



MEMORANDUM

TO: SLDMWA Water Resources Committee Members and Alternates

FROM: Scott Petersen, Water Policy Director

DATE: November 4, 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 were due on August 12, 2024, and Authority staff coordinated with member agencies to provide comments⁶. Additionally, members of the California Congressional delegation requested⁷ an extension of the public comment period and NOAA Fisheries provided a response to the Congressional request⁸.

Next, on July 26, 2024, Reclamation released the Draft EIS on the LTO for a 45-day public review and comment period. The comment period closed on September 9 and the Water Authority coordinated comments in response with member agencies⁹.

Finally, the Fish and Wildlife Service and NOAA Fisheries released their draft Incidental Take Statements for review by WIIN Act coordinating entities on September 26th. The Water Authority and some members provided comments¹⁰ on the draft FWS ITS on September 30 and submitted comments¹¹ on the draft NOAA Fisheries ITS on October 4th.

Current Milestones

- Nov: Trinity Modeling anticipated
- Nov 8: Final LTO FWS BiOp
- Nov 15: Final LTO EIS
- Dec 13: Final LTO NMFS BiOp
- Dec 20: Final LTO Record of Decision

⁴ Request from Authority staff.

⁵ Request from Authority staff.

⁶ Request from Authority staff.

⁷ Request from Authority staff.

⁸ Request from Authority staff.

⁹ Request from Authority staff.

¹⁰ Request from Authority staff.

¹¹ Request from Authority staff.

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- 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 (“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.¹² The State Water Board did not adopt the proposed VSAs in lieu of the proposed Phase 1 amendments, but as explained below, directed staff to consider the proposals as part of a future Delta-wide proposal.

Phase 1 Status – San Joaquin River and its Tributaries

The State Water Board adopted a resolution¹³ 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)¹⁴ 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

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

¹³ Available at https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2018/rs2018_0059.pdf.

¹⁴ Available at https://www.waterboards.ca.gov/public_notices/notices/20220715-implementation-nop-and-scoping-dwr-baydelta.pdf

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 comments¹⁵.

Phase 2 Status – Sacramento River and its Tributaries and Bay-Delta

In the State Water Board's resolution adopting the Phase 1 amendments, the Water Board directed staff to assist the Natural Resources Agency in completing a Delta watershed-wide agreement, including potential flow and non-flow measures for the Tuolumne River, and associated analyses no later than March 1, 2019. Staff were directed to incorporate the Delta watershed-wide agreement as an alternative for a future, comprehensive Bay-Delta Plan update that addresses the reasonable protection of beneficial uses across the Delta watershed, with the goal that comprehensive amendments may be presented to the State Water Board for consideration as early as possible after December 1, 2019.

On March 1, 2019, the California Department of Water Resources and the Department of Fish and Wildlife submitted documents¹⁶ 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.

Phase 2 Draft Staff Report

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

¹⁵ Request from Authority staff

¹⁶ Available at http://resources.ca.gov/docs/voluntary-agreements/2019/Complete_March_1_VA_Submission_to_SWRCB.pdf

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 agencies¹⁷.

Program of Implementation

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

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

The State Water Board will hold a multiday workshop, with dates scheduled in November, December, and January, to discuss the draft changes. Written comments on the draft updates are due to the State Water Board by Dec. 19. The [notice](#) includes additional information about the workshop and instructions for submitting comments to the State Water Board.

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

¹⁷ Request from Authority staff.

Sac/Delta Update: Key Milestones

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

Healthy Rivers and Landscapes Program

On March 29, 2022, members of the Newsom Administration joined federal and local water leaders in announcing the signing of a memorandum of understanding¹⁸ that advances integrated efforts to improve ecosystem and fisheries health within the Sacramento-San Joaquin Bay-Delta. State and federal agencies also announced an agreement¹⁹ specifically with the Sacramento River Settlement Contractors on an approach for 2022 water operations on the Sacramento River.

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

San Joaquin River Restoration Program

Draft Channel Capacity Report for the 2025 Restoration Year

The San Joaquin River Restoration Program, through its partnering agency, the California Department of Water Resources, has released the Draft Channel Capacity Report for the 2025 Restoration Year.

