



MEMORANDUM

TO: SLDMWA Water Resources Committee Members and Alternates

FROM: Scott Petersen, Water Policy Director

DATE: June 5, 2023

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.

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 has identified a few items to provide feedback to Reclamation, in coordination with member agencies and other CVP contractors.

Current Milestones

- June 2023 – Proposed Action and Alternatives
- June 2023 – Public Draft EIS/Qualitative Biological Assessment
 - The public draft EIS will be the avenue for comments to Reclamation
 - Cooperating agencies will receive an administrative draft of the EIS
- June 2023 – Next WIIN Act Quarterly Meeting
- September 2023 – Scheduled release of Quantitative 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 Proposed Action and Biological Assessment. As a part of this work, the

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

Benchmark model has been updated, with further updates to come. Current efforts are focused on modeling of the various alternatives, with a current focus on Shasta operations, with an expected completion date of June for the final NEPA alternative analysis.

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.⁴ 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 resolution⁵ 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)⁶ 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

⁴ Available at <https://water.ca.gov/-/media/DWR-Website/Web-Pages/Blogs/Voluntary-Settlement-Agreement-Meeting-Materials-Dec-12-2018-DWR-CDFW-CNRA.pdf>.

⁵ Available at https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2018/rs2018_0059.pdf.

⁶ Available at https://www.waterboards.ca.gov/public_notices/notices/20220715-implementation-nop-and-scoping-dwr-baydelta.pdf

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 comments⁷.

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 documents⁸ 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

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

- Summer 2023: Executive Director act on draft COP, compliance methods, and procedures for adaptive implementation
- Fall 2023
 - Scientific Basis Report for Tuolumne River VAs submitted for peer review
 - Draft Staff Report for Bay-Delta Plan amendment for Tuolumne River VA
 - Draft Regulation and Draft EIR in support of a regulation implementing Lower SJR flows and South Delta Salinity

⁷ Request from Authority staff

⁸ Available at http://resources.ca.gov/docs/voluntary-agreements/2019/Complete_March_1_VA_Submission_to_SWRCB.pdf

- Winter/Spring 2024
 - 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

- Spring 2023: Scientific Basis Report Supplement for Sacramento River/Delta Voluntary Agreements submitted for peer review after addressing public comments
- Spring 2023: Draft Sacramento River/Delta Update Staff Report public review and comment
- Spring/Summer 2023: Public workshop on Draft Staff Report
- Spring/Summer 2024: Response to comments and development of proposed final changes to the Bay-Delta Plan
- Summer/Fall 2024: 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 understanding⁹ that advances integrated efforts to improve ecosystem and fisheries health within the Sacramento-San Joaquin Bay-Delta. State and federal agencies also announced an agreement¹⁰ 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.

⁹ Available at <https://resources.ca.gov/-/media/CNRA-Website/Files/NewsRoom/Voluntary-Agreement-Package-March-29-2022.pdf>

¹⁰ 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, with the formation of a VA Science Workgroup to develop the framework of the VA's proposed Science program, as well as the recent formation of Scheduling and Funding workgroups to ensure that the program remains coordinated.

Tuolumne River Voluntary Agreement

Background

On December 12, 2018, the State Water Board adopted Bay-Delta Plan amendments and a Final SED establishing updated flow objectives on the Lower San Joaquin River, including its three eastside tributaries the Stanislaus, Tuolumne, and Merced Rivers (collectively "LSJR"), revised salinity objectives for the southern Delta, and programs of implementation to achieve the revised objectives.

In November, 2022, the State Water Board received a memorandum of understanding¹¹ for a proposed Tuolumne River Voluntary Agreement. To consider the proposed voluntary agreement, the State Water Board will need to also consider modifications to the Bay-Delta Plan and prepare a staff report to support those possible changes because the Tuolumne River Voluntary Agreement does not fully conform to the current provisions of the Bay-Delta Plan.

The State Water Board has not yet determined whether to approve changes to the Bay-Delta Plan to incorporate the proposed Tuolumne River Voluntary Agreement, but is commencing preparation of the staff report to inform its consideration. In developing its environmental documentation in the staff report, the State Water Board will tier, as appropriate, from the adopted December 12, 2018, Final SED for the LSJR and southern Delta update to the Bay-Delta Plan.

Notice of Preparation of Environmental Documentation and Scoping Meeting¹²

The State Water Resources Control Board (State Water Board or Board) will be the lead agency and is planning to prepare a staff report, including a substitute environmental document (SED) and a report documenting the scientific basis for consideration of potential updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan) to incorporate a proposed voluntary agreement for the Tuolumne River (Tuolumne River Voluntary Agreement). The State Water Board's water quality control planning program is a certified regulatory program under the California Environmental Quality Act (CEQA) meaning the program is exempt from requirements for preparing environmental impact reports, negative declarations, or initial studies because the SED is recognized under CEQA and the regulations implementing CEQA as providing the functional equivalent.

