

V1.

MET BAY DELTA COMMITTEE: Update on interim operations plan for SWP/CVP, voluntary agreements

 mavensnotebook.com/2021/12/01/met-bay-delta-committee-update-on-interim-operations-plan-for-swp-cvp-voluntary-agreements/

Best of the Notebook June 17, 2021 161

December 1, 2021



At the November meeting of Metropolitan's Bay-Delta Committee, Bay-Delta Initiatives Manager Steven Arakawa briefed the committee members on recent communications from elected officials and others regarding the operations of the federal and state water projects and the voluntary agreements.

12



He began with a brief background. Four key operating regulations govern the State Water Project:

- the federal Endangered Species Act through the biological opinions approved in 2019;
- the California Endangered Species Act through an Incidental Take Permit approved in 2020;
- the Bay-Delta Water Quality Control Plan, last updated in 2006, currently under review by the State Water Board; and
- Water Rights Decision D-1641, issued by the State Water Board.

These regulations deal with different operating aspects of the water projects, such as upstream Shasta Reservoir temperature management and other operational aspects in the Delta, including export constraints.

There are some overlaps between the regulations; in particular, there are some differences between the federal biological opinion in 2019 and the state incidental take permit under the state Endangered Species Act, so part of the task is how to align those so the projects can operate more effectively and more efficiently, he said.

Additionally, water agency partners have been working with the state of California for several years to develop an alternative that the State Water Board might consider as it takes up the decision on updating the Bay-Delta Water Quality Control Plan in a process known as the voluntary agreements.

Interim operations

The Bureau of Reclamation has reinitiated consultation on the biological opinions, but in the meantime, project operations must still have 'take' authorization. The 2019 biological opinion is in place right now but is being litigated in court. Unless the court modifies it, those

are the governing rules for operating the two water projects in terms of the federal Endangered Species Act,

“The federal government and the state have developed an interim set of operating criteria that they would look to implement in the year 2022 as they move forward on consultation, but particularly as they deal with drought conditions,” said Mr. Arakawa. *“Operations would, in some way, have to be implemented either through permits or some other means, such as through court order. The nature of the interim ops is how do the agencies go forward and implement these actions because they have not gone through any environmental process or permitting.”*

Interim Operations Plan

Term Sheet: Interim Operation Plan issued on September 27, 2021 by Federal and State Government and includes:

Near-Term Interim Operations (approximately 1 year)

- Changes in Shasta Reservoir operations
- Changes in Federal Project export operations
- New spring outflow
- Excess Flow Requirements Modified (March –June)

Long-Term Consultation Process

- New operations goal statement (viability and distribution)
- Consultation timeline

The interim plan includes near-term criteria for Shasta Reservoir operations to provide temperature control and temperature protection downstream of Shasta Reservoir and the Sacramento River, new spring outflow compared to the 2019 biological opinion, and other changes to aspects of export constraints. Long-term criteria include establishing a goal statement for species viability and distribution and a timeline for the consultation.

“For Old and Middle River, keep in mind that the State Water Project is currently governed by the incidental take permit, and for the most part, the State Water Project regulations will still be controlling for the operation of the State Water Project and the water supply that we get,” said Mr. Arakawa.

“The key thing that Metropolitan and the state water contractors are looking at is any implications for Shasta reservoir operations and whether any of that operation actually has an impact on Oroville reservoir.”

Complexities of Interim Operations



2019 Biological Opinions contain drought planning and response actions



Changes in project operations require compliance with environmental permitting requirements



Changes in project operations without appropriate permitting can have unintended environmental consequences



WIIN Act requires that federal agencies include water contractors in the consultation

Bay-Delta Center of Excellence

March 19, 2018

Mr. Arakawa said it's complex in that the state and federal regulations are different. *"The 2019 biological opinions that are in place now do contain drought planning and operational response provisions, so it could be that anything that gets implemented is under the current 2019 Biological Opinion,"* said Mr. Arakawa. *"But we don't know for sure. We don't know yet whether that is what is intended by the state and the federal government; that will play out as things go forward and possibly through the litigation process."*

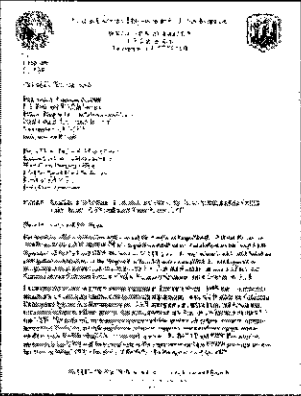
Depending on the degree of the changes, an environmental analysis is required to review the effects on the species for any change in operations compared to the 2019 biological opinions and any permitting necessary to allow for those changed criteria. Also, whenever changing any kind of operations in the Delta, the effects on other environmental resources must be considered. So having that analysis is really key, he said.

