



MEMORANDUM

TO: SLDMWA Water Resources Committee Members and Alternates

FROM: Scott Petersen, Water Policy Director

DATE: August 5, 2024

RE: Update on Water Policy/Resources Activities

Background

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

Policy Items

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

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

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

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

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

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

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

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

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

On January 20, 2021, President Biden signed an Executive Order: “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis”, with a fact 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.

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

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

On February 26, 2022, the Department of the Interior released a Notice of Intent to Prepare an Environmental Impact Statement (EIS) and Hold Public Scoping Meetings on the 2021 Endangered Species Act Reinitiation of Section 7 Consultation on the Long-Term Operation of the Central Valley Project and State Water Project². In response to this, on March 30, 2022, the SLDMWA submitted a comment letter highlighting actions for Reclamation to consider during preparation of the EIS.

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

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

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

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

Subsequent to the Knowledge Base Paper review, a Scoping Meeting was held, to which Water Authority staff provided comments, resulting in the release of a Scoping Report³ by Reclamation in June 2022.

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

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

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

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

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

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

and technical consultants and submitted both high-level and technical comments on the document⁴ on October 16.

On October 10, 2023, Reclamation transmitted an Aquatic species Quantitative Biological Assessment, and on October 18, 2023, Reclamation transmitted a Terrestrial Species Quantitative Biological Assessment to the Services and to consulting agencies pursuant to the WIIN Act.

On June 28, 2024, the U.S. Fish and Wildlife Service released their Draft Biological Opinion for WIIN Act agency review and comment, with comments due on July 29, after a two-week extension was granted by the Service. Authority staff coordinated with member agencies to provide comments on the document⁵.

Additionally, on July 18, NOAA Fisheries released an incomplete draft Biological Opinion for WIIN Act agency review and comment, and subsequently released the Effects Analysis sections of the BiOp on July 25, 2024. Comments on the draft Biological Opinion are due on August 12, 2024, and Authority staff will be coordinating with member agencies to provide comments.

Finally, on July 26, 2024, Reclamation released the Draft EIS on the LTO for public review. The comment period is open until September 9, and Authority staff will coordinate with member agencies on comments.

Current Milestones

- Aug 12: Draft LTO NMFS BiOp Comments Due
- Aug 30: Draft LTO NMFS BiOp Peer Review Complete
- Sep: Trinity Modeling anticipated
- Sep 9: Draft LTO Public EIS Comments Due
- Oct 15: Final LTO FWS BiOp
- Nov 13: Final LTO EIS
- Dec 6: Final LTO NMFS BiOp
- Dec 13: Final LTO Record of Decision
- Early 2025: Trinity Cooperating Agency Draft EIS/Draft Biological Assessment
- Spring 2025: Trinity Public Draft EIS
- Late 2025: Trinity Biological Opinion, Final NEPA and ROD

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

State Water Resources Control Board (State Water Board) Activity

Bay Delta Water Quality Control Plan Update

Background

The State Water Board is currently considering updates to its 2006 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (“Bay Delta Plan”) in two phases (Plan amendments). The first Plan amendment is focused on San Joaquin River flows and southern Delta salinity

⁴ Request from Authority staff.

⁵ Request from Authority staff.

(“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.⁶ 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 resolution⁷ 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.

Most recently, on July 18, 2022, the State Water Resources Control Board issued a Notice of Preparation (NOP)⁸ and California Environmental Quality Act (CEQA) Scoping Meeting for the Proposed Regulation to Implement Lower San Joaquin River Flows (LSJR) and Southern Delta Salinity Objectives in the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta (Bay-Delta Plan).

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

In response to the release of the NOP, the Water Authority and member agencies provided scoping comments⁹.

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

⁶ Available at <https://water.ca.gov/-/media/DWR-Website/Web-Pages/Blogs/Voluntary-Settlement-Agreement-Meeting-Materials-Dec-12-2018-DWR-CDFW-CNRA.pdf>.

