



MEMORANDUM

TO: SLDMWA Water Resources Committee Members and Alternates

FROM: Scott Petersen, Water Policy Director

DATE: November 7, 2022

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), which Authority staff is reviewing and coordinating with member agencies for potential engagement with Reclamation regarding the alternatives presented in the report. Currently, Reclamation is not anticipating accepting formal comments on the IAR, but instead will be accepting comments on the draft Environmental Impact Statement, which is anticipated to be released in December.

Current Milestones

- December 2022 – Proposed Action and Alternatives
- Early 2023 – Public Draft EIS/Biological Assessment
- February 2024 – Record of Decision

Exploratory Modeling

Concurrent with the development of the EIS and BA, Reclamation is conducting Exploratory Modeling to assist in the development of the Biological Assessment. The status of current modeling includes:

Modeled Variable Components

- Shasta Reservoir Coldwater Pool Management
- Folsom Flow and Temperature Management
- Old and Middle River Flow Management
- Head of Old River Barrier
- Summer and Fall Delta Outflow and Habitat

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

Modeling in Progress

- Spring Pulses and Delta Outflow
- New Melones Stepped Release Plan

Not Modeled

- Tributary Habitat Restoration
- Delta Habitat Restoration
- Georgiana Slough Non-Physical Barrier

Upcoming Coordination

- Reclamation will distribute/post the Initial Alternatives Report (IAR) for Interested Party consideration
- Reclamation does not intend to seek comments nor revise the IAR
- Agencies and Interested Parties may use the IAR to inform formulation of alternatives
- The public draft EIS will be the avenue for comments to Reclamation
- Cooperating agencies will receive an administrative draft of the EIS

State Water Resources Control Board (State Water Board) Activity

Water Unavailability Methodology and Revised Draft Emergency Curtailment Regulation Background

On August 3, 2021, the State Water Board adopted an [emergency regulation](#) authorizing the curtailment of diversions when water is determined to be unavailable at a water right holder's or claimant's priority of right. (Cal. Code Regs., tit. 23, §§ 876– 879.2.) The regulation was approved by the Office of Administrative Law and went into effect upon filing with the Secretary of State on August 19, 2021. The emergency regulation remains in effect for up to one year. The State Water Board plans to consider revision and re-adoption of this emergency regulation on July 20, 2022, in advance of the expiration date of the current regulation.

On April 19, 2022, the State Water Board released draft proposed revisions to the emergency regulation and methodology revisions and solicited public input on both in writing by May 19, 2022, and orally at a public workshop on May 12, 2022. Based on those comments, updates to the methodology and draft emergency regulation were developed.

On July 20, 2022, the State Water Resources Control Board (State Water Board) revised and readopted an emergency curtailment and reporting regulation for the Sacramento-San Joaquin Delta (Delta) watershed. The State Water Board has released a [Notice of Proposed Emergency Rulemaking](#)⁴ for the revised and readopted emergency regulation and has submitted the emergency regulation to the Office of Administrative Law (OAL) for review and approval.

The finding of emergency, informative digest, and fiscal impact statement associated with the proposed emergency regulation are available on the [Delta Drought webpage](#).

⁴ Available at <https://www.waterboards.ca.gov/drought/delta/docs/2022/2022-proposed-rulemaking.pdf>

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.⁵ 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 resolution⁶ 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)⁷ 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 include in the draft EIR.

⁵ Available at <https://water.ca.gov/-/media/DWR-Website/Web-Pages/Blogs/Voluntary-Settlement-Agreement-Meeting-Materials-Dec-12-2018-DWR-CDFW-CNRA.pdf>.

⁶ Available at https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2018/rs2018_0059.pdf.

⁷ Available at https://www.waterboards.ca.gov/public_notices/notices/20220715-implementation-nop-and-scoping-dwr-baydelta.pdf

In response to the release of the NOP, the Water Authority and member agencies provided scoping comments⁸.

Phase 2 Status: In the State Water Board’s resolution adopting the Phase 1 amendments, the Water Board directed staff to assist the Natural Resources Agency in completing a Delta watershed-wide agreement, including potential flow and non-flow measures for the Tuolumne River, and associated analyses no later than March 1, 2019. Staff were directed to incorporate the Delta watershed-wide agreement as an alternative for a future, comprehensive Bay-Delta Plan update that addresses the reasonable protection of beneficial uses across the Delta watershed, with the goal that comprehensive amendments may be presented to the State Water Board for consideration as early as possible after December 1, 2019.

On March 1, 2019, the California Department of Water Resources and the Department of Fish and Wildlife submitted documents⁹ 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.