Letters were sent by both Democrats and Republicans. *"The message in those letters was making sure that those effects are fully analyzed and disclosed,"* said Mr. Arakawa. *"The federal WIIN Act approved back a few years ago and sponsored by Senator Feinstein requires that federal agencies include water contractors in the consultation. So another thing in the letters is making sure that the water agencies that are part of the CVP and SWP system are able to participate in these consultations based on the WIIN Act authority that was passed by Congress."*

Long-term operations

Reinitiation of Section 7 Consultation

Long-Term Operations for Central Valley Project and State Water Project




- **January 2021** President Executive Order 13990 Issued: "Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis"
- **May 2021** Federal Government Agencies¹ responded via written response acknowledging a process to "reconcile" BiOps 2019 with State's permit (ITP) was underway
- **Oct 1, 2021** US Bureau of Reclamation Initiated consultation of long-term Operations of both federal and state project
- **Oct 5, 2021** MWD submitted letter requesting Water Infrastructure Improvement (WIIII) act participation in Reinitiation

¹US Fish and Wildlife Services (USFWS), National Marine Fisheries Service (NMFS) and US Bureau of Reclamation (BUREAU OF RECLAMATION)
 By: [Name]

In January of 2021, President Biden issued an executive order to review regulations that had been approved during the previous administration. In May of 2021, the federal agencies responded, acknowledging the need to reconcile the 2019 biological opinions and the state's Incidental Take Permit under the California Endangered Species Act.

On October 1, Bureau of Reclamation Regional Director Ernest Conant sent a letter to the US Fish and Wildlife Service and the National Marine Fisheries Service reinitiating consultation on the long-term operations of the state and federal water projects.

Metropolitan and other water contracting agencies also submitted letters to the federal government agencies requesting participation under the WIIN Act provisions.



Overview: Reinitiation of Section 7 Consultation Long-Term Operations for Central Valley Project and State Water Project

Initiate or Reinitiate Consultation

Biological Assessment

Biological Opinion

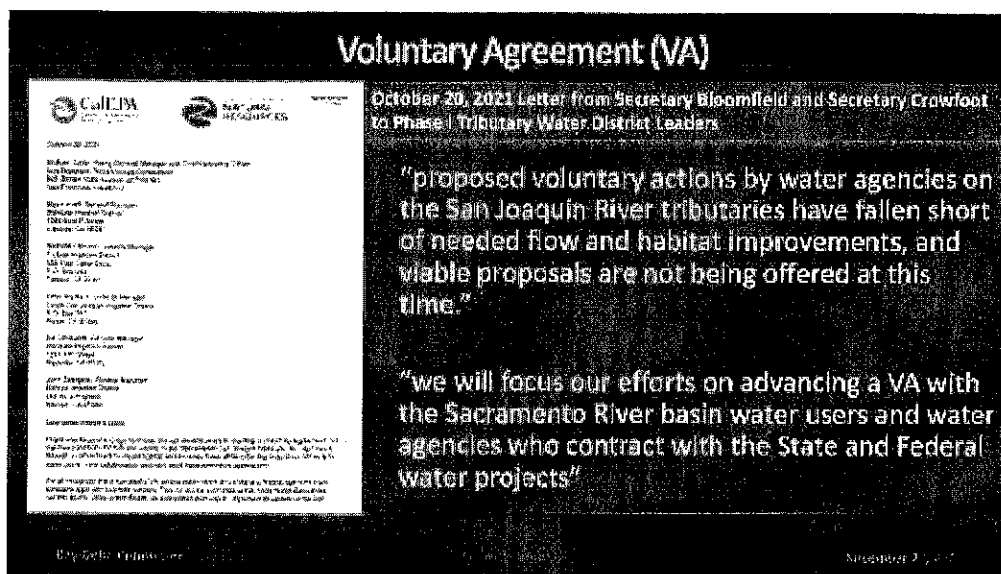
Typically a Multiple Year process

By: [Name]
Page 1 of 1

In that consultation, the Bureau of Reclamation and the Department of Water Resources would develop a biological assessment describing the proposed operating criteria that would be analyzed under the biological permitting process and do an effects analysis. Then the National Marine Fisheries Service and the US Fish and Wildlife Service would then review that assessment and determine what the operating requirements might be under a biological opinion if the 2019 Biological Opinion is modified in any way.

