



# MEMORANDUM

TO: SLDMWA Water Resources Committee Members and Alternates

FROM: Scott Petersen, Water Policy Director

DATE: April 5, 2021

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 ("ROC on LTO"), (2) State Water Resources Control Board Action, including the Bay-Delta Water Quality Control Plan update, (3) San Joaquin River Restoration Program, (4) Delta Conveyance, (5) Delta Stewardship Council, and (6) Water Blueprint for the San Joaquin Valley.

## 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 sheet<sup>1</sup> 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. It's unclear what this agency review will analyze, but staff will be engaged.

#### Reclamation Manual

##### Documents out for Comment

##### *Draft Directives and Standards*

- Information Collection Management Program, ADM 01-03 (comments due 4/5/2021)

##### *Draft Facilities Instructions, Standards, and Techniques (FIST)*

- Management of Protective Relay Settings FIST 6-4 (comments due 4/26/2021)

##### *Draft Reclamation Safety and Health Standards (RSHS)*

- Lone Worker and Remote Worker Safety, RSHS 43 (comments due 3/28/2021)
- Slings, RSHS Appendix E (comments due 4/11/2021)
- Record of Performance Inspection and Break Test – On-Highway Type Mobile Equipment, RSHS Appendix G (comments due 4/18/2021)

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

State Water Resources Control Board (State Water Board) Activity  
Documents out for Comment

*Revisions to the Salt and Nitrate Control Program Basin Plan Amendments*

The State Water Resources Control Board (State Water Board) will accept comments on the proposed approval of the Central Valley Regional Water Quality Control Board's (Central Valley Water Board) revisions to the Salt and Nitrate Control Program Basin Plan Amendments for the Water Quality Control Plans for the Sacramento River and San Joaquin River Basins and the Tulare Lake Basin. The Basin Plan amendments were adopted by the Central Valley Water Board on 10 December 2020 (Resolution No. R5-2020-0057), and are available for review at: [https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/resolutions/r5-2020-0057\\_res.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/resolutions/r5-2020-0057_res.pdf)

Submission of Comments

Persons interested in these Basin Plan amendments are encouraged to submit comments electronically. Comment letters must be received by 12:00 noon on April 5, 2021. Comment letters received after that deadline will not be accepted unless the State Water Board determines otherwise.

*2020 Safe Drinking Water Plan*

Background

Health and Safety Code Section 116355 requires the State Water Board to update the Safe Drinking Water Plan every five years. The statute requires the Safe Drinking Water Plan to address:

1. An analysis of the overall quality of California's drinking water and the identification of specific water quality problems.
2. Types and levels of contaminants found in public drinking water systems that have less than 10,000 service connections. The discussion of these water systems shall include the following:
  - a. Estimated costs of requiring these systems to meet primary drinking water standards and public health goals.
  - b. Recommendations for actions that could be taken by the Legislature, the department, and these systems to improve water quality
3. A discussion and analysis of the known and potential health risks that may be associated with drinking water contamination in California.
4. An evaluation of how existing water quality information systems currently maintained by local or state agencies can be more effectively used to protect drinking water.
5. An evaluation of the research needed to develop inexpensive methods and instruments to ensure better screening and detection of waterborne chemicals, and inexpensive detection methods that could be used by small utilities and consumers to detect harmful microbial agents in drinking water.
6. An analysis of the technical and economic viability and the health benefits of various treatment techniques that can be used to reduce levels of trihalomethanes, lead,

nitrites, synthetic organic chemicals, micro-organisms, and other contaminants in drinking water.

7. A discussion of alternative methods of financing the construction, installation, and operation of new treatment technologies including, but not limited to, user charges, state or local taxes, state planning and construction grants, loans, and loan guarantees.
8. A discussion of sources of revenue presently available, and projected to be available, to public water systems to meet current and future expenses.
9. An analysis of the current cost of drinking water paid by residential, business, and industrial consumers based on a statewide survey of large, medium, and small public water systems.
10. Specific recommendations, including recommendations developed pursuant to paragraph (6), to improve the quality of drinking water in California and a detailed five-year implementation program.
11. A review of the use of administrators pursuant to Section 116686 in the state, including, but not limited to, the number of communities that have achieved access to safe drinking water through use of an administrator, the costs and duties of the administrator and a comparison of costs, whether rate structures for communities served by an administrator have resulted in significantly higher rates and whether those rates are affordable, and whether the administrator program should be modified to better serve communities.
12. A review of the consolidations pursuant to Section 116682 in the state, including, but not limited to, the number of communities that have achieved access to safe drinking water through consolidation, whether rate structures for communities are affordable following consolidation, barriers to consolidation, and whether the consolidation program should be modified to better serve communities.