⁷ Available at https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2018/rs2018_0059.pdf.

⁸ Available at https://www.waterboards.ca.gov/public_notices/notices/20220715-implementation-nop-and-scoping-dwr-baydelta.pdf

⁹ Request from Authority staff

analyses no later than March 1, 2019. Staff were directed to incorporate the Delta watershed-wide agreement as an alternative for a future, comprehensive Bay-Delta Plan update that addresses the reasonable protection of beneficial uses across the Delta watershed, with the goal that comprehensive amendments may be presented to the State Water Board for consideration as early as possible after December 1, 2019.

On March 1, 2019, the California Department of Water Resources and the Department of Fish and Wildlife submitted documents¹⁰ 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.

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

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

The draft Staff Report is available for review on the [Board’s website](#). The Authority coordinated and submitted comments with member agencies¹¹.

¹⁰ Available at http://resources.ca.gov/docs/voluntary-agreements/2019/Complete_March_1_VA_Submission_to_SWRCB.pdf

¹¹ Request from Authority staff.

Schedule

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

- Winter 2024/Spring 2025
 - Final draft Staff Report for Tuolumne River VA
 - Board workshop and consideration of Tuolumne River VA
 - Final draft EIR and regulation implementing Lower SJR flows and South Delta Salinity
 - Board consideration of regulation implementing Lower SJR flows and South Delta Salinity

Sac/Delta Update: Key Milestones

- Summer 2024: Development of Draft Program of Implementation
- Winter 2024: Response to comments and development of proposed final changes to the Bay-Delta Plan
- Spring 2025: Board consideration of adoption

Voluntary Agreements

On March 29, 2022, members of the Newsom Administration joined federal and local water leaders in announcing the signing of a memorandum of understanding¹² that advances integrated efforts to improve ecosystem and fisheries health within the Sacramento-San Joaquin Bay-Delta. State and federal agencies also announced an agreement¹³ specifically with the Sacramento River Settlement Contractors on an approach for 2022 water operations on the Sacramento River.

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

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

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

¹² Available at <https://resources.ca.gov/-/media/CNRA-Website/Files/NewsRoom/Voluntary-Agreement-Package-March-29-2022.pdf>

¹³ Available at <https://calepa.ca.gov/2022/03/29/informational-statement-state-federal-agencies-and-sacramento-river-settlement-contractors-agree-on-approach-for-2022-water-operations-on-the-sacramento-river/>

Work continues to develop the working documents associated with execution and implementation of the VA's and workgroups for participating agencies have been formed. A number of documents continue to be developed, including a global agreement, implementing agreements for each tributary, enforcement agreements, an updated Science Plan, and governance plan.

On April 24-26, the State Water Resources Control Board held a three-day workshop on the Agreements, with sessions focused on many of the more developed plans and details of the program.

Delta Conveyance Project

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

On February 22, 2024, the State Water Resources Control Board (Board) received a Petition for Change from the Department of Water Resources (DWR) to add two new points of diversion (POD) and rediversion (PORD) to the water right permits associated with the State Water Project. Specifically, the petition seeks to change Water Right Permits 16478, 16479, 16481, and 16482 (Applications 5630, 14443, 14445A, and 17512, respectively). The proposed new PODs/PORDs would consist of screened intakes 2.3 miles apart located on the lower Sacramento River between Freeport and Sutter Slough. The proposed new intakes are part of the Delta Conveyance Project, which would allow DWR to divert water from the northern Sacramento-San Joaquin Delta Estuary (Delta) and convey the water through a tunnel to existing water distribution facilities in the southern Delta.

This petition is available on the DWR website at: https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Delta-Conveyance/Public-Information/Revised_DCP_CPOD_Petition_Package_2024.pdf

Protests against the change petition must have been filed by May 13, 2024, with a copy provided to the petitioner. SLDMWA entered into a Settlement Agreement¹⁴ with DWR on the project.