Typically, it's a two to three-year process and includes the environmental review process necessary under federal guidelines.

Voluntary agreements



Water agencies and other major water users in the Delta watershed have been working to develop voluntary agreements for several years. The objective is to develop an alternative plan that could be analyzed as the board goes through the Bay-Delta Water Quality Control Plan update process.

During the summer and into the fall, there was a determination that the actions proposed by the San Joaquin parties fell short of what the state felt was needed to be considered an alternative under a voluntary approach.

The letter stated that the state would focus efforts on a voluntary agreement with the other parties on the Sacramento River and other agencies that are not on the San Joaquin. There was also a provision that if the San Joaquin agencies were to come back with some proposals for voluntary agreement, that would be possible as well.

Next steps

As for what happens next, the State Water Contractors have provided feedback on the interim operations plan. They are waiting to hear see how the state and federal government responds to that feedback and what they actually decide to move forward with.

On long-term operations, Metropolitan and other contractors are looking to participate as is provided for under the WIIN Act.

“Under voluntary agreements, Metropolitan and the State Water Contractors are looking to continue participating in discussions with the state of California regarding the prospects for a voluntary agreement, even with the San Joaquin parties not being directly involved right now, with the interest that any kind of voluntary agreement must be equitable for the parties,” said Mr. Arakawa. *“So we’re looking to make sure that we’re responsible for our share of protecting the system if we were able to come to an agreement.”*

Discussion period

During the discussion period, Director Glen Peterson asked if Senator Feinstein was working on extending the WIIN Act because it is about to expire.

“There are provisions that are potentially expiring; there are also operating criteria that are included in the existing biological opinion that was approved in 2019 that has similar operating flexibility to the WIIN Act operating guidelines that were adopted by Congress, but any changes or any extension to the WIIN Act would require an action by Congress,” said Mr. Arakawa. *“I think a number of interests have been looking at how that might move forward. But the main thing I want to communicate is in terms of the existing Biological Opinion, it has some of the similar operating flexibility for stormwater diversion. So we’re looking to see how the federal government moves forward with the 2019 BiOp in this interim period.”*

Director Nancy Sutley asked if there has been any assessment of the impact of this latest drought on species in the Delta and what effect that might have on both the interim operations and development of the biological opinion.

“With regard to the drought and the effects of the drought, there have been some efforts by the Delta Stewardship Council to evaluate the effects [of the drought] scientifically,” said Mr. Arakawa. *“Some of that has been in reports; they are continuing to look at how the drought during this current period is affecting things. Certainly with low flows, there’s a concern about upstream migrating salmon and the survival of salmon moving downstream, but also temperature and how that temperature affects native species in the Delta. So there are scientific studies that have been ongoing to address the effects of the drought. And I would expect that all of that scientific evaluation would go into any decision made going forward.”*

The main thing is, in developing the interim ops, making sure that there's an evaluation of those interim ops and the permitting that would go behind that as well. So that was a key thing that was in the letters."

Director Sutley asked if any action is anticipated from the State Water Board due to the lack of progress on the San Joaquin.

"The State Water Board has scheduled an agenda item at their meeting on December 8 to take up the process for moving forward, particularly on the San Joaquin side," said Mr. Arakawa. "The San Joaquin is what they call phase one of the Water Quality Control Plan update. There was a decision back in late 2018 to move forward with that phase and to implement regulations. It was litigated, but then the voluntary agreement discussions were ongoing, and that included the San Joaquin parties."

"The state has indicated an interest in this meeting to describe the steps they will take to now move on with phase one and the regulatory setting process. So we will be at that December 8 meeting and will report back on how they move forward on phase one. For the State Water Project, that's phase two, Sacramento and other portions of the Delta, and we will be looking to hear what they say about that."

"In the end, the State Water Board, if there is a prospect for the voluntary agreement in any way, there would be an alternative for a voluntary agreement. And the State Water Board would go through a full public process to take comments on that. And so the evaluation of that alternative versus a state water board proposed alternative, and then the state board would make a decision based on what they think is the right way to go."

Director Russell Lefevre asked if there was a timeframe for the interim operations and a process for modifying the interim operations.