In June 2015 the State Water Board issued the previous Safe Drinking Water Plan to the State Legislature. There has been significant progress on the recommendations identified in the 2015 Safe Drinking Water Plan, especially with the establishment of the SAFER program.

#### Submission of Comments

Any interested person, or their representative, may submit written comments relevant to the subject described in this notice to the Clerk to the State Water Board. To facilitate timely identification and review of written comments, please use the subject line: "Comment Letter – 2020 Safe Drinking Water Plan".

The submission of the Safe Drinking Water Plan to the state legislation is not subject to the requirements of the Administrative Procedure Act. However, input provided on the draft 2020 Safe Drinking Water Plan may be used to refine the 2020 Safe Drinking Water Plan. In order for those comments to be considered, written comments, regardless of the method of transmittal, must be received by the Clerk by 12:00 p.m. noon on April 23, 2021.

#### Bay Delta Water Quality Control Plan Update

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.<sup>2</sup> 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 resolution<sup>3</sup> 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.

**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. As the State Water Board further refines this update, there will be opportunity for public comment.

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<sup>2</sup> Available at <https://water.ca.gov/-/media/DWR-Website/Web-Pages/Blogs/Voluntary-Settlement-Agreement-Meeting-Materials-Dec-12-2018-DWR-CDFW-CNRA.pdf>.

<sup>3</sup> Available at [https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/resolutions/2018/rs2018\\_0059.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2018/rs2018_0059.pdf).

The effort has made significant progress since an initial framework was presented to the State Water Board on December 12, 2018.

On March 1, 2019, the California Department of Water Resources and the Department of Fish and Wildlife submitted documents<sup>4</sup> 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, significant 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.

Department of Water Resources Activity

Documents out for Public Comment

*Groundwater Update 2020*

Background

The California Department of Water Resources released the draft *California’s Groundwater – Update 2020*, containing information on the condition of the state’s groundwater, which is especially important as the Golden State faces a critically dry water year. DWR encourages community members and water managers to review the publication and provide input.

This version of *California’s Groundwater* provides a comprehensive look at statewide groundwater activities, compiling technical information and data from 2003 to 2020. This bulletin recognizes the passage of the Sustainable Groundwater Management Act (SGMA) in 2014 and builds a statewide framework to share new information and progress made by locals who are managing groundwater basins across the state. It also highlights emerging topics such as water markets and the impacts of climate change on groundwater and summarizes groundwater information for each of the state’s 10 hydrologic regions.

The publication contains a Highlights overview section in English and Spanish, Regional Summaries and a detailed Statewide Report, which features current knowledge of groundwater resources including information on the location, characteristics, use, management status and

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<sup>4</sup> Available at [http://resources.ca.gov/docs/voluntary-agreements/2019/Complete\\_March\\_1\\_VA\\_Submission\\_to\\_SWRCB.pdf](http://resources.ca.gov/docs/voluntary-agreements/2019/Complete_March_1_VA_Submission_to_SWRCB.pdf)

conditions of the state's groundwater. The publication also presents findings and recommendations that support the future management and protection of groundwater.

*California's Groundwater* is organized to share the growing body of groundwater data that is available now and will continue to be submitted by local agencies in the future as part of the implementation of SGMA. DWR is developing a companion *California's Groundwater* web-based dashboard leveraging the California Natural Resources Agency Open Data Platform to improve the access and timeliness of statewide groundwater information, making it easily available for water managers and the public to use.

A 45-day public comment period is now open on the draft report and companion web content. All comments will be reviewed and will provide valuable feedback to DWR to improve the analysis, reporting and access to California's groundwater information. Public comments can be emailed to [CalGW@water.ca.gov](mailto:CalGW@water.ca.gov) and will be accepted through April 26, 2021.

