



**San Luis & Delta-Mendota Water Authority
Monday, September 13, 2021, 10:00 a.m.**

**Notice of Water Resources Committee Regular Telephonic Meeting and Joint
Water Resources Committee Regular Telephonic Meeting-Special Board
Workshop**

Telephonic Participation

(669) 900 6833

Meeting ID: 881 7806 4671

Passcode: 240795

**SLDMWA Boardroom
842 6th Street, Los Banos, CA 93635**

NOTE: In accordance with the Governor's Executive Order N-08-21, members of the Water Resources Committee/Board and Water Authority staff will be participating in this meeting from multiple locations. This meeting will occur with an in-person option for members of the Water Resources Committee and Board interested in attending at the San Luis & Delta-Mendota Water Authority Los Banos Administrative Office, 842 6th Street, Los Banos, California. There will still be an option to attend by calling in for members of the Water Resources Committee, Board, and the public. If members of the public have any problems using the call-in number during the meeting, please contact the Authority office at 209-826-9696.

NOTE FURTHER: Any member of the public may address the Water Resources Committee/Board concerning any item on the agenda before or during consideration of that item.

Because the notice provides for a regular telephonic meeting of the Water Resources Committee ("WRC") and a joint regular telephonic WRC Meeting/Special Board workshop, Board Directors/Alternates may discuss items listed on the agenda; however, only WRC Members/Alternates may correct or add to the agenda or vote on action items.

Agenda

1. Call to Order/Roll Call
2. Water Resources Committee to Consider Additions and Corrections to the Agenda for the Water Resources Committee Meeting only, as Authorized by Government Code Section 54950 *et seq.*
3. Opportunity for Public Comment – Any member of the public may address the Water Resources Committee/Board concerning any matter not on the agenda, but within the Committee's or Board's jurisdiction. Public comment is limited to no more than three minutes per person. For good cause, the Chair of the Water Resources Committee may waive this limitation.

ACTION ITEMS

4. **Water Resources Committee to Consider Approval of the August 2, 2021 Meeting Minutes**
5. **Water Resources Committee to Consider Recommendation to Board of Directors to Select Proposed Operational Configuration for the B.F. Sisk Dam Raise and Reservoir Expansion Project, Arroyave**
6. **Water Resources Committee to Consider Recommendation to Board of Directors to Adopt Staff Recommendation for Positions on Legislation, Petersen**
 - A. H.R. 3023 (Costa) - Restore WIFIA Eligibility Act

- B. H.R. 4284 (Ruiz) – Clean Drinking Water Equity Act
- C. H.R. 4915 (McClintock) – Water Supply Permitting Coordination Act
- D. S. 2334 (Cortez Masto) – Large Scale Water Recycling Project and Drought Resiliency Investment Act

REPORT ITEMS

- 7. Executive Director's Report, Barajas
 - A. Water Transfers
 - B. DMC Subsidence Mitigation Project
 - C. (May include reports on activities within the Water Resources Committee's jurisdiction related to 1) CVP/SWP water operations; 2) California storage projects; 3) regulation of the CVP/SWP; 4) existing or possible new State and Federal policies; 5) Water Authority activities; 6) COVID-19 response)
- 8. Update on Water Policy/Resources Activities, Petersen
(May include reports on activities related to 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)
- 9. Update on Water Operations and Forecasts, Boardman
- 10. Committee Member Reports
- 11. Closed Session

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of Litigation Pursuant to paragraph (4) of Subdivision (d) of Government Code Section 54956.9 – 3 potential cases

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant Exposure to Litigation Pursuant to Paragraph (2) or (3) of Subdivision (d) of Government Code Section 54956.9 – 2 potential cases

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

- A. Natural Resources Defense Council, et al. v. Haaland, et al., U.S. District Court, E.D. Cal., Case No. 1:05-cv-01207-DAD-EPG, 9th Cir. Case No. 21-15163 (2005 DMC Contract Renewals)
- B. Pacific Coast Federation of Fishermen's Associations, et al. v. Donald R. Glaser and San Luis & Delta-Mendota Water Authority, U.S. District Court, E.D. Cal., Case No. 2:11-CV-02980-KJM-CKD (PCFFA v Glaser or GBP Citizens Suit)
- C. Delta Stewardship Council Cases, Sacramento County Superior Court, Case No. JCCP 4758 (formerly San Luis & Delta-Mendota Water Authority and Westlands Water District v. Delta Stewardship Council, et al., Sacramento County Superior Court, Case No. 34-2013-80001500) (Delta Plan Litigation)
- D. City of Fresno, et al. v. United States, U.S. Court of Federal Claims, Case No. 1:16-cv-01276-EDK (2014 Friant Breach of Contract)
- E. Monterey Coastkeeper, et al. v. Central Valley Regional Water Quality Control Board, et al., Third District Court of Appeal Case No. C093513, Sacramento County Superior Court Case No. 34-2018-80002853; Environmental Law Foundation v. State Water Resources Control Board, Third District Court of Appeal Case No. C093513, Sacramento County Superior Court Case No. 34-2018-80002851; Protectores del Agua Subterranea v. State Water Resources Control Board, Third District Court of Appeal Case No. C093513, Sacramento Superior Court Case No. 34-2018-80002852 (Waste Discharge Requirement Cases)
- F. North Coast Rivers Alliance v. Delta Stewardship Council, Sacramento County Superior Court, Case No. 34-2018-80002898; Central Delta Water Agency v. Delta Stewardship Council, Sacramento County Superior Court, Case No. 34-2018-80002900; Friends of the River v. Delta Stewardship Council, Sacramento County Superior Court, Case No. 34-2018-80002901; California Water Impact Network v. Delta Stewardship Council, Sacramento County Superior Court, Case No. 34-2018-80002904 (Delta Plan Amendment Cases)
- G. North Coast Rivers Alliance, et al. v. San Luis & Delta-Mendota Water Authority, et al., Merced County Superior Court, Case No. 19CV-04989 (GBP Long-Term Storm Water Management Plan)
- H. Pacific Coast Federation of Fishermen's Associations, et al. v. Raimondo, et al., U.S. District Court, E.D. Cal., Case No. 1:20-cv-00431-DAD-EPG (ROC on LTO BiOps)
- I. California Natural Resources Agency, et al. v. Raimondo, et al., U.S. District Court, E.D. Cal., Case No. 1:20-cv-00426-DAD-EPG (ROC on LTO BiOps)

- J. CDWR Water Operation Cases, Sacramento County Superior Court, Case No. JCCP 5117 (formerly Tehama-Colusa Canal Authority et al. v. California Department of Water Resources et al., Fresno County Superior Court, Case No. 20CECG01303) (SWP EIR Challenge)
 - K. AquAlliance, et al. v. U.S. Bureau of Reclamation, et al., U.S. District Court, E.D. Cal., Case No. 1:20-cv-00878-DAD-EPG (Long-Term Water Transfers EIS/EIR)
 - L. Winnemem Wintu Tribe et al. v. State Water Resources Control Board et al., Merced County Superior Court, Case No. 21CV-02721 (GBP Waste Discharge Requirements)
 - M. SWRCB Administrative Hearing Office: County of San Joaquin Permit to Appropriate Water from the South Fork American River at the Freeport Regional Water Authority Facility on the Sacramento River, Pending Application A029657 (Permit Application Protest)
- 12. Return to Open Session
 - 13. Report from Closed Session, if any, Required by Government Code Section 54957.1
 - 14. Reports Pursuant to Government Code Section 54954.2(a)(3)
 - 15. ADJOURNMENT

Persons with a disability may request disability-related modification or accommodation by contacting Cheri Worthy or Sandi Ginda at the San Luis & Delta-Mendota Water Authority Office via telephone (209) 826-9696 or email [cheri.worthy@sldmwa.org or sandi.ginda@sldmwa.org] at least 3 days before a regular meeting or 1 day before a special meeting/workshop.

This agenda has been prepared as required by the applicable laws of the State of California, including but not limited to, Government Code Section 54950 et seq. and has not been prepared with a view to informing an investment decision in any of the Authority's bonds, notes or other obligations. Any projections, plans or other forward-looking statements included in the information in this agenda are subject to a variety of uncertainties that could cause any actual plans or results to differ materially from any such statement. The information herein is not intended to be used by investors or potential investors in considering the purchase or sale of the Authority's bonds, notes or other obligations and investors and potential investors should rely only on information filed by the Authority on the Municipal Securities Rulemaking Board's Electronic Municipal Market Access System for municipal securities disclosures, maintained on the World Wide Web at <https://emma.msrb.org/>.

**SAN LUIS & DELTA-MENDOTA WATER AUTHORITY
WATER RESOURCES COMMITTEE REGULAR MEETING AND JOINT
WATER RESOURCES COMMITTEE REGULAR MEETING - SPECIAL
BOARD WORKSHOP MINUTES**

August 2, 2021

The Water Resources Committee and Joint Water Resources Committee Regular Meeting and Special Board Workshop of the San Luis & Delta-Mendota Water Authority convened at approximately 10:00 a.m. at 842 6th Street, Los Banos, California, and via teleconference in accordance with the Governor's Executive Order (N-08-21), with Committee Chair Tom Birmingham presiding.

Water Resources Committee Members Present

Ex-Officio

William Bourdeau (via Teleconference/In-person)

Division 1

Zach Maring, Member - Anthea Hansen, Alternate

Division 2

Bill Diedrich, Member

Division 3

Chris White, Member (via Teleconference)

Division 4

Vincent Gin, Member (via Teleconference)

Division 5

Tom Birmingham, Member

Board of Directors Present

Division 1

Anthea Hansen, Director

Division 2

William Bourdeau, Director

Bill Diedrich, Director

Division 3

Chris White, Director - Jarrett Martin, Alternate (via Teleconference)

Division 4

None

Division 5

Tom Birmingham, Director

Authority Representatives Present

Federico Barajas, Executive Director

Pablo Arroyave, Chief Operating Officer

Scott Petersen, Water Policy Director

Rebecca Akroyd, General Counsel

Joyce Machado, Director of Finance

John Brodie, Water Resources Program Manager

Stewart Davis, IT Officer

Others Present

Tom Boardman, Westlands Water District

Kristin Olsen, California Strategies

1. Call to Order/Roll Call

Committee Chair Tom Birmingham called the meeting to order and roll was called.

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

General Counsel Rebecca Akroyd reported that there was a minor correction to the Agenda, in that the reference to the Governor's Executive Order should be to N-08-21.

3. Opportunity for Public Comment

No public comment.

4. Water Resources Committee to Consider Approval of the July 12, 2021 Meeting Minutes.

Chair Tom Birmingham pronounced the July 12, 2021 meeting minutes approved without correction.

5. Executive Director's Report.

A. **Update on Water Transfers** – (1) Yuba Transfer - Chief Operating Officer Pablo Arroyave reported that pumping started July 16, 2021. (2) NOD Transfer Program – Arroyave

reported that there are no changes from last month and that the release and pumping of that water is still scheduled for October. Chair Tom Birmingham reported that there is potential to begin before October to benefit the fish. (3) SEWD - Arroyave reported that the Environmental Assessment was released by the Bureau on July 28th, and comments are due by August 5. (4) OID - Arroyave reported the draft Environmental Assessment should be complete today, and would be released for a 7-day review. Arroyave reminded the Committee that the SWRCB also has to approve this transfer, and is set to make a decision on August 17. Arroyave reported that each recipient needs a Warren Act contract in order to receive this water.

B. **DMC Subsidence Mitigation Project** – Executive Director Federico Barajas reported that the Authority is working closely with Reclamation on the drafting of a cooperative agreement, and hopes to bring it to the Board for action in September.

C. **August 23, 2021 Board Workshop** – Executive Director Federico Barajas reminded that a Joint Workshop is scheduled August 23 regarding the San Luis Transmission Project.

D. **COVID Update** – Executive Director Federico Barajas reported that there was a COVID-19 outbreak at one of the Authority’s facilities, and the required processes are being followed.

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

Water Policy Director Scott Petersen provided a brief summary of his report included in the packet. Petersen reported that the staff of the State Water Resources Control Board is proposing an emergency regulation that, if adopted and approved, may affect the ability of water right holders in the Sacramento-San Joaquin Delta watershed to divert water. Petersen reported that on July 8, 2021, the Authority, Friant Water Authority, Tehama Colusa Canal Authority, and the State Water Contractors sent a letter to State Water Board Chairman Joaquin Esquivel expressing a need for action to protect stored water and to reduce unauthorized diversions of water in the Delta, in order to protect authorized beneficial uses of water. Petersen reported that on July 29, 2021, the San Luis & Delta-Mendota Water Authority sent a second letter to State Water Board Chairman Joaquin Esquivel expressing support for protecting stored water and offered some minor amendments to improve the draft Emergency Regulations. Petersen reported that on July 30, the State Water Board issued a notice of proposed emergency rulemaking to comply with requirements of Government Code Section 11346.1, subdivision (a)(2), that a 5-day notice must be issued prior to the submission of a proposed emergency action to the Office of Administrative Law. Petersen reported that if approved, the emergency regulation would become effective upon submittal to the Secretary of State

as early as mid to late August 2021, and would remain in effect for up to one year but could be repealed if hydrologic conditions improve, or readopted if drought conditions continue through next year.

