



Recent Communication Regarding State and Federal Water Project Management

Bay-Delta Committee

Item 6c

November 23, 2021

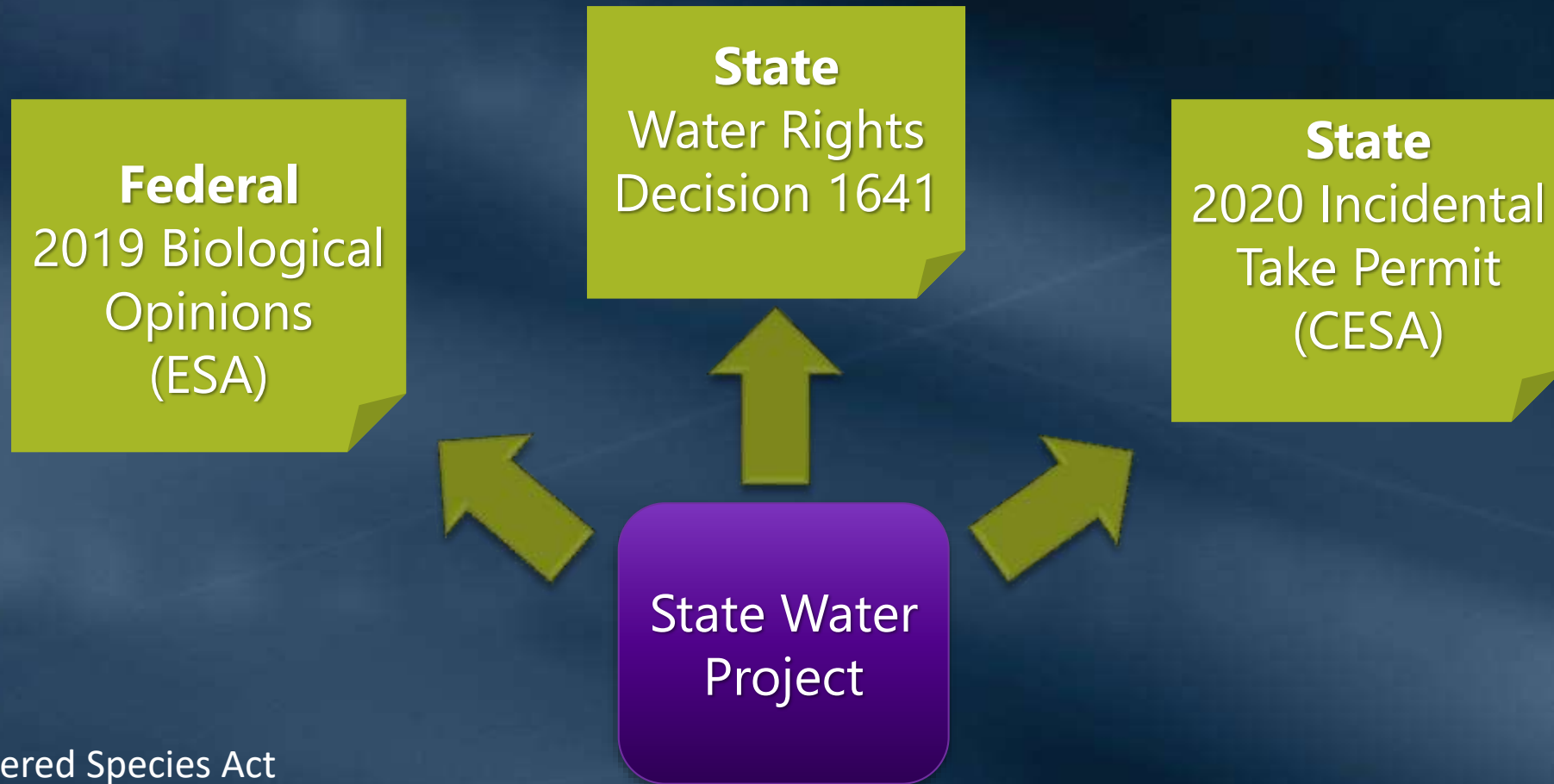
Overview

- Background: Bay-Delta Regulatory Review
- Interim Operations
- Long-Term Operations
- Voluntary Agreement
- Next Steps

Background

Background: Regulatory Review

Key Permits and Standards Governing Project Operations



ESA = Endangered Species Act

CESA = California Endangered Species Act

Bay-Delta Regulatory Framework

2019 Biological Opinions/Incidental Take Permit/Water Quality Control Plan



Winter/Spring X2
Summer Flow

Shasta Reservoir

Temperature Management

Shasta Reservoir

Temperature Management

Summer/Fall Habitat Actions

Sacramento

Fish and Wildlife Flows

Summer/Fall Habitat Actions

Cross

Channel Gates

Cross Channel Gates

Agriculture/Urban Salinity

Old and Middle River
Reverse Flows

Inflow/Export Ratio

Old and Middle River
Reverse Flows

SWP Pumps

Export/Import Ratio

San Joaquin River
Inflow/Export Ratio

CVP Pumps

Interim Operations

Interim Operations Plan

- “Take” authorization must continue during consultation
- 2019 Biological Opinions continue to be operable unless modified
- Operations during the reinitiated consultation would be modified by the Interim Operations Plan
- September 2021 Interim Operations Plan has not been subject to further 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