The final version of *California's Groundwater* is expected to be released in summer 2021.

#### California Water Commission Activity

The California Water Commission is accepting screening information for water storage projects that provide Proposition 1, Chapter 8 public benefits in the Water Storage Investment Program. This process does not involve any immediate funding. If the Commission finds a project is feasible, the project would be included in a pool of projects for the Commission's consideration if funding becomes available. The Commission would also need to decide to proceed with a rulemaking process and another solicitation in the future before a full project application could be submitted and reviewed.

Any project submitted through the screening process needs a finding of feasibility by the Commission no later than the December 2021 regularly scheduled Commission meeting. It is recommended and encouraged that project proponents submit screening proposals to Commission staff no later than October 22, 2021.

Information needed for the screening process includes, at a minimum, the statutory requirements found in Water Code 79757:

- Completed feasibility studies and draft environmental documentation made available for public review;
- Information that describes how the project will advance the long-term objectives of restoring ecological health and improve water management for beneficial uses of the Delta; and
- Commitments for at least 75% of the nonpublic benefit cost share of the project.

Additional information about the project and how it aligns with the Program's regulations may be submitted. If a project proponent wishes to understand the feasibility components of the Program, the Regulations and the Technical Reference are instructive.

If the Commission moves forward with additional regulations and a second solicitation, only projects successful in the screening process would be eligible to apply.

## Water Blueprint for the San Joaquin Valley Activity

### Background

The Water Blueprint for the San Joaquin Valley (Blueprint) is a broad group of stakeholders, working to better understand shared goals for water solutions that support environmental stewardship with the needs of communities and industries throughout the San Joaquin Valley. The Blueprint has engaged with stakeholders to try and ensure that everyone has safe, reliable and affordable access to water for drinking, supporting their farms and communities and a thriving ecology.

The SJV faces significant impacts to its long-term economic, social, and environmental health if nothing is done to address water scarcity, as highlighted in Phase I of Dr. David Sunding's Economic Impact Assessment (EIA).

The Large Group and committees are pursuing the goals of Blueprint, including outreach, technical support and working in conjunction with other stakeholders.

**2021 Strategy & Focus:** The Blueprint is discussing the overall focus for 2021, its organizational structure, role with sub basins, project pursuits, fundraising and work with the San Joaquin Valley Water Collaborative Action Partnership (SJWV CAP).

**Technical Work & Phase II:** SJV Blueprint is engaged with the sub-basins through GSAs and other organizations to discuss the SJV Blueprint: new water sources, new conveyance, expanded beneficial use: groundwater recharge, wetland & riparian habitats and how to make these projects, costs and governance a reality. The technical committee is working on solution sets to be added to the EIA to illustrate reduced economic impacts. A current focus is being provided to Drinking Water sources and Environmental enhancements. A critical part will be project proponents' (most likely GSAs) evaluation and development of these activities in coordination with the Blueprint. These solution sets will ideally have input and support from the coalition of interest groups formally engaging in the SJV Water Collaborative Action.

**SJV Water Collaborative Action Program:** Stanford University working in coordination with the Blueprint, Central Valley Community Foundation, Fresno State, NGOs and others are convening to create a collaborative solution to the water issues we face in the SJV.

**Facilitator Selection Process:** Facilitator Jim Waldo and team has been selected and is participating in meetings.

**Funding:** A \$380,000 budget was approved and a financial prospectus is being circulated, DWR has committed \$49,500, \$30,000 committed from the Heron Foundation, CVCF has committed



\$50,000. The Blueprint is looking to commit \$50,000 and the Collaborative will be looking to other stakeholders for the remaining funding needs.

The Plenary Group of the San Joaquin Valley Water Collaborative Action Program (SJWVWCAP) has held three meetings. The Plenary Group unanimously approved an interim governance structure that includes a Plenary Group, Steering Group, and Planning Group.

- The Plenary Group is a “Big Tent” consensus-oriented decision-making body currently with 68 members.
- The Steering Group organizes the agenda and meeting materials for Plenary Group meetings, a 10-member Group.
- The Planning Group currently has 20 members divided among five caucuses (safe drinking water, environmental NGOs, the agricultural industry, water agencies and local government). The Planning Group approved a Vision Statement and is reviewing draft problem statements by each caucus.