The State Water Board solicited input from public agencies, California Native American tribes, and members of the public on the range of project actions; reasonable alternatives; reasonably foreseeable methods of compliance; significant environmental issues; cumulative impacts, if any; and mitigation

¹¹ Available at

https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/docs/2023/revised-va-mou-swrcb-copy.pdf

¹² Available at

https://www.waterboards.ca.gov/board_info/calendar/docs/2023/notice_noptuolumneva_041123.pdf

measures that will reduce impacts to a less than significant level that should be considered in the potential Bay-Delta Plan update to consider incorporating the Tuolumne River Voluntary Agreement.

In response to the release of the NOP for the Tuolumne River VA, the Water Authority provided scoping comments.¹³

San Joaquin River Restoration Program

2023 Restoration Flows

On January 19, Reclamation issued the [initial allocation](#) for the 2023 water year, providing a total 556,542 acre-feet for Restoration Flows under a Wet year type. The Restoration Administrator, an independent body stipulated by the Settlement, has provided the initial Restoration Flow schedule. This schedule is now approved by Reclamation as being consistent with the Settlement, Restoration Flow Guidelines, and applicable water rights.

This schedule includes adjustments to Friant Dam releases to the San Joaquin River in February followed by gradually rising flows through the spring using available channel capacity. Restoration Flows decline in the summer but typically maintain connectivity throughout the Restoration Area. Restoration Flows increase again in autumn into winter to support salmon reproduction, incubation, and juvenile fry emergence.

The Restoration Flow schedule has been set to the following:

Date	Friant Dam Releases	Flows Rate at Gravelly Ford
February 10 – February 28	480 – 600 cfs as required to meet the flow target at Gravelly Ford	380 cfs
March 1 – March 31	Approximately 560 cfs	380 cfs
April 1 – April 30	Approximately 600 cfs	390 cfs
May 1 – May 21	Approximately 640 cfs	400 cfs
May 22 – May 31	Decreasing to approximately 440 cfs	Decreasing to 180 cfs
June 1 – July 29	Approximately 460 cfs	180 cfs
July 30 – October 31	Approximately 480 cfs	200 cfs
November 1 – December 31	Approximately 440 cfs	240 cfs

¹³ See Appendix

January 1 – February 6, 2024	Approximately 420 cfs	240 cfs
February 7 – February 29, 2024	Approximately 490 cfs	310 cfs

To view the Restoration Administrator Flow Recommendation, please visit https://www.restoresjr.net/?wpfb_dl=2713. For Information about Restoration Flows, please visit <http://www.restoresjr.net/restoration-goal/restoration-flows/>. For the Restoration Administrator recommendations, please visit <http://www.restoresjr.net/documentsreports/ra-recommendations/>.

Delta Conveyance

The Department of Water Resources (DWR) has committed to advancing further environmental planning and permitting activities, as well as public outreach and engagement, in 2023.

To help navigate the various permitting and regulatory compliance processes the project must complete prior to approval and/or implementation, DWR prepared a roadmap¹⁴ that outlines the major processes required for the Delta Conveyance Project.

The U.S. Army Corps of Engineers (USACE) issued a Draft EIS for the Delta Conveyance Project on December 16, 2022 for public review. This is a separate document and review process from DWR's Draft EIR public review process, and both are now closed. The Authority submitted a comment letter¹⁵ on the draft EIS.

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

- [FIN 07-21, Interest During Construction \(IDC\)](#) (comments due by 6/18/2023)

Draft Facilities Instructions, Standards, and Techniques (FIST)

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

Draft Reclamation Safety and Health Standards (RSHS)

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

¹⁴ Available at https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Delta-Conveyance/Public-Information/DCP_PlanningProcess_Roadmap_Jan2023_Final.pdf

¹⁵ Request from Authority staff

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

Hallmark is assisting with a reorganization of the work groups and committees to better drive results and has presented an initial modification to the organizational structure. Hallmark is facilitating the Blueprint's efforts to create a screening criterion for the identification of specific priorities to the San Joaquin Valley to be supported, pursued and accomplished.

Advocacy/Communications

The Communications committee is utilizing its operation plan for creating and disseminating Blueprint communications. Providence is preparing a scope for community outreach to be reviewed by the Board. The Advocacy committee is establishing a list of priorities and plan for future advocacy.

Activities

SJV/Delta Water Leaders' Summit

Blueprint coordinated and invited a select group of agricultural and water leaders from the San Joaquin Valley and the Delta region to meet and tour the Delta and SJ Valley. Due to the high flood risk in the Delta, the Planning Committee rescheduled the Summit meetings tentatively for November 2-3 to ensure that full attention is given to protecting life and property, and after harvest.

Drinking Water Feasibility Study - CSU Fresno State, FWA, Self-Help, Sustainable Conservation

The partners for the feasibility study are focused on identifying potential Fresno County districts/areas generally for recharge projects encompassing the Friant Place of Use boundaries. Initial modeling for Fresno State/California Water Institute has initially identified FID, Consolidated ID, Raisin City WD and North Fork Kings GSA for strong recharge potential. The group is focused on multi-benefits for recharge with a focus on drinking water with measurable results.