The State Water Resources Control Board (State Water Board or Board) Administrative Hearings Office will hold a public hearing about the Delta Conveyance Project beginning on **January 16, 2025**. The hearing will address the water right change petitions filed by the Department of Water Resources to add two new points of diversion and rediversion to the water rights associated with the State Water Project, Permits 16478, 16479, 16481, and 16482 (Applications 5630, 14443, 14445A, and 17512, respectively).

The purpose of the hearing is to gather evidence to determine whether to approve these petitions and, if so, what specific terms and conditions, if any, should be included in the amended permits for the State Water Project. The Administrative Hearings Office will also hold a pre-hearing conference on **August 13, 2024**.

U.S. Bureau of Reclamation

Reclamation Manual

Documents out for Comment

Draft Policy

- There are currently no draft Policies out for review.

¹⁴ Request from Authority staff.

Draft Directives and Standards

- [ACM 01-01 Requirements for Award and Administration of Financial Assistance Agreements \(Grants and Cooperative Agreements\)](#) (comments due 08/09/24)
 - [July 9, 2024 ACM 01-01 Public Outreach Session Recording](#)
- [FIN 07-35 Advances from Others and Deferred Revenue](#) (comments due 08/19/24)

Draft Facilities Instructions, Standards, and Techniques (FIST)

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

Draft Reclamation Safety and Health Standards (RSHS)

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

Draft Reclamation Design Standards

- There are currently no Design Standards out for review.

San Joaquin Valley Water Blueprint

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

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

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

Committees*Executive/Budget/Personnel*

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

Activities*Farmer to Farmer Summit – Third Session*

The farmer-to-farmer delegates have been reengaged to further regional communication and will be participating in additional water solution facilitation, with a focus on Levee Maintenance & Enhancement projects and the South Delta Gates Project (permanent operable gates). Summit delegates and organizers are interested in an independent and sustainable funding effort moving forward.

Unified Water Plan for the San Joaquin Valley

The Water Blueprint for the San Joaquin Valley Education Fund and the California Water Institute - Research and Education Division are working together to develop a Unified Water Plan for the San Joaquin Valley. This two-year project will culminate in the publication of a report to be submitted to Congress.

CVP and SWP Water Supply Restrictions Strategic Plan¹⁵

The Hallmark Group was tasked by the Water Blueprint for the San Joaquin Valley to develop and implement a strategic plan for the primary objective of protecting the operational flexibility restored by 2019 Biological Opinions and 2020 Record of Decision for Coordinated Long-Term Operations of the Central Valley Project and State Water Project, which restored approximately 300,000 acre-feet to the average south-of-Delta delivery capability of the Projects, and to expand operational flexibility for the CVP and SWP. As part of its work plan, Hallmark developed an outline of a strategic plan related to engagement with agencies that impact operations of the CVP/SWP and associated water supply. The outline is organized into four principal topics: (1) objectives; (2) obstacles to achieving objectives; (3) means of overcoming obstacles; and (4) time frame.

The Blueprint Board considered the Strategic Plan and adopted it, with one Director abstaining.

Urban Water Agency Partnerships

Consistent with the MOU that was signed in May, Metropolitan Water District, Stantec and the Blueprint are reviewing a scope and budget for the mutual analysis of groundwater storage and conveyance opportunities in the Central Valley. Other urban agencies, including Valley Water, have expressed an interest in joining and coordinating with the Blueprint, in this investigation.

San Joaquin Valley Water Collaborative Action Program (SJWV CAP)

Background

The CAP Plenary Group adopted work groups to implement the CAP Term Sheet¹⁶, adopted on November 22, 2022. During Phase II, Work Groups are continuing to meet and discuss priorities and drafting various documents for their respective areas: Safe Drinking Water; Sustainable Water Supplies; Ecosystem Health; Land Use, Demand Reduction and Land Repurposing; Implementation.

