

**SAN LUIS & DELTA-MENDOTA WATER AUTHORITY  
TELEPHONIC WATER RESOURCES COMMITTEE REGULAR MEETING  
AND JOINT TELEPHONIC WATER RESOURCES COMMITTEE  
REGULAR MEETING - SPECIAL BOARD WORKSHOP MINUTES  
SEPTEMBER 14, 2020**

The Telephonic Water Resources Committee Regular Meeting and Joint Telephonic Water Resources Committee Regular Meeting and Special Board Workshop of the San Luis & Delta-Mendota Water Authority convened at approximately 10:00 a.m. This meeting was held via teleconference/ZOOM in accordance with the Governor's Executive Order (N-29-20) and the declared State of Emergency as a result of the threat of COVID-19, with Committee Chair Tom Birmingham presiding.

**Water Resources Committee Members Present**

**Ex-Officio**

William Bourdeau

**Division 1**

Anthea Hansen, Alternate for Bill Koster

**Division 2**

Lon Martin, Alternate for Bill Diedrich

**Division 3**

Chris White, Member

**Division 4**

Garth Hall, Member

**Division 5**

Tom Birmingham, Member - Steve Stadler, Alternate

**Board of Directors Present**

**Division 1**

Anthea Hansen, Director

**Division 2**

William Bourdeau, Director

Lon Martin, Alternate

**Division 3**

Chris White, Director - Jarrett Martin, Alternate

**Division 4**

Garth Hall, Alternate

**Division 5**

Tom Birmingham, Director

Steve Stadler, Director

**Authority Representatives Present**

Federico Barajas, Executive Director

Scott Petersen, Water Policy Director

Rebecca Akroyd, General Counsel

Pablo Arroyave, Chief Operating Officer

Frances Mizuno, Special Projects Administrator

Stewart Davis, IT Officer

**Others Present**

Tom Boardman, Westlands Water District

Ashley Boren, Sustainable Conservation

Katie Halderman, Sustainable Conservation

Erika Lovejoy, Sustainable Conservation

**1. Call to Order**

Committee Chair Tom Birmingham called the meeting to order.

**2. The Water Resources Committee to Consider Additions or Corrections to the Agenda of Items, as authorized by Government Code Section 54950 et seq.**

No additions or corrections.

**3. Opportunity for Public Comment**

No public comment.

**4. Water Resources Committee to Consider Approval of the June 1, 2020 Meeting Minutes.**

Chair Tom Birmingham pronounced the July 6, 2020 meeting minutes approved, with no changes or corrections.

**5. Water Resources Committee to Consider Recommendation to Board of Directors to Authorize Withdrawal from the San Joaquin Valley Water Infrastructure Authority (SJVVIA).**

Executive Director Federico Barajas reported that in March 2020, Authority staff met with the SJVVIA Chair and communicated that the Authority would not be joining the amended JPA. Barajas reported that in July 2020, Authority staff learned that the SJVVIA would be finalizing the amended JPA, but was still listing the Authority as a member. Barajas reported that following conversation with the Tulare County Counsel, staff determined that the best way to allow the SJVVIA to proceed with an amended JPA was for the Authority to: (1) propose edits to the amended JPA that clarify the Water Authority's status, and (2) submit a letter representing the Water Authority's withdrawal from the SJVVIA. Barajas reported that once the withdrawal is effective, Water Authority staff can continue to maintain engagement with SJVVIA on an informal basis, by attending relevant meetings and seeking to participate in relevant projects.

Member Garth Hall made a motion that the Water Resources Committee recommend the withdrawal from the San Joaquin Valley Water Infrastructure Authority (SJVVIA). The motion was seconded by Member Chris White and passed unanimously. The Committee action is reported as follows:

*AYES:* Bourdeau, Hansen, Martin, White, Hall, Birmingham

*NOES:* None

*ABSTENTIONS:* None

**6. Water Resources Committee to Consider Recommendation to Board of Directors to Adopt Staff Recommendation for Positions on Legislation, Petersen**

**a. H.R. 8166 (Cox) The Western Water Storage Infrastructure Act**

Water Policy Director Scott Petersen reported that this bill would increase funding authorization for water storage and conveyance infrastructure and would extend key California water provisions of the Water Infrastructure Improvements for the Nation (WIIN) Act through 2029. Additionally, the legislation would extend the CALFED program through 2024.