The primary objective of this report is to provide the Channel Capacity Advisory Group (CCAG) and the public a summary of the prior Restoration Year's data, methods, and estimated channel capacities, as well as, recommendations for monitoring and management actions for the following year. The report can be viewed at the following link: https://www.restoresjr.net/?wpfb_dl=3027

Public comments on this report are due no later than December 17, 2024 and should be submitted to Omar O. Erekat at Omar.Erekat@water.ca.gov or Regina Story at rstory@usbr.gov.

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.

¹⁸ Available at <https://resources.ca.gov/-/media/CNRA-Website/Files/NewsRoom/Voluntary-Agreement-Package-March-29-2022.pdf>

¹⁹ 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/>

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 Agreement²⁰ 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 held a pre-hearing conference on **August 13, 2024**, after which the AHO's Presiding Officer Nicole Kuenzi vacated the September 5 deadline to submit written comments on hearing issues and the November 4 deadline for all parties to file initial notices of intent to appear at the hearings.

HEARING SCHEDULE AND DEADLINES

Deadlines / Schedule	Date and Time
Deadline to file optional pre-hearing conference statements.	August 9, 2024
Initial Pre-Hearing Conference.	August 13, 2024, at 9:00 a.m.
Deadline to submit written comments on hearing issues.	September 5, 2024
Second Pre-Hearing Conference.	October 17, 2024, at 9:00 a.m.
Deadline for all parties to file initial NOIs, including witness lists, and deadline for any interested person who intends to give a policy statement to file an NOI.	November 4, 2024
Deadline for parties to file case-in-chief exhibits, exhibit identification indices, and proposed permit terms.	December 4, 2024
Third Pre-Hearing Conference.	December 16, 2024, at 9:00 a.m.
Hearing begins with policy statements.	January 16, 2025, at 9:00 a.m.
Evidentiary portion of hearing begins.	January 30, 2025, at 9:00 a.m.

Community Benefits Program Implementation Plan and Guidelines Public Review

The Department of Water Resources has released a [Discussion Draft Implementation Plan and Guidelines](#) for the Delta Conveyance Project's Community Benefits Program (CBP). The implementation plan provides more detail about how the CBP could be implemented and is available for review through March 1, 2025.

The Discussion Draft Implementation Plan and Guidelines and an accompanying feedback form can be found online [here](#).

²⁰ Request from Authority staff.

U.S. Bureau of Reclamation

Reclamation Manual

Documents out for Comment

Draft Policy

- There are currently no draft Policies out for review.

Draft Directives and Standards

- [ENV 08-01 Sustainable Construction, Renovation, Operations, and Leasing of Bureau of Reclamation Building Assets](#) (comments due 11/28/24)

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.

Education and Communications

The Blueprint joined the Southern California Water Coalition, ACWA, and many others, and sent a letter to the Assembly Select Committee on Permitting Reform. The letter emphasized the critical nature of including water supply development, treatment, and distribution in the conversation of the Select Committee. Permit reform, climate change, and housing are inextricably linked to water; without generational investments in water, California will not be able to maintain its current way of life.

The Blueprint is continuing to seek RFPs from advocacy experts for key elected and appointed education and outreach on the Blueprint's strategic priorities.

Activities

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. Presentations and outreach are currently focused on Merced County and Madera County after successful presentations in Tulare, Kings and Fresno Counties. This two-year project will culminate in the publication of a report to be submitted to Congress.

CVP and SWP Water Supply Restrictions Strategic Plan²¹

The Hallmark Group developed a strategic plan and an implementation approach for review and approval by the Board. The Hallmark Group Contract for Strategic Advisory Services was approved for work completed from March 1, 2024, through on August 31, 2024. That contract was set at for a monthly retainer for 6 months. Hallmark billed against that retainer through the end of July 31. After the Strategic Plan was approved by the Blueprint Board, Hallmark provided a reduced level of effort while waiting for direction on the Implementation Plan. On a going forward basis Hallmark, starting September 1st, will continue on a time and materials for advisory services as needed through the end of the year.

The Board continues to express the importance of outreach to the public and state and federal officials specifically related to the efficacy of proposed regulations, water supply reductions, environmental and socio-economic impacts in the SJV. The objective is protecting the operational flexibility restored by 2019 biological opinions and 2020 record of decision for coordinated 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. The plan is organized into four principal topics: (1) objectives; (2) obstacles to achieving objectives; (3) means of overcoming obstacles; and (4) time frame.

