



**San Luis & Delta-Mendota Water Authority
Monday, November 1, 2021, 10:00 a.m.**

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

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

Join ZOOM Meeting

<https://us02web.zoom.us/j/87984435713?pwd=TzZjWG05cExRTEk4UTJ5KzNEa09TQT09>

Meeting ID: 879 8443 5713

Passcode: 899845

One tap mobile

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NOTE: In accordance with Government Code section 54953(e) and Resolution 2021-490 adopted by the San Luis & Delta-Mendota Water Authority Board of Directors on October 7, 2021, 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/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 September 13, 2021 Meeting Minutes**
5. **Water Resources Committee to Consider Recommendation to Board of Directors to Select Non-Federal Investment Option for B.F. Sisk Dam Raise and Expansion Project, Arroyave**
6. **Water Resources Committee to Consider Recommendation to Board of Directors to Authorize Execution of Second Amendment to Agreement for Professional Services with CDM Smith and Related Increase in Expenditure of \$300,000.00 for B.F. Sisk Dam Raise and Expansion Project Support within the FY22 Leg Ops Budget, Arroyave**

REPORT ITEMS

7. Executive Director's Report, Barajas
 - A. DMC Subsidence Mitigation Project
 - B. (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 (SJC Permit Application Protest)
 - N. AquAlliance et al. v. San Luis & Delta-Mendota Water Authority, Merced County Superior Court, Case No. 21-CV-03487 (Long-Term Water Transfers EIS/EIR Addendum)
- 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 TELEPHONIC MEETING
AND JOINT WATER RESOURCES COMMITTEE REGULAR
TELEPHONIC MEETING - SPECIAL BOARD WORKSHOP MINUTES**

September 13, 2021

The Water Resources Committee and Joint Water Resources Committee Regular Telephonic 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

Cannon Michael (via Teleconference)

Division 1

Anthea Hansen, Alternate for Zach Maring

Division 2

Bill Diedrich, Member (via Teleconference)

Division 3

Chris White, Member - Ric Ortega, Alternate (both via Teleconference)

Division 4

Vincent Gin, Member - Jeff Cattaneo, Alternate

Division 5

Tom Birmingham, Member

Board of Directors Present

Division 1

Anthea Hansen, Director

Division 2

Bill Diedrich, Director

Division 3

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

Cannon Michael, Director (via Teleconference)

Ric Ortega, Director (via Teleconference)

Division 4

Jeff Cattaneo, Director

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
Frances Mizuno, Special Projects Administrator
Joyce Machado, Director of Finance
Jerry Robbins, Special Programs Manager
Stewart Davis, IT Officer

Others Present

Tom Boardman, Westlands Water District
Kristin Olsen, California Strategies
Steve Stadler, San Luis Water District
Dana Jacobson, Valley Water
Chris Park, CDM Smith

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.

No additions or corrections.

3. Opportunity for Public Comment

No public comment.

4. Water Resources Committee to Consider Approval of the August 2, 2021 Meeting Minutes.

Chair Tom Birmingham pronounced the August 2, 2021 meeting minutes approved without correction.

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.

Chief Operating Officer Pablo Arroyave provided a brief overview of the staff memo included in the packet. Arroyave reported that staff is seeking recommendations, feedback, and comments on two primary questions; 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, and 2) Whether the Water Authority should select one of the three specific operational configurations, or an alternative configuration. Chris Park reviewed the B.F. Sisk Dam Raise Project PowerPoint presentation. The presentation provided information on the following subjects; 1) Reservoir Operational Configuration Benefits, 2) Operational Configuration Selection, 3) Next Steps, and 4) Questions Submitted to Reclamation.

After a lengthy discussion the Committee did not take any action, but deferred a recommendation until more information could be obtained from Reclamation.

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

- 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

Water Policy Director Scott Petersen reported that included in the packet is a memo outlining the four pieces of legislation, and that staff is recommending the Board adopt “Support” positions on three of the pieces of legislation (H.R. 3023, H.R. 4284, H.R. 4915), and “Support & Amend” position on one piece of legislation (S. 2334).

