC 20240

**RE: Urgent Federal Action to Implement Executive Order 14181 and Address California's Water Crisis**

Dear Mr. President and Secretary Burgum:

On behalf of the Water Blueprint for the San Joaquin Valley, a broad coalition of farmers, water agencies, businesses, and community leaders, we write to express our strong support for Executive Order 14181 and to urge its immediate, aggressive implementation.

The **California water crisis is worse than ever**, with devastating impacts on agriculture, rural communities, and water reliability across Central and Southern California. Your Executive Order offers exactly the right high-level vision to turn this situation around and end this crisis for good. To fully realize the Executive Order's promise, we believe it is critical to define success in measurable terms and to ensure the challenge is matched with decisive follow-through.

With that in mind, our coalition has adopted the enclosed memorandum, which outlines a practical roadmap for action. Chief among our goals is to achieve a 9 million acre-feet per year (MAF/yr) increase in available supply by 2040, with measurable near-term gains.

We respectfully urge the Administration to:

- **Set this 9 MAF/year goal as the federal benchmark**, beginning with urgent regulatory and operational reforms, and formally communicate this to all agencies involved in the implementation of the Executive Order;
- **Accelerate infrastructure permitting** using the EO's NEPA streamlining authority;
- **Appoint and empower high-level federal policy leaders** with the experience and authority to coordinate interagency action and work cooperatively with the State. We are concerned that without increasing the presence of strong federal leadership, implementation of the Executive Order risks being delayed, diluted, or derailed.

This is a once-in-a-generation opportunity to realign California's water management with its economic and environmental realities, and it will not succeed without sustained, high-level engagement from your Administration.

Thank you for your leadership and for recognizing the strategic importance of water supply reliability to California and the nation. We are prepared to work with your team immediately and welcome the opportunity to meet and discuss next steps.

Respectfully,



Austin Ewell, Executive Director  
Water Blueprint for the San Joaquin Valley



Eddie Ocampo, Chair  
Water Blueprint for the San Joaquin Valley

**Enclosure:** *"Implementing Executive Order 14181 – Establishing Stakeholder Priorities for Federal Action and Leadership"*

**June 18, 2025**

The Honorable Gavin Newsom  
Governor of California  
1021 O Street, Suite 9000  
Sacramento, CA 95814

**RE: Urgent Need for State-Federal Coordination to Solve California's Water Crisis**

Dear Governor Newsom:

On behalf of the Water Blueprint for the San Joaquin Valley, a broad coalition of farmers, water agencies, businesses, and community leaders, we respectfully urge your Administration to engage with urgency and resolve in a once-in-a-generation opportunity to address California's deepening water crisis.

President Trump's Executive Order 14181 offers a high-level federal vision to restore water supply reliability to California. Earlier this year, your Executive Order N-16-25 took an important step to help maximize the capture of excess flows for recharge and storage. These complementary actions demonstrate how the state and federal governments can work together to meet the real needs of California.

To succeed, that federal direction must be met with equal commitment and collaboration from the State of California. Only through a strong partnership between our state and federal governments can we overcome the regulatory, legal, and policy barriers that have long stifled progress.

To that end, the Blueprint has adopted the enclosed memorandum, which outlines a realistic, results-focused plan to close the widening water supply gap. Our central goal is clear: achieve a 9 million acre-feet per year (MAF/yr) increase in available water supply by 2040, with measurable progress in the near term. This goal is not aspirational, it reflects the scale of what is actually needed for California to thrive.

We respectfully urge your Administration to:

- Publicly adopt the 9 MAF/year objective as the state's long-term water supply target, aligning state actions with this benchmark;
- Streamline state permitting processes and remove unnecessary delays in critical infrastructure development;
- Engage directly with the federal Administration to coordinate implementation of Executive Order 14181 and reduce policy conflicts;
- Support the appointment of federal-state liaison leadership that can help unify efforts and ensure accountability.

This is a moment that demands courageous and coordinated action. The consequences of inaction will be felt by generations of Californians. We believe your leadership, combined with support from the federal Administration, can change the trajectory of our state for the better.