Petersen reported that there have been some significant actions by the Water Blueprint over the last month. Petersen reported that the Blueprint Executive Committee has made a recommendation to the Plenary group to hire Providence Group to perform the association management functions previously provided by Vista Consulting. Petersen reported that a contract is in process of being executed to develop a strategic plan and to perform a critical path regulatory analysis to advance that plan. Petersen reported that Authority staff will ensure that westside of the San Joaquin Valley representatives are engaged during the development of the Strategic Plan and as part of the study group.

7. Agenda Item II: Update on Water Operations and Forecasts

Westlands Water District's Tom Boardman reported that Shasta storage is trending towards a carryover storage of 1.1 MAF rather than 1.25 MAF target that the State Board and Reclamation had agreed upon in late May. Boardman described how Reclamation may choose to back up transfer water during August and September to increase carry over storage. Delta conditions were discussed which included a brief explanation of water quality, delta outflow, and export pumping status.

Boardman explained that Reclamation's reported CVP share of San Luis storage is 50 TAF higher than actual because DWR exchanged 50 TAF with the CVP on July 15. As such, actual CVP storage was reported to -38 TAF. Boardman explained San Luis storage projection charts and the factors that could affect the projected low storage levels reached by late September.

Responding to a question from Director Hansen, Boardman explained how Yuba transfer water might be backed up into Shasta. Chairman Birmingham added to the response by stating that the idea of backing up transfer water came from Reclamation in an effort to increase Shasta carry over storage.

8. Agenda Item 12: Committee Member Reports.

None.

9. Agenda Item 13: Closed Session

No closed session.

10. **Reports Pursuant to Government Code Section 54954.2**
None.

11. **Adjournment**

The meeting was adjourned at approximately 10:30 a.m.



MEMORANDUM

TO: SLDMWA Water Resources Committee/Board of Directors, Alternates

FROM: Pablo Arroyave, Chief Operating Officer

DATE: September 13, 2021

RE: Water Resources Committee to Consider Recommendation to Board of Directors to Select an Operational Configuration for the B.F. Sisk Dam Raise and Reservoir Expansion Project in the Addendum to the Feasibility Study

BACKGROUND

Since 2019, the U.S. Bureau of Reclamation (Reclamation) and the Water Authority have been completing the steps necessary to evaluate and ultimately implement the B.F. Sisk Dam Raise and Reservoir Expansion Project (project). The project is estimated to provide an additional 130,000 acre-feet of water storage capacity in San Luis Reservoir by raising the crest height of B.F. Sisk Dam by 10 feet. The project is being pursued under the Reclamation Safety of Dams Act (Pub. L. 95-578, as amended) as a connected action to Reclamation's B.F. Sisk Dam Safety of Dams (SOD) Modification Project which proposes raising the height of B.F. Sisk Dam for Dam Safety purposes. As a "connected action" under the amended Safety of Dams Act, Reclamation must determine and affirm that the Water Authority's interest in increasing water storage supply in San Luis Reservoir provides an additional benefit in conjunction with the current B.F. Sisk Dam SOD Modification Project, is consistent with Reclamation Law, can support a Secretary of Interior's finding of feasibility, has federal benefits pursuant to the Water Infrastructure Improvements for the Nation (WIIN) Act, and can be accomplished without negatively impacting the B.F. Sisk Dam SOD Modification Project. The Final Environmental Impact Report/Supplemental Environmental Impact Statement (EIR/SEIS) and the final Feasibility Report for the project were completed in December 2020. The final Feasibility Report was submitted for review to the U.S. Office of Management and Budget and subsequently transmitted to Congress with a Secretary of Interior finding of feasibility.

In addition to the Safety of Dams authority, Reclamation is pursuing this project as a federally led storage project within the WIIN Act authorization. As a federally led storage project, the Federal Government could fund the project in the amount associated with the percentage of federal benefits, both reimbursable and non-reimbursable, up to 50% of the overall project cost. The Federal Government may fund less than 50% of the project cost with a corresponding benefit of less than 50%. The current federal benefits identified in the Feasibility Report are increases in irrigation, municipal and industrial and refuge water supply deliveries and the transportation

safety benefits generated by modifications to State Route 152. The refuge water supply deliveries and transportation safety benefits are both identified in the Feasibility Report as non-reimbursable benefits.

In considering the 2020 Feasibility Report, OMB required that an addendum to the report be completed prior to the commencement of project construction providing the cost allocation for the additional water supply with supporting economic analysis. To develop the cost allocation, Reclamation and the Water Authority are pursuing the selection of one of the specific operational configurations (sub-alternatives) analyzed in the 2020 Feasibility Report. In addition to the operational configuration selection, the addendum will include the following additional information:

1. An update to the 2016 Reclamation Sisk Dam Raise cost estimates (to 2021 levels);
2. The selection of a specific methodology to illustrate the transportation safety benefits of the project; and
3. The associated water supply benefits for the selected operational configuration

Draft Participation and Operations Terms Proposed by Reclamation

Given the 130,000 acre-feet of increased water storage space in San Luis Reservoir associated with the project, Reclamation initially identified 50% (65,000 acre-feet) of that storage to be treated as an extension of available CVP supply (CVP-only) and the remaining 50% (65,000) to be managed by the participating districts (investor-directed).

As part of the initial concept, Reclamation also proposed key assumptions for consideration, including but not limited to:

- Operation of the additional space will have no impact to existing CVP contractors;
- The additional space will be operated to maximize CVP project benefits; and
- The investor directed portion of the storage will have a higher level of protection and spill priority than the storage within the current rescheduling guidelines.

In response to OMB's requirement above, the selection of the specific assignment of the investor-owned storage has been the focus of attention with a Water Authority-led technical team, and is the crux of the current effort. The three specific configurations of the investor-owned storage presented for consideration are:

- a. 78% Ag/7% M&I/15% Refuge
- b. 10% Ag/90% M&I
- c. 70% Ag/15% M&I/15% Refuge

Because a-b above are the bookends analyzed in the Feasibility Report and the corresponding environmental document, operational configurations with different percentage allocations of Ag, M&I and Refuge can be identified. If this is the case, additional analysis and modeling will need to occur to develop the associated supporting economic analysis.

ISSUES FOR DECISION

1. Whether Reclamation’s proposal for the additional 130,000 acre-feet storage capacity being assigned 50% CVP-only and 50% investor-owned is an acceptable ratio for the project.
2. Whether the Water Authority should select one of the three specific operational configurations identified above, or an alternative configuration.

ADDITIONAL INFORMATION

In order to meet the conditions within the WIIN Act authorization and coordination with SOD Modification implementation, construction of the project must commence in early 2022 to allow the project to align with Reclamation SOD Modification. Therefore, in order to be eligible for WIIN funding, the required addendum must be completed during the fall of 2021. In this case, the construction phase is currently being defined by Reclamation as the commencement of final design, including initiating geotechnical investigations. In accordance with the WIIN Act, prior to commencement of construction, a cost share agreement must be developed and executed.

In order to compare the three specific operational configurations, the modeled water supply benefits associated with each are below by water year type:

Additional South of Delta CVP Delivery (1,000 acre-feet)

	Sub-alternative	Water Year Type					
		W	AN	BN	D	C	All
Total SOD CVP	Sub-Alt A/C	31	39	58	31	23	35
	Sub-Alt B/D	29	36	56	34	25	35
	New Investor Sub-Alt	31	38	58	32	23	35
SOD CVP M&I	Sub-Alt A/C	1	2	3	2	1	2
	Sub-Alt B/D	6	7	16	16	13	11
	New Investor Sub-Alt	1	2	4	3	3	2
SOD CVP Ag	Sub-Alt A/C	28	35	52	28	20	31
	Sub-Alt B/D	23	29	40	19	12	24
	New Investor Sub-Alt	28	35	51	27	19	30
SOD CVP Refuge	Sub-Alt A/C	1	2	3	2	2	2
	Sub-Alt B/D	0	0	0	0	0	0
	New Investor Sub-Alt	1	2	3	2	2	2

Notes:

1. All examples above allocate 65 TAF of new storage in San Luis Reservoir to all SOD CVP water users consistent with the existing reservoir, and the other 65 TAF to investors in the project
2. The investor supplies are allocated as follows: Investor A/C - 78% Ag / 7% M&I / 15% Refuge; Investor B/D - 10% Ag / 90% M&I; New Investor - 70% Ag / 15% M&I / 15% Refuge
3. The results indicate total changes in South of Delta CVP deliveries not just deliveries specific to the different investor groups

Completion of the addendum to the Feasibility Report also requires completion of an initial cost allocation process. The methodology required for this allocation is prescribed by Reclamation for all feasibility studies. It is expected that all operational configurations will have a benefit/cost ratio higher than 1.0. Per this initial cost allocation methodology, benefits that are monetized for this project are:

- a. Increased M&I water supply reliability
- b. Increased Irrigation water supply reliability
- c. Enhanced emergency M&I water supply reliability
- d. Increased Incremental Level 4 Refuge Supply
- e. Seismic Improvements to SR-152 (Transportation Benefit)

As noted above, d-e are considered non-reimbursable federal benefits and a-c are considered reimbursable to the project beneficiaries.

FINANCIAL AND OTHER IMPLICATIONS

Members of the Water Authority technical team have expressed concerns with the initial cost allocation in the Feasibility Report and the bearing this initial cost allocation will have in the final cost allocation once construction commences. There are several policy decisions to be addressed by Reclamation and the Water Authority that could have a bearing on specific investor benefits that could therefore change the participation levels of specific member agencies and could affect the final cost allocation. In addition, the final determination of federal benefits and the split of reimbursable versus non-reimbursable may affect participation as well. For example, if final federal benefits realized are less than 50%, that could result in additional investment potential for some member agencies. In order to address these concerns, the Water Authority staff is coordinating with Reclamation regarding a number of key questions.

Water Authority staff will continue to engage Reclamation on the questions provided and will keep the technical team, Water Resources Committee, and Board of Directors informed of progress.

ATTACHMENTS

PowerPoint Presentation
Analysis of Alternatives and Modeling Results

B.F. Sisk Dam Raise Project

Water Resources Committee Meeting

September 13, 2021



**CDM
Smith**

Meeting Overview

- Reservoir Operational Configuration Benefits
- Operational Configuration Selection

New Reservoir Operational Configurations

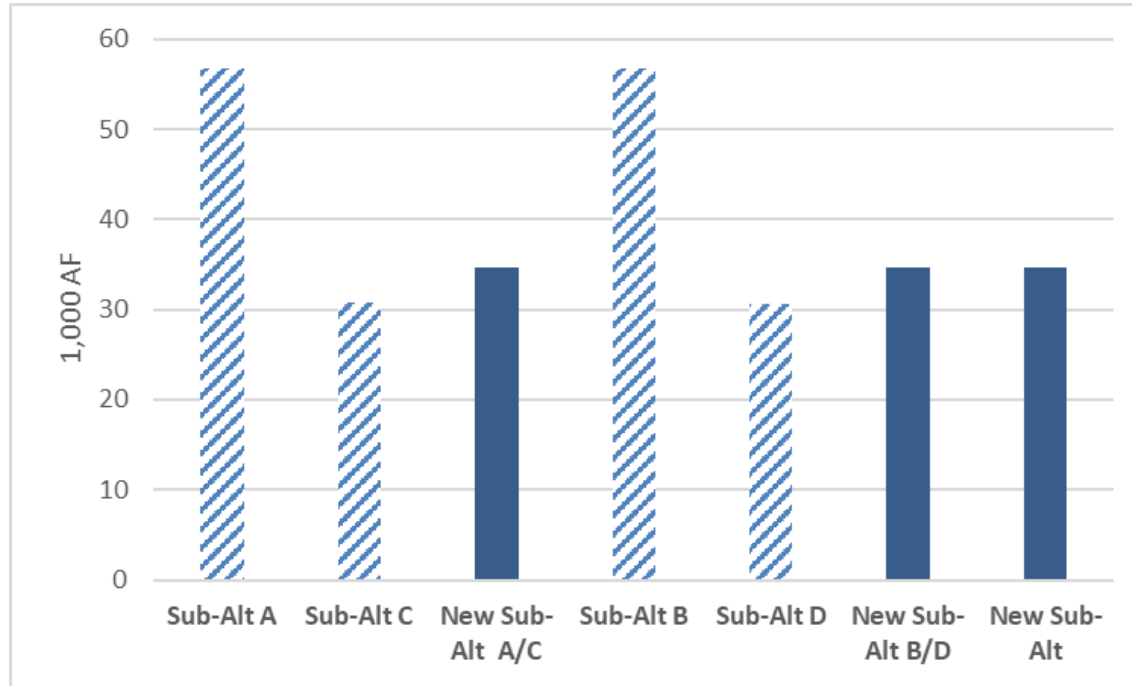
- The Feasibility Report Addendum will evaluate a single reservoir operational configuration.
- Currently three configurations are identified and have been modeled. All three configurations incorporate Reclamation's requested storage split –
 - 65 TAF of expanded storage assigned to all SOD CVP contractors consistent with existing reservoir
 - 65 TAF of expanded storage assigned to investors with corresponding increase in the rescheduling limit
- Three investor mixes are now being evaluated to identify benefits for the 65 TAF of investor storage:
 - 78% Ag / 7% M&I / 15% Refuge (Investor A/C)
 - 10% Ag / 90% M&I (Investor B/D)
 - 70% Ag / 15% M&I / 15% Refuge (New)