Chair Tom Birmingham made the motion to accept staff recommendation for positions on Legislation. The motion was seconded by Alternate Anthea Hansen and passed unanimously. The Committee action is reported as follows:

AYES:	Michael, Hansen, Diedrich, White, Gin, Birmingham
NOES:	None
ABSTENTIONS:	None

7. Executive Director's Report.

A. **Update on Water Transfers** – Special Projects Administrator Frances Mizuno reported on the following water transfers; 1) Yuba Transfer – Mizuno reported that as of the middle of August the total estimate of Yuba water to the Authority is about 45,988 af. Of that amount about 18,200 af was pumped July-August, and the remainder will be pumped in September-October, 2) NOD Transfer Program – Mizuno reported that the transfer water started being conveyed at Jones Pumping Plant September 1. Mizuno reported that the rate and how much is anticipated to be pumped is still being confirmed by Reclamation's CVO; once there is a confirmation an allocation will be sent out to those participants regarding how much water will be available, 3) SEWD - Mizuno reported that the transfer was approved in early August for 7,500 af, with a 10% carriage loss, 6,750 af was available. Mizuno reported that all the water was pumped at Jones Pumping Plant as of September 10, and was allocated to those participating members that reside in San Joaquin and Stanislaus County, and (4) OID – Mizuno reported that this transfer unfortunately was not approved.

B. **DMC Subsidence Mitigation Project** – Executive Director Federico Barajas reported that the cooperative agreement with Reclamation is close to being final, and it will be brought to the Finance & Administration Committee this afternoon, and to the Board on Thursday for approval.

8. 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 State Water Resources Control Board will be holding a meeting on September 21st and 22nd, and the agenda does include an informational update on drought response activities and operations. Petersen reported that it's anticipated that DWR Director Nemeth and USBR Regional Director Conant will be providing important updates on fall operations, so staff is highlighting this for those Committee members who are interested.

Petersen reported Reclamation undertakes regular updates to the Reclamation Manual, the document that outlines policies that govern activities undertaken by Reclamation. Petersen reported that Reclamation has released for public comment a draft Policy PEC P-16, which reaffirms that Reclamation activities shall be consistent with the Controlled Substances Act of 1970, and comments are due today.

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

Westlands Water District's Tom Boardman explained how the targeted carryover storage for Shasta gradually declined over the summer months as conditions trended drier than expected. It was reported that Shasta storage slightly more than Reclamation's latest operations forecast. Folsom storage was reported to also be slightly above Reclamation's projected carry over storage.

Boardman briefly explained that Delta inflow was increasing enough to add a 3rd unit at Jones by the middle of the week which could increase projected CVP exports by 20 TAF if the additional pumping can be maintained through September.

Boardman explained that Reclamation's reported CVP share of San Luis storage is 100 TAF higher than actual because of storage exchanges between the SWP and CVP during July and August. As such, actual CVP storage was reported to be -79 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 that about 70% of the current pumping is supporting the wheeling of transfer water.

10. Agenda Item 12: Committee Member Reports.

None.

11. Agenda Item 13: Closed Session

No closed session.

12. Reports Pursuant to Government Code Section 54954.2

None.

13. Adjournment

The meeting was adjourned at approximately 11:30 a.m.



MEMORANDUM

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

FROM: Pablo Arroyave, Chief Operating Officer

DATE: November 1, 2021

RE: Recommendation to Select Non-Federal Investment Option/Financial
Recommendations to Board of Directors regarding B.F. Sisk Dam Raise and
Reservoir Expansion Project

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 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 construction providing the cost allocation for the additional water supply with supporting economic analysis. To develop the initial 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 acre-feet) to be managed by the participating agencies (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. **Water Resources Committee:**
 - a. What non-federal investment option (e.g. 50% CVP-only and 50% investor-owned or 30% CVP-only and 70% investor-directed) should be adopted for the project?
 - b. Should the Water Authority select one of the three specific operational configurations identified above, or an alternative configuration?
2. **Finance & Administration Committee:** Are there any relevant financial recommendations to the Board regarding the project, e.g. considerations regarding feasibility given other planned large-scale projects?
3. **Board of Directors:** Whether to adopt the Water Resources Committee and Finance & Administration Committee Recommendations Regarding the B.F. Sisk Dam Raise and Expansion Project.

