WORKSHOP MEETING OF THE
BOARD OF DIRECTORS WITH MET DIRECTORS
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY
18700 Ward Street, Board Room, Fountain Valley, California
November 2, 2022, 8:30 a.m.

Due to the current state of emergency related to the spread of COVID-19 and pursuant to Government Code Section 54953(e), MWDOC will be holding this Board and Committee meeting by Zoom Webinar and will be available by either computer or telephone audio as follows:

Computer Audio: You can join the Zoom meeting by clicking on the following link:
https://zoom.us/j/8828665300

Telephone Audio: **(669) 900 9128 fees may apply**
(877) 853 5247 Toll-free
Webinar ID: **882 866 5300#**

AGENDA

PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC PARTICIPATION/COMMENTS

At this time members of the public will be given an opportunity to address the Board concerning items within the subject matter jurisdiction of the Board. Members of the public may also address the Board about a particular Agenda item at the time it is considered by the Board and before action is taken.

The Board requests, but does not require, that members of the public who want to address the Board complete a voluntary "Request to be Heard" form available from the Board Secretary prior to the meeting.

ITEMS RECEIVED TOO LATE TO BE AGENDIZED

Determine need and take action to agendize item(s), which arose subsequent to the posting of the Agenda. (ROLL CALL VOTE: Adoption of this recommendation requires a two-thirds vote of the Board members present or, if less than two-thirds of the Board members are present a unanimous vote.)

ITEMS DISTRIBUTED TO THE BOARD LESS THAN 72 HOURS PRIOR TO MEETING

Pursuant to Government Code Section 54957.5, non-exempt public records that relate to open session agenda items and are distributed to a majority of the Board less than seventy-two (72) hours prior to the meeting will be available for public inspection in the lobby of the District's business office located at 18700 Ward Street, Fountain Valley, California 92708, during regular business hours. When practical, these public records will also be made available on the District's Internet Web site, accessible at http://www.mwdoc.com.

NEXT RESOLUTION NO. 2130

PRESENTATION/DISCUSSION ITEMS

1. PRESENTATION BY MET STAFF REGARDING THE DELTA CONVEYANCE PROJECT EIR

Recommendation: *Review and discuss the information presented.*

2. LEGISLATIVE ACTIVITIES

a. Federal Legislative Report (NRR)
b. State Legislative Report (BBK)
c. Legal and Regulatory Report (Ackerman)
d. MWDOC Legislative Matrix
e. Metropolitan Legislative Matrix

Recommendation: Review and discuss the information presented.

3. QUESTIONS OR INPUT ON MET ISSUES FROM THE MEMBER AGENCIES/MET DIRECTOR REPORTS REGARDING MET COMMITTEE PARTICIPATION

Recommendation: Receive input and discuss the information presented.

ACTION ITEMS

4. APPROVE CONTINUATION OF REMOTE MEETINGS PURSUANT TO AB 361 AND MAKE REQUIRED FINDINGS

Recommendation: Vote to continue virtual meetings pursuant to AB 361 for an additional 30 days based on the findings that (1) it has reconsidered the circumstances of the state of emergency for COVID-19, and (2) state and local officials continue to impose or recommend measures to promote social distancing.

INFORMATION ITEMS

5. MET ITEMS CRITICAL TO ORANGE COUNTY (The following items are for informational purposes only – a write up on each item is included in the packet. Discussion is not necessary unless requested by a Director)

a. MET's Finance and Rate Issues
b. MET's Integrated Resources Plan Update
c. MET's Water Supply Condition Update
d. Water Quality Update
e. Colorado River Issues
f. Delta Conveyance Activities and State Water Project Issues

Recommendation: Review and discuss the information presented.

6. METROPOLITAN (MET) BOARD AND COMMITTEE AGENDA DISCUSSION ITEMS

a. Summary regarding October MET Board Meeting
b. MET 4-Month Outlook on Upcoming Issues
c. Review items of significance for MET Board and Committee Agendas

Recommendation: Review and discuss the information presented.

ADJOURNMENT

Note: Accommodations for the Disabled. Any person may make a request for a disability-related modification or accommodation needed for that person to be able to participate in the public meeting by telephoning Maribeth Goldsby, District Secretary, at (714) 963-3058, or writing to Municipal Water District of Orange County at P.O. Box 20895, Fountain Valley, CA 92728. Requests must specify the nature of the disability and the type of accommodation requested. A telephone number or other contact information should be included so that District staff may discuss appropriate arrangements. Persons requesting a disability-related accommodations should make the request with adequate time before the meeting for the District to provide the requested accommodations.

Item No. 1

DISCUSSION ITEM
November 2, 2022

TO: **Board of Directors**

FROM: **Robert Hunter, General Manager**

Staff Contact: Melissa Baum-Haley

SUBJECT: **PRESENTATION BY MET STAFF REGARDING THE DELTA CONEYANCE PROJECT EIR**

STAFF RECOMMENDATION

Staff recommends the Board of Directors discuss and file this information.