The Plenary group met on June 25 to continue discussion about the development the “One Water” component of the Central Valley Community Foundation’s Jobs First Initiative¹⁷, which has been renamed to Sierra San Joaquin Jobs (S2J2).

¹⁵ Request from Authority staff

¹⁶ Request from Authority staff

¹⁷ Request from Authority staff

APPENDIX A



WIIN Act Coordination

The purpose of this meeting is to describe where we are in the BiOp development process, what will be provided in the draft BiOp on July 26, the process for submitting comments, and to answer any questions you may have about the process.



Schedule

***Subject to change**

Milestone	NMFS Completion Date	Note
WIIN Act Coordination Meeting #1	April 29, 2024	Describe BiOp schedule and status update
WIIN Act Coordination Meeting #2	July 18 th , 2024	Overview of draft BiOp structure for WIIN review
Draft BiOp Sections	July 26, 2024	First draft for Peer/WIIN/Stakeholder Review to start on Friday July 26
WIIN Act Review	August 12, 2024	2 week WIIN act review
Peer Review	August 30, 2024	1 month Independent Peer Review
WIIN Act Coordination Meeting #3	Early September	Post Review Meeting with PWAs
Final Biological Opinion	December 6, 2024	Current projected date for finalization and rollout



Draft BiOp Sections for Review

- Introduction Chapter
- Status of the Species and Designated Critical Habitat
- Summary of Proposed Action
- Analytical Approach
- Environmental Baseline
- Effects Analysis
 - By Division
 - Programmatic Components



Draft BiOp Review Process

- Draft BiOp chapters will be posted on Reclamation's sharepoint site
- Comment matrix will be emailed separately
- Comments are due August 12, 2024
- Please consolidate your comments by agency
- Comments can be sent to us at:
 - nmfs.wcr.lto@noaa.gov



Contacts

- Cathy.Marcinkevage@noaa.gov
- Howard.Brown@noaa.gov
- ahalston@usbr.gov For Sharepoint Support

CAP In-Person Plenary Meeting Summary

July 8-9, 2024

Day One

The purpose of this in-person meeting was to review and reach agreement on the remaining issues to finalize the Sierra San Joaquin Jobs (S2J2) recommendations, consider the next steps for CAP to pursue, and continue to foster relationships between CAP members.

Jim Kramer provided an overview of the Draft S2J2 recommendations that the CAP is putting forward for the “One Water” chapter of the overall investment plan for the region. Jim also reviewed the outstanding issues that caucus members had brought forward during review of the document. The PowerPoint slides are available for review here.

Comments During Presentation

Safe Drinking Water

- It was pointed out that the State Water Resources Board Drinking Water Needs Assessment 2024 update uses a reduced period for which interim solutions are assumed to be needed, when making cost estimates. It was clarified that this reduction was based on the State’s hope that the implementation of SGMA and CV-SALTS would increase the amount of responsible agencies and shift the financial burden away from the State.
- It was suggested that the nature of rural communities be described in the CAP S2J2 document and explain why consolidation is difficult or not appropriate given certain circumstances.
- It was suggested to quantify in the S2J2 document how many people would be positively impacted by these investments.

Ecosystem Restoration

- It was confirmed that this section considered ecosystem restoration in Valley and upland habitats, but not at higher elevations. Another group within S2J2 is working on recommendations and solutions in those areas.
- It was clarified that the number of acres proposed to be restored was based on long-term planning documents and on the basin scale.
- The group agreed to include the larger, nearly 715,000 acre, restoration target within the investment recommendation, which would increase the overall costs of the S2J2 document.

Water Supply

- It was asked if the potential projects under this section could/would be coincident with other outcomes. Jim clarified that at this point we don’t have that information but a next step is to synthesize the investments and get a sense of where these multiple benefits exist.
- There were clarifications made about the recommendations for funding ongoing Flood-MAR studies and implementation. The S2J2 document recommends adding funding for extending

the Flood-MAR watershed studies into the Tulare basin in addition to developing ongoing technical assistance funding for implementing the results of the Flood-MAR studies, once completed.