Schedule

Biological Goals

Current Activities

- Completion of revisions based on public comment to produce a draft Final Biological Goals Report

Future Activities

- Winter/Spring 2022 – Release draft Final Biological Goals Report
- Winter/Spring 2022 – Public Workshop & comment
- Summer 2023 – Board consideration of adoption

⁸ See Appendix

⁹ Available at http://resources.ca.gov/docs/voluntary-agreements/2019/Complete_March_1_VA_Submission_to_SWRCB.pdf

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

Spring 2022 – Spring 2023

- Initiate CEQA process
- Draft environmental document and public comment
- Notice of draft regulation
- Final environmental document

Summer 2023

- State Water Board consideration of approval
- Notice of final regulation
- Submission to Office of Administrative Law

Sac/Delta Update: Key Milestones

- Early 2022: expected submittal of proposed voluntary agreement
- Winter – Summer 2022: development of Scientific Basis Report for any voluntary agreement, including public review and comment
- Fall 2022: Draft Staff Report public review and comment
- Winter 2023: Public workshop on Draft Staff Report
- Early Fall 2023: Response to comments and development of proposed final changes to the Bay-Delta Plan
- Late Fall 2023: 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 understanding¹⁰ that advances integrated efforts to improve ecosystem and fisheries health within the Sacramento-San Joaquin Bay-Delta. State and federal agencies also announced an agreement¹¹ 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

¹⁰ Available at <https://resources.ca.gov/-/media/CNRA-Website/Files/NewsRoom/Voluntary-Agreement-Package-March-29-2022.pdf>

¹¹ 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/>

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.

Delta Conveyance

Draft Environmental Impact Report

On July 27, the California Department of Water Resources (DWR) released the Draft Environment Impact Report (Draft EIR) for the Delta Conveyance Project.

The release of the Draft EIR gives the public an opportunity to formally weigh in on a proposed infrastructure project. The proposal follows Governor Newsom's direction in 2019 to downsize previous concepts for improving Delta conveyance.

The preliminary design of the proposed project and alternatives outlined in the Draft EIR reflect the work of the Delta Conveyance Design and Construction Authority (DCA), a joint powers authority of local public water agencies participating in the project.

The Draft EIR was prepared by DWR as the lead agency to comply with the requirements of the California Environmental Quality Act by evaluating a range of alternatives to the proposed project and disclosing potential environmental effects of the proposed project and alternatives, and associated mitigation measures for potentially significant impacts. No decisions will be made on whether to approve the project until the conclusion of the environmental review process, after consideration of public comments submitted on the Draft EIR and issuances of a Final EIR. At that time, DWR will determine whether to approve the proposed project an alternative or no project.

The documents are hosted on the Draft EIR website¹² along with accompanying informational materials that provide more information about the proposed project and the public review process, including public hearing details and commenting opportunities.

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

- [CMP 07-01 Project Management \(comments were due by 10/27/2022\)](#)

Draft Facilities Instructions, Standards, and Techniques (FIST)

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

¹² <https://www.deltaconveyanceproject.com>

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.

Delta Stewardship Council

Revised Draft Amendments to Administrative Procedures Governing Appeals

The Delta Stewardship Council announces the availability for public review and comment of revisions made after the Council's September 22, 2022 workshop to draft amendments to its Administrative Procedures Governing Appeals (Appeals Procedures). The revised draft amendments to the Appeals Procedures are available on the Council's website.

The Council's experience with appeals proceedings for **covered actions** in the past five years has identified areas where improvements, which were not foreseen when the Council first adopted the Appeals Procedures in 2010, could be made. The Council's 2019 **Five-Year Review of the Delta Plan** also highlighted the need for potential amendments to the procedures. These revised draft amendments were prepared in consideration of comments received on draft amendments circulated in December 2021 and subsequent comments received at a Council workshop on September 22, 2022.

On October 26, the Water Authority submitted comments on the draft amendments, which are included in the Appendix.

Water Blueprint for the San Joaquin Valley Activity

Background

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.

Strategic Priorities

The Blueprint's new board of 20 directors developed the following strategic priorities for 2022-2025, deliverables, actions, and timelines. The priorities focus on the following: Advocacy, Groundwater Quality and Disadvantaged Communities, Land Use Changes & Environmental Planning, Outreach & Communications, SGMA Implementation, Water Supply Goals, Governance, Operations & Finance.

The Blueprint Board has also identified quantifiable objectives, timelines for action and systems of accountability.

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

Vision Statement: *"The Water Blueprint serves as the united voice to champion water resource policies and projects to maximize accessible, affordable, and reliable supplies for sustainable and productive farms and ranches, healthy communities, and thriving ecosystems in the San Joaquin Valley."*

Large Group Meetings

Large Group Meeting: Large Group met October 12th at the Madera County Farm Bureau, speakers included Congressman Jim Costa to review recent federal action on drought relief and Professor David

Sunding PhD, reviewing the Economic Impact Assessment and Phase II to address reduction of those impacts.

Committees

Technical Committee

Infrastructure Advisor Villaraigosa has requested a list of priorities/projects supported by a valley wide coalition like the Blueprint. The Blueprint is helping coordinate a submittal of the requested priorities/projects. Those being discussed and suggested including fundamental regulation reform, conveyance facility repair, GSP project funding, climate adaptive improvements in the Delta and Sites/SLR raise.

Executive/Budget/Personnel

An executive director application and job listing was circulated to solicit applicants; Search Committee and Board have closed the existing search process and will be reviewing next steps.