Mr. Arakawa said that this is the set of operating criteria for 2022; then, at that point, they would have to determine what they would do in 2023 or even 2024. "As they go through the consultation for considering if they change the 2019 Biological Opinion, they would either operate to the 2019 biological opinion or consider these interim operations. So our understanding is that they would look at what they would do in 2022. And then they would make a subsequent decision on what they would do in 2023, and so on. ... the federal government is responsible for the biological opinion. ... the state of California certainly has an interest because they operate the State Water Project. So it's the combination of the state and the federal agencies."

Bay-Delta Manager's Report

During the Bay-Delta Manager's report, Steve Arakawa noted that the Department of Water Resources has sent a letter to the Army Corps of Engineers regarding the Delta conveyance project regarding the permitting by the Corps for the Delta Conveyance Project. The Corps is the federal lead agency for the Delta Conveyance Project.

"The state had submitted an application for 404 permit, which is a Corps responsibility, back in early 2020. But as they've gone through and done some additional environmental process and review, they've identified some refinements to a proposed project that they had included in their proposed permit application," said Mr. Arakawa. "The essence of it is, they're asking the Corps to consider a proposed project that has an alignment on the eastern end of the Delta and the option where that tunnel conceivably hooks in with a system called Bethany reservoir, which is south of the Clifton Court Forebay. So they put that one forward; it's just part of the planning process. The state has not made a decision on that alternative being the final decision. They have to go through this Corps permitting process. And they have to do the public environmental review process. So I wanted to make sure it was understood that they have not made a final decision on that."

Memo from GM re SWP and CVP Operations and Voluntary Agreements

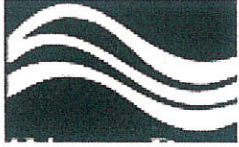
SIGN UP FOR DAILY EMAIL SERVICE
AND YOU'LL NEVER MISS A POST ...
All the latest headlines by around 9am. Breaking news alerts, too!



Anthea Hansen

V1.

From: lyris@swrcb18.waterboards.ca.gov
Sent: Thursday, January 20, 2022 11:15 AM
To: Anthea Hansen
Subject: Temporary Urgency Change Petition to Modify Delta Requirements in 2022



This is a message from the State Water Resources Control Board.

This email is to advise interested parties that the State Water Resources Control Board (State Water Board) received a letter on January 18, 2022, from the California Department of Water Resources (DWR) and United States Bureau of Reclamation (Reclamation) withdrawing the 2022 Temporary Urgency Change Petition (TUCP) submitted by those parties on December 1, 2021, to modify permit and license conditions of the State Water Project and the federal Central Valley Project that were imposed pursuant to State Water Board Decision 1641. Based on marked improvements in hydrology in October and December 2021, DWR and Reclamation no longer believe there is an urgent need for the February through April modifications contained in the 2022 TUCP.

Additional information regarding this matter, including the January 18, 2022 letter, is posted on the State Water Board's web page at: http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/tucp.shtml.

Any questions may be directed to Craig Williams at Craig.Williams@waterboards.ca.gov, or Chris Carr at Chris.Carr@waterboards.ca.gov.

You are currently subscribed to bay_delta_notices as: ahansen@delpuertowd.org.

To unsubscribe click here: leave-8764472-457112.40c68a22f2a3bebb463fd6ea76d55b1e@swrcb18.waterboards.ca.gov



DEPARTMENT OF WATER RESOURCES
 Division of Operations and Maintenance
 3310 El Camino Avenue, Suite 300
 Sacramento, California 95821



— BUREAU OF —
 RECLAMATION

BUREAU OF RECLAMATION
 Central Valley Operations Office
 3310 El Camino Avenue, Suite 300
 Sacramento, California 95821

January 18, 2022

Ms. Eileen Sobeck
 Executive Director
 California State Water Resources Control Board
 1001 I Street
 Sacramento, California 95814

Subject: Withdrawal of 2022 Temporary Urgency Change Petitioner Regarding Delta Water Quality