Multibenefit Land Repurposing

- It was pointed out that the S2J2 region has good participation in the MLRP program and that the implementation plans that are being developed may be a good place to start looking for synthesis opportunities.

Demand Reduction

- A question was raised about whether 2023 LandFlex pilot achieved its primary purpose to protect domestic wells. DWR is currently working on evaluating the effectiveness of the original program and language was added to the S2J2 document to address how the proposed investment amount was reached.

Group Discussion

The following points were raised in a group discussion about the recommendations:

- There is no prioritization of recommendations at this point which will be crucial moving forward.
- It may be helpful to contract out some of this work to develop a level of detail around the investments and where and how they overlap.
- We should develop a matrix of projects to identify things we can get the CAP to rally behind over the next 2-3 years.
- We should acknowledge areas in the plan that are based on limited or incomplete knowledge.
- We need to include the human element to our investment story to add impact.
- We should not shy away from the magnitude of these numbers and finding a way to articulate this vision will be critical.
- Flood control investments have not been identified and it would be important to incorporate more moving forward.
- Restoration jobs can be funded through a model that allows for continued agricultural production that turns profits back to support restoration project funding.

Review of Next Phase of S2J2

- The Central Valley Community Foundation will submit this investment plan with the CAP recommendations and seven other issue areas to the State by August 30th
- S2J2 will continue after August 30th to September of 2026
- The CAP is under contract to develop a implementation workplan by December 2024.
- CAP can define what their goals are in the next phase

Breakout Group Discussions

Breakout Groups were asked to discuss the question “what the priorities for the next phase of the CAP should be?”

Group 1

- Identify 3-5 projects from the various buckets that can be taken to Washington to lobby for federal funding.
- Could we explore the development of an endowment to fund MLRP?
- Consider a “roadshow” to take the CAP message to legislators and County Board of Supervisors.

Group 2

- We need to prioritize developing a project screening tool, which has the potential to be a long process.
- Need to get people back into the room at these in-person meetings.

Group 3

- Get to the point of a high-level comprehensive engineering approach to bring these issues together.
- It will be important to look at the vision as a whole to see how things fit together and complement each other. Certain things may look undesirable to a caucus as a discreet area, but when you look at the whole picture you see what the purpose is.

Day Two

Department of Conservation Scenario Tool

Nate Roth with the Department of Conservation (DOC) provided an overview of the scenarios that were run through the updated DOC land use modeling tool, based on previous CAP feedback. The slides will be sent out to Plenary Group members for review.

- There was a question about the revenue and jobs information that the tool generates. It was clarified that there are some outputs that can look at offsite and onsite jobs impacts, but more local information would be needed.
- The time horizon for the scenarios is for now to about 2040-2045, based on overdraft projections and potential climate change impacts.
- It was stressed several times that the tool is limited as actual decisions will be made based on economics and other local drivers.
- It was pointed out that there were many potential biases that need to be understood in the assumptions and underlying data.
- There was an additional scenario for place based disadvantaged community impacts.
- The model is a land use model that can assist in decision making as we move forward.

Scenario Reflection

Those in attendance and online gave their feedback on which scenario they were drawn to and how they saw the tool being beneficial or concerns they may have. General sentiments are shared below:

- Addressing equity issues will be critical for any model or scenario that is used.

- There should be consideration for the type of crops to support a sustainable future for the Valley.
- Looking at how we can change the inputs into the model will be informative to see where trade-offs can be made.
- We should compare the term sheet against any model assumptions and inputs to make sure that the results that we are considering are supportive of the CAP mission.
- Agriculture is market driven and farmers have to make decisions based on what will provide the return on their investment.
- Loss of farms affects farm families, farm works and the overall economic.
- There will be significant changes to the Valley landscape and we need to be ready to discuss what we want the outcomes to look like.
- There is a separation between the tool and the reality on the ground. We will need time to review the inputs and assumptions.
- Promoting multibenefit projects will be critical.
- Community engagement is an important part of this work and best practices would be helpful.
- Maps can elicit strong reactions from people so we want to ensure that our message is crystal clear.
- Setting goals and benchmarks will help as we move through this plan. There is uncertainty but having milestones to check progress against can combat some of that concern.