New Reservoir Operational Configuration Benefits

- Preliminary CalSim and post processing tool modeling of the new reservoir operational configurations has been completed
- This modeling included adjustments to the post processing tool to account for operational guidance/targets described in Reclamation's August 2021 Draft Participation and Operations Terms for the Project
 - No negative impact to existing CVP contractors
 - Operated to maximize CVP project benefits
 - Spill priority and/or protection for Investor storage (65 TAF)
- Economic modeling of preliminary water supply benefits is now underway

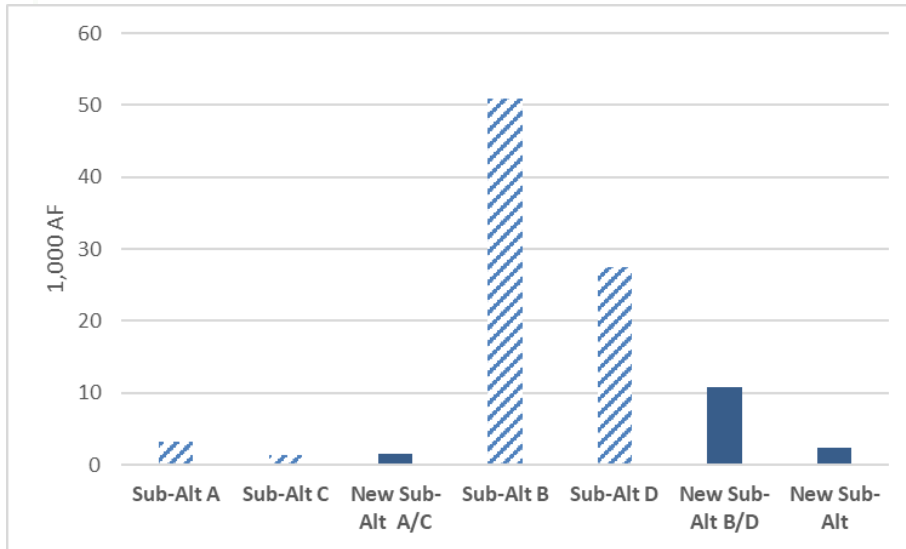
New Reservoir Operational Configuration Benefits

- Change in Annual Average CVP SOD Deliveries

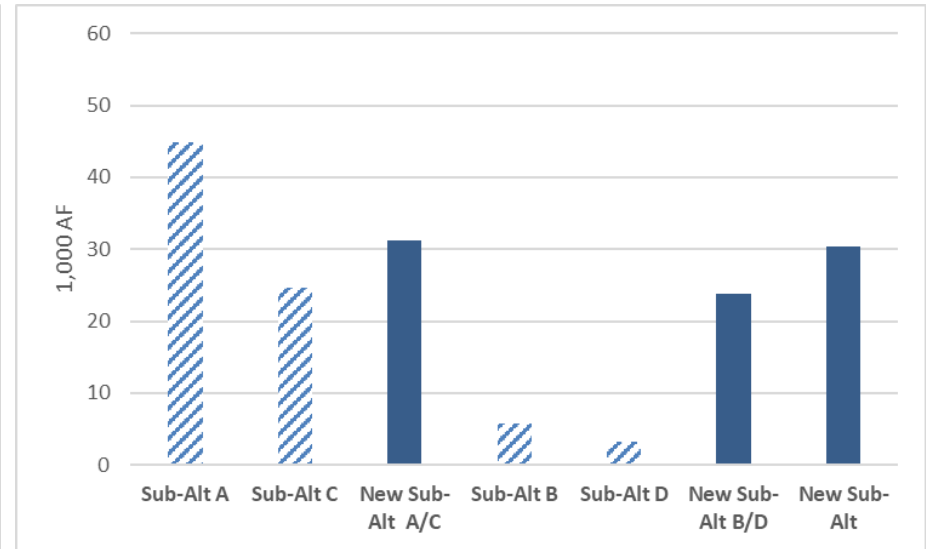


New Reservoir Operational Configuration Benefits

- Change in Annual Average CVP SOD M&I and Ag Deliveries



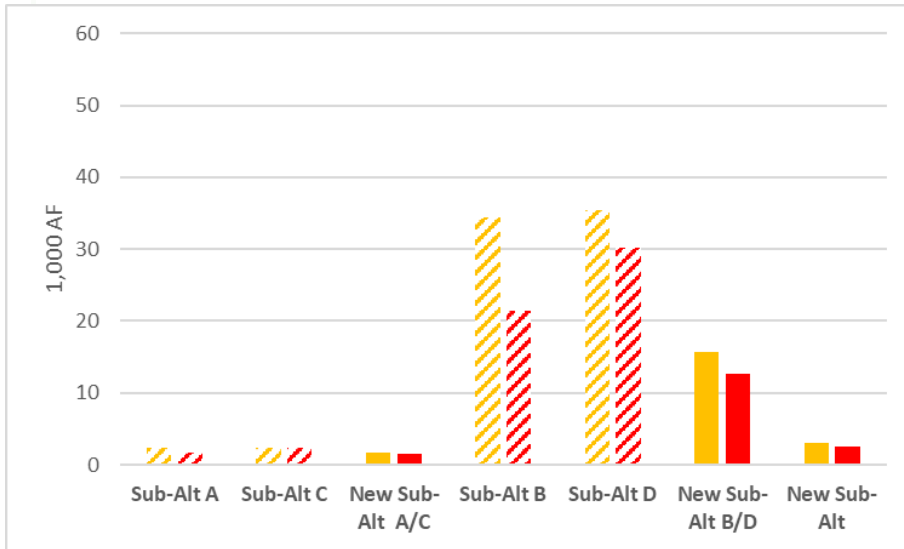
M&I Water Supply Benefits



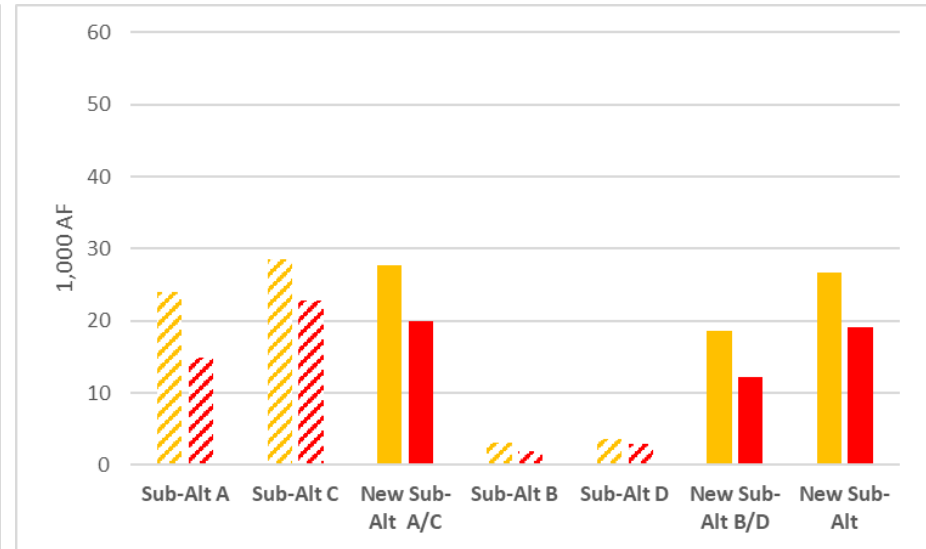
Ag Water Supply Benefits

New Reservoir Operational Configuration Benefits

- Change in Dry and Critical Year CVP SOD M&I and Ag Deliveries



M&I Water Supply Benefits



Ag Water Supply Benefits



Operational Configuration Selection

Reservoir Operational Configuration Selection

- The December 2020 Final Feasibility Report did not identify a selected operational configuration for the expanded reservoir.
- OMB's review of the December 2020 Final Feasibility Report generated a finding requiring identification of a selected configuration prior to the initiation of construction by Reclamation
- Feasibility Report Addendum will evaluate the technical, environmental, economic and financial feasibility of the preliminary selected operational configuration



Reservoir Operational Configuration Selection

- The evaluation of economic feasibility will include the development of a new benefit-cost ratio for the selected configuration
- The evaluation of financial feasibility will include an updated initial cost allocation and ability to pay analysis
- Preliminary evaluation of the new operational configurations has identified federal benefits covering app. 30% of total project cost that could be allocated as non-reimbursable



Reservoir Operational Configuration Selection

- The selection of the Project for FY 2022 Water Infrastructure Improvements for the Nation (WIIN) Act funding under Section 4007 of the WIIN legislation is anticipated
- Section 4007 requires development and execution of cost share agreement that would be supported by the Addendum late in CY 2021



Next Steps

- The current Feasibility Report Addendum schedule is targeting completion of the 1st Administrative Draft in October to support the multiple required Reclamation reviews prior to the fall 2021 deadline
- Selection of the preliminary operational configuration will require SLDMWA BOD review and approval





Questions



Memorandum

Date: September 9, 2021

Subject: B.F. Sisk Dam Raise Project – Water Supply Benefits Update

2020 Feasibility Report Alternatives

In the 2020 B.F. Sisk Dam and Reservoir Expansion Project Feasibility Report six operational configurations were evaluated under the Dam Raise Alternative Plan. These subalternatives were formulated as “bookends” to capture the range of stakeholder-requested configurations, evaluate the potential water supply benefits generated by those configurations and identify their potential environmental effects.

Under the CVP-Only Storage Subalternative the additional storage in San Luis Reservoir would be Reclamation-owned CVP storage and would be operated consistent with current CVP operations. Based on a review of historical rescheduling quantities and the most recent annual rescheduling guidelines, an upper quantity of 180 thousand acre-feet (TAF) was used to estimate the aggregate total of carried-over water in high-allocation water years.

Under the CVP/SWP Split Storage Subalternative the additional storage would be split between the CVP and SWP, consistent with the current 45 percent CVP and 55 percent SWP split of the overall reservoir storage. The additional storage would follow current operating criteria and the storage priority will follow the current rescheduling guidelines.

Under the Investor-Directed Storage Subalternative’s four operational configurations, the use of the proposed storage (expanded capacity) would be primarily investor-directed. Investors could store allocated CVP Project water, carried-over water, and non-Project water in the expanded capacity. Investors would have first priority in storing carried-over water and non-Project water in the expanded capacity without the risk of “spill.”

The upper target quantity of carried-over water in San Luis Reservoir for Configurations A and B would be 180 TAF. This target quantity was increased to 310 TAF under Configurations C and D. The delivery of CVP project water and the capacity for carryover was allocated for Configurations A and C proportionally among the SLDMWA investor group at 78% to agriculture, 7% to M&I, and 15% federal refuge water users. Configurations B and D were allocated proportionally at 90% to M&I and 10% to agriculture water contractors.

2021 Feasibility Report Addendum Alternatives

In the B.F. Sisk Dam and Reservoir Expansion Project Feasibility Report Addendum, three new operational configurations were evaluated under the Dam Raise Alternative Plan. Under all of the configurations the additional storage would be split between the CVP and investors, with 65 TAF controlled by the CVP and 65 TAF investor-directed. All three configurations included were evaluated with a 65 TAF increase in the reservoir’s rescheduling target. That 65 TAF of increased rescheduling capacity was evaluated differently from the existing rescheduled supply in the reservoir with a protection against spill.

The delivery of CVP project water and the capacity for carryover under configuration INVAC was allocated proportionally among the SLDMWA investor group at 78% to agriculture, 7% to M&I, and 15% federal refuge water contractors.

The delivery of CVP project water and the capacity for carryover under configuration INVBD was allocated proportionally among the SLDMWA investor group at 90% to M&I and 10% to agriculture water contractors.

The delivery of CVP project water and the capacity for carryover under the new reservoir operational configuration NewINV was allocated proportionally among the SLDMWA investor group at 70% to agriculture, 15% to M&I, and 15% federal refuge water contractors.

M&I Water Supply Reliability Benefits

The incremental change in annual M&I water supply reliability under the action alternatives relative to the No Action Alternative is the basis for M&I water supply reliability benefits. The hydrologic model results provide the quantity of water available under the No Action and action alternatives’ multiple operational configurations. Table 1 presents the estimated annual M&I water supply reliability benefits for the configurations evaluated in the 2020 Feasibility Report, and Table 2 presents the preliminary results identified for the configurations under evaluation in the Feasibility Report Addendum.

Table 1. Average Annual M&I Water Supply Benefits Provided by the 2020 Feasibility Report Dam Raise Subalternatives

Alternative Plans	NED M&I Water Supply Reliability (TAF/year)
CVP Only	2
CVP/SWP Split	1
Investor-Directed Storage Subalternative A	3
Investor-Directed Storage Subalternative B	51
Investor-Directed Storage Subalternative C	1
Investor-Directed Storage Subalternative D	27

Table 2. Average Annual M&I Water Supply Benefits Provided by the 2021 Addendum Dam Raise Subalternatives

Alternative Plans	NED M&I Water Supply Reliability (TAF/year)
INVAC	2
INVBD	11
NewINV	2

Irrigation Water Supply Reliability Benefits

The incremental change in annual irrigation water supply under the action alternatives relative to the No Action Alternative is the basis for irrigation water supply reliability benefits. The hydrologic model results provide the quantity of water available under the No Action and action alternatives. Table 3 presents the estimated annual irrigation water supply reliability benefits for the configurations evaluated in the 2020 Feasibility Report, and Table 4 presents the preliminary results identified for the configurations under evaluation in the Feasibility Report Addendum.