Advocacy

The Blueprint is producing a trifold for highlighting the Blueprint pursuits and asks. The board has produced a response letter to the Governor's California's Water Supply Strategy, the letter attempts to address the opportunities and areas of improvement in the plan and the Blueprint is following up for a response to the request to engage on its implementation consistent with current discussion with Advisor Villariagosa.

Drinking Water Feasibility Study

A draft drinking water feasibility study proposal has been prepared by Fresno State/California Water Institute covers 5 counties within the San Joaquin Valley to identify 20 spots that are technically and financially feasible for groundwater recharge that have multiple benefits and specifically DACs with no other options but groundwater. State Contractors and SLDMWA are working with the participants to expand the study area and assist with finding funding. Current sponsors are Fresno State, FWA, Self Help, Sustainable Conservation and Leadership Council and are discussing funding opportunities with Senator Feinstein's office and DWR. Friant Contractors/managers have shared projects they are pursuing and ability to identify tangible and/or direct benefits to drinking water supplies.

San Joaquin Valley Water Collaborative Action Program (SJVW CAP)

The CAP is focused on coming to an agreement on a term sheet with an initial list of desired outcomes and potential solutions to water issues in the San Joaquin Valley. The Plenary group could not come to an agreement on the previous Phase I framework and decision document that was produced and is now focused on trying to come to an agreement on the CAP Term Sheet to move the collaborative effort forward into Phase II. Authority staff is coordinating with member agencies on comments to the draft Term Sheet, which is under discussion.

APPENDIX

San Luis & Delta-Mendota Water Authority



P.O. Box 2157
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October 26, 2022

VIA EMAIL

Delta Stewardship Council
715 P Street, Suite 15-300
Sacramento, CA 95814
Email: procedures@deltacouncil.ca.gov

Re: Comments – Revised Proposed Amendments to Administrative Procedures Governing Appeals

To Whom It May Concern:

The San Luis & Delta-Mendota Water Authority (“Water Authority”) submits the following comments on the Delta Stewardship Council’s revised proposed amendments to its Administrative Procedures Governing Appeals (“Appeals Procedures”).

First, the Water Authority thanks the Council for incorporating several of its suggestions into the revised proposed amendments. Most significantly, the Water Authority appreciates the revisions made in response to the concern regarding the potential for repeated, successive appeals. The Water Authority fully supports the proposed revision to add Paragraph 15.1. If adopted, Paragraph 15.1 will help prevent abuse of the appeals procedure, promoting substantive appeals and efficient use of the Council’s, certifying agencies’, and others’ resources. In addition, the Water Authority appreciates the clarification in the proposed revision that adds Paragraph 11, subdivision (f) that non-parties may make oral comment to the Council regarding an appeal in accordance with the Bagley-Keene Open Meeting Act.

Second, the Water Authority submitted suggestions in its March 2021 comment letter and again orally to the Council at its September 2022 meeting that have not been incorporated into the amendments and could further improve the amendments. The Water Authority suggests the adoption of the below, select revisions.

Revision to Paragraph 4, subdivision (c) as follows:

A certifying agency shall submit to the council, no later than **5 10** calendar days after receiving notice of an appeal pursuant to Paragraph 8, the record....¹

The Water Authority respectfully submits that five calendar days is too short a time given agency staffing issues and limited agency resources during weekends and holidays.

A new Paragraph 10, subdivision (c) as follows:

The council shall give the certifying agency the opportunity to respond to any requests to supplement the record submitted pursuant to this paragraph before the council makes its determination regarding the request.

The staff's presentation regarding the proposed amendments during the September 2022 Council meeting suggested that a certifying agency would already have the opportunity to respond to requests to supplement the record under the proposed amendments as then drafted, but this opportunity is not clear in the revised proposed amendments. The Water Authority suggests that the Council adopt the above suggested provision to bring clarity to the topic.

Similarly, a new Paragraph 29, subdivision (c) as follows:

The council shall give the certifying agency the opportunity to respond to any request for official notice of additional information submitted pursuant to this paragraph before the council makes its determination regarding the request.

Paragraph 29 allows any party to an appeal to submit a request to the Council to take official notice of additional information. Because this information is information that may not have been before the certifying agency at the time of certification, it is important to give the certifying agency an opportunity to respond to the request before the Council makes a determination.

In addition, the Water Authority has reviewed and supports the comments being submitted by the State Water Contractors, which also focus on the fair and efficient resolution of appeals, and incorporates them by this reference.

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¹ This excerpt incorporates the other proposed revisions in Paragraph 4, subdivision (c).

Revised Proposed Amendments to Appeals Procedures

October 26, 2022

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The Water Authority appreciates this opportunity to comment on the revised proposed amendments to the Appeals Procedures. If you have questions about our comments or would like to discuss ways we can help support the process, please contact me at (209) 826-9696 or contact our General Counsel, Rebecca Akroyd, at rebecca.akroyd@sldmwa.org.

Regards,



Federico Barajas, Executive Director

San Luis & Delta-Mendota Water Authority