Thank you for your attention to this critical matter. We stand ready to work with you to turn shared goals into enduring progress.

Respectfully,



Austin Ewell, Executive Director  
Water Blueprint for the San Joaquin Valley



Eddie Ocampo, Chair  
Water Blueprint for the San Joaquin Valley

**Enclosure:** *“Implementing Executive Order 14181 – Establishing Stakeholder Priorities for Federal Action and Leadership”*

## Restoration Administrator Flow Recommendation

**To:** Don Portz, Chad Moore, Regina Story  
**cc:** Rain Emerson, Rufino Gonzalez, Pedro Valverde, Gary Bobker, Steve Ottemoeller, Ian Buck-Macleod, TAC, FWC  
**Date:** June 6, 2025  
**From:** Tom Johnson, Restoration Administrator  
**Subject:** Updated Recommendation for 2025 Restoration Flows

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The following is a Restoration Flow Recommendation (Recommendation) by the Restoration Administrator (RA) for the 2025 Restoration Year Flows pursuant to the Restoration Flow Guidelines (RFG) Ver. 2.1, as amended, and Exhibit B of the Settlement.

### **Background**

The SJRRP has issued a Final 2025 Restoration Allocation (Allocation) dated May 18, 2025, which designates 2025 as a **Normal-Dry** Water Year Type with an Unimpaired Inflow hybrid forecast of 1,346 thousand acre-feet (TAF) and provides an allocation of Restoration Flows of 269.355 TAF as measured at Gravelly Ford (GRF) based on the 50% exceedance forecast. The Allocation also specified certain contractual and operational constraints on Restoration Flow releases for 2025.

The April 28, 2025, Recommendation was provisionally approved by Reclamation, and it appears that Millerton Reservoir management strategies will continue to maintain the reservoir in a controlled state (e.g. no Uncontrolled Season required to manage reservoir volume).

Since April, 448 Spring-Run Chinook salmon returned to the lower reaches of the Restoration Area and were captured in Program fyke nets. 394 of the salmon were successfully transferred to Reach 1 of the Restoration Area, by far the largest observed return. As a result of this large return and the opportunity for observing reproductive success this fall, an emphasis will be placed on preserving cold water pool in Millerton Reservoir through the summer.

### **Recommendation for the 2025 Restoration Year**

At this time, I am recommending a flow schedule for the 2025 Restoration Year as shown in Table 1, and as follows:

1. Reduce Restoration Flows from mid-June through August to preserve cold-water pool in Millerton Reservoir to support adult spring-run Chinook salmon holding, spawning, and egg incubation. Reservoir modeling has demonstrated that this reduction will result in substantially more cold water remaining for release in September, October and November.
2. Restoration Flows are resumed in September; however, depending on forthcoming temperature measurements in the reservoir, low flows may be extended.
3. No exchanges or buffer flows are called upon at this time.

No Restoration Flow recapture other than de-minimus amounts are planned in the Restoration Area. All Restoration Flow releases are to flow through the entirety of the Restoration Area. If there are operational or other constraints that preclude Restoration Flows traveling the entire length of the Restoration Area, the Restoration Recommendation will be adjusted to reduce Restoration Flow releases to the level of the controlling operational constraint.

I have consulted with the TAC and the FMWG on this Recommendation, and this Recommendation reflects the best use of the Allocation of Restoration Flows for the fisheries resources at this time.