Table 3. Average Annual Irrigation Water Supply Benefits Provided by the 2020 Feasibility Report Dam Raise Subalternatives

Alternative Plans	NED Irrigation Water Supply Reliability (TAF/year)
CVP Only	49
CVP/SWP Split	24
Investor-Directed Storage Subalternative A	45
Investor-Directed Storage Subalternative B	6
Investor-Directed Storage Subalternative C	25
Investor-Directed Storage Subalternative D	3

Table 4. Average Annual Irrigation Water Supply Benefits Provided by the 2021 Addendum Dam Raise Subalternatives

Alternative Plans	NED Irrigation Water Supply Reliability (TAF/year)
INVAC	31
INVBD	24
NewINV	30

Enhanced Emergency M&I Water Supply Benefits

The B.F. Sisk Dam Raise Alternative Plans provide emergency water supply benefits from increased storage. Emergency storage benefits are increased supplies stored in reservoirs that can be delivered in the event of a major levee failure in the Delta that would significantly degrade water quality, or a major earthquake that would disrupt the ability of SLDMWA to import water into their service area. Table 5 presents the estimated enhanced emergency M&I water supply reliability benefits for the configurations evaluated in the 2020 Feasibility Report, and Table 6 presents the

preliminary results identified for the configurations under evaluation in the Feasibility Report Addendum.

Table 5. Estimated Enhanced M&I Emergency Water Supply Benefits Provided by the 2020 Feasibility Report Dam Raise Subalternatives

Alternative Plans	Emergency Supply (TAF)
CVP Only	28
CVP/SWP Split	17
Investor-Directed Storage Subalternative A	31
Investor-Directed Storage Subalternative B	31
Investor-Directed Storage Subalternative C	63
Investor-Directed Storage Subalternative D	63

Table 6. Estimated Enhanced M&I Emergency Water Supply Benefits Provided by the 2021 Addendum Dam Raise Subalternatives

Alternative Plans	Emergency Supply (TAF)
INVAC	51
INVBD	51
NewINV	51

Refuge Water Supply Benefits

The Investor-Directed Storage Subalternatives A and C would provide increased water supply allocations to Grasslands Water District (SLDMWA agency representing the Grassland Resource Conservation District). Table 7 presents the estimated annual refuge water supply reliability benefits for the configurations evaluated in the 2020 Feasibility Report, and Table 8 presents the preliminary results identified for the configurations under evaluation in the Feasibility Report Addendum.

Table 7. Average Annual Refuge Water Supply Benefits Provided by the 2020 Feasibility Report Dam Raise Subalternatives

Alternative Plans	NED Refuge Water Supply Reliability (TAF/year)
CVP Only	--
CVP/SWP Split	--
Investor-Directed Storage Subalternative A	9
Investor-Directed Storage Subalternative B	--
Investor-Directed Storage Subalternative C	5
Investor-Directed Storage Subalternative D	--

Table 8. Average Annual Refuge Water Supply Benefits Provided by the 2021 Addendum Dam Raise Subalternatives

Alternative Plans	NED Refuge Water Supply Reliability (TAF/year)
INVAC	2
INVBD	--
NewINV	2



MEMORANDUM

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

FROM: Scott Petersen, Water Policy Director

DATE: September 13, 2021

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

Recommendation

Recommend to the Board of Directors to adopt the following positions on legislation:

- Adopt a position of “Support” on H.R. 3023 (Costa), Restore WIFIA Eligibility Act
- Adopt a position of “Support” on H.R. 4284 (Ruiz), Clean Drinking Water Equity Act
- Adopt a position of “Support” on H.R. 4915 (McClintock), Water Supply Permitting Coordination Act
- Adopt a position of “Support and amend” on S. 2334 (Cortez Masto), Large Scale Water Recycling Project and Drought Resiliency Investment Act

Summary

H.R. 3023 (Costa) – Restore WIFIA Eligibility Act

RECOMMENDATION: SUPPORT

OBJECTIVE: Improve Water Infrastructure Affecting Authority Member Agencies

Summary

This legislation would amend the Water Infrastructure Finance and Innovation Act (WIFIA) of 2014 to treat the loans on certain federally owned facilities as non-federal projects for the purposes of WIFIA funding, subject to certain requirements.

Specifically, if a project is federally owned, but the WIFIA applicant is a non-federal entity and the dedicated sources of repayment are non-federal revenue sources, then the WIFIA loan shall be treated as a non-federal loan pursuant to its treatment under the Federal Credit Reform Act of 1990.



Status

H.R. 3023 was introduced on May 7, 2021, and has been referred to the House Committee on Transportation and Infrastructure and the House Energy and Commerce Committee. The legislation has been cosponsored by Representatives Garamendi (D-CA-03) and Curtis (R-UT-03).

Importance to the Authority

This bill would make changes to the WIFIA program at the Environmental Protection Agency that would enable the Water Authority to access WIFIA loans. The current interpretation of the Federal Credit Reform Act of 1990 excludes the utilization of WIFIA funding for “federal” projects, which are defined by underlying title to facilities being owned by the federal government.

Pros:

- The bill would modify the WIFIA program to enable the Water Authority to access it for funding for facilities with underlying federal ownership, subject to certain provisions.

Cons:

- None identified.

Committee Options

Option 1

Recommend that the Board authorize the Executive Director and delegated staff to express support to H.R. 3023, Restoring WIFIA Eligibility Act.

Fiscal Impact: Unknown. Reduce costs associated with infrastructure finance.

Business Analysis: Reduce costs associated with infrastructure finance.

Option 2

Take no action.

Fiscal Impact: Unknown. SLDMWA may be subject to additional costs associated with infrastructure development/repair.

Business Analysis: SLDMWA and its member agencies could be subject to additional costs resulting from infrastructure construction/repair.

[H.R. 4284 \(Ruiz\) – Clean Drinking Water Equity Act](#)

RECOMMENDATION: SUPPORT

OBJECTIVE: Improve Water Infrastructure Affecting Authority Member Agencies

Summary

This legislation would amend the Safe Drinking Water Act to change the total amount of loan subsidy made by a state from 35 percent to 40 percent for disadvantaged communities for the State revolving loan funds.

Status

H.R. 4284 was introduced on May 7, 2021, and has been referred to the House Energy and Commerce Committee.



Importance to the Authority

This bill would increase the percentage of loan subsidies from the Drinking Water State Revolving Fund from the existing 35 percent to 40 percent.

Pros:

- The bill would increase the loan subsidy for the Drinking Water SRF from the existing 35 percent to 40 percent, increasing access to the program for disadvantaged communities in the Westside San Joaquin Integrated Regional Water Management Planning Area.

Cons:

- None identified.

Committee Options

Option 1

Recommend that the Board authorize the Executive Director and delegated staff to express support to H.R. 4284, Clean Drinking Water Equity Act.

Fiscal Impact: Unknown. Reduce costs associated with associated with IRWMP implementation and disadvantaged community needs coordination.

Business Analysis: Reduce costs associated with associated with IRWMP implementation and disadvantaged community needs coordination.

Option 2

Take no action.

Fiscal Impact: Unknown. SLDMWA may be subject to additional costs associated with IRWMP implementation and disadvantaged community needs coordination.

Business Analysis: SLDMWA and its member agencies could be subject to additional costs associated with IRWMP implementation and disadvantaged community needs coordination.

[H.R. 4915 \(McClintock\) – Water Supply Permitting Coordination Act](#)

RECOMMENDATION: SUPPORT

OBJECTIVE: Improve Water Infrastructure Affecting Authority Member Agencies

Summary

This legislation would authorize the Secretary of the Interior to coordinate Federal and State permitting processes related to the construction of new surface water storage projects on lands under the jurisdiction of the Secretary of the Interior and the Secretary of Agriculture and to designate the Bureau of Reclamation as the lead agency for permit processing, with detailed timelines for completion of environmental compliance documents.

Status

H.R. 4915 was introduced on August 3, 2021, and has been referred to the House Natural Resources Committee.



Importance to the Authority

This bill would establish Reclamation as the lead agency for permit processing for water storage projects on federal lands owned by the Departments of Interior or Agriculture.

Pros:

- The bill, if enacted, would establish a single lead federal agency responsible for coordination and permit processing for water storage projects, which is anticipated to expedite the permitting process for these projects.

Cons:

- None identified.

Committee Options

Option 1

Recommend that the Board authorize the Executive Director and delegated staff to express support to H.R. 4915, Water Supply Permitting Coordination Act.

Fiscal Impact: Unknown. Reduce costs associated with environmental permitting compliance for CVP projects advanced under Reclamation law or the WIIN Act.

Business Analysis: Reduce costs associated with environmental permitting compliance for CVP projects advanced under Reclamation law or the WIIN Act.

Option 2

Take no action.

Fiscal Impact: Unknown. SLDMWA may be subject to additional costs associated with environmental permitting compliance for CVP projects advanced under Reclamation law or the WIIN Act.

Business Analysis: SLDMWA and its member agencies could be subject to additional costs associated with environmental permitting compliance for CVP projects advanced under Reclamation law or the WIIN Act.

[S. 2334 \(Cortez Masto\) – Large Scale Water Recycling Project and Drought Resiliency Investment Act](#)

RECOMMENDATION: SUPPORT

OBJECTIVE: Improve Water Infrastructure Affecting Authority Member Agencies

Summary

This legislation would direct the Secretary of the Interior to establish a grant program to provide grants on a competitive basis to eligible entities for large-scale water recycling and reuse projects, to amend the Omnibus Public Land Management Act of 2009 to make certain modifications to the Cooperative Watershed Management Program, and provide emergency drought funding.

Section-by-Section Analysis

Section 1. Short Title

Section 2. Large-Scale Water Recycling Project Investment



This section establishes a \$750-million-dollar authorization from 2023-2027 to implement a competitive grant program for the planning, design, and construction of large-scale water recycling and reclamation projects (greater than \$500 million) in the Reclamation states. Eligible projects include reclaiming or recycling municipal, industrial, domestic or agricultural wastewater or impaired surface or groundwater with sufficient non-federal matching funds, provide federal benefits, and are technically and financially feasible as found by a feasibility study. Federal cost share shall not exceed 25 percent unless the project demonstrates a proportionate share of nonreimbursable benefits under reclamation law, in which case the federal cost share can be up to 75 percent. Congress may disapprove projects submitted by the Secretary for up to 60 days that exceed \$100,000,000 with a joint resolution of disapproval.

Section 3. Drought Resiliency

This section reauthorizes the Reclamation States Drought Relief Act of 1991 through 2031 and authorizes an additional \$50 million in funding from 2022-2026, of which \$20 million must be expended to benefit fish and wildlife. This section additionally expands the uses of available assistance from the emergency drought funding for a number of purposes, including pump and barrier installation for water diversion and fish protection, the installation of groundwater wells for Indian Tribes and wildlife refuges, agricultural and urban conservation and efficiency projects, and other purposes.

Status

S. 2334 was introduced on July 13, 2021, and has been referred to the Senate Energy and Natural Resources Committee. The legislation is cosponsored by Senators Feinstein, Padilla, and Rosen.

Importance to the Authority

This bill would provide significant amounts of funding for large scale recycled and reclaimed water systems that could provide alternative supplies and reduce reliance on delta exports for agencies implementing regional recycled water programs. Additionally, the legislation makes available additional funds for drought response projects in the Reclamation states.

Pros:

- This bill would provide significant amounts of funding for large scale recycled and reclaimed water systems that could provide alternative supplies and reduce reliance on delta exports for agencies implementing regional recycled water programs. Additionally, the legislation makes available additional funds for drought response projects in the Reclamation states.

Cons:

- Potential for reduced in stream flows that could impact project operations. Staff suggests proposing an amendment that would add a savings clause that would indicate that “nothing in this legislation would impact water rights.”

Committee Options

Option 1

Recommend that the Board authorize the Executive Director and delegated staff to express support to S. 2334, Large Scale Water Recycling Project and Drought Resiliency Investment Act, with an amendment to clarify that nothing in the legislation would impact water rights.



Fiscal Impact: Unknown. Reduce costs associated with drought response projects and deployment of large scale recycled water projects/programs being advanced by some member agencies.

Business Analysis: Reduce costs associated with drought response projects and deployment of large scale recycled water projects/programs being advanced by some member agencies.

Option 2

Take no action.

Fiscal Impact: Unknown. SLDMWA and/or its members may be subject to additional costs associated with drought response projects and deployment of large scale water recycling projects/programs.

Business Analysis: SLDMWA and/or its members may be subject to additional costs associated with drought response projects and deployment of large scale water recycling projects/programs.

Guidelines for Taking Positions on Legislation

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

Policy

By Agenda Item 8, dated December 10, 2020, the Board adopted the Fiscal Year 2022 Objectives.