Dear Ms. Sobeck,

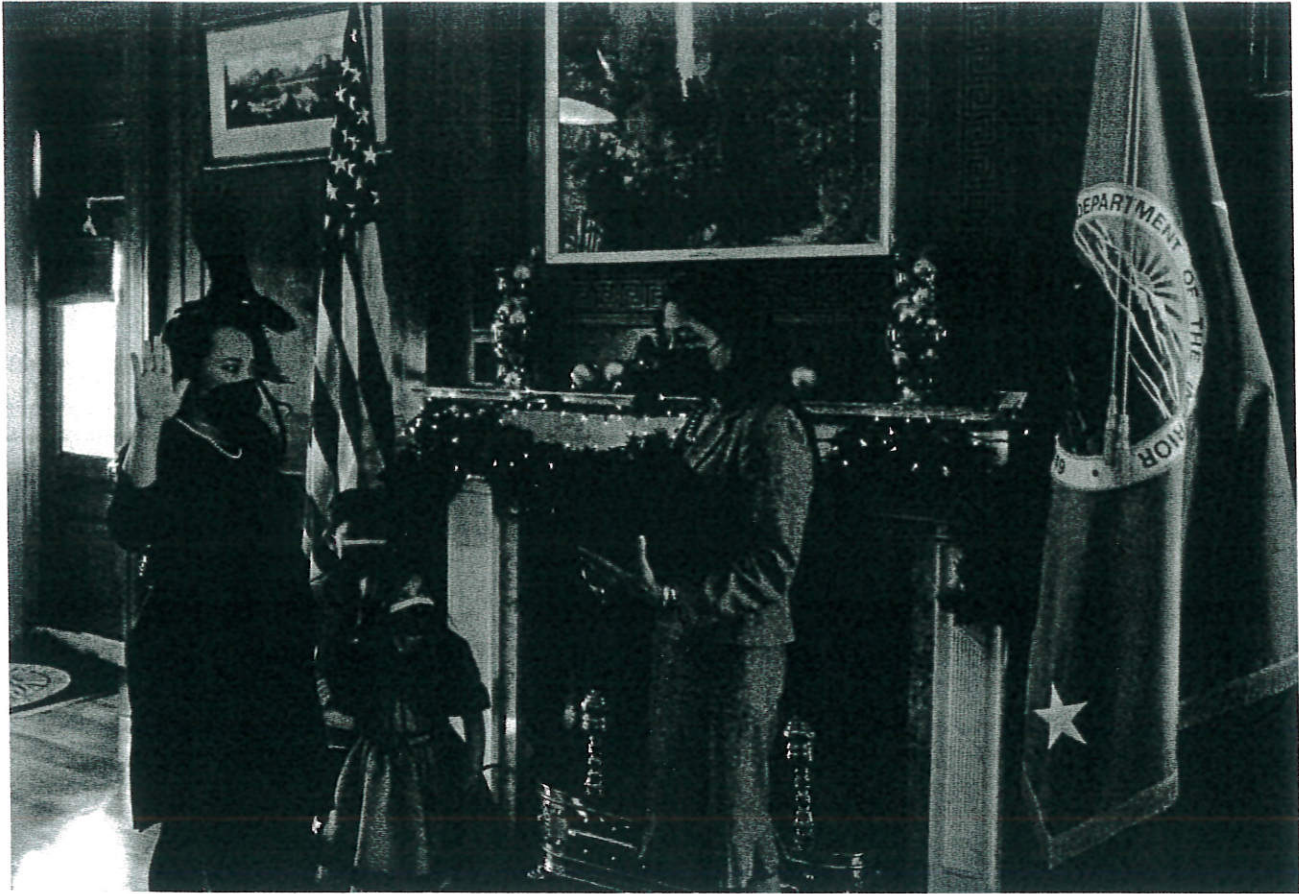
On December 1, 2021, the U.S. Bureau of Reclamation (Reclamation) and California Department of Water Resources (DWR) jointly submitted a 2022 February through April Temporary Urgency Change Petition (TUCP) to request the California State Water Resources Control Board (State Water Board) consider modifying requirements set forth in Reclamation's and DWR's water right permit Decision 1641. The primary goal of the TUCP was to conserve upstream storage at all Central Valley Project (CVP) and State Water Project (SWP) (collectively Projects) reservoirs should dry conditions persist through the fall and into 2022. The TUCP is one action of a portfolio of early drought actions that Reclamation and DWR considered to proactively manage the CVP and SWP for beneficial uses during a very challenging period.