ANALYSIS

1. Non-Federal Investment Option / Operational Configuration

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 the Reclamation SOD Modification project. 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 for any reimbursable federal benefits 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
	Sub-Alt A/C	28	35	52	28	20	31

SOD CVP Ag	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.

2. Financial Considerations

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 has coordinated with Reclamation regarding a number of key questions. Reclamation provided answers to these questions in a Special Joint Workshop of the Board of Directors, Water Resources Committee, and Finance & Administration Committee held on Thursday, October 21st. Among these answers, was confirmation that the Addendum will include an initial cost allocation and a final cost allocation will be completed at the conclusion of Project implementation when final costs are known and final benefits are determined. This is because specific non-federal

participants have not yet been determined and there will be a final confirmation of federal benefits (both reimbursable and non-reimbursable) and non-federal benefits. In addition, Reclamation confirmed that if the Federal investment is limited to the non-reimbursable contribution only, then no cost recovery methodology is required.

The attached pie chart (Attachment 1) was also shared at the October 21st workshop. As the pie chart indicates, the current project benefits and funding (cost) assumptions are:

1. Non-Federal Benefits of at least 50% of the total project costs and benefits.
2. Federal Non-Reimbursable Benefits of approximately 30%, with the precise percentage for Level 4 refuge supplies to be subject to further analysis.
3. The remaining 20% of benefits could ultimately either end up as federal reimbursable benefits or additional non-federal benefits.

Further, due to questions and concerns regarding the Emergency Water Supply assumptions and analysis developed for the Feasibility Study, for the addendum, the Delta facility outage duration has been changed from 1-year to 2-years. This length of outage is based on probability values provided in DWR's Delta Risk Management Strategy Report that was also used as the basis for emergency water supply benefit estimates developed for other Reclamation storage projects including the Los Vaqueros Reservoir Expansion. This 2-year outage evaluation approach is currently under review by Reclamation economists.

In addition, Reclamation is looking into whether or not resulting water supply benefits for disadvantaged communities could be deemed non-reimbursable. If ultimately deemed non-reimbursable, additional coordination will be required with Reclamation to see if it should be added into the addendum. Further, if the total federal non-reimbursable benefits at the time of the final cost allocation are affirmed at 30%, the non-federal participants could choose to fund/receive direct benefits for 70% of the cost and no federal cost allocation/federal repayment obligation would be necessary for the reimbursable benefits. Those costs would be directly paid by the non-federal participants.

The recovery/distribution of the non-Federal benefits and associated costs of the project (minimum of 50%) are at the discretion of the non-Federal participants. This same flexibility would be afforded if the investors decide to take over the Federal reimbursable portion of the project and increase their contribution, and storage amount, by the Federal reimbursable amount.