REPORT

On July 27, 2022 the California Department of Water Resources (DWR) released the Draft Environmental Impact Report (EIR) for the Delta Conveyance Project. The Draft-EIR describes the project, project alternatives, environmental impacts, and mitigation measures to help avoid, minimize, or substantially lessen impacts. After requests from the Delta independent science board, and other stakeholders, DWR extended the comment period from October 27 to Friday, December 16, 2022.

The Delta Conveyance Project (DCP) is intended to modernize the SWP water transport infrastructure in the Delta to restore and protect the reliability of this important state water supply. The project intends to do this by:

(1) Addressing the effects of sea level rise and climate change
(2) Minimize water supply disruption caused by an earthquake
(3) Protect the ability of the State Water Project to reliably deliver water
(4) Provide operational flexibility to improve aquatic conditions in the Delta

The Proposed Project: Also referred to as the "Bethany Reservoir Alternative," the proposed project includes constructing:

- Two new 3,000 cubic feet per second (cfs) intake facilities in the north Delta to divert water, for a total capacity of 6,000 cfs

Budgeted (Y/N): N/A	Budgeted amount: None	Core _X_	Choice __
Action item amount: N/A	Line item:		
Fiscal Impact (explain if unbudgeted):			

- One below ground tunnel to convey that water from the new intakes following the Eastern Alignment, ending at the existing Bethany Reservoir on the California Aqueduct
- A new pumping plant that connects the tunnel directly to the Bethany Reservoir

The Draft-EIR also evaluates eight alternatives in addition to the proposed project and a no project alternative, which describes likely conditions if the Delta Conveyance Project is not implemented. To be evaluated in the Draft EIR, alternatives must be potentially feasible and meet most of the project's objectives and avoid or reduce potential significant environmental impacts of the proposed project.

Action Alternatives: Eight conveyance alternatives that include constructing:

- One, two or three new intakes in the north Delta
- Four capacity options ranging from 3,000 cfs to 7,500 cfs
- One new tunnel following the Central or Eastern Alignment
- New facilities in the south Delta at the Southern Complex near Clifton Court Forebay

The No Project Alternative: As required by CEQA, the No Project Alternative includes:

- Likely conditions if the project is not implemented, including reasonably foreseeable changes in existing conditions and potential alternate actions that may be taken absent a project, such as increased conservation, recycling and desalination. These alternative actions were screened out as standalone alternatives because they don't address the fundamental project purpose.

The Water Supply 2040 Analysis within the Draft-EIR shows that long term average total Delta exports which include both State Water Project (SWP) and Central Valley Project (CVP) water exports, decline due to climate change even with the project. However, the Bethany Alternative lessen the decline in comparison to No Project.

Based on the Draft-EIR, potential changes to SWP/CVP water supplies in 2040 are variable compared to 2020 conditions. The overall trend in the deliveries that will be most affected by the project (i.e., total SWP/CVP south-of-Delta deliveries) is that projected increases in water supply deliveries would be less under 2040 conditions than increases projected under 2020 conditions. Additional changes that are expected would be in Article 21 deliveries, which occur when SWP San Luis Reservoir is full.

Additionally, long-term progressive risks of levee failures and diminishing operational efficiency and supply reliability from sea level rise and changes in Delta inflow hydrology are expected as a result of climate change. Continuation of existing management and operation of the Delta is expected to increasingly expose Delta water users and those that depend on water exported from the Delta to risks of water supply interruption and diminishing water supply reliability over time.

As a significant stakeholder in the DCP, Metropolitan staff is actively working on analyzing the project and its associated costs and benefits. This includes the modeling of the proposed project, and no-project alternative under a series of climate-change driven hydrological conditions.

MWDOC staff has invited Metropolitan's Bay-Delta Initiatives Policy Manager Nina Hawk to provide an update on the DCP Draft-EIR and Metropolitan staff's analysis on the proposed project and the benefits that it may provide to the SWP Contractors.

Attachments: (1) Metropolitan Update on Delta Conveyance Draft EIR (Oct. 10, 2022)

(2) DWR Delta Conveyance Project Draft EIR Explained (Jul. 20, 2022)

Imported Water Committee

Update on Delta Conveyance Draft EIR

Item 6a

October 10, 2022

Update on Delta Conveyance Project Draft EIR

October Agenda (part 1)

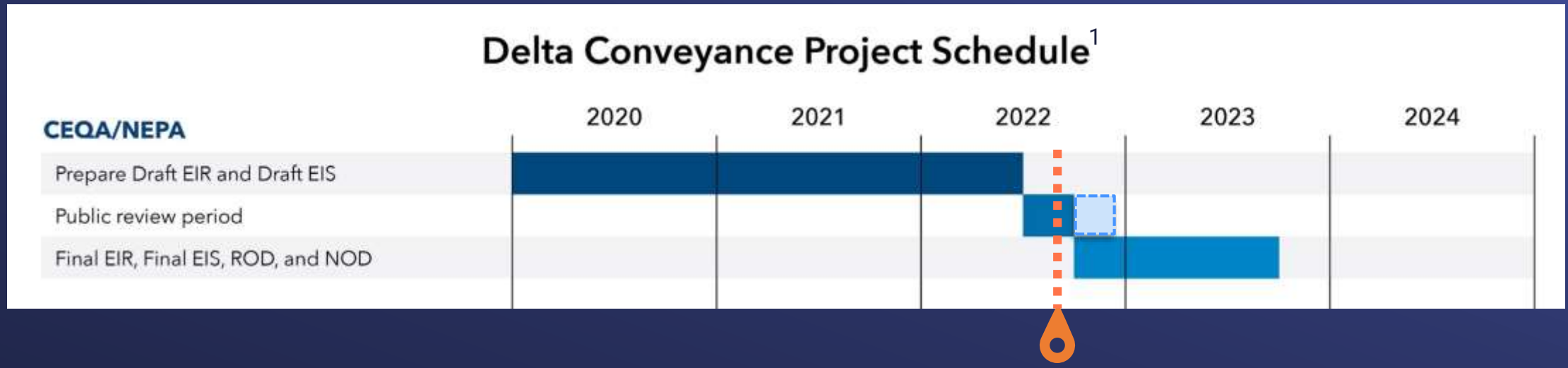
- Project Overview
- Water Supply Reliability and Resiliency
- One Water and Delta Conveyance