Urban Water Agency Partnerships

Consistent with the Groundwater Storage Investigation MOU that was signed in May, Metropolitan Water District, Stantec and the Blueprint have an agreed-upon final draft scope. Stantec is preparing a budget for approval to address the mutual analysis of groundwater storage and conveyance opportunities in the Central Valley. An investigation management committee is being established that will include directors from MET and the Blueprint to provide oversight and direction on the work. Additionally, Valley Water has expressed an interest in joining and coordinating with the Blueprint on this investigation, a copy of the final scope has been shared for discussion.

Farmer to Farmer – Great Valley Farm Water Partnership

The delegates have agreed to focus on sediment remediation (dredging), given the current political dynamics, climate, and efforts already in motion. Their goals are action-oriented; the first one is to remove the excess sedimentation that has negatively impacted the ecosystem, drinking water quality, and water supply operations by obtaining the necessary permits and funding to fully restore the channels in the South Delta and the Clifton Court Forebay.

²¹ Request from Authority staff

San Joaquin Valley Water Collaborative Action Program (SJVW CAP)

Background

The CAP Plenary Group adopted work groups to implement the CAP Term Sheet²², 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 October 22 to continue discussions around what the next phase of the CAP would entail, discussions are ongoing associated with potential work products.

²² Request from Authority staff

APPENDIX A



October 9, 2024

The Honorable Buffy Wicks
 Assembly Select Committee on Permitting Reform
 1021 O Street, Suite 8140
 Sacramento, CA 95814

RE: Assembly Select Committee on Permitting Reform

Dear Chair Wicks:

The undersigned organizations represent a broad cross-section of California water including: public and private water agencies, wastewater providers, recycled water, agriculture, and business. We want to thank you for your leadership on this important issue, as well as the time and dedication of the members of the Assembly Select Committee on Permitting Reform (Select Committee), as we collectively work on innovative solutions to adapt California’s infrastructure and practices for climate change. We write specifically to emphasize the critical nature of including water supply development, treatment, and distribution in the conversations of the Select Committee. Permit reform, climate change, and housing are inextricably linked to water; without these generational investments in water, California will not be able to maintain its current way of life.

Building and Maintaining Water Infrastructure is Critical to our Future

In the face of climate change and population growth, water and wastewater providers have spent the last several decades planning and implementing solutions to create efficiencies, maintain and increase water supply, manage for floods, and respond quickly to climate-driven emergency situations. Private industry has also made major investments and implemented innovative practices to more efficiently utilize this limited resource. Adapting to climate change requires substantial rehabilitation and modification of existing water facilities and significant investments in new water infrastructure. As detailed in [California’s Water Supply Strategy](#) released by Governor Newsom’s Administration in August 2022, California must make a substantial number of new investments in water management, including significantly increase above and below-ground storage capacity to mitigate for our disappearing snowpack. In addition, new and enhanced conveyance facilities are essential for moving collected and stored water, connecting suppliers with different supply sources, transferring water among water users, recharging groundwater, and storing water for multiple purposes, including environmental purposes. Development of alternative water supplies – including recycled water and potable reuse, desalination,

Honorable Buffy Wicks, Chair, Select Committee on Permitting Reform
October 9, 2024

and stormwater management – will also be critically important to advancing California’s water and climate resilience.

While the need for water supply and flood protection infrastructure is evident, getting these critical projects approved and built can be a significant challenge. Even after the California Environmental Quality Act (CEQA) process is complete, the permitting process can be mired in delays caused by overlapping jurisdictions of state and federal agencies, confusion over what’s required for a completed application, and state agency and project applicant staffing issues. [See Attachment 1 for a breakdown of required permits for a dam retrofit project as an example. Other types of water-related projects involve similarly complex and lengthy permitting processes among multiple agencies, as well.] Local agencies have made, and continue to make, significant investments in these projects; according to the [Public Policy Institute of California](#) (PPIC), local funding accounts for about 84 percent of the funding for water supply development projects, with the State and Federal investments at 13 percent and three percent respectively. As delays occur, costs increase, and depending on the size of the project, delays can ultimately cost water rate payers and taxpayers tens of millions of dollars. This regulatory gridlock can also lead to worse environmental outcomes and delay projects that will benefit the environment. It is imperative that permitting processes provide the needed protections they are intended to without unduly delaying or preventing these critical investments in our future.