Member Tom Birmingham made a motion that the Water Resources Committee recommend the Board of Directors adopt the staff Recommendation for Position on H.R. 8166 Legislation, as well as provide direction to staff to advocate for the inclusion of language that would remove barriers to

the advancement of Pacheco Reservoir using CALFED funds. The motion was seconded by Member Chris White and passed, with Committee action reported as follows:

AYES: Bourdeau, Hansen, Martin, White, Birmingham

NOES: None

ABSTENTIONS: Hall

**b. S. 4530 (Feinstein)/H.R. 8041 (Harder), Snow Water Supply Forecasting Program Authorization Act**

Water Policy Director Scott Petersen reported that this bill establishes a program within the Department of the Interior which will improve the understanding, management, and deployment of snowpack measurement technologies used for seasonal water forecasting and preserve key elements of the basic technology elements of the Aerial Snowpack Observatory program and provides \$15 million in authorizations from fiscal year 2022-2026.

**c. H.R. \_\_ (Garamendi), WIFIA Improvement Act**

Water Policy Director Scott Petersen reported that this bill would amend the Water Infrastructure Finance and Innovation Act of 2014 to extend the maturity date of WIFIA loans from up to 35 years to up to 55 years and would clarify the budgetary treatment of financial assistance for federal projects for which the recipient is an eligible entity

Dennis Cardoza reported that this bill just received a bill number, and it is H.R. 8217.

Member Tom Birmingham made a motion that the Water Resources Committee recommend the Board of Directors adopt staff Recommendation for Positions on S.4530 (Feinstein)/H.R. 8041 (Harder), and H.R. 8217 (Garamendi). The motion was seconded by Member William Bourdeau and passed, with Committee action is reported as follows:

AYES: Bourdeau, Hansen, Martin, White, Birmingham

NOES: None

ABSTENTIONS: Hall

**7. Presentation on Sustainable Conservation's Efforts to Advance Programmatic Permitting for Aquatic Restoration.**

Water Policy Director Scott Petersen reported that Sustainable Conservation has approached the Authority as a potential partner on work related to the advancement of

programmatic permitting for aquatic restoration projects. Petersen reported that given the many demonstrated benefits of aquatic habitat restoration to endangered species abundance, staff wanted to provide an opportunity for Sustainable Conservation to brief the Committee on the current status of their work and for staff to receive direction as to the type and level of participation that the Authority may want to have in the work being done by Sustainable Conservation on these efforts.

Petersen introduced Ashely Boren and Katie Haldeman. Haldeman presented a PowerPoint presentation “Statewide Restoration Permitting Initiative”, focusing on water and aquatic habitat, and programmatic permitting, and Boren and Haldeman answered questions from Authority staff and Committee members.

**8. Executive Director’s Report.**

Deferred until the Board meeting.

**9. Update on Water Policy/Resources Activities.**

Water Policy Director Scott Petersen reported that on September 8, 2020, the U.S. Fish and Wildlife Service (FWS), released a proposed rule to amend portions of the regulations that implement section 4 of the Endangered Species Act. Petersen reported that the proposed revisions set forth a process for excluding areas of critical habitat under section 4(b)(2) of the Act, which mandates consideration of the impacts of designating critical habitat and permits exclusions of particular areas following a discretionary exclusion analysis. proposed rule aims to articulate clearly when and how FWS will undertake an exclusion analysis, including identifying a non-exhaustive list of categories of potential impacts for FWS to consider. Petersen reported that the proposed rulemaking would respond to applicable Supreme Court case law, reflecting agency experience, codifying current agency practices, and making some modifications to current agency practice. Petersen reported that the intended effect of this proposed rule is to provide greater transparency and certainty for the public and stakeholders. Petersen reported that comments on this proposed rule are due October 8, 2020.

Petersen reported that on July 31, 2020, the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS), published a draft rule to propose adding a definition of “habitat” to the regulations that implement Section 4 of the Endangered Species Act. FWS and NMFS are proposing the regulatory definition of “habitat,” in light of the Supreme Court’s holding in *Weyerhaeuser Co. v. U.S. FWS* regarding the relationship between “habitat” and “critical

habitat.” Petersen reported that staff coordinated with member agency staff and submitted comments on the proposed definition.

Petersen reported that Reclamation has extended the public comment period for the Shasta Dam Reservoir Expansion Project from September 21 to October 5 to allow more time for public engagement.

**10. Agenda Item 11: Update on Water Operations and Forecasts**

Deferred until the Board meeting.

**11. Agenda Item 12: Committee Member Reports.**

Member Garth Hall announced his retirement from Valley Water at the end of the month. Chair Tom Birmingham, Federico Barajas, and William Bourdeau thanked Garth for his excellent service and contributions.

**12. Agenda Item 13: Closed Session**

Committee Chair Tom Birmingham adjourned the open session to address the items listed on the Closed Session Agenda at approximately 11:05 a.m. Upon return to open session at approximately 11:25 p.m., General Counsel Rebecca Akroyd reported that there were no reportable actions taken in closed session.

**13. Reports Pursuant to Government Code Section 54954.2**

None.

**14. Adjournment**

The meeting was adjourned at approximately 11:25 p.m.