**Table 1. Summary of Restoration Flow Recommendations for June 6, 2025, through February 28, 2026.**

<b>Restoration Flow Period</b>	<b>Date Range</b>	<b>Objective</b>	<b>Friant Release (est., varies due to Holding Contracts)</b>	<b>Restoration Flows at Gravelly Ford</b>	<b>Total Flow at Gravelly Ford<sup>1</sup></b>	<b>Target Restoration Flow at Sack Dam (est.)</b>
Summer Flow at Exhibit B Flow	Through June 10, 2025	Exhibit B Flow	As Occurs, est. at 375 cfs	Settling at 160 cfs	Settling at 165 cfs	70 cfs
Flow Reduction	June 11, 2025	Starting June 11, reduce Friant Dam by 160 cfs as practical (one or multiple step reduction)				
Summer Low Flow	Through August 31, 2025	Preserve Cold Pool	As Occurs	Settling at 0 cfs	Settling at 5 cfs	0 cfs
September Exhibit B Flow	September 1 – September 30, 2025	Exhibit B Flow + 50 cfs Fall Pulse	As Occurs	Settling at 190 cfs	Settling at 195 cfs	100 cfs, once river reconnects
Base Flow <sup>2</sup>	October 1–15, 2025	Spring run spawning and egg incubation	As necessary, est. 400 cfs	190 cfs	195 cfs	100 cfs
	October 16–31, 2025	Spring run spawning and egg incubation	As necessary, est. 440 cfs	230 cfs	235 cfs	140 cfs
Base Flow <sup>2</sup>	November 1–30, 2025	Connected river, spring run egg incubation.	As necessary, est. 440 cfs	250 cfs	255 cfs	160 cfs
	December 1–31, 2025	Connected river, juvenile rearing	As necessary, est. 440 cfs	255 cfs	250 cfs	160 cfs
Base Flow	January 1–February 28, 2026	Connected river, juvenile rearing	As necessary, est. 400 – 410 cfs	250 cfs	255 cfs	157 cfs

<sup>1</sup> Total Flow includes the minimum Holding Contract flows of 5 cfs required at Gravelly Ford

<sup>2</sup> Fall Pulse Flow may be added during this period

### **Additional Elements of this Recommendation**

This Recommendation anticipates the release of approximately 185 TAF of Restoration Flows to the river, leaving approximately 40.6 TAF of Unreleased Restoration Flows (URFs). **40.6 TAF of URF's are released for disposition by Reclamation.**

Depending on changing hydrologic and operations conditions, I will adjust or revise this Recommendation as necessary.