Vision Statement: Success means that all interest groups secure a better future. Building trust among the interest groups will be essential; Trust allows the interest groups to collaborate on creative solutions.

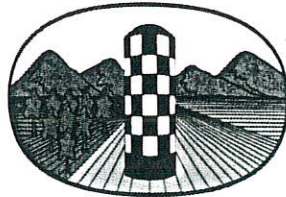
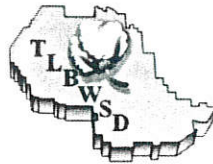
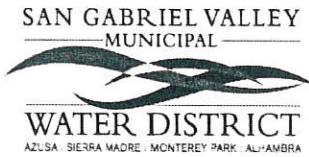
**DAC Drinking Water Feasibility Study – FKC :** A funding application was submitted by FWA, Fresno State University, Self Help, Sustainable Conservation and Leadership Council to study a five county area within the Millerton Place of Use boundary related to surface water supply, recharge and drinking water supplies. State Board and DWR staff has been meeting with us regarding the processing of an application.

**WaterSmart:** The Water Blueprint for the San Joaquin Valley was pleased to have been selected by Reclamation to present a proposal under the 2021 WaterSmart Water Management Options Pilot (WMOP) Program. An application was submitted on February 17th to Reclamation for a WaterSmart Water Management Options Pilot that focused on increased conjunctive management and groundwater recharge. The Pilot Area is the entire Blueprint Area, however the focus will be on the areas served by the Friant-Kern Canal and south of Delta facilities. Stantec was engaged to prepare the application. Blueprint has obtained support letters from districts, water agencies, municipalities and elected.

**Water Resiliency Portfolio:** A meeting was held with Nancy Vogel to discuss the status of the Governor’s Water Resiliency Portfolio and the alignment with Blueprint efforts. This is complementary with the briefings with State and Federal legislators and local elected.

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April 8, 2021

Senator Melissa Hurtado  
California State Senate  
State Capitol, Room 2054  
Sacramento, CA 95814

Re: SB 559 (Hurtado): State Water Resiliency Act of 2021 - **SUPPORT**  
Hearing: Senate Natural Resources and Water Committee – April 27, 2021

Dear Senator Hurtado:

On behalf of the signatories below, we wish to express support for SB 559 which seeks to address necessary repairs to State Water Project (SWP) and Central Valley Project (CVP) infrastructure, including canals, roads, and bridges that have been damaged due to subsidence.

California's statewide and regional conveyance facilities can support climate change resiliency by moving water to storage when hydrologic conditions are wet and for later use during inevitable future droughts. Water purveyors can blend these supplies with local water supplies to meet or exceed drinking water standards to make the most of California's limited water resources. Water delivered through the conveyance facilities is also used to replenish groundwater basins, fill reservoirs, support recycled water projects and enhance and restore ecosystems.

Subsidence damage to SWP and CVP facilities has significantly reduced California's resilience to the impacts of climate change. It threatens the water supply for hundreds of California communities, including millions living in disadvantaged communities throughout the state. This damage poses a real threat to California's ability to reliably deliver water throughout the state.

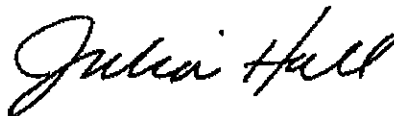
State, federal and local funding is necessary to support critical repairs to the Friant-Kern Canal, Delta Mendota Canal, San Luis Canal and California Aqueduct. SB 559 would establish the Canal Capacity Conveyance Restoration Fund for making repairs to these facilities, subject to appropriations by the Legislature. Over time, this bill would: 1) help maintain affordable, clean drinking water for at least 31 million people, including approximately 1.25 million people living in disadvantaged communities; 2) help preserve the state's \$3 trillion economy; 3) protect thousands of existing jobs and create hundreds of new ones each year while repairs are made; 4) support critical habitat and ecosystem restoration efforts already underway; 5) ensure irrigation water for nearly 3.25 million acres of farmland; and 6) bolster California's resilience to the impacts of climate change.