November Agenda (part 2)

- Project Overview (recap)
- In-Delta engagement during DEIR development
- Tribal Cultural Resources

Proposed Delta Conveyance Project
Project Overview

Delta Conveyance Project Planning Timeline



[1]Department of Water Resources (DWR) extended Draft Environmental Impact Report (DEIR) public review period of 90 days with an end date of October 27, 2022 to December 16, 2022, light blue shaded box captures this timeline modification. Proposed Delta Conveyance Project timeline is subject to change.

Public Draft EIR
Project Objectives

The Project Purposes

CLIMATE RESILIENCY	Addresses climate change, extreme weather and rising sea-levels in the Delta for the SWP
SEISMIC RESILIENCY	Minimizes health/safety risk to public from earthquake-caused reductions in water delivery quality and quantity from the SWP
WATER SUPPLY RELIABILITY	Restores and protects ability to deliver SWP water in compliance with regulatory and contractual constraints
OPERATIONAL FLEXIBILITY	Provides SWP operational flexibility to improve aquatic conditions and manage risks of additional future constraints

Project Alignments

Three Alignment Options

- Central
- Eastern
- Bethany – Proposed Project

Four Capacity Options

- 3,000 cfs
- 4,500 cfs
- 6,000 cfs – Proposed Project
- 7,500 cfs

Comparing WaterFix and Proposed Delta Conveyance Project

	California WaterFix aka "Twin Tunnels" (2017)	**Proposed Delta Conveyance Project aka "Single Tunnel"** (current)
Conveyance	Two tunnels, 35 miles each	One tunnel, 45 miles
Capacity	9,000 cfs	6,000 cfs
Number of Intakes	3	2
Alignment	Through center of Delta	Along east side, avoiding central Delta
Potential Agricultural Land Impact	Approximately 3,550 acres	Approximately 2,400 acres
Construction Traffic on Highway 160	Yes	No
Forebays Needed	Yes, 2	None, connect directly to Bethany Reservoir
Number of Barge Landings	4	None
Tunnel Shaft Launch Sites	Located at intakes and sites away from intakes	Located away from intakes
Tribal Consultation	Yes	Yes, formally under AB 52

Proposed Delta Conveyance Project
Water Supply Reliability and Resiliency

Proposed Delta Conveyance Project

Water Supply Reliability and Resiliency[1]

Modeling climate change, today[2] and into the future

Flashier storms present risks and opportunities

SWP water deliveries (with & without project)

Uncertainties ahead and other considerations

[1] Project objectives for the proposed Delta Conveyance Project are noted on this slide as "water supply reliability and resiliency" however project objectives per Department of Water Resources' Draft Environmental Impact Report released on July 27, 2022 include climate resiliency, seismic resiliency, operational resiliency and water supply reliability.

[2] "today" represents the "existing conditions" as modeled in the Draft Environmental Impact Report

Modeling California's Water Supply

Climate Change Assumptions Developed by Experts

DWR's Climate Change Technical Advisory Group

Global Climate Models (GCM's)