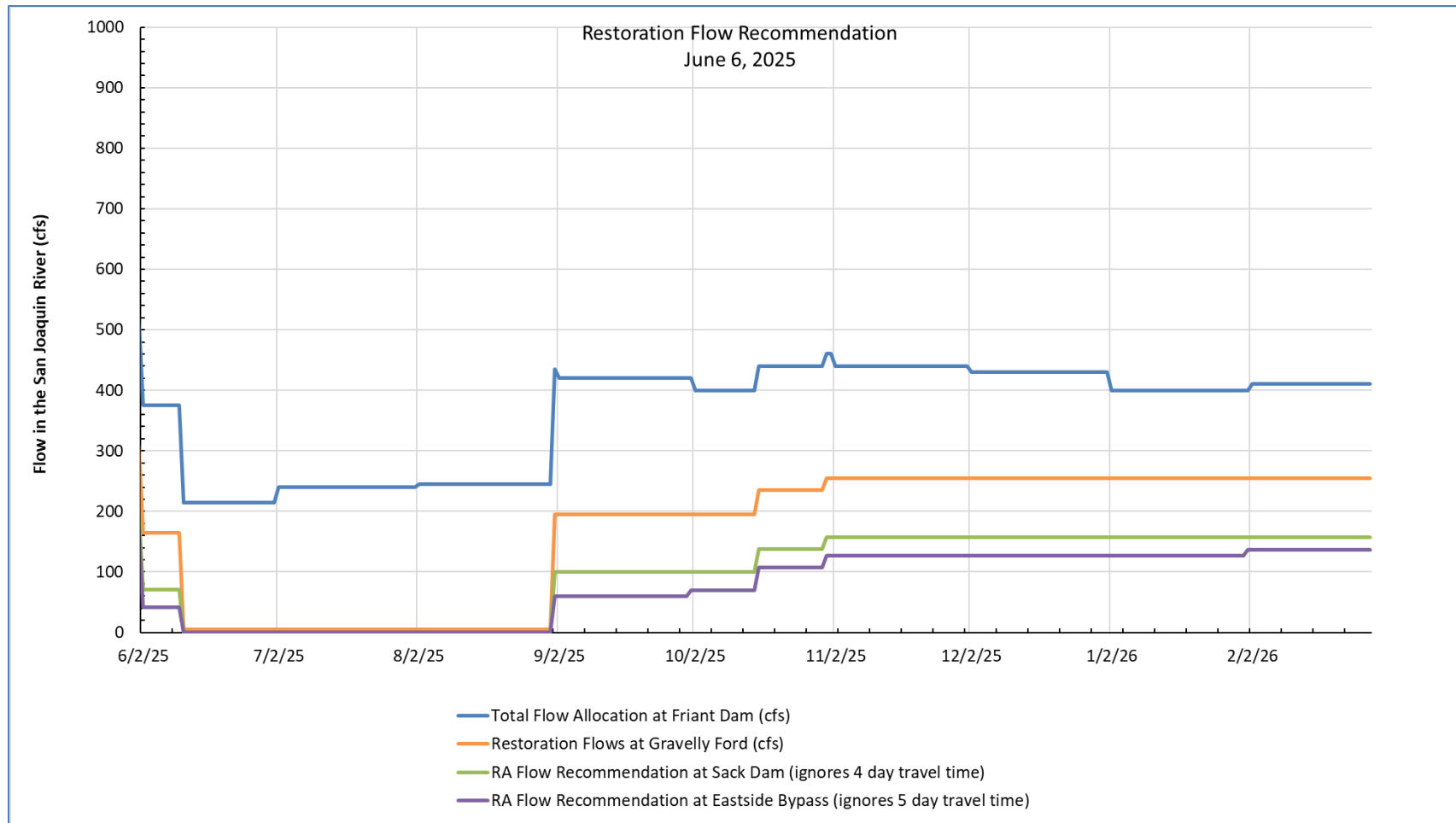
### **Additional Consultation**

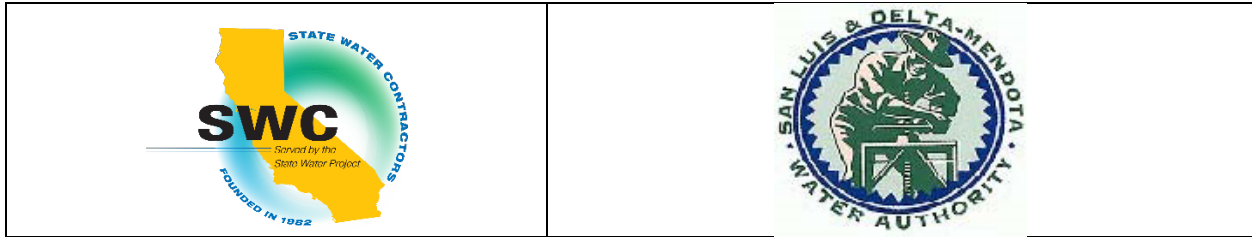
I will continue to coordinate with the TAC, Program Office, and Implementing Agencies to monitor hydrologic conditions, fish population conditions, uncontrolled season releases, operational conditions, and other factors, and will update the Restoration Flow Recommendation as conditions change.

**Table 2. Summary Volumes**

<b>Summary Volumes</b>				
<b>GRAVELLY FORD FLOWS AVAILABLE VERSUS RA RECOMMENDATION</b>				
		<b>Available</b>	<b>Used</b>	<b>Balance</b>
Total GRF River Flow Target without 5 cfs (March 1, 2025 - Feb 28, 2026):		268.547 TAF	185.784 TAF	82.763 TAF
Restoration Allocation Flow		<b>268.547 TAF</b>	<b>185.784 TAF</b>	<b>82.763 TAF</b>
Exchange Flow		0.000 TAF	0.000 TAF	<b>0.000 TAF</b>
Buffer Flows		0.000 TAF	0.000 TAF	<b>0.000 TAF</b>
		URF's Disposed of as of 5/18/2025		42.100
Use Buffer Flows? no		Net Alloc Remainder		<b>40.663 TAF</b>