Unified Water Plan for the San Joaquin Valley

The Blueprint and California Water Institute held a kickoff meeting at ACWA to review the scope and initiate the joint development of a Unified Water Plan for the San Joaquin Valley as called for in the recently awarded Bureau of Reclamation grant. A copy of that scope is attached.¹⁶

San Joaquin Valley Water Collaborative Action Program (SJVV CAP)

Background

The CAP Plenary Group met on February 28 and approved the formation of work groups to advance the revised Term Sheet¹⁷, adopted on November 22, 2022. Phase II, Work Groups are beginning to meet and discuss priorities and drafting for their respective areas: Safe Drinking Water; Sustainable Water Supplies; Ecosystem Health; Land Use, Demand Reduction and Land Repurposing; Implementation.

Steering Committee members continue to meet to discuss the proposed budget and work with Reclamation regarding the requested funding.

The Plenary Group met on May 23, and the meeting summary is attached, as well as a presentation given to the Sustainable Water Supply Workgroup¹⁸.

¹⁶ See Appendix

¹⁷ Request from Authority staff

¹⁸ See Appendix

APPENDIX

San Luis & Delta-Mendota Water Authority



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May 25, 2023

VIA EMAIL

State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Email Submission: LSJR-SD-Comments@waterboards.ca.gov

Re: NOP Comment Letter – Tuolumne River Voluntary Agreement

Dear Members of the State Water Resources Control Board:

The San Luis & Delta-Mendota Water Authority (“Water Authority”) appreciates the opportunity to comment on the State Water Resources Control Board (“State Water Board”) Notice of Preparation of Environmental Documentation for Possible Amendment of the Water Quality Control Plan for the San Francisco/Sacramento-San Joaquin Delta Estuary to Incorporate Tuolumne River Voluntary Agreement (“Notice of Preparation”).

The Water Authority is a public agency with its principal office located in Los Banos, California. It was formed in 1992 as a joint powers authority, and has twenty-seven member agencies. Twenty-five of the Water Authority’s member agencies contract with the United States for the delivery of water from the federal Central Valley Project (“CVP”). Most of the Water Authority’s member agencies depend upon the CVP as the principal source of water they provide to users within their service areas. That water supply serves approximately 1.2 million acres of agricultural lands within areas of San Joaquin, Stanislaus, Merced, Fresno, Kings, San Benito, and Santa Clara Counties, a portion of the water supply for nearly 2 million people, including in urban areas within Santa Clara County referred to as the “Silicon Valley,” and millions of waterfowl that depend upon up to 200,000 acres of managed wetlands and other critical habitat within the largest contiguous wetland in the western United States. The operations of the CVP are therefore of vital interest and importance to the Water Authority, its member agencies, and the people, farms, businesses, communities, and wildlife refuges they serve. Because implementation of Water Quality Control Plan objectives will ultimately implicate operations of the CVP, thoughtful incorporation of the Tuolumne River Voluntary Agreement into the Water Quality Control Plan is of significant interest to the Water Authority and its member agencies.

The Water Authority views the Voluntary Agreements (“VAs”) as a paradigm shift in water management in the Bay-Delta watershed – a shift from a flow-dominant approach to one that recognizes the important ecosystem function that is provided by functional habitat paired with necessary baseline flows that can activate that habitat. Past regulatory processes incorporating a flow-dominant approach have failed to protect or restore the ecosystem function necessary to support the many life stages of Delta species. The Water Authority is optimistic that the VAs provide a more comprehensive approach that will protect and restore species, provide for more reliable water supply, and allow for flexibility to adapt management strategies for the changing environment. For these reasons, the Water Authority commends the State Water Board for its willingness to amend the Bay-Delta Plan to accommodate VAs.

The Tuolumne River VA includes habitat restoration commitments such as spawning and rearing habitat improvements. (NOP at p. 7.) The benefits of such projects should be evaluated on a programmatic level with a focus on their proportional contribution to meeting the Bay-Delta Plan objectives.

Lastly, the scope of the analysis of the Tuolumne River VA must include the potential impacts or interactions it may have with other VA actions more specifically, and CVP operations more generally. For example, if implementation of the Tuolumne River VA impacts other VA parties’ ability to implement their own VAs, that could create direct, indirect, and/or cumulative environmental effects, such as on water quality or agricultural resources, (NOP at pp. 7-8) that must be analyzed.

Regards,



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Unified Water Plan for the San Joaquin Valley

Scope of Work

Lead: California Water Institute

Task 1: Project Administration

This objective includes the overall contract administration including contracting, billing, and financial reporting to meet Reclamation’s requirements.

Subtask 1.1 – Study Initiation

The Team shall prepare a Memoranda of Agreement (MOA), plan of study, and other project initiation activities.

Subtask 1.2 – Study Management

The Team will manage the development of the study, including monitoring and reporting on progress, budget, schedule, and work products. The Team will conduct regular project coordination meetings and activities with Reclamation.

Task 2: Stakeholder Engagement and Participation

This objective outlines how stakeholders throughout the Valley will be engaged in the development of the Report.

Stakeholder outreach and engagement on the status of the Report will be accomplished through established and ongoing stakeholder forums, including Blueprint Technical workgroup meetings; briefings to farm bureaus, water management agencies, commodity groups; and other outreach activities separately initiated by the Blueprint and other regional stakeholders. In addition, outreach will include discussions with state and federal agencies and non-governmental organizations that are actively working on water management issues in the Valley.