- Global
- Western U.S.
- California
- 10 GCM's for CA water planning

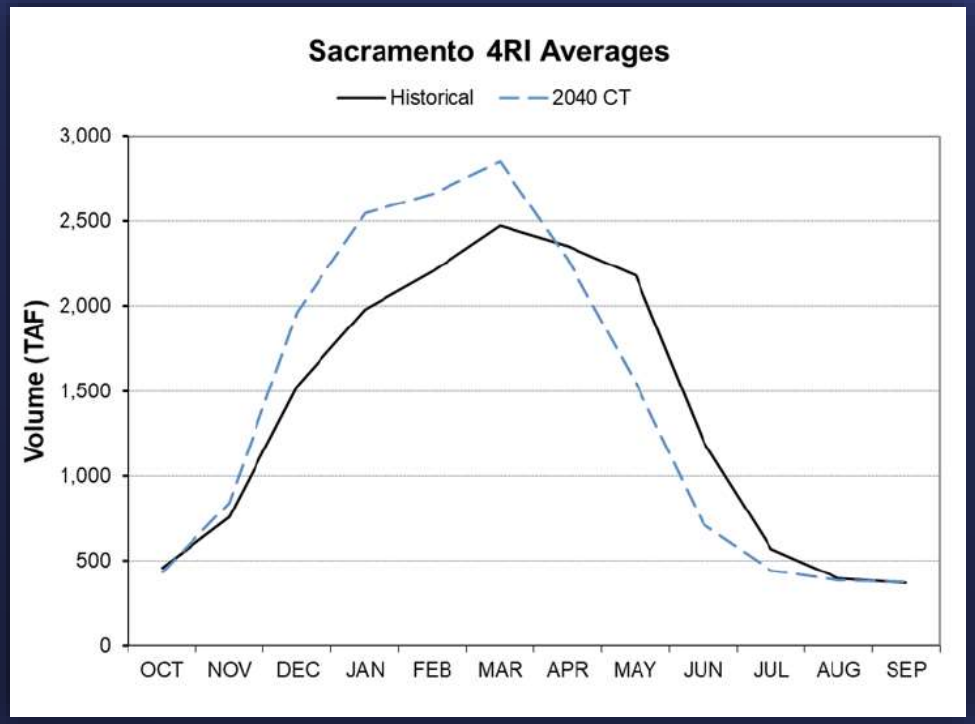
Delta Conveyance Project Climate Assumptions

	2020 Existing Conditions	2040 Scenarios[1]
Modeled Hydrology	Current Hydrology	Climate Change Hydrology
Sea Level Rise	Existing Conditions	+1.8 feet at Golden Gate[2]
South of Delta SWP & CVP Demands	Up to Full Contract	Up to Full Contract

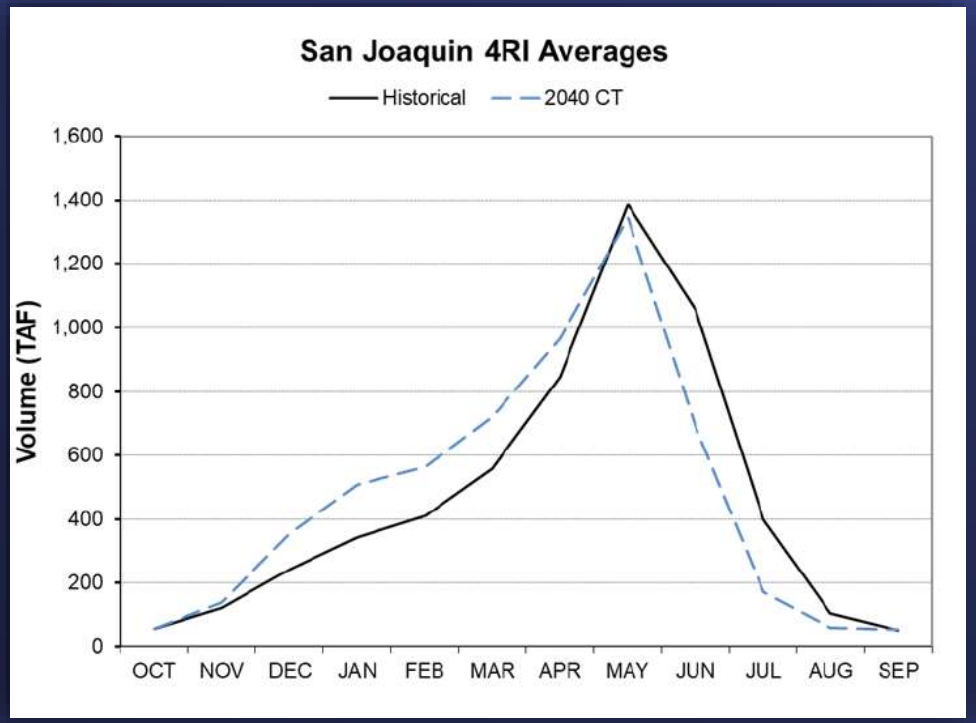
[1]2040 scenarios discussed include No Project and Proposed Project (Bethany Alternative)
[2]H++ corresponds to OPC's extreme scenario resulting from loss of West Antarctic ice sheet