June 6, 2025

*By Electronic Mail - [DWR-Measurement@waterboards.ca.gov](mailto:DWR-Measurement@waterboards.ca.gov), [Joaquin.Esquivel@Waterboards.ca.gov](mailto:Joaquin.Esquivel@Waterboards.ca.gov),  
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State Water Resources Control Board  
Division of Water Rights  
P. O. Box 100  
Sacramento, CA 95812-0100

**Subject: Comment Letter – Updated Water Measurement and Reporting Revisions**

State Water Resources Control Board (State Board) Members and Staff:

The State Water Contractors (SWC)<sup>1</sup> and the San Luis & Delta Mendota Water Authority<sup>2</sup> (“SLDMWA”) appreciate the opportunity to comment on the updated draft amendments to the SB 88 regulations in title 23, chapter 2.8 of the California Code of Regulations released on May 22, 2025.

SWC and SLDMWA are providing these comments on behalf of themselves and their member agencies (collectively “Public Water Agencies”) who work together to provide water to more than 29 million California residents and 1.9 million acres of farmland throughout the state, as well as listed species and millions of waterfowl that depends upon nearly 200,000 acres of managed wetlands and other critical habitat within the largest contiguous wetlands in the western United States. The Public Water Agencies receive water from the State Water Project (“SWP”) and/or the Central Valley Project (“CVP”), primarily receiving water that has been diverted in the south Delta.

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<sup>1</sup> Alameda County Flood Control and Water Conservation District Zone 7, Alameda County Water District, Antelope Valley – East Kern Water Agency, Casitas Municipal Water District, Central Coast Water Authority, City of Yuba City, Coachella Valley Water District, Crestline – Lake Arrowhead Water Agency, Desert Water Agency, Dudley Ridge Water District, Empire West Side Irrigation District, Kern County Water Agency, Kings County, Littlerock Creek Irrigation District, Metropolitan Water District of Southern California, Mojave Water Agency, Napa County Flood Control and Water Conservation District, Oak Flat Water District, Palmdale Water District, San Bernardino Valley Municipal Water District, San Gabriel Valley Municipal Water District, San Geronimo Pass Water Agency, San Luis Obispo County Flood Control and Water Conservation District, Santa Clara Valley Water District, Santa Clarita Valley Water Agency, Solano County Water Agency, and Tulare Lake Basin Water Storage District.

<sup>2</sup> SLDMWA member agencies: Banta-Carbona Irrigation District, Broadview Water District, Byron Bethany Irrigation District, Central California Irrigation District, City of Tracy, Columbia Canal Company (a Friend), Del Puerto Water District, Eagle Field Water District, Firebaugh Canal Water District, Fresno Slough Water District, Grassland Water District, Henry Miller Reclamation District #2131, James Irrigation District, Laguna Water District, Mercy Springs Water District, Oro Loma Water, Pacheco Water District, Panoche Water District, Patterson Irrigation District, Pleasant Valley Water District, Reclamation District 1606, San Benito County Water District, San Luis Water District, Santa Clara Valley Water District, Tranquility Irrigation District, Turner Island Water District, West Stanislaus Irrigation District, and Westlands Water District.

SWC and SLDMWA appreciate the May 22, 2025 updates to the SB 88 regulations. However, the updated revisions do not go far enough to render the standard for an alternative compliance plan (ACP) clear enough for the regulated community to understand what is required to meet, or for the State Board to enforce, the revised standard. We have proposed further amendment language for your consideration to address the issue.

As noted previously, SWC and SLDMWA have concerns about the draft amendments that would make it easier for diverters to use ACPs without the need to prove that an alternative meets the statutory requirements for a modification of the otherwise applicable diversion measurement criteria, and without the need for a State Water Board finding that a modification is warranted as required by statute.

The updates as drafted still authorize modifications to the SB 88 requirements in ACPs upon submission, leaving the State Board review of ACPs entirely discretionary. Under the revisions to section 936, subdivision (f)(1), diverters may begin using ACPs on October 1, 2025, but do not have to submit their ACPs to the State Board until over a year later on January 31, 2027. That means for every diverter reporting under such an ACP, the State Board will not even know what the ACP is until over a year after it has been submitted. While these changes may result in greater SB 88 reporting from the water right holders, we are concerned that the proposed regulations do not require the information needed for water rights enforcement as intended by SB 88.