Water Authority's Positions on Legislation

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

Amendment Development Process

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



Information Sharing

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

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



Tracked Legislation

Federal Legislation

Bill Number(s)	Sponsor(s)	Bill Title	Summary	Position	Status
H.R. 2552/S. 1179	Costa (D-CA-16)/Feinstein (D-CA)	Canal Conveyance Capacity Restoration Act	This bill authorizes the Bureau of Reclamation to provide financial assistance for various projects in California to mitigate the sinking or settling of the ground (i.e., subsidence mitigation), specifically for projects related to the Friant-Kern Canal, the Delta-Mendota Canal, and certain parts of the San Luis Canal/California Aqueduct.	Support	Introduced and referred to the House Committee on Natural Resources and Senate Committee on Energy and Natural Resources (4/15/2021)
H.R. 644	Calvert (R-CA-42)	REBUILD Act	<p>This bill authorizes (1) the assignment to states of federal environmental review responsibilities under relevant federal environmental laws for projects funded by, carried out by, or subject to approval by federal agencies; and (2) states to assume all or part of those responsibilities.</p> <p>Each responsible federal official who is authorized to assign such responsibility must promulgate regulations that establish requirements relating to information required to be contained in state applications to assume those responsibilities.</p> <p>An official may approve an application only if (1) public notice requirements have been met, (2) the state has the capability to assume the responsibilities, and (3) the head of the state agency having primary jurisdiction over the projects enters into a written agreement with an official to assume the responsibilities and to maintain the financial resources necessary to carry them out.</p>	Support	Introduced and referred to the House Committee on Natural Resources (2/1/2021)



				The officials must audit state compliance with federal laws for which responsibilities are assumed. The officials may terminate the responsibilities assigned to states after providing notice to states of any noncompliance and an opportunity to take corrective action.		
H.R. 737	Valadao (R-CA-21)	RENEW WIIN Act		The bill would extend the authorities under the Water Infrastructure Improvements for the Nation Act of 2016 for 10 years, providing operational flexibility, drought relief, and other benefits to the State of California.	Support	Introduced and referred to the House Committee on Natural Resources (2/2/2021)
H.R. 866	Calvert (R-CA-42)	FISH Act		This bill gives the Fish and Wildlife Service (FWS) the sole authority to protect endangered or threatened species that are anadromous species (species of fish that spawn in fresh or estuarine waters and that migrate to ocean waters) or catadromous species (species of fish that spawn in ocean waters and migrate to fresh waters). Currently, the FWS shares this authority with the National Marine Fisheries Service.	Support	Introduced and referred to the House Subcommittee on Water, Oceans, and Wildlife (3/3/2021)
H.R. 1563	Garcia (R-CA-25)	To extend the authorities under the WIIN Act of 2016.		This bill extends the authority of certain federal agencies to provide support for western water infrastructure and extends consultation requirements concerning projects in California. Specifically, the bill extends through 2028 the authority of the Bureau of Reclamation to provide support for projects in certain western states related to federal or state-led water storage, water desalination, and water recycling and reuse. It also extends provisions specific to California, including drought relief and the operations of the Central Valley Project (a hydropower and water management project in California that is operated by Reclamation).	Support	Introduced and referred to the House Natural Resources and Science, Space and Technology Committees (3/3/2021)



			Further, the bill extends through 2033 consultation requirements concerning biological assessments and the coordinated operations of the Central Valley Project and the State Water Project in California.		
S. 29	Klobuchar (D-MN)	Local Water Protection Act	This bill reauthorizes through FY2025 programs within the Environmental Protection Agency that award grants to states for managing nonpoint source water pollution or protecting groundwater quality. Water pollution from nonpoint sources is caused by precipitation picking up pollution as it moves over or through the ground.	Support	Introduced and referred to the Committee on Environment and Public Works. (1/22/2021)
S. 914	Duckworth (D-IL)	Drinking Water and Wastewater Infrastructure Act of 2021	This bill reauthorizes through FY2026 or establishes a variety of programs for water infrastructure. Specifically, it supports programs to provide safe drinking water or treat wastewater, such as sewer overflows or stormwater. For example, the bill reauthorizes and revises the clean water state revolving fund (SRF) and the drinking water SRF.	Support	Passed Senate 89-2 (4/29/2021)
S. 2185	Barrasso (R-WY)	Western Water Infrastructure Act of 2021	This bill reauthorizes the Water Infrastructure Improvements for the Nation (WIIN) Act funding accounts; authorizes funding to eliminate Reclamation's maintenance backlog; and restores storage capacity at Reclamation and U.S. Army Corp of Engineers (USACOE) facilities through a sediment management program.	Support and amend	Introduced and referred to the Committee on Energy and Natural Resources (6/23/2021)

State Legislation

Bill Number(s)	Sponsor(s)	Bill Title	Summary	Position	Status
SB 559	Hurtado	Department of Water Resources: water conveyance systems:	This bill would establish the Canal Conveyance Capacity Restoration Fund in the State Treasury to be administered by the department. The bill would require all moneys deposited in the fund to be expended, upon appropriation by the Legislature, in support of subsidence repair costs, including environmental planning,	Support	Amended in Assembly Appropriations on 8/30/21. Moved to inactive file on 9/8/21.



		Canal Conveyance Capacity Restoration Fund.	<p>permitting, design, and construction and necessary road and bridge upgrades required to accommodate capacity improvements. The bill would require the department to expend from the fund, upon appropriation by the Legislature, specified monetary amounts to restore the capacity of 4 specified water conveyance systems, as prescribed, with 2 of those 4 expenditures being in the form of a grant to the Friant Water Authority and to the San Luis and Delta-Mendota Water Authority. The bill would make these provisions inoperative on July 1, 2030, and would repeal the provisions as of January 1, 2031.</p>		
AB 252	Rivas	Multibenefit Land Repurposing Incentive Program: administration.	<p>Establishes the Multibenefit Land Conversion Incentive Program (MLCIP) at the Department of Conservation (DOC).</p> <p>Major Provisions</p> <ol style="list-style-type: none"> 1) Requires DOC to develop guidelines to implement the program and exercise its expertise and discretion when awarding program funds to eligible applicants. 2) Specifies compliance and eligibility criteria with the Sustainable Groundwater Management Act (SGMA). <ol style="list-style-type: none"> a. Permits the DOC to award funds to eligible local program agencies. b. Eligible agencies include a groundwater sustainability agency (GSA), county, NGO, as well as a local agency or mutual water company designated by a GSA or county. c. Funds are awarded to local agencies regarding a basin/basins designated by the Department of Water Resources 	Support	<p>Included in AB 170 (Resources Trailer bill) at \$50 million.</p> <p>Moved to Inactive file on 9/7/21.</p>



			<p>(DWR) as critically overdrafted, and is managed by one or more GSAs.</p> <p>d. Eligible applicants demonstrate local program matching funds of no less than 50%.</p> <p>3) Provides incentive payments must be awarded for the purposes of:</p> <ul style="list-style-type: none"> a. Habitat restoration or maintenance. b. Conversion of rangelands. c. Multibenefit groundwater recharge facility construction. d. Floodplain restoration e. Cover crop planting f. Dust control measures. g. Community recreation or park areas. <p>4) Prioritizes funding for land with severely poor soil quality, high habitat value, or the best aquifer recharge, community recreational, local water supply enhancement, flood prevention, or wildlife connectivity potential.</p> <p>5) Sunsets MLCIP on January 1, 2032.</p>		
AB 350	Villapudua	Cannella Environmental Farming Act of 1995: technical assistance grant program: groundwater conservation planning.	This bill would require, upon appropriation of funds, the California Department of Food and Agriculture (CDFA) to establish and administer a 3-year grant program to fund technical assistance to support landowners located in a critically overdrafted basin, as defined, in reaching water use reduction goals established pursuant to the Sustainable Groundwater Management Act.	Support	Amended in Senate Appropriations (8/26/21). Moved to Inactive File on 9/2/21.



AB 377	Rivas	Water quality: impaired waters.	This bill requires the State Water Resources Control Board (State Water Board) and regional boards, by January 1, 2025, to evaluate impaired state surface waters and report to the Legislature a plan to bring all water segments into attainment by January 1, 2050. This bill requires the plan to include total maximum daily load (tmdl) compliance schedules as they existed on January 1, 2021, and prohibits the report from extending the existing compliance schedules. The report is required to be updated with progress summaries every five years until January 1, 2050.	Oppose	Failed to meet house of origin requirements. Two-year bill.
AB 979	Frazier	Sacramento-San Joaquin Delta: projects: sea level rise analysis report	<p>This bill requires any individual or entity undertaking a project in the Sacramento-San Joaquin Delta (Delta) to complete a report(Report)analyzing the impact of current sea-level rise projections on the project. Specifically, this bill:</p> <ol style="list-style-type: none"> 1) Requires the Report to analyze different scenarios contained in the Ocean Protection Council’s (OPC) Sea-Level Rise Guidance 2018 Update document (Guidance Document). Allows more probable or more severe sea level rise scenarios to be included in the Report. 2) Requires the Report to be submitted to the Delta Stewardship Council (DSC), Delta Protection Commission (DPC) and the Legislature. Requires DSC and DPC to post the report on their internet websites. 3) Specifies the definition of “project” is the same as used in the California Environmental Quality Act (CEQA) as well as that nothing in the bill abridges any law, including the Delta Protection Act. 	Oppose	Failed to meet house of origin requirements. Two-year bill.

BILL TEXT

117TH CONGRESS
1ST SESSION

H. R. 3023

To amend the Water Infrastructure Finance and Innovation Act of 2014 with respect to budgetary treatment of certain amounts of financial assistance, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2021

Mr. COSTA (for himself and Mr. CURTIS) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Water Infrastructure Finance and Innovation Act of 2014 with respect to budgetary treatment of certain amounts of financial assistance, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Restoring WIFIA Eli-
5 gibility Act”.

1 **SEC. 2. BUDGETARY TREATMENT OF CERTAIN AMOUNTS**
2 **OF FINANCIAL ASSISTANCE.**

3 Subtitle C of title V of the Water Infrastructure Fi-
4 nance and Innovation Act of 2014 (33 U.S.C. 3901 et
5 seq.) is amended by adding at the end the following:

6 **“SEC. 5036. BUDGETARY TREATMENT OF CERTAIN**
7 **AMOUNTS OF FINANCIAL ASSISTANCE.**

8 “If the recipient of financial assistance for a project
9 under this subtitle is an eligible entity other than a Fed-
10 eral entity, agency, or instrumentality, and the dedicated
11 sources of repayment of that financial assistance are non-
12 Federal revenue sources, such financial assistance shall,
13 for purposes of budgetary treatment under the Federal
14 Credit Reform Act of 1990 (2 U.S.C. 661 et seq.)—

15 “(1) be deemed to be non-Federal; and

16 “(2) be treated as a direct loan or loan guar-
17 antee (as such terms are defined, respectively, in
18 such Act).”.

○

117TH CONGRESS
1ST SESSION

H. R. 4284

To amend the Safe Drinking Water Act with respect to assistance for disadvantaged communities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2021

Mr. RUIZ introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Safe Drinking Water Act with respect to assistance for disadvantaged communities, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Clean Drinking Water
5 Equity Act”.

6 **SEC. 2. ASSISTANCE FOR DISADVANTAGED COMMUNITIES.**

7 Section 1452(d)(2)(A) of the Safe Drinking Water
8 Act (42 U.S.C. 300j–12(d)(2)(A)) is amended by striking
9 “35 percent” and inserting “40 percent”.

117TH CONGRESS
1ST SESSION

H. R. 4915

To authorize the Secretary of the Interior to coordinate Federal and State permitting processes related to the construction of new surface water storage projects on lands under the jurisdiction of the Secretary of the Interior and the Secretary of Agriculture and to designate the Bureau of Reclamation as the lead agency for permit processing, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 2021

Mr. McCLINTOCK introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To authorize the Secretary of the Interior to coordinate Federal and State permitting processes related to the construction of new surface water storage projects on lands under the jurisdiction of the Secretary of the Interior and the Secretary of Agriculture and to designate the Bureau of Reclamation as the lead agency for permit processing, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Water Supply Permit-
3 ting Coordination Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) BUREAU.—The term “Bureau” means the
7 Bureau of Reclamation.

8 (2) COOPERATING AGENCIES.—The term “co-
9 operating agency” means a Federal agency with ju-
10 risdiction over a review, analysis, opinion, statement,
11 permit, license, or other approval or decision re-
12 quired for a qualifying project under applicable Fed-
13 eral laws and regulations, or a State agency subject
14 to section 3(c).

15 (3) QUALIFYING PROJECTS.—The term “quali-
16 fying projects” means new surface water storage
17 projects in the States covered under the Act of June
18 17, 1902 (32 Stat. 388, chapter 1093), and Acts
19 supplemental to and amendatory of that Act (43
20 U.S.C. 371 et seq.) constructed on lands adminis-
21 tered by the Department of the Interior or the De-
22 partment of Agriculture, exclusive of any easement,
23 right-of-way, lease, or any private holding, unless the
24 project applicant elects not to participate in the
25 process authorized by this Act. Such term shall also
26 include State-led projects (as defined in section

1 4007(a)(2) of the WIIN Act) for new surface water
2 storage projects in the States covered under the Act
3 of June 17, 1902 (32 Stat. 388, chapter 1093), and
4 Acts supplemental to and amendatory of that Act
5 (43 U.S.C. 371 et seq.) constructed on lands admin-
6 istered by the Department of the Interior or the De-
7 partment of Agriculture, exclusive of any easement,
8 right-of-way, lease, or any private holding, unless the
9 project applicant elects not to participate in the
10 process authorized by this Act.

11 (4) SECRETARY.—The term “Secretary” means
12 the Secretary of the Interior.

13 **SEC. 3. ESTABLISHMENT OF LEAD AGENCY AND COOPER-**
14 **ATING AGENCIES.**

15 (a) ESTABLISHMENT OF LEAD AGENCY.—The Bu-
16 reau is established as the lead agency for purposes of co-
17 ordinating all reviews, analyses, opinions, statements, per-
18 mits, licenses, or other approvals or decisions required
19 under Federal law to construct qualifying projects.