ATTACHMENTS

Project Benefits & funding Example diagram

B.F. Sisk Dam Raise and Reservoir Expansion Project

SLDMWA Special Board Meeting

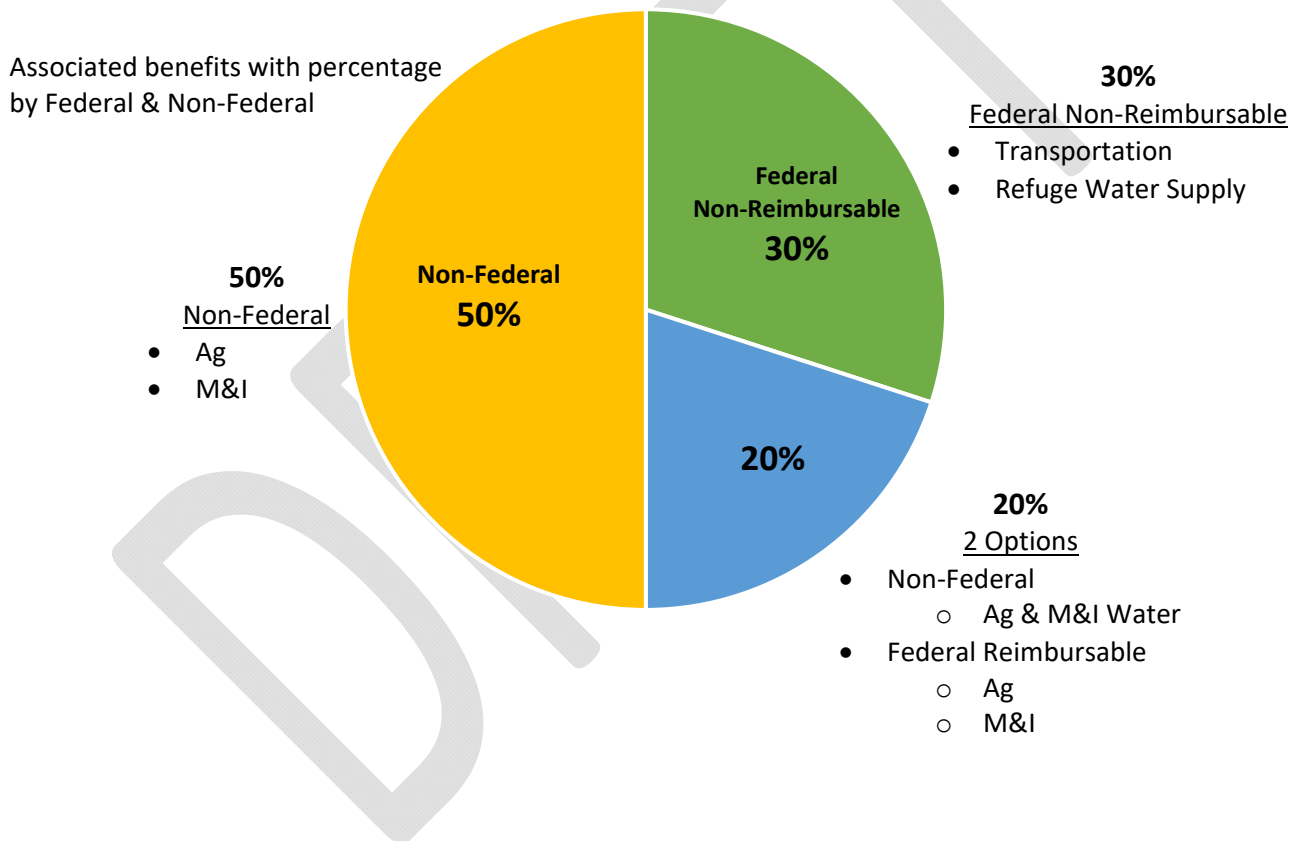
October 21, 2021

1:00 pm to 2:30 pm PST

Handout 1

DRAFT

Project Benefits & funding Example diagram (Assume \$1B in 2021 Dollars)





MEMORANDUM

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

FROM: Pablo Arroyave, Chief Operating Officer

DATE: November 1, 2021

RE: Authorization to Execute Second Amendment to Agreement for Professional Services with CDM Smith and Related Increase in Expenditure of \$300,000 for B.F. Sisk Dam Raise and Expansion Project Support within the FY22 Leg Ops Budget

BACKGROUND

The San Luis & Delta-Mendota Water Authority ("Water Authority") by Resolution No. 2019-451 authorized the execution of a contract with CDM Smith to prepare a Feasibility Report and Environmental Impact Statement/ Environmental Impact Report ("EIS/EIR") to evaluate alternatives to raise B.F. Sisk Dam and expand storage capacity in San Luis Reservoir to provide additional water supply storage benefits for Water Authority members ("Project"). The total cost of the CDM contract approved was \$2,416,601 spread over four (4) Fiscal Years beginning in FY 20 and continuing through June of 2022 (FY 23). In FY 22, the Board of Directors approved \$668,000 for CDM for completion of the OMB required Addendum to the Feasibility Report and all the associated tasks required. Of this amount, approximately \$100,000 remained at the end of September 2021. Given all the additional needs associated with the addendum (described in the Analysis section below), and the remaining \$100,000 there is an additional need of \$282,327.41, rounded up to \$300,000.

ISSUE FOR DECISION

Whether the Water Resources Committee should recommend approval to the Board of Directors and the Board of Directors should authorize execution of an amendment to the Agreement for Professional Services with CDM Smith and related increase in expenditure of \$300,000 for B.F. Sisk Dam Raise and Expansion Project Support, including a realignment of remaining FY22 Leg Ops budget funds.