The updated section 936, subdivision (g)(8) now provides that “[t]he rejection of an alternative compliance plan shall not retroactively affect the compliance status of a submitted and implemented compliance plan.” In short, diverters may write and report according to their own modifications of the SB 88 regulations, submit them over a year after they have begun using them, and if the State Board later reviews them and determines they are unlawful, the diverters are not liable for having violated SB 88.

In addition, the updates still relieve proponents of an ACP from the requirement to provide substantial evidence to support one of the mandatory findings required for the State Board to authorize a modification. SWC, SLDMWA and Metropolitan Water District of Southern California (MWD) have provided redline edits of the prior draft amendments that would address these defects. We renew our request that they be considered and made to the updated version of section 936. The additional amendments proposed in the attachment should not be interpreted as SWC and SLDMWA’s only proposed edits, just the edits specific to the updated section.

As SWC and SLDMWA explained in their prior comment letter dated April 23, 2025, each proposed ACP is a proposal to modify the diversion measurement requirements codified in Water Code section 1840, subdivision (a) and more completely set forth in the State Board’s SB 88 regulations. Under Water Code section 1840, subdivision (b), the State Board may not modify those requirements without first making one of several legislatively mandated findings (*emphasis added*):

- (1) The board may modify the requirements of subdivision (a) *upon finding* either of the following:
  - (A) That strict compliance is infeasible, is unreasonably expensive, would unreasonably affect public trust uses, or would result in the waste or unreasonable use of water.
  - (B) That the need for monitoring and reporting is adequately addressed by other conditions of the permit or license.

June 6, 2025

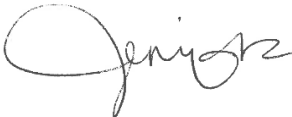
Page 3

The proposed amendments that make all ACPs “accepted,” and therefore lawful, unless and until the State Board, in its sole discretion, reviews any ACP and finds it is not compliant, exceeds the State Board’s delegated authority.<sup>3</sup>

Timely and accurate measurement and reporting of diversions is not only important for SB 88 compliance, but also required to implement, monitor and enforce any curtailments in dry periods and any update to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan).

SWC and SLDMWA appreciate the coordination with the State Board staff and the Delta Watermaster to date and would be happy to meet to discuss our proposed amendments. We look forward to continuing to work with you to ensure that the State Board receives accurate and timely diversion information from all diverters in the State that is of sufficient quality to manage water resources and administer the water rights priority system as SB 88 intended.

Sincerely,



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Jennifer Pierre  
General Manager  
State Water Contractors



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Federico Barajas  
Executive Director  
San Luis & Delta-Mendota Water Authority

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<sup>3</sup> Under Government Code section 11342.2, “no regulation adopted is valid or effective unless consistent and not in conflict with the statute and reasonably necessary to effectuate the purpose of the statute.” Regulations that exceed the Legislature’s delegation of authority are void. (*In re Gadlin* (2020) 10 Cal.5th 915, 926.) Thus, every proposed amendment must be within the authority delegated to the State Board under the Water Code or other statute.

## Attachment A

### Proposed Edits to the Updated Water Measurement and Reporting Revisions

(NOTE: The redline changes do not reproduce SWC's and SLDMWA's proposed revisions needed to address the unlawful delegation to diverters to develop and abide by their own ACPs. Those proposed amendments are included in Attachment A to SWC and SLDMWA joint comment letter dated April 23, 2025, which is also attached for reference.)

The proposed updates for section 936 still lack clarity and may not result in the State Board receiving accurate and timely diversion information that is of sufficient quality for the Board to manage water resources and administer the water rights priority system.

In addition, the section should require ACP proponents to submit them in advance of actually relying on them, and the State Board should review and approve them before diverters may rely on them.

At a minimum, the State Board should be required to review and approve, approve with modifications, or reject every ACP within a reasonable time of submission. It should not be discretionary whether to review ACPs, and if an ACP fails to comply, diverters should be at risk of liability for noncompliance to motivate them to only propose ACPs where they are supported by substantial evidence and that provide timely and accurate diversion measurement data sufficient for the State Board to monitor and enforce water rights.