20 (b) IDENTIFICATION AND ESTABLISHMENT OF CO-
21 OPERATING AGENCIES.—The Commissioner of the Bureau
22 shall—

23 (1) identify, as early as practicable upon receipt
24 of an application for a qualifying project, any Fed-
25 eral agency that may have jurisdiction over a review,

1 analysis, opinion, statement, permit, license, ap-
2 proval, or decision required for a qualifying project
3 under applicable Federal laws and regulations; and

4 (2) notify any such agency, within a reasonable
5 timeframe, that the agency has been designated as
6 a cooperating agency in regards to the qualifying
7 project unless that agency responds to the Bureau in
8 writing, within a timeframe set forth by the Bureau,
9 notifying the Bureau that the agency—

10 (A) has no jurisdiction or authority with
11 respect to the qualifying project;

12 (B) has no expertise or information rel-
13 evant to the qualifying project or any review,
14 analysis, opinion, statement, permit, license, or
15 other approval or decision associated therewith;

16 or

17 (C) does not intend to submit comments
18 on the qualifying project or conduct any review
19 of such a project or make any decision with re-
20 spect to such project in a manner other than in
21 cooperation with the Bureau.

22 (c) STATE AUTHORITY.—A State in which a quali-
23 fying project is being considered may choose, consistent
24 with State law—

25 (1) to participate as a cooperating agency; and

1 (2) to make subject to the processes of this Act
2 all State agencies that—

3 (A) have jurisdiction over the qualifying
4 project;

5 (B) are required to conduct or issue a re-
6 view, analysis, or opinion for the qualifying
7 project; or

8 (C) are required to make a determination
9 on issuing a permit, license, or approval for the
10 qualifying project.

11 **SEC. 4. BUREAU RESPONSIBILITIES.**

12 (a) IN GENERAL.—The principal responsibilities of
13 the Bureau under this Act are—

14 (1) to serve as the point of contact for appli-
15 cants, State agencies, Indian tribes, and others re-
16 garding proposed qualifying projects;

17 (2) to coordinate preparation of unified environ-
18 mental documentation that will serve as the basis for
19 all Federal decisions necessary to authorize the use
20 of Federal lands for qualifying projects; and

21 (3) to coordinate all Federal agency reviews
22 necessary for project development and construction
23 of qualifying projects.

24 (b) COORDINATION PROCESS.—The Bureau shall
25 have the following coordination responsibilities:

1 (1) PREAPPLICATION COORDINATION.—Notify
2 cooperating agencies of proposed qualifying projects
3 not later than 30 days after receipt of a proposal
4 and facilitate a preapplication meeting for prospec-
5 tive applicants, relevant Federal and State agencies,
6 and Indian tribes—

7 (A) to explain applicable processes, data
8 requirements, and applicant submissions nec-
9 essary to complete the required Federal agency
10 reviews within the timeframe established; and

11 (B) to establish the schedule for the quali-
12 fying project.

13 (2) CONSULTATION WITH COOPERATING AGEN-
14 CIES.—Consult with the cooperating agencies
15 throughout the Federal agency review process, iden-
16 tify and obtain relevant data in a timely manner,
17 and set necessary deadlines for cooperating agencies.

18 (3) SCHEDULE.—Work with the qualifying
19 project applicant and cooperating agencies to estab-
20 lish a project schedule. In establishing the schedule,
21 the Bureau shall consider, among other factors—

22 (A) the responsibilities of cooperating
23 agencies under applicable laws and regulations;

1 (B) the resources available to the cooper-
2 ating agencies and the non-Federal qualifying
3 project sponsor, as applicable;

4 (C) the overall size and complexity of the
5 qualifying project;

6 (D) the overall schedule for and cost of the
7 qualifying project; and

8 (E) the sensitivity of the natural and his-
9 toric resources that may be affected by the
10 qualifying project.

11 (4) ENVIRONMENTAL COMPLIANCE.—Prepare a
12 unified environmental review document for each
13 qualifying project application, incorporating a single
14 environmental record on which all cooperating agen-
15 cies with authority to issue approvals for a given
16 qualifying project shall base project approval deci-
17 sions. Help ensure that cooperating agencies make
18 necessary decisions, within their respective authori-
19 ties, regarding Federal approvals in accordance with
20 the following timelines:

21 (A) Not later than 1 year after acceptance
22 of a completed project application when an en-
23 vironmental assessment and finding of no sig-
24 nificant impact is determined to be the appro-
25 priate level of review under the National Envi-

1 ronmental Policy Act of 1969 (42 U.S.C. 4321
2 et seq.).

3 (B) Not later than 1 year and 30 days
4 after the close of the public comment period for
5 a draft environmental impact statement under
6 the National Environmental Policy Act of 1969
7 (42 U.S.C. 4321 et seq.), when an environ-
8 mental impact statement is required under the
9 same.

10 (5) CONSOLIDATED ADMINISTRATIVE
11 RECORD.—Maintain a consolidated administrative
12 record of the information assembled and used by the
13 cooperating agencies as the basis for agency deci-
14 sions.

15 (6) PROJECT DATA RECORDS.—To the extent
16 practicable and consistent with Federal law, ensure
17 that all project data is submitted and maintained in
18 generally accessible electronic format, compile, and
19 where authorized under existing law, make available
20 such project data to cooperating agencies, the quali-
21 fying project applicant, and to the public.

22 (7) PROJECT MANAGER.—Appoint a project
23 manager for each qualifying project. The project
24 manager shall have authority to oversee the project
25 and to facilitate the issuance of the relevant final

1 authorizing documents, and shall be responsible for
2 ensuring fulfillment of all Bureau responsibilities set
3 forth in this section and all cooperating agency re-
4 sponsibilities under section 5.

5 **SEC. 5. COOPERATING AGENCY RESPONSIBILITIES.**

6 (a) ADHERENCE TO BUREAU SCHEDULE.—

7 (1) TIMEFRAMES.—On notification of an appli-
8 cation for a qualifying project, the head of each co-
9 operating agency shall submit to the Bureau a time-
10 frame under which the cooperating agency reason-
11 ably will be able to complete the authorizing respon-
12 sibilities of the cooperating agency.

13 (2) SCHEDULE.—

14 (A) USE OF TIMEFRAMES.—The Bureau
15 shall use the timeframes submitted under this
16 subsection to establish the project schedule
17 under section 4.

18 (B) ADHERENCE.—Each cooperating agen-
19 cy shall adhere to the project schedule estab-
20 lished by the Bureau under subparagraph (A).

21 (b) ENVIRONMENTAL RECORD.—The head of each
22 cooperating agency shall submit to the Bureau all environ-
23 mental review material produced or compiled in the course
24 of carrying out activities required under Federal law, con-

1 sistent with the project schedule established by the Bureau
2 under subsection (a)(2).

3 (c) DATA SUBMISSION.—To the extent practicable
4 and consistent with Federal law, the head of each cooper-
5 ating agency shall submit all relevant project data to the
6 Bureau in a generally accessible electronic format, subject
7 to the project schedule established by the Bureau under
8 subsection (a)(2).

9 **SEC. 6. FUNDING TO PROCESS PERMITS.**

10 (a) IN GENERAL.—The Secretary, after public notice
11 in accordance with subchapter II of chapter 5, and chapter
12 7, of title 5, United States Code (commonly known as the
13 “Administrative Procedure Act”), may accept and expend
14 funds contributed by a non-Federal public entity to expe-
15 dite the evaluation of a permit of that entity related to
16 a qualifying project.

17 (b) EFFECT ON PERMITTING.—

18 (1) EVALUATION OF PERMITS.—In carrying out
19 this section, the Secretary shall ensure that the eval-
20 uation of permits carried out using funds accepted
21 under this section shall—

22 (A) be reviewed by the Regional Director
23 of the Bureau of the region in which the quali-
24 fying project or activity is located (or a des-
25 ignee); and

1 (B) use the same procedures for decisions
2 that would otherwise be required for the evalua-
3 tion of permits for similar projects or activities
4 not carried out using funds authorized under
5 this section.

6 (2) IMPARTIAL DECISIONMAKING.—In carrying
7 out this section, the Secretary and the head of each
8 cooperating agency receiving funds under this sec-
9 tion for a qualifying project shall ensure that the use
10 of the funds accepted under this section for the
11 qualifying project shall not—

12 (A) substantively or procedurally impact
13 impartial decision making with respect to the
14 issuance of permits; or

15 (B) diminish, modify, or otherwise affect
16 the statutory or regulatory authorities of the
17 cooperating agency.

18 (c) LIMITATION ON USE OF FUNDS.—None of the
19 funds accepted under this section shall be used to carry
20 out a review of the evaluation of permits required under
21 subsection (b)(1)(A).

22 (d) PUBLIC AVAILABILITY.—The Secretary shall en-
23 sure that all final permit decisions carried out using funds

1 authorized under this section are made available to the
2 public, including on the internet.

○

117TH CONGRESS
1ST SESSION

S. 2334

To direct the Secretary of the Interior to establish a grant program to provide grants on a competitive basis to eligible entities for large-scale water recycling and reuse projects, to amend the Omnibus Public Land Management Act of 2009 to make certain modifications to the Cooperative Watershed Management Program, to provide emergency drought funding, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 13, 2021

Ms. CORTEZ MASTO (for herself, Mr. PADILLA, and Ms. ROSEN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To direct the Secretary of the Interior to establish a grant program to provide grants on a competitive basis to eligible entities for large-scale water recycling and reuse projects, to amend the Omnibus Public Land Management Act of 2009 to make certain modifications to the Cooperative Watershed Management Program, to provide emergency drought funding, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Large Scale Water
3 Recycling Project and Drought Resiliency Investment
4 Act”.

5 **SEC. 2. LARGE-SCALE WATER RECYCLING PROJECT IN-**
6 **VESTMENT.**

7 (a) DEFINITIONS.—In this section:

8 (1) ELIGIBLE ENTITY.—The term “eligible enti-
9 ty” means—

10 (A) a State, Indian Tribe, municipality, ir-
11 rigation district, water district, wastewater dis-
12 trict, or other organization with water or power
13 delivery authority;

14 (B) a State, regional, or local authority,
15 the members of which include 1 or more organi-
16 zations with water or power delivery authority;
17 and

18 (C) an agency established under State law
19 for the joint exercise of powers or a combina-
20 tion of entities described in subparagraphs (A)
21 and (B).

22 (2) ELIGIBLE PROJECT.—The term “eligible
23 project” means a project described in subsection (c).

24 (3) INDIAN TRIBE.—The term “Indian Tribe”
25 has the meaning given the term in section 4 of the

1 Indian Self-Determination and Education Assistance
2 Act (25 U.S.C. 5304).

3 (4) PROGRAM.—The term “program” means
4 the grant program established under subsection (b).

5 (5) RECLAMATION STATE.—The term “Rec-
6 lamation State” means a State or territory described
7 in the first section of the Act of June 17, 1902 (43
8 U.S.C. 391; 32 Stat. 388, chapter 1093).

9 (6) SECRETARY.—The term “Secretary” means
10 the Secretary of the Interior.

11 (b) ESTABLISHMENT.—The Secretary shall establish
12 a program to provide grants to eligible entities on a com-
13 petitive basis for the planning, design, and construction
14 of large-scale water recycling and reclamation projects
15 that provide substantial water supply and other benefits
16 to drought-stricken regions in the Reclamation States.

17 (c) ELIGIBLE PROJECT.—A project shall be eligible
18 for a grant under the program if the project—

19 (1) reclaims and reuses—

20 (A) municipal, industrial, domestic, or ag-
21 ricultural wastewater; or

22 (B) impaired groundwater or surface
23 water;

24 (2) has a total estimated cost of \$500,000,000
25 or more;

1 (3) is located in a Reclamation State;

2 (4) is constructed, operated, and maintained by
3 an eligible entity; and

4 (5) provides a Federal benefit in accordance
5 with the reclamation laws.

6 (d) PROJECT EVALUATION.—The Secretary may pro-
7 vide a grant to an eligible entity for an eligible project
8 under the program if—

9 (1) the eligible entity determines through the
10 preparation of a feasibility study or equivalent
11 study, and the Secretary concurs, that the eligible
12 project—

13 (A) is technically and financially feasible;

14 (B) provides a Federal benefit in accord-
15 ance with the reclamation laws; and

16 (C) is consistent with applicable Federal
17 and State laws;

18 (2) the eligible entity has sufficient non-Federal
19 funding available to complete the eligible project, as
20 determined by the Secretary;

21 (3) the eligible entity is financially solvent, as
22 determined by the Secretary; and

23 (4) not later than 30 days after the date on
24 which the Secretary concurs with the determinations
25 under paragraph (1) with respect to the eligible

1 project, the Secretary submits to Congress written
2 notice of the determinations.

3 (e) PRIORITY.—In funding eligible projects under the
4 program, the Secretary shall give funding priority for eli-
5 gible projects that meet 1 or more of the following criteria:

6 (1) The eligible project provides multiple bene-
7 fits, including—

8 (A) water supply reliability benefits for
9 drought-stricken States and communities;

10 (B) fish and wildlife benefits; and

11 (C) water quality improvements.

12 (2) The eligible project is likely to reduce im-
13 pacts on environmental resources from water
14 projects owned or operated by Federal and State
15 agencies, including through measurable reductions in
16 water diversions from imperiled ecosystems.

17 (3) The eligible project would advance water
18 management plans across a multi-State area, such
19 as drought contingency plans in the Colorado River
20 Basin.