Task 3: Report Introduction

Subtask 3.1 Reasons for the report Update

Subtask 3.2 Consideration Factors

Subtask 3.3 Overview of 2016 report

Task 4: Defining Problems, Needs, and Opportunities

This objective outlines the steps necessary to develop the initial understanding of the severity of water management problems in the region and describe the range of needs and potential opportunities related to the topics identified in PL 111-11.

Subtask 4.1 – Describe Existing and Future Conditions with No Action

Compile and review existing information to describe the future condition with no planned action. To the greatest extent possible, existing, and future conditions will be described using readily available information including, but not limited to:

Unified San Joaquin Water Plan – Report

- Local GSP submitted to DWR
- Preliminary assessments of water supply and demand imbalances prepared by PPIC and DWR
- Identification of predictable changes in the future that will affect water supply such as the San Joaquin River Restoration and population growth
- Economic assessments prepared by PPIC
- Economic analyses by Professor David Sunding prepared for the Blueprint

To the extent possible with existing information, this objective will also describe how foreseeable and potential changes, such as the Voluntary Agreements and San Joaquin River Restoration, affect the water shortages. It also will identify the economic and social impacts if no imported supplies are brought to the Valley, and only regional trading of groundwater is facilitated.

Subtask 4.2 – Describe Range of Needs and Opportunities

Based on information gathered in Objective 3.1, and in coordination with the Blueprint participants and other stakeholders, the range of needs for the topics addressed in Objective 3.1 will be described. This will include descriptions of opportunities for solutions to address multiple objectives and the range of participants required for their implementation.

This subobjective will also include preparing a statement of planning objectives, and will summarize water needs in each sub-basin, including existing water shortages, and unmet water needs in rural communities. This subobjective will also summarize the quantity of local supplies that could be reasonably captured and will describe the remaining projected water shortage in each subbasin after the implementation of plausible projects specified in GSPs.

Task : 5 Compile Measures to Address San Joaquin Valley Needs

This objective outlines the steps necessary to gather existing project concepts, evaluate concepts for completeness, group them into portfolios to address the problems, range of needs, and range of opportunities identified in Objective 3.2.

Existing information that will be used to identify potential measures include:

- Flood stages, and corresponding flows for each San Joaquin Tributary and projections of peak flood events from DWR
- Subbasin-level assessments of currently unused high flow water derived from CDEC data
- Estimates of additional Delta supplies utilizing models developed for the Blueprint
- Identification at a subbasin-level opportunities for increased use of local supplies, the need for increased groundwater recharge, and the projects that have been proposed in GSPs

Subtask 5.1 – Initial Project Concept Identification

Unified San Joaquin Water Plan – Report

Existing studies and reports will be reviewed to identify potential project concepts that have been developed to address the topics identified in PL 111-11. Reports will include GSPs, IRWMPs, the SJRRP Investment Strategy, potential projects identified by stakeholders, and potential projects developed through the Blueprint. It is anticipated that existing reports and studies will provide information to support the following project concepts:

- Development of a conceptual environmental plan and estimation of environmental water needs by subbasin
- List of potential projects to increase a portion of uncaptured surplus water in the Sacramento-San Joaquin Delta and estimated yield of such projects
- Identification of areas potentially suitable for groundwater recharge projects
- Pre-feasibility descriptions and assessments of potential surface water storage projects
- Identification of potential water conveyance projects
- Identification of potential flood mitigation projects
- Identification of potential brackish water reclamation projects

Information regarding the proponents, potential beneficiaries, outputs, and costs will be compiled from existing sources and locations of compiled projects will be shown on maps.

Subtask 5.2 – Initial Project Completeness Evaluation

The compiled list of potential project concepts will be evaluated using a variety of criteria including project size, scale of benefits, costs, location, and potential implementing entities. Additional project concept criteria including water rights, environmental regulatory requirements, and identification of other uncertainties will also be evaluated.

For each project identified, the following information will be summarized based on existing information:

- The availability and level of detail of engineering designs and cost estimates
- Estimated project benefits, both quantity of output and value
- Environmental resources considerations, including potential adverse and beneficial effects
- Regulatory compliance that will be required to implement the project
- Identify and address uncertainties

Subtask 5.3 – Describe Potential Portfolios to Address Identified Needs and Objectives

The list of initial projects concepts developed in Subobjective 4.2 will be grouped into potential portfolios that could potentially meet the range of needs identified in Subobjective 3.2. The potential portfolios will be evaluated on how they meet the needs identified for the following topics: water quality; water supply (both surface, groundwater); water conveyance; water reliability; water conservation and efficient flood control; water resource-related environmental enhancement; and population

Unified San Joaquin Water Plan – Report

growth. Potential portfolios will be evaluated based on a broad set of criteria, to be developed by the Team.

Subtask 5.4 – Water Plan Implementation Approach

The Report will describe an implementation approach to increase the level of detail for a subset or all the potential portfolios identified in Subobjective 4.3. The implementation approach will include a broad set of criteria to evaluate projects within the potential portfolios. The Report will also identify roles of potential participants in the implementation of recommended portfolios, such as the Blueprint, GSAs, Federal agencies, and State agencies.