RECOMMENDATION

Staff recommends authorization to execute an amendment to the Agreement for Professional Services with CDM Smith and related increase in expenditure of \$300,000, including a realignment of remaining FY 22 Leg Ops budget funds.

ANALYSIS

The additional scope of work that has resulted in the request for amendment and budget modification is as follows (October 2021 through February 2022):

- Task 6: CDM Smith will continue to participate in the regular bi-weekly progress meetings with Reclamation and SLDMWA project team. Additionally, CDM Smith will participate in the frequent unscheduled meetings with SLDMWA and the Reclamation project manager and continue to coordinate with Reclamation's project team on key deliverables. The frequency of this coordination has exceeded the amount assumed by CDM Smith in our existing budget, and CDM Smith has used our observed burn rate for this task in 2021 to project funding needed through February 2022.
- Task 8: CDM Smith team will participate in two additional Board of Directors meetings to support the selection of an operational configuration for the expanded reservoir for presentation in the Feasibility Report Addendum. Preparation for and participation in these meetings will include the development of briefing materials, presentations, handouts, meeting summaries, 1 issue paper documenting the ultimate decision by the board. The CDM Smith team will not conduct additional CalSim modeling beyond what was developed to support the evaluation of the three operational configurations in August 2021. CDM Smith assumes that the ultimate operational configuration selected could shift the specific storage mix identified allocated to the investors, but that those shifts can be evaluated using the already developed post-processing tool. CDM Smith will complete an economic evaluation of the three operational configurations already identified including updates to the Emergency Water Supply benefits calculation methodology (emergency water supply benefits updates budgeted under Task 10.1). CDM Smith will also complete an economic evaluation for up to one more operational configuration identified by the board.
- Task 9 (Subtask 9.2): CDM Smith will address comments on the recently completed cost estimate updates including DEC review comments from Reclamation.
- Task 10 (Subtask 10.1 and Subtask 10.2): CDM Smith has already provided separate memoranda addressing several key components of the Feasibility Report Addendum - the transportation benefits memorandum and the seismic only cost estimates memorandum. CDM Smith will prepare two additional memorandums on the emergency water supply benefits and the operational configuration selection to help facilitate expedited reviews by SLDMWA and Reclamation. The details presented in all four memorandums will later be compiled in the Draft Feasibility Report Addendum.

The corresponding budget modifications for October 2021 through February 2022 are as follows:

Task		Budget Needed	Budget Remaining	New Funding Required
6	<i>Project Management</i>	<i>\$215,594.00</i>	<i>\$ -</i>	<i>\$215,594.00</i>
8	<i>Operational Configuration Selection</i>	<i>\$58,588.96</i>	<i>\$ -</i>	<i>\$58,588.96</i>
9	<i>Feasibility Design Updates</i>	<i>\$246,252.25</i>	<i>\$209,226.57</i>	<i>\$37,025.68</i>
9.1	SR 152 Modifications Design	\$ 209,226.57	\$ 209,226.57	\$ -
9.2	TSC Cost Estimate Updates	\$37,025.68	\$ -	\$37,025.68
10	<i>Feasibility Report Addendum</i>	<i>\$132,668.56</i>	<i>\$61,549.79</i>	<i>\$71,118.77</i>
10.1	Draft Addendum	\$94,253.20	\$45,148.42	\$49,104.78
10.2	Final Addendum	\$38,415.36	\$16,401.37	\$22,013.99
Total		<i>\$653,103.77</i>	<i>\$270,776.36</i>	<i>\$382,327.41</i>

Although the above table indicates a new funding need of \$382,327.41, there is approximately \$100,000 of remaining funds in the FY22 Leg Ops / Direct Funding / Water Storage Studies line item for this project.

To cover the additional \$282,327.41 budget increase, staff is proposing to realign \$300,000 of Leg Ops budget funds remaining in the Legal Contingency and Science Program line items to make up the difference, which will reduce the funding in those respective areas by \$100,000 and \$200,000 respectively. Note that staff does not currently anticipate needing those funds for the duration of FY 22. An amendment to the existing CDM Smith agreement is being drafted, and will be executed following Board action.