21 (4) The eligible project is regional in nature.

22 (5) The eligible project is collaboratively devel-
23 oped or supported by multiple stakeholders.

24 (f) FEDERAL ASSISTANCE.—

1 (1) FEDERAL COST SHARE.—Except as pro-
2 vided in paragraph (2), the Federal share of the cost
3 of any eligible project provided a grant under the
4 program shall not exceed 25 percent of the total cost
5 of the eligible project.

6 (2) INCREASED FEDERAL COST SHARE FOR ELI-
7 GIBLE PROJECTS WITH ADDITIONAL MEASURABLE
8 BENEFITS.—The Secretary may increase the Federal
9 share of the cost of an eligible project under para-
10 graph (1) to not more than 75 percent of the total
11 costs of the eligible project, if the eligible project ad-
12 vances at least a proportionate share of nonreim-
13 bursable benefits authorized under the reclamation
14 laws, including fish and wildlife benefits provided
15 through measurable reductions in water diversions
16 from imperiled ecosystems.

17 (3) TOTAL CAP.—The Secretary shall not im-
18 pose a total dollar cap on Federal contributions that
19 applies to all individual eligible projects provided a
20 grant under the program.

21 (4) NONREIMBURSABLE FUNDS.—Funds pro-
22 vided by the Secretary to an eligible entity under the
23 program shall be considered nonreimbursable.

24 (5) FUNDING ELIGIBILITY.—An eligible project
25 shall not be considered ineligible for assistance

1 under this section because the eligible project has re-
2 ceived assistance authorized under—

3 (A) the Reclamation Wastewater and
4 Groundwater Study and Facilities Act (43
5 U.S.C. 390h et seq.);

6 (B) section 4(a) of the Water Desalination
7 Act of 1996 (42 U.S.C. 10301 note; Public Law
8 104–298) for eligible desalination projects; or

9 (C) section 1602(e) of the Reclamation
10 Wastewater and Groundwater Study and Facili-
11 ties Act (43 U.S.C. 390h(e)).

12 (g) ENVIRONMENTAL LAWS.—In providing a grant
13 for an eligible project under the program, the Secretary
14 shall comply with all applicable environmental laws, in-
15 cluding the National Environmental Policy Act of 1969
16 (42 U.S.C. 4321 et seq.).

17 (h) GUIDANCE.—Not later than 1 year after the date
18 of enactment of this Act, the Secretary shall issue guid-
19 ance on the implementation of this section, including
20 guidelines for the preparation of feasibility studies or
21 equivalent studies by eligible entities.

22 (i) CONGRESSIONAL APPROVAL.—

23 (1) IN GENERAL.—Not later than 60 days be-
24 fore the date on which a grant is provided for an eli-
25 gible project under this section, the Secretary shall

1 notify the Committee on Energy and Natural Re-
2 sources of the Senate and the Committee on Natural
3 Resources of the House of Representatives, in writ-
4 ing, of the proposed grant.

5 (2) REQUIREMENTS.—A notification under
6 paragraph (1) shall include—

7 (A) an evaluation and justification for the
8 eligible project; and

9 (B) a description of the amount of the pro-
10 posed grant award.

11 (3) CONGRESSIONAL DISAPPROVAL.—The Sec-
12 retary shall not make a grant or any other obliga-
13 tion or commitment to fund an eligible project under
14 this section that exceeds \$100,000,000, if, by not
15 later than the end of the 60-day period described in
16 paragraph (1), a joint resolution is enacted dis-
17 approving the funding for the eligible project.

18 (j) REPORTS.—

19 (1) ANNUAL REPORT.—At the end of each fis-
20 cal year, the Secretary shall make available on the
21 website of the Department of the Interior an annual
22 report that lists each eligible project for which a
23 grant has been provided under this section during
24 the fiscal year.

25 (2) COMPTROLLER GENERAL.—

1 (A) ASSESSMENT.—The Comptroller Gen-
2 eral of the United States shall conduct an as-
3 sessment of the administrative establishment,
4 solicitation, selection, and justification process
5 with respect to the funding of grants under this
6 section.

7 (B) REPORT.—Not later than 1 year after
8 the date of the initial award of grants under the
9 program, the Comptroller General of the United
10 States shall submit to the Committee on En-
11 ergy and Natural Resources of the Senate and
12 the Committee on Natural Resources of the
13 House of Representatives a report that de-
14 scribes—

15 (i) the adequacy and effectiveness of
16 the process by which each eligible project
17 was selected, if applicable; and

18 (ii) the justification and criteria used
19 for the selection of each eligible project, if
20 applicable.

21 (k) TREATMENT OF CONVEYANCE.—The Secretary
22 shall consider the planning, design, and construction of
23 a conveyance system for an eligible project to be eligible
24 for grant funding under the program.

1 (l) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$750,000,000 for the period of fiscal years 2023 through
4 2027.

5 **SEC. 3. DROUGHT RESILIENCY.**

6 (a) COOPERATIVE WATERSHED MANAGEMENT PRO-
7 GRAM.—

8 (1) DEFINITIONS.—Section 6001(7) of the Om-
9 nibus Public Land Management Act of 2009 (16
10 U.S.C. 1015(7)) is amended—

11 (A) in subparagraph (D), by striking “or”
12 at the end;

13 (B) by redesignating subparagraph (E) as
14 subparagraph (F); and

15 (C) by inserting after subparagraph (D)
16 the following:

17 “(E) provides for the conduct of emergency
18 drought planning; or”.

19 (2) FUNDING PROCEDURE.—Section
20 6002(c)(2)(A) of the Omnibus Public Land Manage-
21 ment Act of 2009 (16 U.S.C. 1015a(c)(2)(A)) is
22 amended by inserting “or emergency drought plan”
23 after “restoration plan” each place it appears.

24 (b) EMERGENCY DROUGHT FUNDING.—

25 (1) FINANCIAL ASSISTANCE.—

1 (A) IN GENERAL.—Financial assistance
2 may be made available under the Reclamation
3 States Emergency Drought Relief Act of 1991
4 (43 U.S.C. 2201 et seq.) for eligible water
5 projects to assist Western States and Tribal
6 governments to address drought-related impacts
7 to water supplies or any other immediate water-
8 related crisis or conflict, including through vol-
9 untary, temporary, and compensated programs
10 to reduce water demands for the purpose of in-
11 creasing water available in a system or reducing
12 water supply-demand imbalances.

13 (B) ADDITIONAL AVAILABILITY.—Finan-
14 cial assistance may be made available under
15 this paragraph to organizations and entities
16 that are—

17 (i) engaged in collaborative processes
18 to restore the environment; or

19 (ii) part of a basin-wide solution for
20 restoration.

21 (C) TYPES OF ASSISTANCE.—Assistance
22 under subparagraph (A) may include a range of
23 projects, including—

- 1 (i) the installation of pumps, tem-
2 porary barriers, or operable gates for water
3 diversion and fish protection;
- 4 (ii) the installation of drought-relief
5 groundwater wells for Indian Tribes and in
6 wildlife refuges and other environmentally
7 sensitive areas requiring emergency surface
8 water flow augmentation;
- 9 (iii) the acquisition or assistance in
10 the acquisition of water from willing sell-
11 ers, including on a voluntary, temporary,
12 and compensated basis, to enhance stream
13 flow for the benefit of fish and wildlife (in-
14 cluding endangered species), water quality,
15 river ecosystem restoration, and other ben-
16 efcial purposes;
- 17 (iv) agricultural and urban conserva-
18 tion and efficiency projects;
- 19 (v) exchanges with any water district
20 willing to provide water to meet the emer-
21 gency water needs of other water districts
22 in return for the delivery of equivalent
23 quantities of water later that year or in fu-
24 ture years;

1 (vi) emergency pumping projects for
2 critical health and safety purposes;

3 (vii) activities to reduce water demand
4 consistent with a comprehensive program
5 for environmental restoration and settle-
6 ment of water rights claims; and

7 (viii) activities that protect, restore, or
8 enhance fish and wildlife habitat or other-
9 wise improve environmental conditions, in-
10 cluding water quantity or quality concerns
11 and improved fish passage.

12 (D) AUTHORIZATION OF APPROPRIA-
13 TIONS.—There is authorized to be appropriated
14 to provide financial assistance under this para-
15 graph not more than \$50,000,000 for the pe-
16 riod of fiscal years 2022 through 2026, of
17 which not more than \$20,000,000 shall be
18 made available during that period for the con-
19 duct of actions authorized under title I of the
20 Reclamation States Emergency Drought Relief
21 Act of 1991 (43 U.S.C. 2211 et seq.) to benefit
22 imperiled fish and wildlife.

23 (2) APPLICABLE PERIOD OF DROUGHT PRO-
24 GRAM.—Section 104 of the Reclamation States
25 Emergency Drought Relief Act of 1991 (43 U.S.C.

1 2214) is amended by striking subsection (a) and in-
2 serting the following:

3 “(a) IN GENERAL.—The programs and authorities
4 established under this title shall become operative in any
5 Reclamation State and in the State of Hawaii only—

6 “(1) after the Governor or Governors of the af-
7 fected State or States, or the governing body of an
8 affected Indian Tribe with respect to a reservation,
9 has made a request for temporary drought assist-
10 ance and the Secretary has determined that the tem-
11 porary assistance is merited;

12 “(2) after a drought emergency has been de-
13 clared by the Governor or Governors of the affected
14 State or States; or

15 “(3) on approval of a drought contingency plan
16 as provided in title II.”.

17 (3) REAUTHORIZATION.—Section 104(c) of the
18 Reclamation States Emergency Drought Relief Act
19 of 1991 (43 U.S.C. 2214(c)) is amended by striking
20 “2021” and inserting “2031”.

○



MEMORANDUM

TO: SLDMWA Water Resources Committee Members and Alternates

FROM: Scott Petersen, Water Policy Director

DATE: September 13, 2021

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 (“ROC on LTO”), (2) State Water Resources Control Board Action, including the Bay-Delta Water Quality Control Plan update, (3) San Joaquin River Restoration Program, (4) Delta Conveyance, (5) Delta Stewardship Council, and (6) Water Blueprint for the San Joaquin Valley.

POLICY ITEMS

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

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

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

The biological opinions carefully evaluated the impact of the proposed CVP and SWP water operations on imperiled species such as salmon, steelhead and Delta smelt. FWS and NMFS documented impacts and worked closely with Reclamation to modify its proposed operations to

minimize and offset those impacts, with the goals of providing water supply for project users and protecting the environment.

Both FWS and NMFS concluded that Reclamation's proposed operations will not jeopardize threatened or endangered species or adversely modify their critical habitat. These conclusions were reached for several reasons – most notably because of significant investments by many partners in science, habitat restoration, conservation facilities including hatcheries, as well as protective measures built into Reclamation's and DWR's proposed operations.

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

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

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

On January 20, 2021, President Biden signed an Executive Order: “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis”, with a fact sheet¹ attached that included a non-exclusive list of agency actions that heads of the relevant agencies will review in accordance with the Executive Order. Importantly, the NOAA Fisheries and U.S. Fish and Wildlife Service Biological Opinions on the Long-Term Operation of the Central Valley Project and State Water Project were both included in the list of agency actions for review. It’s unclear what this agency review will analyze, but staff will be engaged.

Reclamation Manual

Documents out for Comment

Draft Policy

- [PEC P-16 Use of Reclamation Water or Facilities for Activities Prohibited by the Controlled Substances Act of 1970 \(comments by 9/13/2021\)](#)

Draft Directives and Standards

- [SLE 03-02 Facility Security \(comments by 9/27/2021\)](#)

Draft Facilities Instructions, Standards, and Techniques (FIST)

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

Draft Reclamation Safety and Health Standards (RSHS)

- [RSHS 38 Safety and Occupational Health Program Evaluations \(comments by 9/13/2021\)](#)
- [RSHS 36 Asbestos \(comments by 9/13/2021\)](#)

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

- [RSHS 29 Marine and Diving Operations \(comments by 9/27/2021\)](#)
- [RSHS 44 Life Safety Code Program \(comments by 9/27/2021\)](#)

Draft Reclamation Design Standards

- There are currently no Design Standards out for review.

State Water Resources Control Board (State Water Board) Activity

Documents out for Comment

- There are currently no documents out for comment.

Emergency Regulation: Sacramento-San Joaquin Delta Watershed

Background

On May 10, 2021, Governor Newsom issued a Proclamation of a State of Emergency due to drought in 41 counties, including those in the Delta watershed. On July 8, 2021, the Governor issued an expanded Proclamation of a State of Emergency for 9 additional counties and called upon Californians to voluntarily reduce their water use by 15 percent compared to the same period in 2020.

To ensure protection of water needed for health, safety, and the environment, the May 10, 2021 Proclamation directs the State Water Board to consider adoption of an emergency regulation to curtail water diversions in the Delta watershed when water is not available at water right holders' priority of right and to protect releases of previously stored water.

On June 15, 2021, the State Water Board sent Notices of Water Unavailability to all water right holders in the Delta watershed, alerting all post-1914 appropriative water right holders that the Board had determined, based on the best information available to the Board, that water was not available to serve their priorities. The June 15 notice also warned all pre-1914 appropriative and riparian water right claimants in the Delta watershed of impending water unavailability based on worsening drought conditions and the resulting likelihood of consideration of an emergency regulation to curtail water use throughout the Delta watershed.