Task 6: Draft and Finalize Report

This objective includes documenting the information gathered in Objective 3 and Objective 4 in a single Water Plan Report. This Report will meet the requirements of PL 111-11 and will be ultimately delivered to Congress.

Subtask 6.1 – Draft and Finalize Report

The Draft Report will be developed using the information developed in Objective 3 and Objective 4. The Draft Report will identify for each potential portfolio the potential role for Reclamation’s participation in the implementation. The Draft Report will be provided to Reclamation for review by the CGB Regional Office, the Commissioner’s Office, the Secretary of the Interior’s Office, and any other applicable federal agencies and/or offices. Comments received during each review will be incorporated into the Final Water Plan Report, which will be submitted to Congress.

The Report will address the criteria identified in PL 111-11 as follows:

- Water quality issues in each subbasin will be addressed by evaluating how new inter-regional projects will affect groundwater quality in subbasins
- Water Supply will be addressed in detail and will be the primary focus of the Report
- Water Conveyance analysis will include identifying facilities that may be beneficial in redistributing available new water supplies to storage and other beneficial uses in the Valley
- Water reliability will be addressed through the implementation of groundwater storage and banking
- Water use efficiency and conservation will be addressed by identifying programs already being implemented and planned in the Valley
- Flood control and mitigation will be addressed by identifying a general strategy for each subbasin, with a focus on how flood flows could be captured in local recharge facilitates, the quantity that could be captured through reservoir reoperation, how much could be diverted through new or existing conveyance facilities to other watersheds, and the extent to which downstream flood conveyance capacity could be expanded

Unified San Joaquin Water Plan – Report

- Water resource-related environmental enhancement opportunities will be identified at a conceptual level
- Population growth will be described using existing population projections, and highlight locations in the Valley, if any, where population projections may lead to water shortages with full SGMA implementation

Criteria for Groundwater Recharge Site Selection

- Disadvantaged Communities
 - o Disadvantaged Communities (80% of state median household income, \$67,278 - \$50,458)
 - o Severely Disadvantaged Communities (60% of state median household income, less than \$50,458)
- Number of individuals served in DAC
 - o Census blocks with highest number of people residing in rural area
- Number of wells
 - o Domestic wells providing drinking water
- Risk of Dewatering
 - o Groundwater level changes from 2018 to 2022
- Soil Texture/Infiltration Rate
 - o Soil Agriculture Groundwater Banking Index Score
- Depth of Groundwater
 - o Current Groundwater Depth
- Land cover, Land use
 - o Crop type/idle, focused on idle land and annual crops
- Groundwater Quality
 - o SAFER Groundwater quality risk assessment

SAN JOAQUIN VALLEY WATER COLLABORATIVE ACTION PROGRAM
Plenary Group Meeting
Notes

May 23, 2023 | 3:00 pm - 5:00 pm

Participation

The May 23, 2023, Plenary Group meeting had 29 members participate in the discussion, all five caucuses were represented.

Agenda Item #2 Additions to the Agenda

No additions were made to the agenda.

Agenda Item #3 Work Group Updates

a. Safe Drinking Water

Tami McVay from Self-Help Enterprises (SHE) Emergency Services attended the last work group and discussed the current well drilling backlog Self-Help faces and the most significant issues (cash flow and level of funding). Nine hundred wells are eligible for well replacement funding from SHE of 1600 on the well drilling backlog. The remaining 700 wells do not meet the SHE program criteria because of income levels, serving more than one household, or other reasons. SHE needs additional funding for about 250 wells (about \$60,000 per well would be about \$15 million in additional funds). The workgroup is discussing potential solutions at its next meeting.

b. Sustainable Water Supply

The workgroup focuses on three elements; data analysis in valley resources (Jenny Marr provided some estimates and recharge potential through the FloodMAR Program) and evaluation of water supply projects. The workgroup has requested a presentation from Julie Zimmerman regarding diverting river flows when diverting water for multiple uses. Jason and Ric are meeting with Greg Gartrell to explore ways to build on the PPIC delta flow analysis consistent with the CAP Term Sheet.

c. Ecosystem Health

Ann provided an update on the Multi-benefit Land Repurposing Program (MLRP) funding and its status in the budget. The 20 million dollars reduced provisional allocation was removed from the Governor's budget for later consideration under the ongoing bond effort. At the last workgroup meeting, Julie Rentner provided an overview of the "Central Valley Joint Venture 2020 Implementation Plan," a conservation strategy focusing on California

bird habitat. The Plan identifies refuge water supplies and what strategies have and have not been working. The workgroup is planning to develop the needs for environmental water supplies and convene a working session with the Water Supply workgroup. The Ecosystem workgroup is also focused on near-term actions to manage invasive aquatic weeds better.

d. Land Repurposing and Demand Reduction

The workgroup briefly discussed the Multi-benefit Land Repurposing Program (MLRP) funding and its status in the budget. The 20 million dollars reduced provisional allocation was removed from the Governor's budget for later consideration under the ongoing bond effort. EDF is working on drafting a sign-on letter like the MLRP letter that CAP drafted for individuals to sign on to put money back into the budget dedicated to MLRP. Abby Hart from TNC presented on work they are doing in the Tule Basin using MLRP funding.

e. Effective Implementation

The workgroup is on standby.