Modeling California's Water Supply

Significant Changes in Runoff Timing and Quantity Projected in 2040



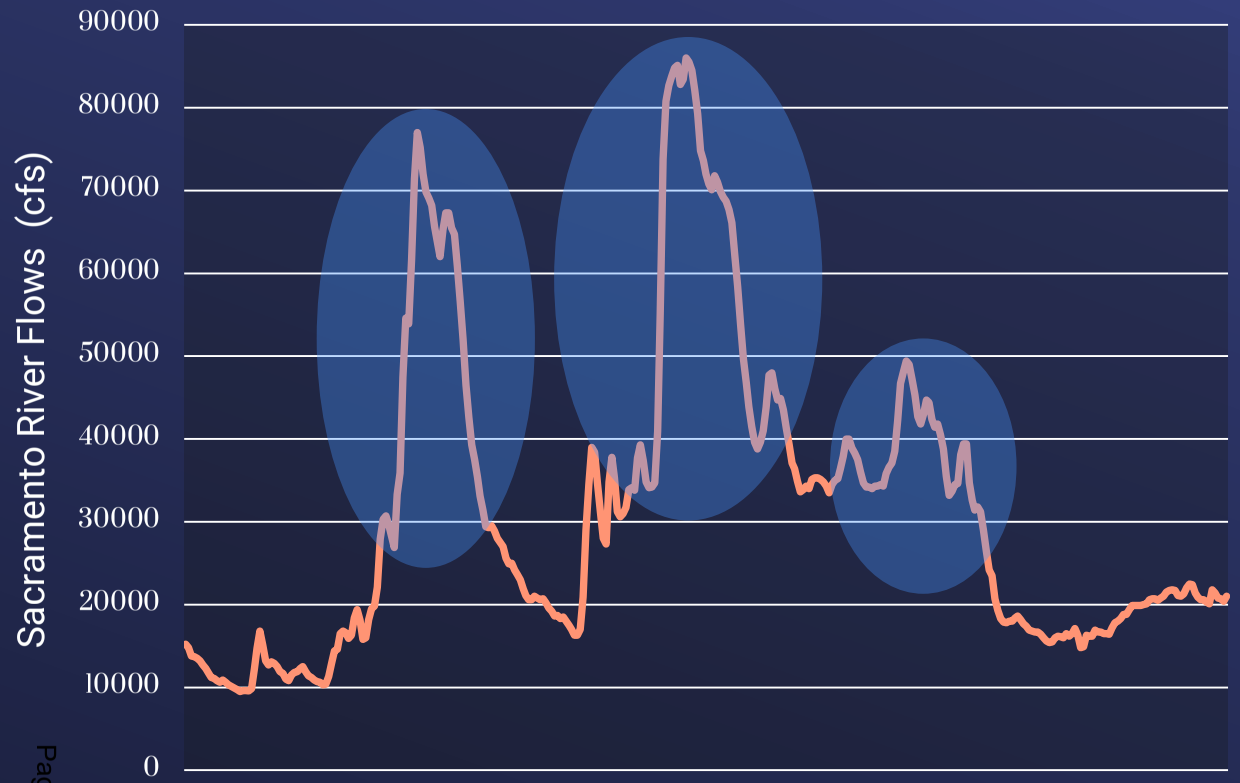
Delta Watersheds Projected to Be Wetter
Average Precipitation Increases of 2.7-4.8%[1]



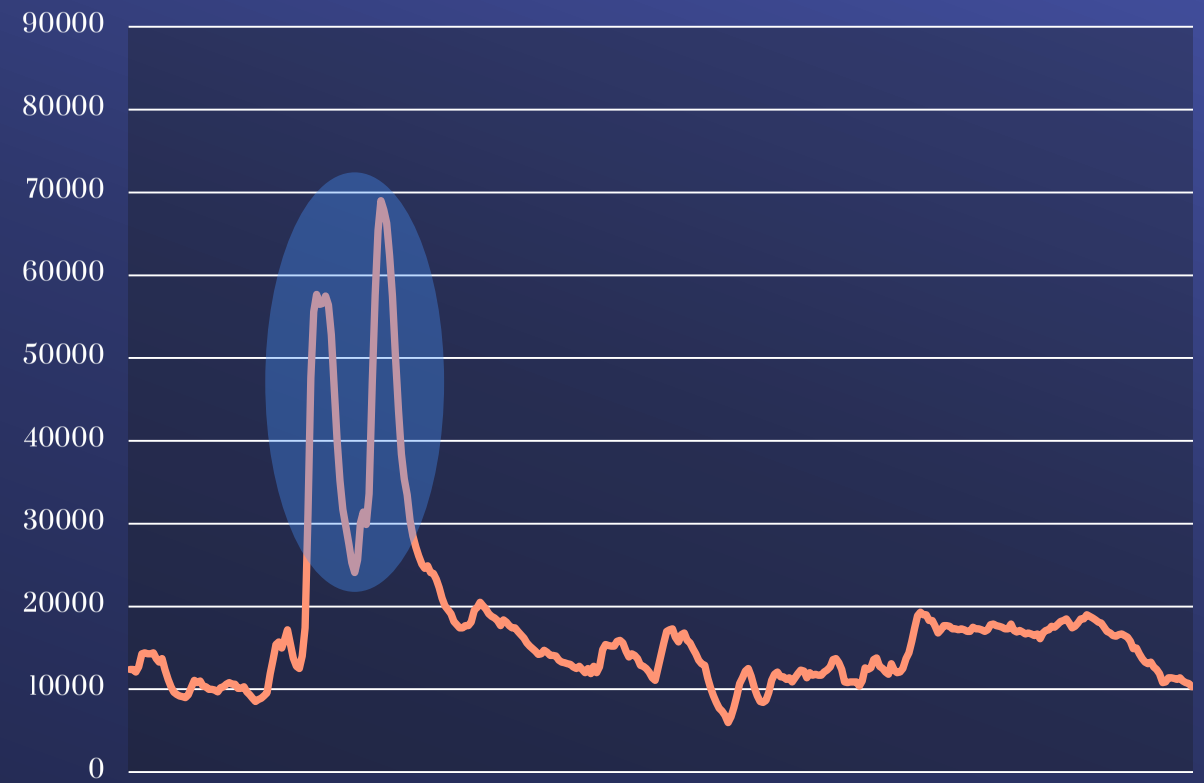
[1]DCP Draft EIR Appendix 5A, Section B – Figure 5A-B4.3