October and December hydrology showed a marked improvement from conditions experienced in 2021, and storage conditions improved at Oroville and Folsom reservoirs. In fact, Folsom is currently in flood operation status. However, storage levels at Shasta and Trinity reservoirs continue to be low with relatively lower runoff projections than seen in the central and southern watersheds. Within this context, Reclamation and DWR reviewed the request for the TUCP to determine if it would benefit Shasta and Trinity reservoirs by helping to preserve storage. Although the requested TUCP may result in some storage conservation under certain dry hydrology, the forecasted conditions of 2022 do not appear that this storage benefit would be in either Shasta or Trinity reservoirs. These reservoirs are not expected to be relied upon for meeting Delta outflow and/or salinity requirements in the February through April period due to the expected higher releases from Folsom, and Oroville, if needed, and/or additional systemwide runoff in general. Reclamation and DWR analyzed this expected benefit under very conservative hydrologic assumptions from the January runoff forecast. As a result, Reclamation and DWR no longer believe there is an urgent need for the February through April modifications contained in the 2022 TUCP. Because of this, Reclamation and DWR are withdrawing the TUCP.

Reclamation and DWR continue to conduct operational studies and plan for a resumption of dry conditions. If those conditions occur, then modifications may be needed to protect upstream storage levels. If future modifications are needed, a separate petition will be filed with supporting information. Reclamation and DWR look forward to cooperatively working with the State Water Board and its staff during this challenging period to manage Delta water resources for the benefit of the people and natural resources of the state of California.

Karla A. Nemeth
 Director
 Department of Water Resources

Ernest A. Conant
 Regional Director
 United State Bureau of Reclamation



Camille Calimlim Touton being sworn in as Reclamation's Commissioner by Secretary Deb Haaland.

WASHINGTON — Maria Camille Calimlim Touton has been sworn in as Bureau of Reclamation Commissioner by Secretary Deb Haaland. Camille has served as the Bureau of Reclamation's Deputy Commissioner since January.

"As the Interior Department continues to lead the Biden-Harris administration's all-of-government approach to addressing the worsening drought crisis, Camille's steady leadership, collaborative spirit, and deep knowledge of America's natural resources will help ensure that we can meet the challenges of the moment," said **Secretary Haaland**. "Camille's water management experience will be crucial to helping the Department implement the Bipartisan Infrastructure Law, which contains historic investments to help mitigate drought conditions and protect water resources."

"I am honored to serve as Commissioner for the Bureau of Reclamation and help lead the Department's efforts to address the worsening drought crisis. As a Nevadan, I understand what this crisis means for people and the environment, and I look forward to working collaboratively with farmers, Tribes, local communities, and with Congress to face these challenges," **Commissioner Touton** said.

Return to top

In her capacity overseeing the Bureau of Reclamation, Camille will help manage the Bipartisan Infrastructure Law's \$8.3 billion investments in drought and water resiliency, including funding for water efficiency and recycling programs, rural water projects, WaterSMART grants, and dam safety to ensure that irrigators, Tribes, and adjoining communities receive adequate assistance and support.

Prior to joining the Biden-Harris administration, Camille served as Professional Staff for the U.S. House Committee on Transportation and Infrastructure. Camille's congressional experience also includes serving as Professional Staff for Interior's authorization committees: the Senate Energy and Natural Resources Committee and the House Natural Resources Committee. Camille also served as Interior's Deputy Assistant Secretary for Water and Science under the Obama administration. Camille holds a Bachelor of Science in civil engineering, a Bachelor of Arts in communication studies, and a Master of Public Policy.