Agenda Item #4 Breakout Group

The meeting participants were put into small breakout groups to discuss their ideas for a near-term action that CAP could take to benefit better Valley water management.

Some of the ideas were:

- Letter to the governor regarding groundwater quality analysis and how the recent flooding could affect small, rural, and domestic well communities.
- Need for money near-term to solve problems and difficulty accessing large sources of funds at the state and federal levels.
- Put together a list of priorities that could go into the climate bond and what we could support collectively, submit recommendations through caucuses, and support as a group.
- Compiling lessons learned and how water was managed during this wet year, looking at what worked and didn't, and prioritizing best practices across the group.
- Demonstrate support for Governor's initiative to speed up infrastructure improvements and look at how we can back his proposal. Working with CAP could highlight water infrastructure needs.

Agenda Item #5 Updates

a. Bureau of Reclamation Funding

The Bureau of Reclamation staff have identified a funding source for the \$750,000 earmark for CAP which will not require reimbursement or match. The Steering Committee is reviewing the scope of work to be shared with the BOR. Laura Ramos

reported on the Unified San Joaquin Valley Water Plan, a contract recently awarded to the California Water Institute for just under one million dollars.

b. Executive Order Letter to Governor

The draft letter to the Governor regarding his groundwater recharge executive order has gone back to the Steering Committee for revision. Some concerns were raised regarding water quality monitoring. Sustainable conservation, DAC advocates, and Justine Massey are working to address the water quality monitoring items, their effect on its constituents, and how additional recharge will affect vulnerable communities. The Steering Group intends to get the letter out as quickly as possible and will send it out to the Plenary Group members with their names attached if they support the letter.

c. In-person Meeting June 16, 2023, at Hotel Mission de Oro

An in-person meeting will be held at Hotel Mission de Oro in Santa Nella on Friday, June 16, 2023, from 10:00 AM to 3:00 PM. The meeting will focus on more challenging topics raised by the workgroups that could benefit from an in-person discussion. The agenda is being developed and will be shared with the group as it becomes available.

Agenda Item #6 Accelerating Restoration in the San Joaquin Valley with Efficient Permitting

Stephanie Falzone, Sustainable Conservation, briefed the Plenary Group on a recent success for accelerating restoration in California. Her presentation was provided with this meeting summary.

Developing an expedited permit process helps restoration advocates move forward to restore streams, rebuild habitat, and reduce soil erosion to boost clean water and wildlife without sacrificing critical environmental protections. California has ambitious plans for ecosystem restoration, and this permit process helps get more beneficial projects done faster while keeping available funding focused on getting projects built.

For additional information, please visit the following sites:

<https://suscon.org/project/simplified-permitting/>

<https://suscon.org/technical-resources/>

<https://youtu.be/nDIHJLvl9VI>

<https://coastalres.wpengine.com/project/california-network-video-library/>

<https://suscon.org/restoration-updates/>

**DISCLAIMER: This is a summary of the meeting and is based upon the written notes, and memory of individuals from the SJV WATER COLLABORATIVE ACTION PROGRAM. The notes are intended to capture only the main points made in the meeting, and they reflect comments on work-in-progress. The notes do not imply a specific opinion or commitment from any individual or organization represented in the meeting. If any individual has comments or changes please email Elijah Banda, ebanda@mail.fresnostate.edu.*

Accelerating Restoration in the San Joaquin Valley with Efficient Permitting



Photo courtesy of River Partners

Stephanie Falzone | Senior Project Manager
Accelerating Restoration | Sustainable Conservation