Flashier Storm Events Present Risks and Opportunities

High Flow Events Occur in Various Water Year Types



Wet Year
(2011 Water Year)

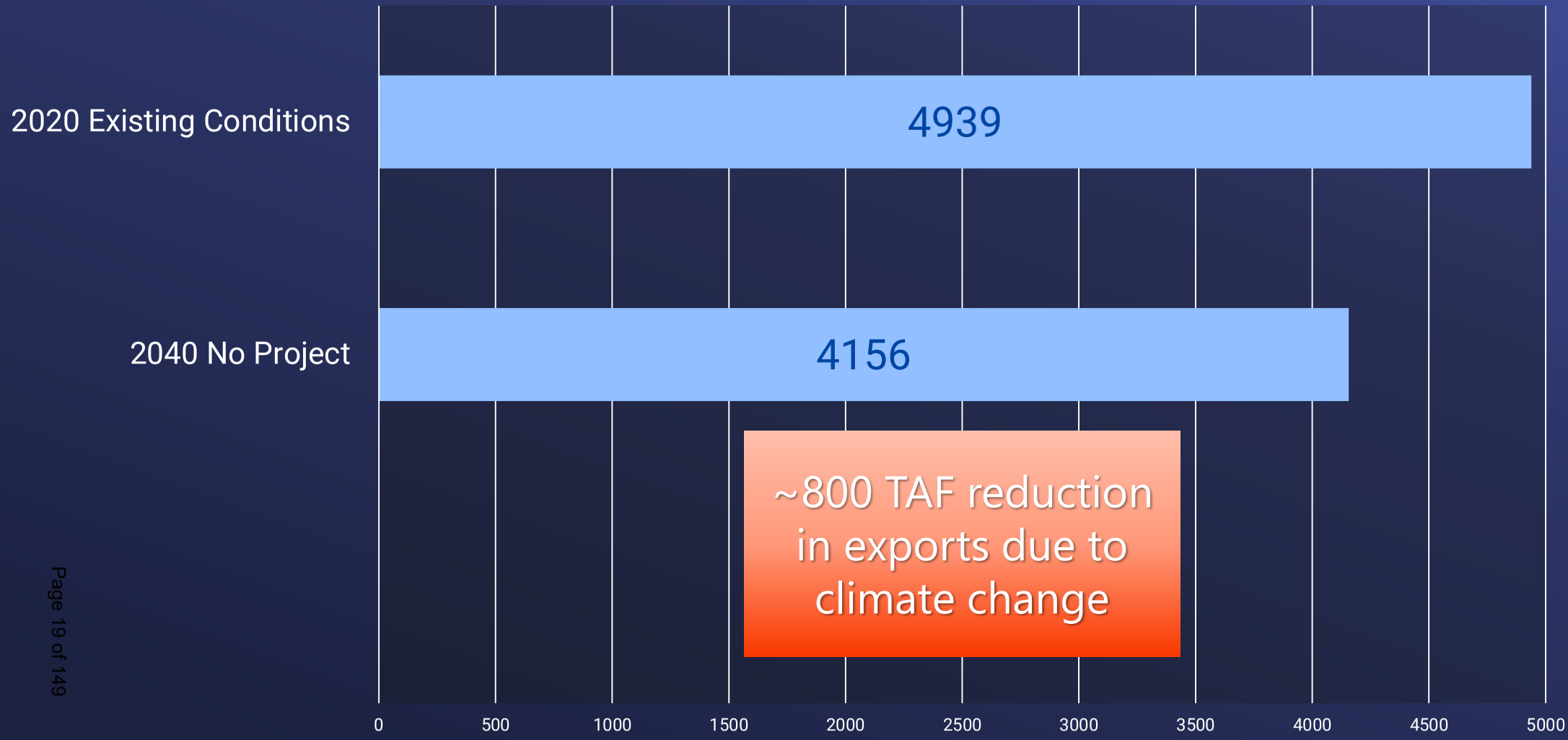


Dry Year
(2013 Water Year)

Source: Department of Water Resources Dayflow data https://data.ca.gov/dataset/dayflow

Projected Decline in Exports Due to Climate Change

Total Delta Exports Long-Term Average (TAF)[1,2,3,4]



[1]2040 scenarios discussed include No Project and Proposed Project (Bethany Alternative), [2]H++ corresponds to OPC's extreme scenario resulting from loss of West Antarctic ice sheet
[3]Total Delta Exports includes both State Water Project and Central Valley Project water exports, [4]Source: Table 6A-3 of DCP Draft EIR