To avoid those defects, SWC and SLDMWA propose the following amendments to section 936 to clarify the criteria for ACPs consistent with SB 88's plain language and intent as well as the intent expressed in the Initial Statement of Reasons:

#### 936 Alternative Compliance with Water Measurement Requirements.

(a) Eligibility and Scope. Diverters may submit an alternative compliance plan to more effectively or efficiently measure the parameters described in section 933. Alternative compliance may be appropriate ~~in circumstances including, but not limited to,~~ where strict compliance with the requirements of this chapter is not feasible, would be unreasonably expensive, would unreasonably affect public trust uses, would result in the waste or unreasonable use of water, or is met by another person, agency, or organization. Alternative compliance plans must fulfill the requirements of this chapter to the extent practicable and provide ~~sufficiently~~ accurate and timely diversion measurement data to the board sufficient to enable it to monitor and enforce water rights.

(b) Alternative compliance plans may cover a single diverter or a group of diverters.

(c) Alternative Compliance Plan Content. Each alternative compliance plan must be electronically submitted on a form available through the board's online reporting platform and contain the following information, at a minimum:

(1) Name and contact information, including email address, for:

(A) All participants covered by the alternative compliance plan;

(B) The primary contact person to represent all diverters covered by the alternative compliance plan in measurement matters; and

(C) The qualified individual who certified that the alternative compliance plan meets the requirements of this chapter;

- (2) Identification number of each claimed water right covered by the alternative compliance plan;
- (3) Detailed description of the area covered by the alternative compliance plan, including all of the following:

- (A) All points of diversion and how water is diverted at those points and conveyed to the place of use;
- (B) Total acreage included in the alternative compliance plan, if applicable;
- (C) Assessor's parcel number and ownership within the area covered by the alternative compliance plan; and
- (D) A map that clearly shows the location of each place of use, point of diversion, and measurement location for each claimed water right covered by the alternative compliance plan must be clearly labeled;

- (4) Description of how the proposed alternative [diversion](#) measurement methodology functionally complies with the requirements of this chapter to the extent practicable, including:

- (A) An explanation [and substantial evidence showing:](#)

- [\(i\) strict compliance with the requirements of this chapter is not feasible, would be unreasonably expensive, would unreasonably affect public trust uses, or would result in the waste or unreasonable use of water; and](#)

- [\(ii\) the specific basis for claiming that the proposed alternative compliance plan is more efficient or effective than strict compliance with the requirements of sections 933 through 935 and meets the alternative compliance eligibility criteria described in subdivision \(a\);](#)

- (B) Identification of the proposed [diversion](#) measurement frequency and accuracy;

- (C) A description of the proposed [diversion](#) measurement methodology, including any measuring devices or alternative means of measuring the required measurement parameters, any measurement locations, and any calculations, conversion methods, formulas, and quality assurance protocols, and how the proposed measurement methodology is implemented to derive the [diversion](#) measurement data submitted to the board from the raw device output. For measurements using remote sensing, a description of the methodology used to determine the required [diversion](#) measurement parameters from the remote sensing data;

- (D) A description of the proposed methodology to distinguish and apportion general measurement data to each claimed water right covered by the alternative compliance plan;

- (E) For each claimed water right or point of diversion that meets the large diversion applicability described in subdivision (b) of section 932, a description of the proposed large diversion submission frequency; and

- (F) If applicable, including for measurements using remote sensing, a description of the methodology used to account for any water losses between the point of diversion (or the location where water is withdrawn or released from a qualifying reservoir) and the measurement location, including water losses due to percolation or evaporation;



(5) Description of the implementation and the implementation schedule with datespecific, objective milestones from the date of submission of the alternative compliance plan to the board through final implementation;

(6) An affirmation, signed by all diverters covered by the alternative compliance plan or their agent, that the alternative compliance plan will be implemented in accordance with the schedule contained therein; and

(7) A certification by a qualified individual that the alternative compliance plan meets the requirements of this chapter.