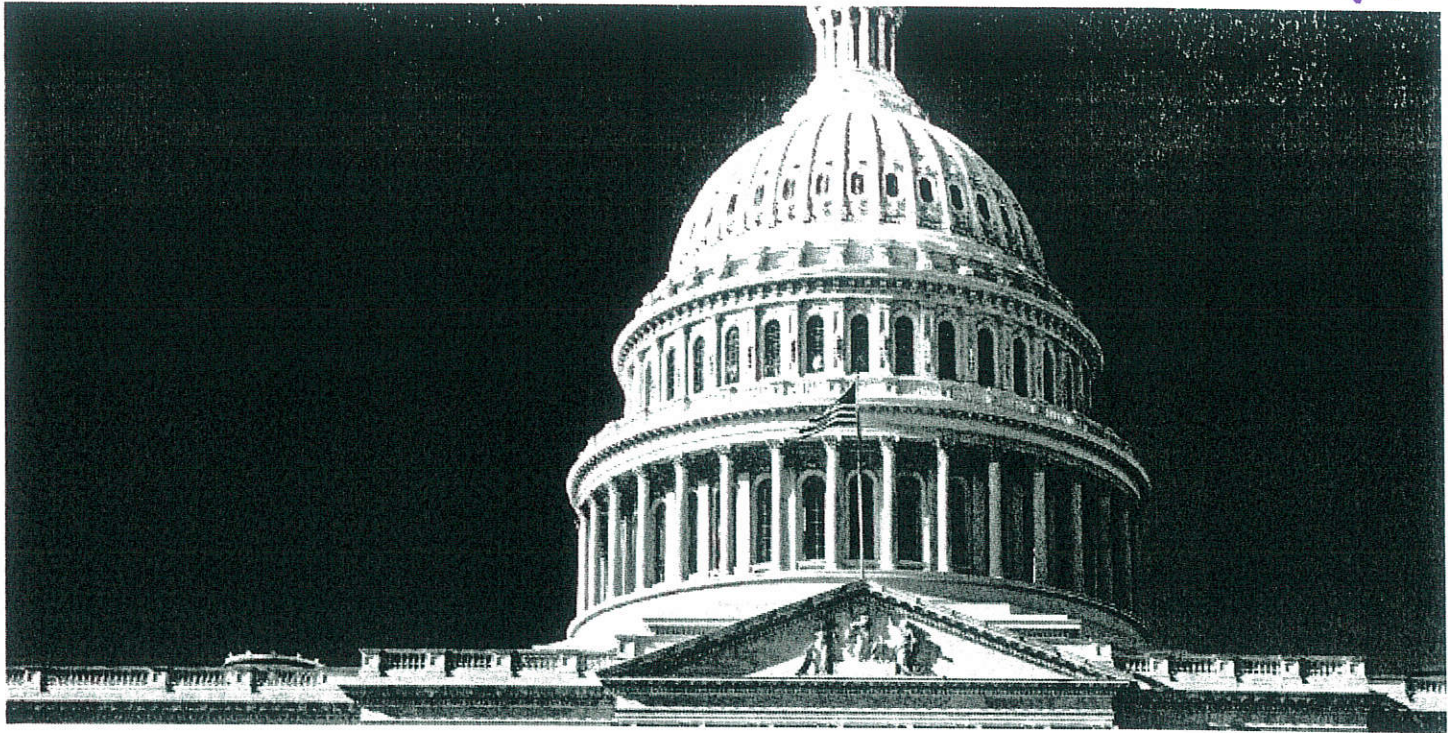
STAY IN TOUCH

[Contact Us](#) | [Site Index](#)

[Accessibility](#) | [Disclaimer](#) | [DOI](#) | [FOIA](#) | [No Fear Act](#) | [Notices](#) | [Privacy Policy](#) |
[Quality of Information](#) | [Recreation.gov](#) | [USA.gov](#)



[Return to top](#)



As Congress returns from its holiday recess, January is shaping up to be a busy month in Washington. See below on what awaits Congress and the upcoming agenda the Foley federal public affairs team will be tracking. Our team has also prepared a calendar for the 2nd session of the 117th Congress. To view and download, [click here](#) (*attached; please note that the Senate will now be in session next week*).

1. Senate Democrats could resume negotiations on President Biden’s social spending bill, the Build Back Better Act
 - After Senator Joe Manchin (D-WV) announced late in December that he would be unable to support the bill in its current format, Majority Leader Chuck Schumer (D-NY) stated that he anticipates bringing a revised version of the bill to the Senate floor in the near future.
 - The new version of the bill is anticipated to be significantly different than what was previously offered.
 - The Senate Parliamentarian has not yet completed her work on determining which portions of the legislation are permissible under the Senate rules on reconciliation.
 - The House passed the Build Back Better Act in November, you can read Foley’s insights on the bill [here](#).

2. A renewed push on voting rights legislation and Senate rules reform
 - In a speech in Georgia on January 11th, President Biden has called on Congress to pass both the John Lewis Voting Rights Act and the Freedom to Vote Act.
 - In 2021, the House passed the John Lewis Voting Rights Act. It has since stalled in the Senate.