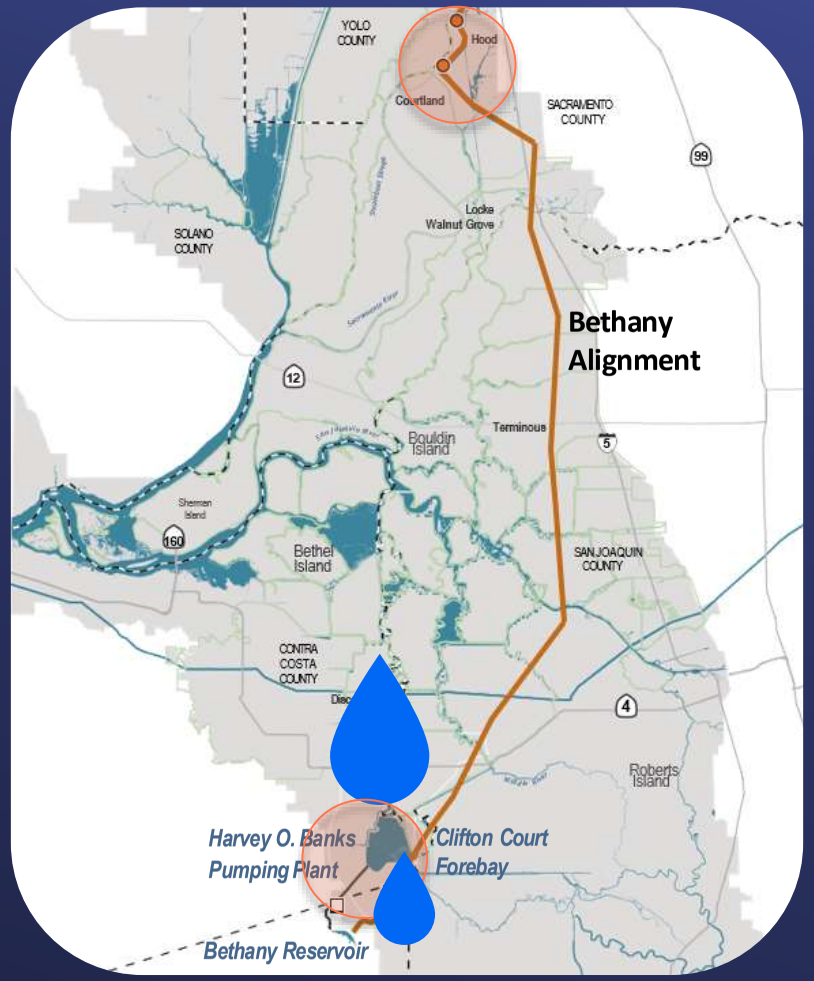
Modeling California's Water Supply

DCP Operations Assumptions[1,2,3]

Dual Conveyance

South Delta Diversion (*through Delta*)

North Delta Diversion (*one tunnel*)



North Delta Diversion Intakes (NDD)

- 6,000 cfs max capacity
- Pulse protection
- State of the art fish screens
  - 0.2 ft./sec max approach velocity
  - 0.4 ft./sec min sweeping velocity
- Bypass flows
- Low-level pumping
- Only SWP diversions at the NDD

South Delta Diversions

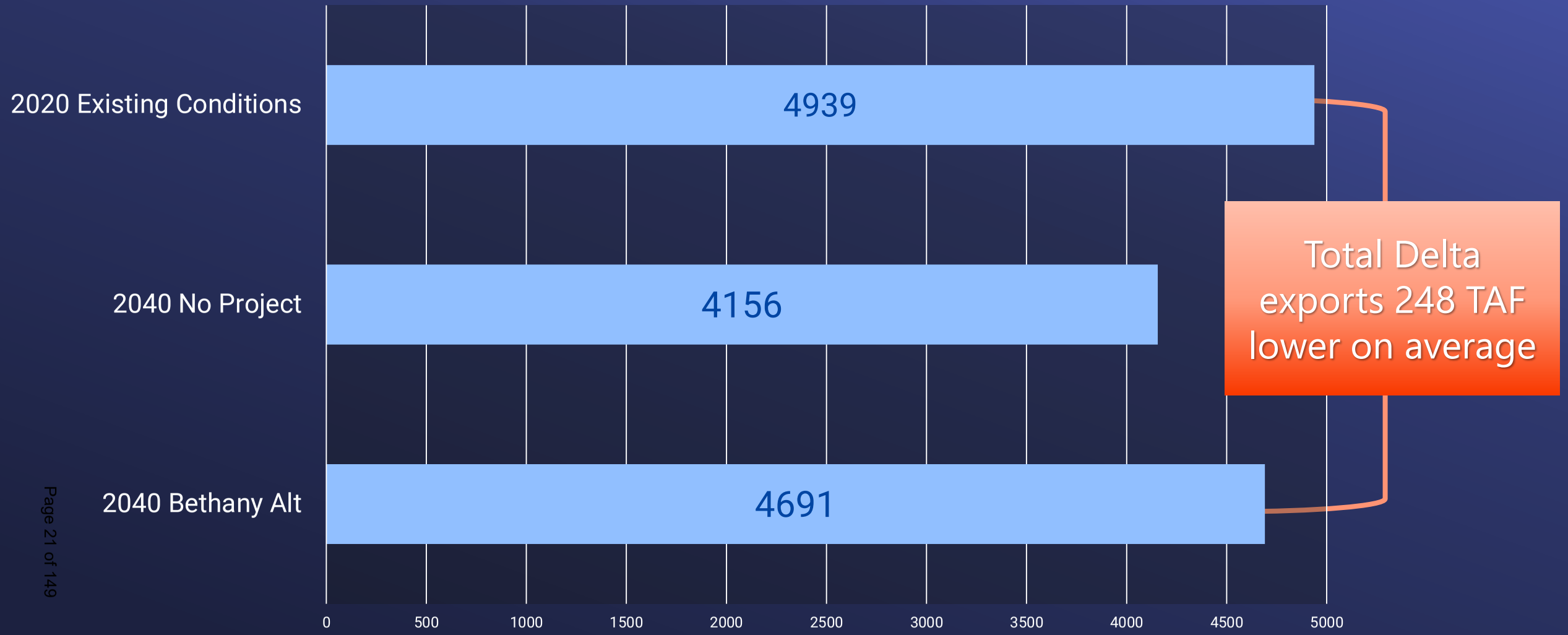
- Generally prioritized over North Delta Diversion
- Operated under existing regulatory framework