BUDGET

The required funds are included in the FY 22 Leg Ops budget. At this point, approximately \$121,950 is also anticipated to be needed in FY23 for CDM Smith to complete activities within their contract for this project, but no action is required regarding FY 23 budget at this time.



MEMORANDUM

TO: SLDMWA Water Resources Committee Members and Alternates

FROM: Scott Petersen, Water Policy Director

DATE: November 1, 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.

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

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

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

Reclamation Manual

Documents out for Comment

Draft Policy

- There are currently no Policies out for review.

Draft Directives and Standards

- [PEC 10-05 Reclamation Standard Water-Related Contract Articles, Standard Article 5: Operation and Maintenance of Transferred Works \(Federal Construction\) \(comments by 11/15/2021\)](#)
- [PEC 10-06 Reclamation Standard Water-Related Contract Articles, Standard Article 6: Operation and Maintenance of Project Works \(Federally Assisted Construction\) \(comments by 11/15/2021\)](#)
- [BGT 02-02 Reimbursability and Recharacterization of Project and Program Costs \(comments by 11/19/2021\)](#)
- [PEC 05-03 Extended Repayment of Extraordinary Maintenance Costs \(comments by 11/15/2021\)](#)
- [CMP 11-01 Title Transfer for Reclamation Project Facilities \(comments by 11/1/2021\)](#)

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 42 Collateral Duty Safety Representatives \(CDSR\) \(comments by 11/22/2021\)](#)

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.

Over the last week, the SWRCB notified water right permit and license holders within the Sacramento San Joaquin Delta watershed and Standard Water Right Term 91 (Term 91) and other interested parties that curtailments are no longer in effect due to a lack of supplemental project

water (SPW) releases by the Department of Water Resources and U.S. Bureau of Reclamation (Projects) at this time. If the Projects are required to resume consistent SPW releases and the Sacramento-San Joaquin River Delta (Delta) remains in balanced conditions, the State Water Resources Control Board (State Water Board) will resume Term 91 curtailments.

Please monitor your email and the State Water Board's drought website for further updates on Term 91 or other curtailments. Term 91 and other curtailments may be re-imposed in the near future if hydrologic conditions degrade.

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

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>.

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

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 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 Valley (Blueprint) is a broad and evolving 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) <https://www.waterblueprintca.com>.

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

The Large Group and committees continue to meet and pursue the mission of Blueprint, including outreach, technical support and working in collaboration with other stakeholders.

Governance: A nominating committee has been established to identify up to 15 directors for the 501c3 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. The committee is looking to fill the following categories: Local Government, Water Agency, At-Large, White Area & Agriculture.

Outreach & Engagement: The Blueprint Community Advisory Committee will be having its first meeting on October 27th. The tentative agenda is an introduction of participants, overview of the Water Blueprint for the San Joaquin Valley and drought Planning for 2022. The Blueprint’s first community newsletter is being circulated and the website is being updated. Continue working with CSBA (School Boards Association) and Tribal interests. Creating a contact list of local elected officials, including special districts and county supervisors. This contact list is the basis for a newsletter sent to community leaders throughout our region.