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

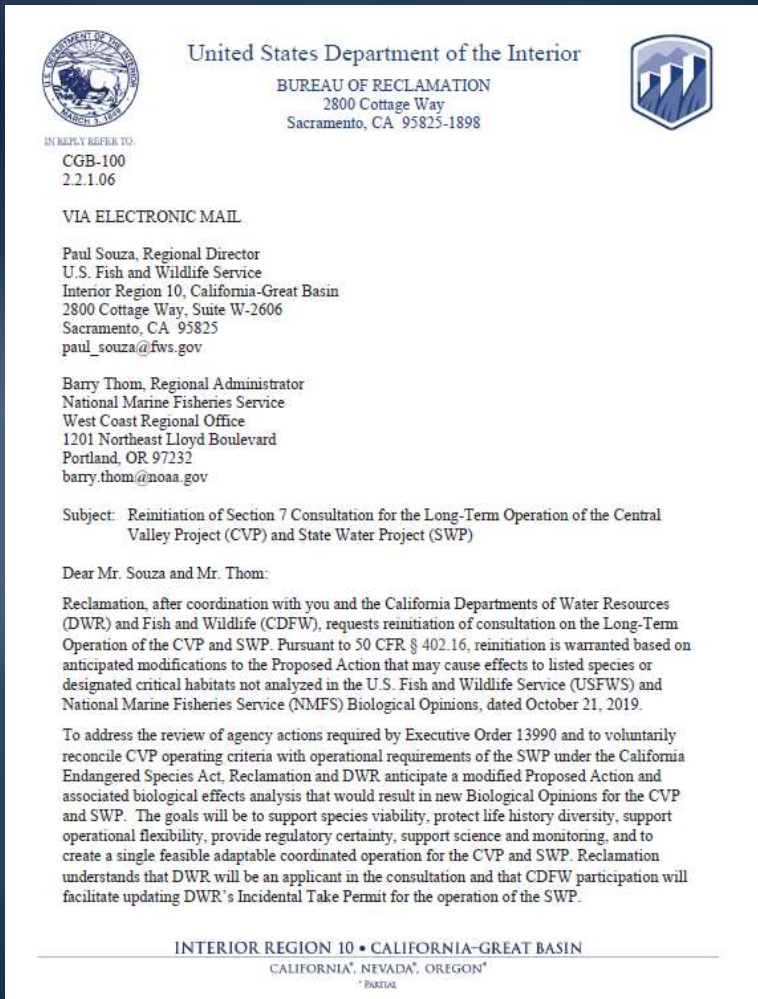
Response to Interim Operations Plan

- State Water Contractors and Federal Water Project Contractors provided feedback early October
- Congressional letters to state and federal agencies from:
 - Costa, Garamendi, Harder October 14th
 - Feinstein, Costa, Garamendi, Harder October 20th
 - Calvert, Garcia, Issa, Kim, La Malfa, McClintock, Nunes, Obernolte, Steel October 21st

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 (WIIN) act participation in Reinitiation

¹ US Fish and Wildlife Services (USFWS), National Marine Fisheries Service (NMFS) and US Bureau of Reclamation (USBR)



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

Voluntary Agreements

Voluntary Agreement (VA)

October 20, 2021 Letter from Secretary Bloomfield and Secretary Crowfoot to Phase I Tributary Water District Leaders



Gavin Newsom
Governor

October 20, 2021

Michael Carlin, Acting General Manager and Chief Operating Officer
San Francisco Public Utilities Commission
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Merced Irrigation District
744 W. 20th Street
Merced, CA 95340

Dear water district leaders,

Thank you for your engagement over the last several years to develop a Voluntary Agreement (VA) to improve conditions for fish and wildlife in the Sacramento-San Joaquin Delta and its major rivers, through a commitment to create habitat and increase flows while providing regulatory certainty to water users. Your collaboration and hard work have been truly appreciated.

We all recognize that a successful VA among water users and state and federal agencies must withstand legal and scientific scrutiny. This VA will be submitted to the State Water Resources Control Board (State Water Board) as a proposed pathway to implement its update to the San

“proposed voluntary actions by water agencies on the San Joaquin River tributaries have fallen short of needed flow and habitat improvements, and viable proposals are not being offered at this time.”

“we will focus our efforts on advancing a VA with the Sacramento River basin water users and water agencies who contract with the State and Federal water projects”

Next Steps

Next Steps

Interim Operations

- Engagement between State and Federal Gov't with State and Federal Water Contractors

Long-Term Operations

- Participate in the development of Biological Opinions under WIIN Act

Voluntary Agreements

- Participate in development efforts with State and Water Users across the state