(d) Registering Measuring Devices. Diverters must register each measuring device included in the alternative compliance plan with the board in accordance with subdivision (b) of section 934. For alternative compliance plans that do not use any measuring devices, diverters must indicate when submitting measurement data that no measuring devices were used.

(e) Measurement Data Submission and Schedule. Except as described in sections 939.1 through 939.6, diverters must submit general measurement datafiles in accordance with subdivision (a) of section 935. Except as described in sections 939.1 through 939.6, for each claimed water right or point of diversion that meets the large diversion applicability described in paragraph (b) of section 932, diverters must submit large diversion submissions in accordance with subdivision (b) of section 935 or in accordance with an alternative large diversion submission schedule described in the alternative compliance plan, provided that the alternative compliance plan demonstrates that it is impracticable to comply with subdivision (b) of section 935.

(f) Alternative Compliance Plan Submission and Implementation. Each alternative compliance plan must be submitted to the board and implemented as follows:

(1) For alternative compliance plans first implemented on or after October 1, 2025, diverters must submit an alternative compliance plan to the board on or before January 31, 2027 or before its implementation, whichever is ~~later~~ earlier. For alternative compliance plans first implemented before October 1, 2025, diverters must submit an alternative compliance plan to the board on or before January 31, ~~2027~~ 2026.

(2) For any changes or modifications to a previously submitted alternative compliance plan, including changes in the methodology, area, measurement location, or participants, diverters must submit a revised alternative compliance plan to the board ~~on or~~ one year before the submission deadline of the annual report for which the changes first apply.

(3) Alternative compliance plans submitted in accordance with this section will be considered accepted and must be implemented according to the schedule described in the alternative compliance plan, unless otherwise directed by the deputy director. The division may review any submitted alternative compliance plan in accordance with subdivision (g).

(4) Alternative compliance plans will be presumed to remain in effect until cancelled, updated, or otherwise modified by the diverter, or rejected by the division. Diverters must review their alternative compliance plan every five years and confirm that there are no proposed changes with the alternative compliance plan as submitted.

(5) Alternative compliance plans submitted pursuant to this section must be posted on the board's website with the opportunity for comment by any interested party.

(g) Review and Verification. The division ~~may~~ shall:

- (1) Review any alternative compliance plan within 90 days of submission and may request additional information to support the alternative compliance plan, including for purposes of validating the effectiveness and appropriateness of the alternative measurement methodology and its implementation;
- (2) Make findings evaluating the appropriateness of an alternative compliance plan based on the contents of the alternative compliance plan and related evidence, and whether the alternative compliance plan meets the eligibility and scope requirements of this section;
- (3) Audit ~~an~~ each alternative compliance plan at least once every 3 years, and may conduct a field inspection, or request additional information from the diverter to determine if an alternative compliance plan has been properly implemented and meets the requirements of this section;
- (4) Require the diverter to submit evidence that an alternative compliance plan has been implemented in accordance with the proposed schedule;
- (5) Confer informally with the sponsor or participants of an alternative compliance plan to suggest modifications to the alternative compliance plan, as needed to ensure it meets the requirements of subdivision (a);
- (6) Require changes or modifications to any alternative compliance plan to meet the requirements of this chapter, correct a deficiency, or respond to changes in hydrologic or other circumstances. Such changes or modifications must be made and implemented within a reasonable time;
- (7) Approve, with or without conditions, any alternative compliance plan that meets the requirements of this chapter. Conditions for approval may include, but are not limited to, implementation of the alternative compliance plan in accordance with its schedule and continued adherence to the requirements of this section in response to changes in hydrologic conditions or other circumstances; or
- (8) Reject any alternative compliance plan that fails to meet the requirements of this chapter. The division must notify the diverter in writing if the alternative compliance plan has been rejected, and written notices of rejection must include the basis for the rejection. ~~The rejection of an alternative compliance plan shall not retroactively affect the compliance status of a submitted and implemented alternative compliance plan.~~

(h) Incomplete alternative compliance plans and alternative compliance plans that do not meet the minimum requirements of this section shall not relieve the diverter of the requirement to fully comply with this chapter.