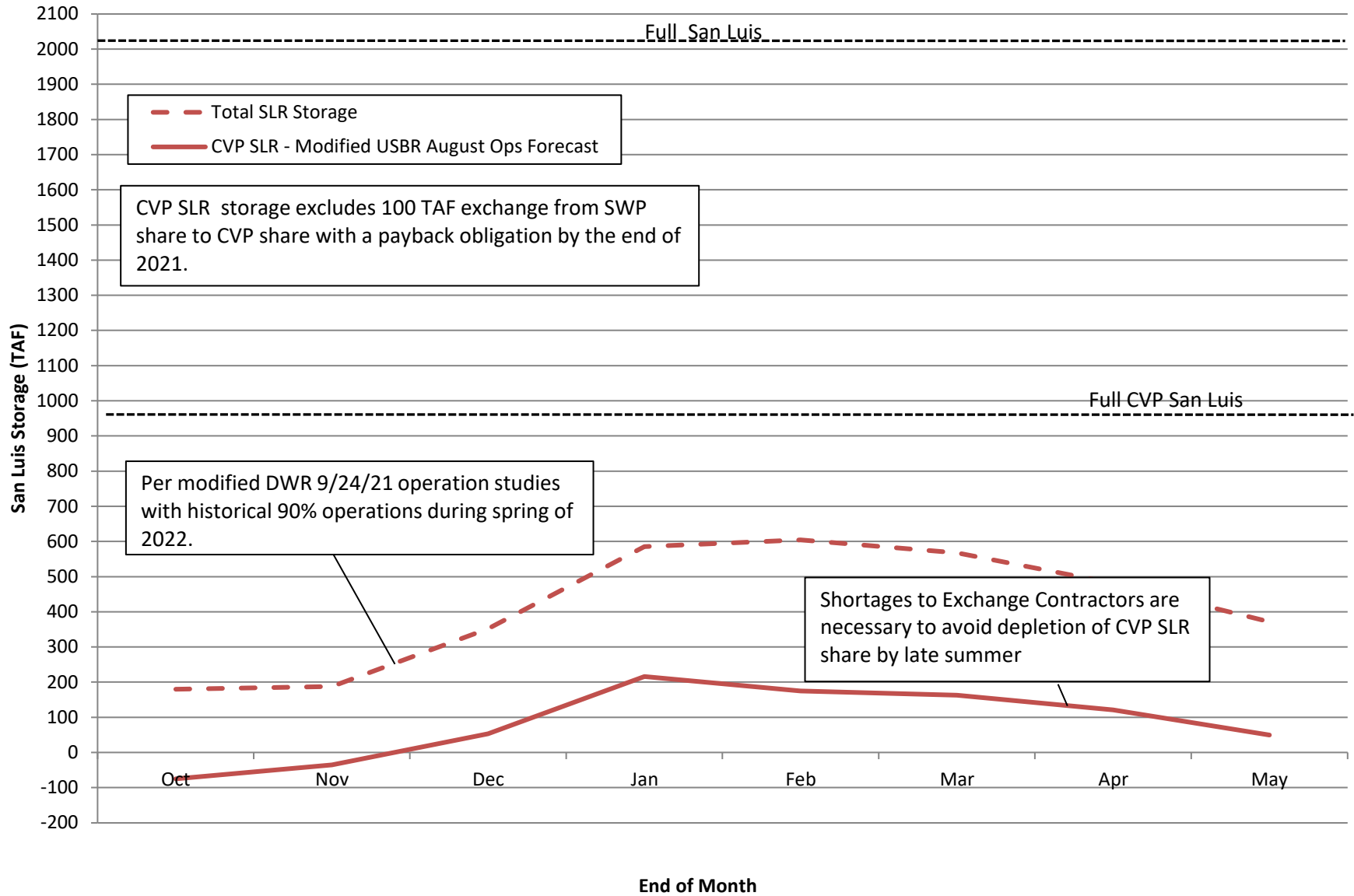
Technical Committee: ESA is developing a regulatory and permitting path forward for the Blueprint. This detailed plan will list all permits needed, the approvals, the reports, and documents essential to prepare and obtain from the Federal and/or State Agencies for the solution sets provided. Blueprint continues to engage with Central Valley stakeholders regarding opportunities 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. A 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 (SJVWCAP): Stanford University, working in coordination with the Blueprint, Central Valley Community Foundation, Fresno State, NGOs and 60+ stakeholders from water agencies, agricultural interests, local government, drinking water advocates and environmental interests have drafted an inter-caucus Problem Statement and Solution Sets for the Plenary Group to review and adopt. A fundamental part of the solution set is a focus on a two phased approach to identify an amount of water and its sources to aid in recharging the Valley as well as a total amount of acres for potential fallowing as well as a timeframe for identifying agreeable ways of doing so.

DAC Drinking Water Feasibility Study – FKC: Participants include FWA, FSU, Self Help, Sustainable Conservation and Leadership Council are looking to study Tulare County related to

surface water supply, recharge and drinking water supplies. DWR is making available approx. \$49,500 for this study. Fresno State in coordination with the other participants will be creating a more specific scope tailored to Tulare to provide to DWR to review and fund.

2020-21 San Luis Storage Projection 90% Exceedance Hydrology



2020-21 San Luis Storage Projection 50% Exceedance Hydrology