May 23, 2023

San Joaquin Valley Water Collaborative Action Program Plenary





**HABITAT LOSS and SPECIES
DECLINE**

**WATER QUALITY and
QUANTITY**



DROUGHT and DELUGE

Desired Outcome: Increase Floodplain and Other Ecosystem Habitats



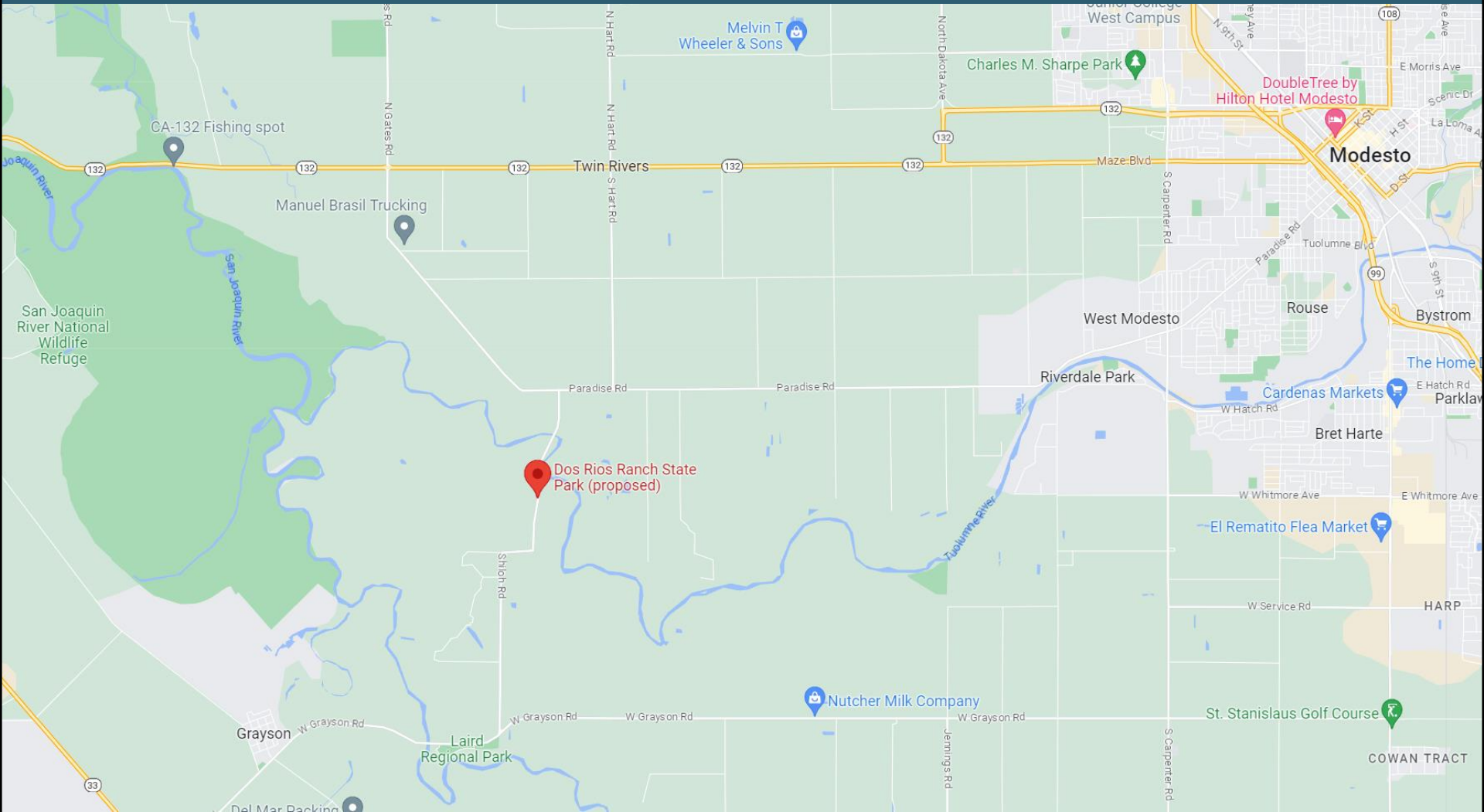
Example Project: Dos Rios Ranch Preserve



RIVER
PARTNERS



Tuolumne
River Trust



Example Project: Dos Rios Ranch Preserve



RIVER
PARTNERS



Tuolumne
River Trust



Photos courtesy of River Partners

Flood risk reduction

Groundwater recharge

Water quantity and quality



Photo courtesy of River Partners

Habitat for imperiled species



Monarch butterfly
Photo courtesy of River Partners



Salmonids



Least Bell's vireo



Riparian brush rabbit

Empowering Communities

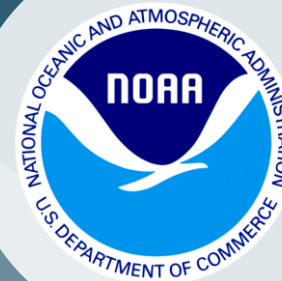


(Right) Contract workers and Conservation Corps employees, work on Dos Rios in June of 2018.





**US Army Corps
of Engineers®**



County



**CEQA &
NEPA**



STATE WATER RESOURCES CONTROL BOARD
REGIONAL WATER QUALITY CONTROL BOARDS

setting
restoration
on a separate
path from
development



PROGRAMMATIC PERMITS

Pre-written permit for qualifying projects



- Clear requirements = accelerates planning
- Predictable timelines = regulatory certainty
- Time/\$ savings = more \$ for on-the-ground work



From Elkhorn Slough to Statewide

**Partners in
Restoration**



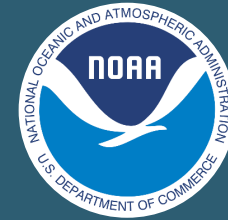
From Elkhorn Slough to Statewide



**Estimated
\$7-\$17
million in
savings**

From Elkhorn Slough to Statewide

**Statewide
Permitting
Initiative
(2017-
2022)**



CALIFORNIA'S PROGRAMMATIC PERMITTING TOOLBOX

Completed 2006-2018



General Order
(SHRP)
Small Projects



CatEx 15333
Small Projects



HREA
Small Projects



Programmatic BOs



CDs for NOAA
Programmatic BOs

NEW!