Next Steps for the Document

1. Jim and Sam will edit the document to reflect the discussions had at this in-person meeting.
2. The CAP will start to identify what we want to get done in a shorter period of time. Are there projects we can rally around or put forward to seek federal funding for?
3. The CAP will move forward with synthesizing the ideas and recommendations in this plan to create a comprehensive path forward.

Synthesis Discussion

- Delta Science Program could serve as an example of synthesizing information.
- Having a tool to prioritize projects will be crucial.
- We should consider using the desired outcomes as a framework for developing this next step. We can push forward with achieving outcomes rather than advancing projects.
- Consider hiring consultants to help develop this next step while ensuring the collaborative remains engaged.
- Incorporate appropriate climate modeling.



SAN JOAQUIN VALLEY WATER

Collaborative Action Program

Steering Group Meeting Summary

July 15th, 2024 | 3:00 – 4:30 PM

Participants: Jason Phillips, Scott Petersen, Justine Massey, Jessi Synder, Ann Hayden, Sarah Woolf, Randy Fiorini

Staff: Jim Kramer, Sam Cunningham, Jase Trovao, Laura Ramos, Monica McBrearty

1. Review the Agenda and Any Additions

The agenda was reviewed, and no additions were made.

2. Debrief in-person meeting – Key Takeaways

The Steering group discussed the highlights of the in-person meeting at UC Merced on July 8th & 9th. There was an overall feeling of positivity and understanding near the end of the second day. The group enjoyed the forward-looking maps presented by DOC,. Concern was expressed about the level of attendance at the meeting and the need for Steering Committee members to ensure the meetings meet the needs of their caucus members and encourage attendance. CAP leadership stressed the importance of in-person attendance and perhaps looked at different options to re-energize that front.

3. S2J2 Next Steps

Status of Submittal

The document was submitted. Over the next week or two, Ashley and her team will review and compile the results from all S2J2 workgroups and append the document derived from the results. The document will then be posted on their website (www.s2j2initiative.org) for public comment by July 26th, 2024. Once public comments are received, those comments will be included in a 'Community Voice' section on the website 'unedited'. Feedback and changes will be made before sending it to the regional table during the first week of August. After receiving approval, it will be submitted to the State at the end of August. The State will review, and the planning period will officially end at the end of September.

Three out of the twelve investment areas have been chosen to have ongoing funding during the next 2 years. The three investment areas chosen are: Responsible Food Systems, Circular Manufacturing, and One Water.

July 18th Celebration

On July 18th, to commemorate the work completed for the S2J2 sprint, a celebration will be held at the DoubleTree in Downtown Fresno from 4:00 PM to 7:00 PM.

Subsequent Phases and CAP Participation

CAP has received funding from Ashley's foundation over the next two years. The next milestone for CAP will be in December when an implementation work plan is due.

There was a discussion about the estimation of the numbers included in the final draft, how the final numbers came to be, who participated in those discussions as there were infrequent meetings held by the Water Work Group, and the justifications for those numbers that were included in the final document.

There was clarification on the differences between the Water Agency caucus and the Water Supply Work Group. The Water Supply Workgroup did not review the S2J2 investments, which were developed by the Water Agency Caucus.

Over the last year, the workgroup created two subgroups. One was a technical group that reviewed existing studies to estimate the available water during wet periods. The other subgroup developed recommendations for groundwater recharge. The work was delegated to a subgroup of technical people who met multiple times to develop a work product. The results from both subgroups were reviewed by the Water Supply Workgroup.