Permitting Must Look at the Watershed-Scale for Better Environmental Outcomes and Efficiencies

One way that permitting could be reformed to provide better outcomes for both the environment and infrastructure projects is to implement permitting at the watershed scale. Supporting climate adaptation will require watershed-scale management that benefits people, species, and ecosystems alike. The Public Policy Institute of California (PPIC) has released several reports emphasizing the importance of watershed-scale management. In [Advancing Ecosystem Restoration with Smarter Permitting](#), one of the key takeaways is that California needs to shift emphasis from single-species management to ecosystem-based management at the watershed scale. Another report, [Priorities for California’s Water](#), advocates for ecosystem-based management in order to improve ecosystem health for a wide range of benefits and ultimately because it is the most effective way to support protected species and prevent the need for further listings. Permitting agencies often work within a narrow lens when examining an issue within their purview, which can lead to outcomes that fail to consider the larger impacts of permitting decisions. By emphasizing a watershed-scale approach for permitting, water projects are likely to have a more significant benefit to both people and ecosystems.

The undersigned organizations appreciate your time and dedication to this critical issue as the State works toward climate adaptation. Attached to this letter are a few brief examples of permitting delays and challenges for your consideration as the Select Committee continues this important work. We are available for questions and appreciate your support.

Sincerely,

Julia Bishop Hall
Legislative Manager
Association of California Water Agencies

Alexandra Biering
Senior Policy Advocate
California Farm Bureau

Tricia Geringer
Vice President of Government Affairs
Agriculture Council of California

Jennifer Capitolo
Executive Director
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Kristopher M. Anderson, Esq.
Legislative Advocate
California Chamber of Commerce

Anthony J. Tannehill
Legislative Representative
California Special Districts Association

Jennifer Pierre
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cc: Honorable Members, Assembly Select Committee on Permitting Reform
Steve Wertheim, Staff, Assembly Select Committee on Permitting Reform
Jeff Bellisario, Executive Director, Bay Area Council Economic Institute
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SAN JOAQUIN VALLEY WATER

Collaborative Action Program

Plenary Group Meeting Agenda

Tuesday, October 22, 2024 | 3:00-5:00

Meeting Link:

<https://fresnostate.zoom.us/j/84901603839?pwd=IG8NyrKB3zsFAfbaFt09XwXUztaivl.1>

Meeting ID: 849 0160 3839

Passcode: 449729

Time	Item	Description
3:00	1	Call to Order - Sarah a. Review Agenda - Sarah b. Updates – Sarah
3:15	2	CAP Phase 3 – Update and Next Steps – Jim Kramer
3:30	3	SGMA and GSA Status and Next Steps – Paul Gosselin
4:05	4	Breakout Groups – All How can the CAP help support the successful implementation of SGMA?
4:20	5	Groundwater Recharge Status and Next Steps – Paul Gosselin
5:00	6	Adjourn – Ann



SAN JOAQUIN VALLEY WATER

Collaborative Action Program

Plenary Group Meeting Summary

October 22, 2024 | 3:00 – 5:00 PM

Participation

On October 22, 2024, the Plenary Group had 33 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.

Sarah & Ann will be on a panel at the Association for Women in Water, Energy, and Environment. They will be speaking about the future of water in California and the work being completed in CAP.

#2 CAP Phase 3 – Update and Next Steps

Following the survey that was sent to CAP Plenary members, a Phase 3 Priorities document was drafted based on the feedback received. This draft determines six focus areas for Phase 3, including synthesizing investments, improving consolidation and funding process, increasing and improving the reliability of water supply, advancing land repurposing options, developing a project prioritization tool, and advocating for increased funding.

In order to synthesize the investments from S2J2 into an integrated package, CAP will be focusing on one of the 16 subbasins in the Valley in a pilot to show how to integrate water supply, safe drinking water, and habitat with engagement from local organizations and stakeholders. The results of the pilot will be used to create a strategy for synthesizing investments across the Valley.