- Senate Majority Leader Chuck Schumer (D-NY) has stated that the Senate will take up a change to Senate Rules by January 17th, Martin Luther King Jr. Day.
3. A new round of COVID relief may be forthcoming
- Two senators across the aisle have begun working on a new COVID relief package for restaurants in the wake of the Omicron variant.
 - Senators Ben Cardin (D-MD) and Roger Wicker (R-MS) are leading the charge to introduce a new relief package for restaurants, noting that funding in the last round of restaurant relief passed in the American Rescue Plan ran out by October.
 - Industry groups are also ramping up the pressure to pass new relief. Most notably, gyms and fitness facilities who in a letter to the White House requested additional aid.
 - Currently, the bill is being crafted as a standalone package, but the Senators are exploring other means to pass it, such as upcoming government funding legislation.
 - Senate Appropriations Ranking Member Richard Shelby (R-AL) stated that he was skeptical of the funding and needed more information on how aid would be spent.
 - Citing the a surge in COVID cases and soaring costs due to supply chain issues, more than 20 mayors, including the mayors of New York, Chicago, and Los Angeles sent a letter to Congress requesting additional relief.
4. Talks on government funding resume
- On December 2nd, 2021, Congress passed a continuing resolution to fund the government through February 18th, 2022.
 - This month Congress is expected to resume negotiations to fund the government through the rest of the fiscal year.
 - Congress has already agreed on defense funding, with passage of the National Defense Authorization Act (NDAA) in December.
 - Appropriations requests fiscal year 2023 are due in 4-6 weeks.
 - President Biden is scheduled to unveil his budget for fiscal year 2023 in February.
5. Redistricting continues across the country
- a. Thus far, 33 states have adopted proposals for redistricting, while 17 states haven't yet adopted their new maps.
 - ✂️ Five states, out of the 33 that have adopted new maps, do not redistrict for House elections due to their population.
 - b. Redistricting must be completed prior to the state's primary elections. Primaries begin in March 2022.
 - c. With extensive changes across the aisle, political pundits labeled the new maps a "wash" between the two political parties.
 - ✂️ The 2022 Midterms less than a year away, the Foley Public Affairs team will be monitoring changes in House districts across the country.
 - ✂️✂️ You can read Foley's insight on redistricting in California here.

1. Congress to begin crafting biannual Water Resources Development Act (WRDA) process
 - House and Senate Committees will begin deliberating on what provisions to include in the 2022 WRDA bill. WRDA typically is the legislative vehicle for Congress to authorize U.S. Army Corps of Engineers projects, however the legislation has included other water policy provisions under the Environmental Protection Agency and the Bureau of Reclamation in the past.
 - Typically, the final WRDA bill often enjoys overwhelming bipartisan support in both chambers, however in the past it has been the arena for partisan battles over policies related to per- or polyfluoroalkyl substances (PFAS).
 - Congress will hold its first hearings on the Biden Administration's WRDA priorities on January 12, 2022. You can find the official notice for the House Transportation and Infrastructure Committee hearing [here](#), and the official notice to the Senate Environment and Public Works Committee hearing [here](#).

1. Waters of the United States Rule
 - In November 2021, the Environmental Protection Agency and the Department of the Army announced a [proposed rule](#) to revise the definitions of Waters of the United States (WOTUS). This rule would effectively undue administrative actions taken by the Trump Administration by reinstating the pre-2015 definition of WOTUS.
 - The official public comment period for the proposed rule is open through February 7, 2022.
 - While it is unclear when the agencies will move to a final rulemaking on WOTUS, it is likely to attract the attention of Congress and be subject to litigation – as has been the case with previous WOTUS rulemaking.

2. President Biden sets the date for his first State of the Union address
 - After House Speaker Nancy Pelosi formally invited the president, President Biden has accepted and set the date for his first State of the Union address for March 1st, 2022.
 - The President previously addressed a joint session of Congress in April 2021 to outline his legislative agenda after his first 100 days in office.
 - The speech will outline the next phase of the Biden Administration's legislative agenda and what it hopes to achieve prior to the 2022 midterm elections.

Authors

[Dennis A. Cardoza](#)

[Jennifer F. Walsh](#)

[William Ball](#)

[Jared B. Rifis](#)

[Kate M. Merrill](#)

[John R. West](#)

The information contained in this message, including but not limited to any attachments, may be confidential or protected by the attorney-client or work-product privileges. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this message in error, please (i) do not read it, (ii) reply to the sender that you received the message in error, and (iii) erase or destroy the message and any attachments or copies. Any disclosure, copying, distribution or reliance on the contents of this message or its attachments is strictly prohibited, and may be unlawful. Unintended transmission does not constitute waiver of the attorney-client privilege or any other privilege. Legal advice contained in the preceding message is solely for the benefit of the Foley & Lardner LLP client(s) represented by the Firm in the particular matter that is the subject of this message, and may not be relied upon by any other party. Unless expressly stated otherwise, nothing contained in this message should be construed as a digital or electronic signature, nor is it intended to reflect an intention to make an agreement by electronic means.