The Water Agency Caucus developed the S2J2 water supply investment recommendations. A clarification was also made about the different processes depending on the topic. For example, the Ecosystem Restoration Investments did not go to the Ecosystem Work Group but were developed by a subset of the Environmental Caucus. It then went to the different caucuses. The Safe Drinking Water Investments were developed by the Safe Drinking Water Caucus. The Water Supply investments were aggregated from many plans and analyses. The approach is similar to ecosystem investments but does not include the same level of detail for how the costs were estimated.

It was acknowledged that there are challenges amongst all of the caucuses and that there needs to be trust that the details will be further discussed as the next steps arrive.

4. Synthesis of Investments

The submittal that was made is a collection of different investments that now need to be synthesized. One way of approaching this synthesis is through the Department of Conservation's GIS tool. The group discussed the visioning that has been done throughout this process but would like to see more detail when it comes to sequencing what investments are dependent upon one another for the overall picture to make sense. There was also a comment about the existing structure and new major conveyance needs to match up with the vision of different land uses.

5. Next Priorities for the CAP

A scope of work will be developed over the next couple of weeks. Jim will be conferring with the Steering Committee members to figure out how to balance each of the ideas discussed. The scope of work plans to be finished by mid-August. It was suggested that Jim use parts from the scope of work that was developed for the Unified Water Plan.

6. Schedule

July 23 Plenary Group Meeting

Ann and Sarah will be unavailable for the Plenary Group meeting on July 23rd. In their absence, it was suggested to have guest speakers come to talk to the group. The guest speakers suggested are Nancy Vogel from the Natural Resources Agency, PPIC, and Jon Ryder, discussing the major solar initiative Westlands is involved with. At the moment, it is unknown if PPIC or John would be available to speak, but Nancy has already confirmed. There will also be a discussion about the status of S2J2 and the next steps.

Cancel August 5th, Keep August 19th

It was recommended that the next Steering Committee meeting on Monday, August 5th, be canceled. The next meeting will be held on August 19th.

Reschedule September 2nd

The September 2nd Steering Committee meeting falls on a Holiday. The Committee will still meet that week, but the date is to be determined.

Next In-Person (late September/early October)

Another in-person meeting will be held in the next couple of months. The exact date has not yet been determined, but it was suggested to be held sometime near the end of September and the beginning of October. A Doodle Poll will be sent to CAP members to determine the best date in hopes of boosting attendance.



SAN JOAQUIN VALLEY WATER

Collaborative Action Program

Plenary Group Meeting Summary

July 23, 2024 | 3:00 – 5:00 PM

Participation

On July 23, 2024, the Plenary Group had 25 members participate in the discussion, and all five caucuses were represented.

#1 Review Agenda & Updates

The group reviewed the agenda, and there were no additions.

Jim gave an update on the status of the S2J2 investments document. The document was submitted on Friday, July 12th to Ashley Swearingin and the Central Valley Community Foundation (“CVCF”). The investment recommendations submitted included long-term investments for safe drinking water, ecosystem restoration, water supply, multi-benefit land repurposing, and water demand reduction, estimated at \$37.5 billion. Several significant investment recommendations could not be quantified, like the cost of maintaining domestic wells and the investment needed by GSAs to implement their GSPs.

The next phase consists of CVCF compiling the recommendations provided by CAP for water and the recommendations received from the seven other workgroups working on different topics. Once compiled, it will be published on the S2J2initiative.org website for public review; then, it will be submitted to the State at the end of August. The hope is that there will be an RFP from the state for potential funding for the recommendations. The next milestone will be producing an implementation plan by the end of 2024 and adding more detail to the investments to get them implemented through 2025 - 2026. CAP has received funding from the foundation for the next two years to continue participating.

CAP recently received a \$750,000 signed contract between the Bureau of Reclamation and the Resources Legacy Fund (the CAP fiscal administrator) to develop a tool to evaluate and prioritize projects across the spectrum of Term Sheet outcomes. This work will complement the California Water Institute’s work on the Unified Plan, which is also funded by the Bureau of Reclamation.