The Safe Drinking Water Caucus has been working on defining a list of how to improve the consolidation process and would like to meet with the State Board staff in November to start discussions on how they can jointly develop ideas for improving the process.

The next in-person CAP Plenary group meeting will be focused on bringing more details and starting the work on the six focus areas for Phase 3.

#3 SGMA and GSA Status and Next Steps

Paul Gosselin, DWR, gave an overview about SGMA and GSA status, and next steps. The first 10 years of SGMA were plan development, plan structure, organization of GSA's, and the completion of initial reviews. Going into 2025, the Department of Water Resources will be focusing on engagement with the subbasins and ensure they are on track towards achieving their goals.

The 5-year update of the GSPs will be coming later in the year. The basins will provide DWR with a performance evaluation of how they are implementing, and a determination will be issued. Periodic reviews will be held for critically over-drafted basins.

DWR has identified the need for significant additional funding for the GSA's and potential projects. Other challenges include land use changes due to the significant transition of irrigated farmland and the local impact for jobs and the environment. Climate change will also factor into the reliability of water. The State Water Project released a climate change analysis with a reliability report and showed a 14% reduction in reliability.

There was a discussion about the consolidation process and concerns about how long it takes to complete. The issue was acknowledged, and Paul highlighted the ongoing discussions between DWR and the State Board to address the drinking water and consolidation issues.

#4 Breakout Groups – How can the CAP help support the successful implementation of SGMA?

Participants were split into breakout groups to discuss the question: "How can the CAP help support the successful implementation of SGMA?"

The Plenary group briefly shared their thoughts:

- If 2025 is dry, address challenges with finding drillers to keep up with dry wells
- Help counties implement drought plans
- Share the success stories.....from all perspectives!
- If CAP can help on this bridging the divides and explaining the reality that there is not going to be much new water.... we are going to have to work together to keep the system from collapsing.
- Partner and leverage with state and federal aid in efforts of disaster response and recovery which can equally contribute to floodwater management, recharge and achieving our sustainability goals.
- Focus on impacts of following on farmers farmworkers, communities
- Continue to receive support from state in order to implement Land Flex and MBLR programs for land-repurposing as needed for future support.

- Exploring a full suite of funding sources for land repurposing, in particular corporate investment to leverage limited public funding to address land repurposing at scale--as long as it follows the guidelines of programmatic and durable approaches like MLRP.
- Engaging flood planning as it directly relates to capturing high flow events.
- Environmental groups are very interested in recovery the ability of natural systems to help with recharge. Let the rivers flood their recovered floodplains, but try to get state and federal help in owning, maintaining these lands so that it isn't a cost to the water districts.
- Need to fund more robust land conversion programs. Cost of converting land to a permanent alternative use like habitat and native plants is a major investment. Funding should support that.
- CAP can definitely help with funding for permanent land retirement, because it's going to have to happen. But along with that will be a lot of lost employment for these communities that we are all a part of, so we need to figure out how to help with that....

#5 Groundwater Recharge Status and Next Steps

DWR is prioritizing groundwater recharge, with a focus on high flood flows, temporary water right permits, and surface water storage. The 2023 floods were eye-opening for DWR, highlighting opportunities for flood diversions and recharge. The process for flood diversions was codified in SB 122, which had positive effects, but also some issues that DWR is working to clarify. A frequently asked questions document will be released in November to give more clarification on the process.

DWR is working with the State Board and CDFW to streamline the temporary water rights permit process. Improvements were made but the 2023 recharge amounts were lower than expected. There is an ongoing analysis to identify bottlenecks and improve water capture efficiency. A monitoring program is being created for the next five years in coordination with the State Board and Sustainable Conservation to evaluate areas that are the most vulnerable for water quality issues from recharge. There is a strong commitment from DWR and multiple other agencies to support SGMA implementation and ensure the intended results of the law come to pass.

#6 Upcoming In-Person Meeting November 18th & 19th

There will be an in-person CAP meeting at the El Capitan Hotel in Merced on November 18th & 19th. All CAP members are encouraged to attend to represent the diverse interests in the CAP, and further discuss the plan for phase 3. More details will be released in the coming weeks.