General Order
Larger Projects



SRGO PEIR or
CDFW SERP



Programmatic BO



Federal ESA
Coverage



Restoration CD or
Restoration
Management Permit

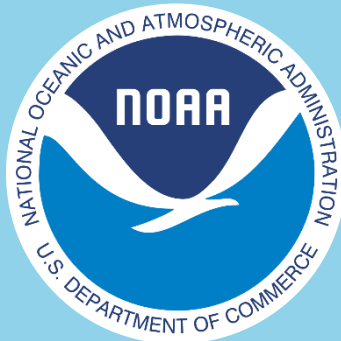
NEW STATEWIDE PERMITS



Sustainable Conservation

Federal

State



US Fish and Wildlife Service Statewide Programmatic Biological Opinion (PBO)

Statewide Restoration General Order (SRGO) and CEQA PEIR

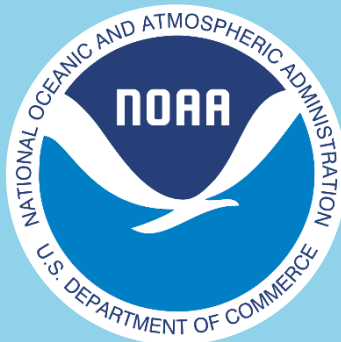
NEW STATEWIDE PERMITS

- Cover larger projects
- Projects with multiple benefits
- Coordinated between state and federal agencies



Federal

State



Eligible Categories of Project Types

1. Improvements to stream crossings and fish passage
2. Removal of small dams, tide gates, flood gates, and legacy structures
3. Bioengineered streambank stabilization
4. Restoration and enhancement of off-channel and side-channel habitat
5. Water conservation projects
6. **Floodplain restoration**
7. Removal or remediation of pilings and other in-water structures
8. Removal of invasive species and revegetation with native plants
9. Establishment, restoration, and enhancement of tidal, subtidal, and freshwater wetlands
10. Establishment, restoration, and enhancement of stream and riparian habitat and upslope watershed sites





CUTTING GREEN TAPE REGULATORY EFFICIENCIES FOR A RESILIENT ENVIRONMENT

November 2020



Cutting the Green Tape at CDFW



Brad Henderson
Environmental Program Manager

CALIFORNIA'S PROGRAMMATIC PERMITTING TOOLBOX

Completed 2006-2018



General Order
(SHRP)
Small Projects



CatEx 15333
Small Projects



HREA
Small Projects



Programmatic BOs



CDs for NOAA
Programmatic BOs

NEW!



General Order
Larger Projects



SRGO PEIR or
CDFW SERP



Programmatic BO



Federal ESA
Coverage



Restoration CD or
Restoration
Management Permit

Where to get more info

- suscon.org/technical-resources
- Links to permit documents and guidance docs
- Email us at restoration@suscon.org
- Sign up for email newsletter

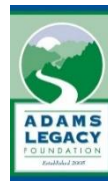
The screenshot shows the 'TECHNICAL RESOURCES' page on the Sustainable Conservation website. The page features a navigation bar with links for 'ABOUT US', 'OUR WORK', 'TECHNICAL RESOURCES', 'EVENTS', 'BLOG & NEWS', and 'WAYS TO GIVE'. Below the navigation bar, there is a sub-navigation bar with links for 'Wildlife Habitat Restoration', 'Central Coast Water Conservation', 'Water Sustainability', 'Dairy Industry Sustainability', 'Non-Invasive Plants for California', 'Policy', and 'Eliminating Copper from Brake Pads'. The main heading is 'TECHNICAL RESOURCES', followed by a sub-heading: 'We encourage our business, government, farming and non-profit partners to utilize the following technical resources in helping meet their sustainability goals, mandates, and missions.' The page is divided into two main sections: 'WILDLIFE HABITAT RESTORATION' and 'Sustainable Conservation Sponsored Permits & Authorizations'. The 'WILDLIFE HABITAT RESTORATION' section includes a large image of fish in a stream, a 'Permitting Guidance' section with links to 'Resources for practitioners to accelerate habitat restoration projects state-wide', 'Programmatic Permits Available for Habitat Restoration', and '10 Tips for Restoration Permitting Success'. It also features a 'Habitat Restoration & Enhancement (HRE) Act' section with links to 'Expedited review for restoration projects', 'Fact sheet', 'Application Guidance', 'HRE Act Informational Video', and 'HRE Act Training Videos for Applicants (Playlist)'. The 'Sustainable Conservation Sponsored Permits & Authorizations' section lists various permits and authorizations, including 'California Coastal Commission: North & Central Coast | South Coast', 'National Marine Fisheries Service: North Coast | Central Coast | South Coast', 'U.S. Fish and Wildlife Service: Statewide Restoration Programmatic Biological Opinion', and 'Reports' such as 'Creating a Statewide Program for Voluntary Restoration on Private Lands' and 'Voluntary Payment for Ecosystem Services (PES) Programs: Results of our Mokelumne River PES pilot program'.

Coming soon...

Accelerating restoration website!

The screenshot shows the 'ACCELERATING RESTORATION' website. The page features a navigation bar with links for 'HOME', 'FIND PERMITTING PATHWAYS', 'EXAMPLE PROJECTS', 'MORE RESOURCES', and 'ABOUT US'. The main heading is 'ACCELERATING RESTORATION', followed by a sub-heading: 'Tools and resources for restoration project permitting'. The page features a large image of a wetland landscape with a winding river. The Sustainable Conservation logo is visible in the top right corner.

STATEWIDE INITIATIVE FUNDERS



THANK YOU!

Stephanie Falzone

Senior Project Manager

Accelerating Restoration

Email me at: sfalzone@suscon.org

Call me at: 415-977-0380 x350

Email the team at: restoration@suscon.org



Sustainable Conservation