On July 8, 2021, the San Luis & Delta-Mendota Water Authority, Friant Water Authority, Tehama Colusa Canal Authority, and the State Water Contractors sent a letter to State Water Board Chairman Joaquin Esquivel expressing a need for action to protect stored water and to reduce unauthorized diversions of water in the Delta, in order to protect authorized beneficial uses of water.

On July 29, 2021, the San Luis & Delta-Mendota Water Authority sent a letter to State Water Board Chairman Joaquin Esquivel expressing support for protecting stored water, the need to ensure due process in the protection of appropriately exercised water rights, and the need to consider a number of comments expressed by water users related to the Water Unavailability Methodology.

The draft emergency regulation was considered by the State Water Board at its August 3, 2021 meeting and adopted, then submitted to the Office of Administrative Law.

On August 20, 2021, the State Water Resources Control Board (State Water Board) mailed initial orders imposing water right curtailment and reporting requirements on all water right holders and claimants in the Delta watershed (linked below).

The August 20 order (Order) identifies the priorities of water rights and claims of right that are curtailed for the remainder of August and for the month of September. The Delta Watershed Curtailment Status List (Curtailment Status List) on the [Delta Watershed Drought webpage](#) reflects the water rights and claims that are currently curtailed, including those that are currently required to curtail for the month of September even if not required to curtail for the month of August. This list will be updated on a weekly basis or more frequently if there are precipitation events that warrant suspension of curtailments.

Since the hard copy Order was printed and mailed, the list of curtailed rights and claims of right has been updated to reflect the current output of the Water Unavailability Methodology (Methodology) for the Delta Watershed. The following priorities of water rights and claims remain curtailed for the remainder of **August 2021**:

1. All post-1914 appropriative water rights in the Delta watershed, including the Sacramento River and San Joaquin River watersheds and the Legal Delta;
2. All pre-1914 appropriative water right claims in the San Joaquin River watershed that are outside of the Legal Delta;
3. All pre-1914 appropriative water right claims in the Sacramento River watershed and in the Legal Delta with a priority date of 1883 or later;
5. All riparian water right claims in the Calaveras River subwatershed that are outside of the Legal Delta; and
6. Pre-1914 appropriative water right claims on the following Sacramento River tributaries:
 - a. Claims in the Bear River subwatershed with a priority date of 1849 or later,
 - b. Claims in the Yuba River subwatershed with a priority date of 1852 or later,
 - c. Claims in the Putah Creek subwatershed with a priority date of 1851 or later,
 - d. Claims in the Cache Creek subwatershed with a priority date of 1856 or later, and
 - e. Claims in the Stony Creek subwatershed with a priority date of 1864 or later.

The following priorities of water rights and claims remain curtailed for the month of **September 2021**, unless and until the State Water Board advises that this determination has been updated:

1. All post-1914 appropriative water rights in the San Joaquin River watershed;
2. All pre-1914 appropriative water right claims in the San Joaquin River watershed;

3. All riparian water right claims in the American River subwatershed upstream of Folsom Reservoir;
4. All riparian water right claims in the Calaveras River subwatershed that are outside of the Legal Delta;
5. A subset of Central Valley Project and State Water Project water rights in the Sacramento River watershed and in the Legal Delta; and
6. Pre-1914 claims and post-1914 appropriative rights on the following Sacramento River tributaries:
 - a. Rights and claims in the Bear River subwatershed with a priority date of 1853 or later,
 - b. Rights and claims in the Yuba River subwatershed with a priority date of 1908 or later,
 - c. Rights and claims in the Putah Creek subwatershed with a priority date of 1923 or later,
 - d. Rights and claims in the Cache Creek subwatershed with a priority date of 1857 or later, and
 - e. Rights and claims in the Stony Creek subwatershed with a priority date of 1963 or later.

For all water rights and claims, the Order requires a one-time completion of an online Compliance Certification Form. For water rights and claims with an annual diversion amount of 5,000 acre-feet or greater, the Order also requires enhanced monthly reporting of water diversion and use. Both the certification and the enhanced reporting must be completed by the date indicated in the Order, using the forms accessible on the Board's website.

For more information on the requirements of the Order, see the generic orders posted on the [Delta Watershed Drought webpage](#):

- [Order issued to smaller diverters](#) (annual use/right under 5,000 acre-feet)
- [Order issued to larger diverters](#) (annual use/right of 5,000 acre-feet or greater)

Weekly updates regarding the curtailment status of rights and claims within the Delta watershed will be issued through the [Delta Drought email list](#) and posted to the [Delta Watershed Drought webpage](#). Updates will not be sent via mail. To receive future notices of new or changed curtailment orders and the bases for curtailment decisions, make sure you are subscribed to the Delta Drought email list or frequently check the Delta Watershed Drought webpage.

[Bay Delta Water Quality Control Plan Update](#)

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.² 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 resolution³ 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.

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. As the State Water Board further refines this update, there will be opportunity for public comment.

The effort has made progress since an initial framework was presented to the State Water Board on December 12, 2018.

On March 1, 2019, the California Department of Water Resources and the Department of Fish and Wildlife submitted documents⁴ to the State Water Board that reflect progress since December to flesh-out the previously submitted framework to improve conditions for fish

² Available at <https://water.ca.gov/-/media/DWR-Website/Web-Pages/Blogs/Voluntary-Settlement-Agreement-Meeting-Materials-Dec-12-2018-DWR-CDFW-CNRA.pdf>.

³ Available at https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2018/rs2018_0059.pdf.

⁴ Available at http://resources.ca.gov/docs/voluntary-agreements/2019/Complete_March_1_VA_Submission_to_SWRCB.pdf

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.

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.

Water Blueprint for the San Joaquin Valley Activity

Background

The Water Blueprint for the San Joaquin Valley⁵ (Blueprint) is a broad group of stakeholders, working to better understand shared goals for water solutions that support environmental stewardship with the needs of communities and industries throughout the San Joaquin Valley. The Blueprint has engaged with stakeholders to try and ensure that everyone has safe, reliable and affordable access to water for drinking, supporting their farms and communities and a thriving ecology.

The SJV faces significant impacts to its long-term economic, social, and environmental health if nothing is done to address water scarcity, as highlighted in Phase I of Dr. David Sunding’s Economic Impact Assessment (EIA).

The Large Group and committees are pursuing the goals of Blueprint, including outreach, technical support and working in conjunction with other stakeholders.

2021 Strategy & Focus: The Blueprint is discussing the overall focus for 2021, its organizational structure, role with sub basins, project pursuits, fundraising and work with the San Joaquin Valley Water Collaborative Action Partnership (SJWV CAP).

Governance: The Blueprint has hired a new project management team to replace Vista Consulting, Providence Strategic Consulting as of August. It is updating its governance structure to better reflect its current participants, contributors, and its approach of a “coalition of the willing” while allowing for a streamlined review and action process. Exploring the expansion of the number of directors to the 501c3 to include adequate representation of the Central Valley.

Outreach & Engagement: SJV Blueprint has hired Crocker Knoll LLC to engage with local community stakeholders in coordination with GSAs and other organizations about the SJV

⁵ <https://www.waterblueprintca.com>

Blueprint. Currently they are creating a contact list of local elected officials, including special districts and county supervisors. Working with California School Boards Association and California League of Cities to obtain and include their lists. This contact list will be the basis for a newsletter sent to community leaders throughout our region. Paul Boyer, Farmersville Mayor and recently retired from Self Help, has agreed to help/participate with the Advisory Committee.

Technical Committee: ESA has been hired to develop a regulatory and permitting path forward for the Blueprint. This detailed plan will list all permits needed, the approvals, the reports, and documents essential to prepare and obtain from the Federal and/or State Agencies for the solution sets provided. Blueprint continues to engage with the Water Commission to inform them of its progress and has submitted a comment letter that highlighted State grants to construct infrastructure, balanced approach to water resources, low interest loans for farmers unable to farm and focus on inter-regional conveyance and habitat restoration. The technical committee is working with sub basins (recently Madera and Tulare) and respective working groups on solution sets to be added to the EIA to illustrate reduced economic impacts. A critical part will be project proponents 'evaluation and development of these activities in coordination with the Blueprint. These solution sets will ideally have input and support from the coalition of interest groups formally engaging in the SJV Collaborative Action Program.

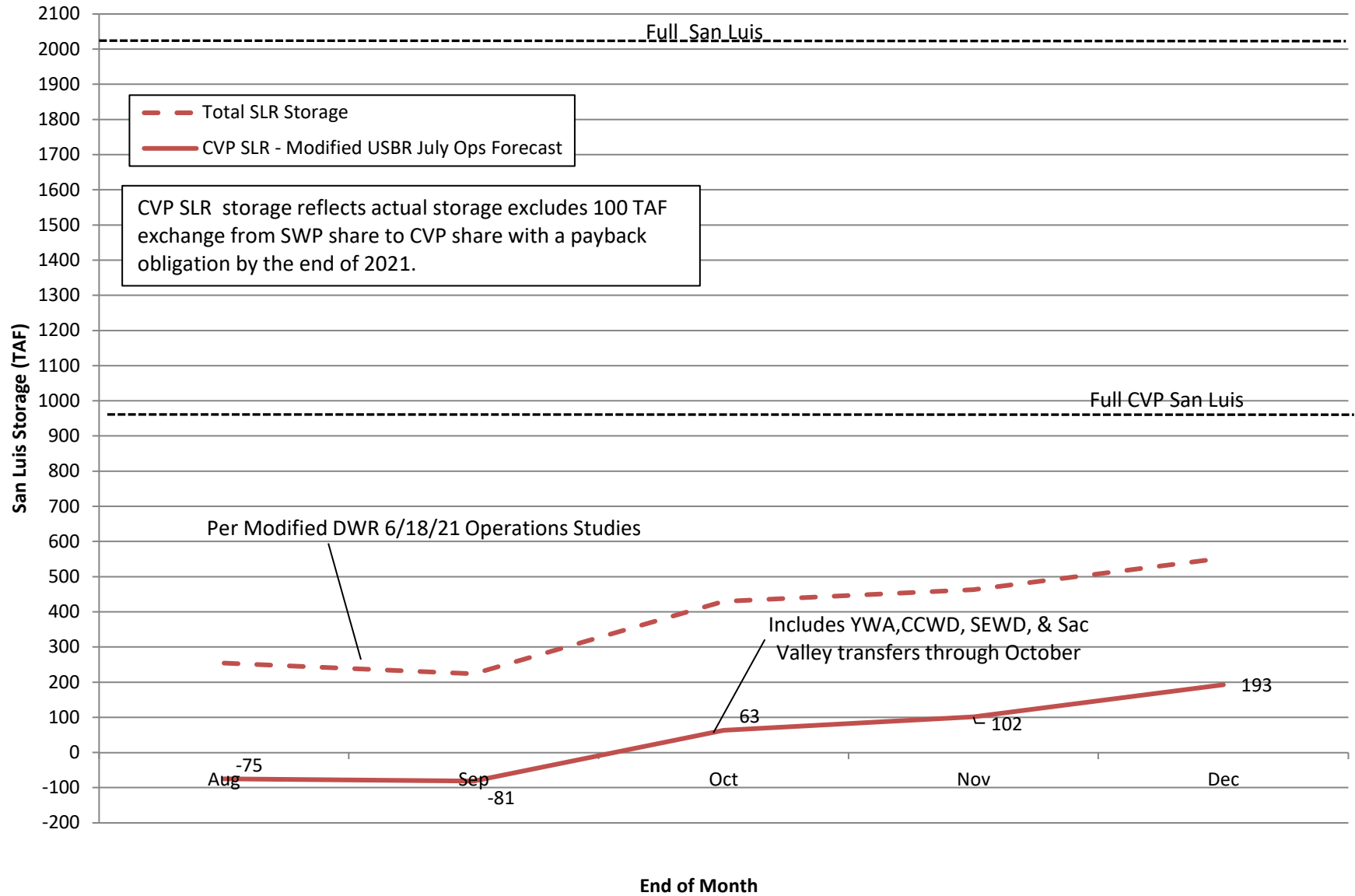
A working dinner has been set up with Board Members from Madera I.D. and Chowchilla W.D., participants of the Blueprint and White Area representatives to review the status of the technical work and next steps if any.

SJV Water Collaborative Action Program (SJWVWCAP): Stanford University working in coordination with the Blueprint, Central Valley Community Foundation, Fresno State, NGOs and 60+ stakeholders are drafting a mutual convening to create a collaborative solution to the water issues we face in the SJV. The Planning group has set up 5 working groups to draft an inter-caucus Problem Statement and Solution Sets.

DAC Drinking Water Feasibility Study – FKC: A funding application was prepared with participants FWA, FSU, Self Help, Sustainable Conservation and Leadership Council to study a five-county area within the Millerton Place of Use boundary related to surface water supply, recharge and drinking water supplies. DWR met with FWA in July and have indicated funding on approx. \$49,000 for the study. The project sponsors are looking at a more narrowly focused study to begin with for 1 or 2 counties.

Bureau of Reclamation: The Water Blueprint was not selected by Reclamation for the 2021 WaterSmart Water Management Options Pilot (WMOP) Program. A debrief with BOR took place and BOR indicated a new program for Basin Studies is being unveiled and that the Blueprint would be a good candidate. Reclamation's Sacramento Office has committed to participating in the Blueprint.

2020-21 San Luis Storage Projection 90% Exceedance Hydrology



2020-21 San Luis Storage Projection 50% Exceedance Hydrology