We thank you for your leadership, and for all of the above reasons, will urge members of the Senate Natural Resources and Water Committee to vote "AYE" on your bill.

Sincerely,



Danielle Blacet-Hyden  
Deputy Executive Director  
**California Municipal Utilities Association**



Julia Bishop Hall  
Senior Legislative Advocate  
**Association of California Water Agencies**



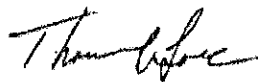
Gail Delihant  
Sr. Director, CA Government Affairs  
**Western Growers Association**



Charley Wilson  
Executive Director & CEO  
**Southern California Water Coalition**



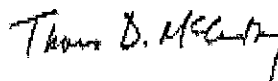
Valerie Nera  
Policy Advocate  
**California Chamber of Commerce**



Thomas A. Love  
General Manager  
**Upper San Gabriel Valley MWD**



Matthew Stone  
General Manager  
**Santa Clarita Valley Water Agency**



Thomas D. McCarthy  
General Manager  
**Kern County Water Agency**



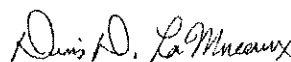
Darin Kasamoto  
General Manager  
**San Gabriel Valley Municipal Water District**



Lance Eckhart  
General Manager  
**San Geronio Pass Water Agency**



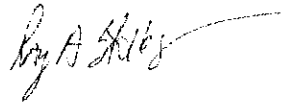
Heather Dyer  
General Manager  
**San Bernardino Valley MWD**



Dennis D. LaMoreaux  
General Manager  
**Palmdale Water District**



Jennifer Spindler  
General Manager  
**Crestline-Lake Arrowhead Water Agency**



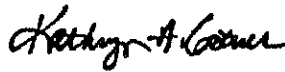
Ray A. Stokes  
Executive Director  
**Central Coast Water Authority**



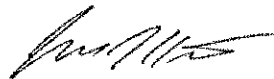
Dwayne Chisam  
General Manager  
**Antelope Valley East Kern Water Agency**



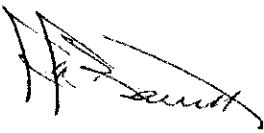
Jeff Kightlinger, General Manager  
**Metropolitan Water District of Southern California**



Kathy Cortner  
General Manager  
**Mojave Water Agency**



Jacob Westra  
General Manager  
**Tulare Lake Basin Water Storage District**



Jim Barrett  
General Manager  
**Coachella Valley Water District**




Bart Broome, Assistant Officer  
for State Government Relations  
**Santa Clara Valley Water District**



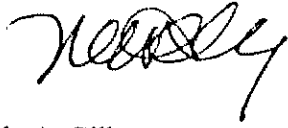
Mark. A. Gilkey  
General Manager  
**Dudley Ridge Water District**



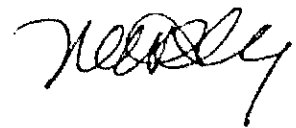
Sheridan Nicholas, P.E.  
Engineer-Manager  
**Wheeler Ridge Maricopa Water Storage District**



Mark. A. Gilkey  
General Manager  
**Lost Hills Water District**



Mark. A. Gilkey  
General Manager  
**Belridge Water Storage District**




Mark. A. Gilkey  
General Manager  
**Berenda Mesa Water District**



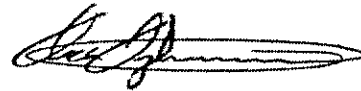
Greg A. Hammett  
General Manager  
**West Kern Water District**



Roy Pierucci, President  
Board President  
**Rosedale-Rio Bravo Water Storage District**



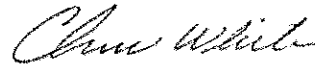
Rogelio Caudillo  
General Manager  
**Eastern Tule Groundwater  
Sustainability Agency**



Ara Azhderian  
General Manager  
**Panoche Water District**



Anthea Hansen  
General Manager  
**Del Puerto Water District**



Chris White  
Executive Director  
**San Joaquin River Exchange Contractors  
Water Authority**

cc: Members of the Senate Natural Resources and Water Committee  
Dennis O'Connor, Chief Consultant, Senate Natural Resources and Water Committee  
Todd Moffitt, Policy Consultant, Senate Republican Caucus