#2 SGMA in Dry and Wet Times – A 10th Anniversary Check-in – Ellen Hanak, PPIC

Ellen Hanak shared a presentation giving a 10th-anniversary check-in on the progress and status of SGMA through dry and wet times. There was a brief overview of the background of SGMA, such as the local responsibility, state backstop, sustainability plans, and timelines. Since 2017, GSAs have taken on coordination roles, and the first GSPs have been done, emphasizing recharge. The presentation also consisted of maps of all the main groundwater basins, whether or not they report to SGMA, whether some basins are adjudicated, and whether they are in critical overdraft status. The maps were also color-coded with specific details relating to types of crops, acreage, and wells, to name a few. PPIC also introduced its new groundwater factsheet. The year 2023 saw good progress; there was potential to advance GSPs' average recharge goal of +1maf per year. The San Joaquin Valley has big overdraft problems and much recharge potential. Many new partnerships have been developed for local projects, and future priorities include multi-benefit projects and off-site banking partnerships. The slides for this presentation can be found [here](#).

#3 State Water Policy Priorities – Nancy Vogel, Deputy Secretary for Water, CA Natural Resources Agency

Nancy Vogel gave a presentation about the State Water Policy Priorities. She provided background on the Governor's Executive Order N-10-19, which led to the creation of the 2020 Water Resilience Portfolio. The final portfolio included 142 actions, each assigned to responsible state agencies and departments. The State Water Board announced July 22nd as the 5th anniversary of SAFER, a program that ensures everyone in California has safe and affordable drinking water. Since Governor Newsom enacted the program in 2019, there have been 251 failing systems that were returned to compliance, and over 900,000 California residents now have access to safe drinking water compared to 2019. Other State Water policy priorities include restoring multi-benefit floodplains, updating regulations to expand water recycling, modernizing Delta conveyance, and accelerating innovative new water storage projects. The slides for this presentation can be found [here](#).

#4 Fresno County Westside Solar Plan – Patrick Mealoy, Principal and COO of Golden State Clean Energy

Patrick Mealoy gave a presentation on the Valley Clean Infrastructure Plan, prepared by Golden State Clean Energy, LLC. In the fall of 2022, Golden State Clean Energy entered an MOU with Westlands Water District. A definitive agreement was made in 2023. They are working together on the environmental review, permitting, and land entitlements necessary for large-scale solar development and rights-of-way to establish necessary transmission corridors. Patrick gave some background to the San Joaquin Valley Incentive Program, which aims to create jobs and a clean energy hub while saving water for productive farms and using less productive lands for solar energy. This project has the potential for thousands of high-paying jobs over the next 15+ years, as well as economic development from manufacturing, fabrication, assembly, and

research and development opportunities. There is a commitment to bring in and grow local workforces instead of importing from other parts of California.

Attachments:

SGMA in Wet & Dry years – 10th Anniversary Check-In:

https://drive.google.com/file/d/199k2iLd9CUNweXKq5hFIGvnIJn_01a3X/view?usp=drive_link

State Water Policy Priorities:

https://drive.google.com/file/d/1umjO3BpyZ_0Cmo76cqNh0SUzhrzysMf6/view?usp=sharing

Replenishing Groundwater in the San Joaquin Valley: 2024 Update:

<https://www.ppic.org/publication/replenishing-groundwater-in-the-san-joaquin-valley-2024-update/>

Drought and Groundwater Sustainability in California’s Farming Regions:

<https://www.ppic.org/publication/policy-brief-drought-and-groundwater-sustainability-in-californias-farming-regions/>

Agricultural Land Use in California (Fact Sheet):

<http://www.ppic.org/publication/agricultural-land-use-in-california>

Groundwater in California (Fact Sheet):

<https://www.ppic.org/publication/groundwater-in-california/>