NDD Intakes are designed to withstand 10.2 ft of sea level rise and a 200-year flood event

[1]Regulatory Framework – Draft EIR operations include Water Rights Decision D-1641, 2019 Biological Opinions (USFWS & NMFS) and 2020 Incidental Take Permit (2020 ITP)
[2]2020 modeling is for Existing Conditions and 2040 scenarios discussed included No Project and Proposed Project (Bethany Alternative)
[3]H++ corresponds to Ocean Protection Commission's (OPC's) extreme scenario resulting from loss of West Antarctic ice sheet

Exports Decline due to Climate Change, Even with Project

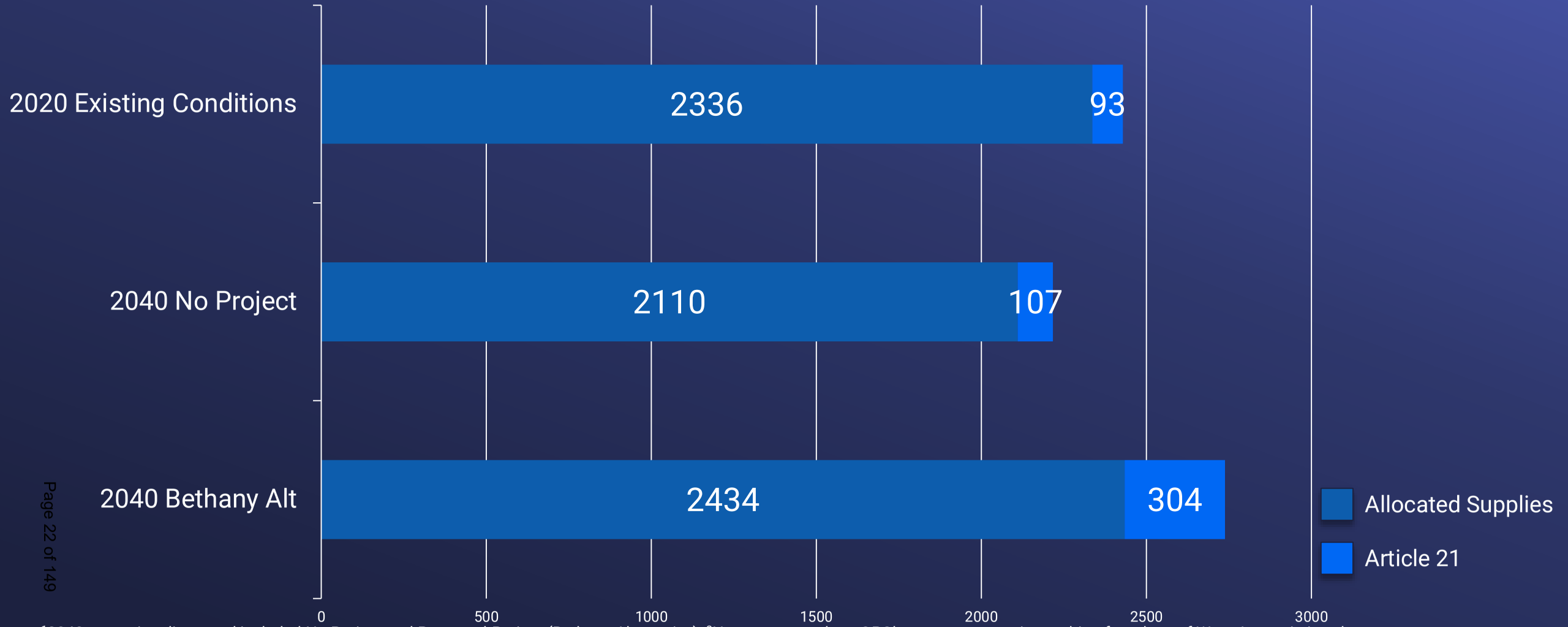
Total Delta Exports, Long-Term Average (TAF)[1,2,3,4]



[1]2040 scenarios discussed include No Project and Proposed Project (Bethany Alternative), [2]H++ corresponds to OPC's extreme scenario resulting from loss of West Antarctic ice sheet
[3]Total Delta Exports includes both State Water Project and Central Valley Project water exports, [4]Source: Table 6A-3 of DCP Draft EIR

Adapting to High Flow Events Amid Climate Change

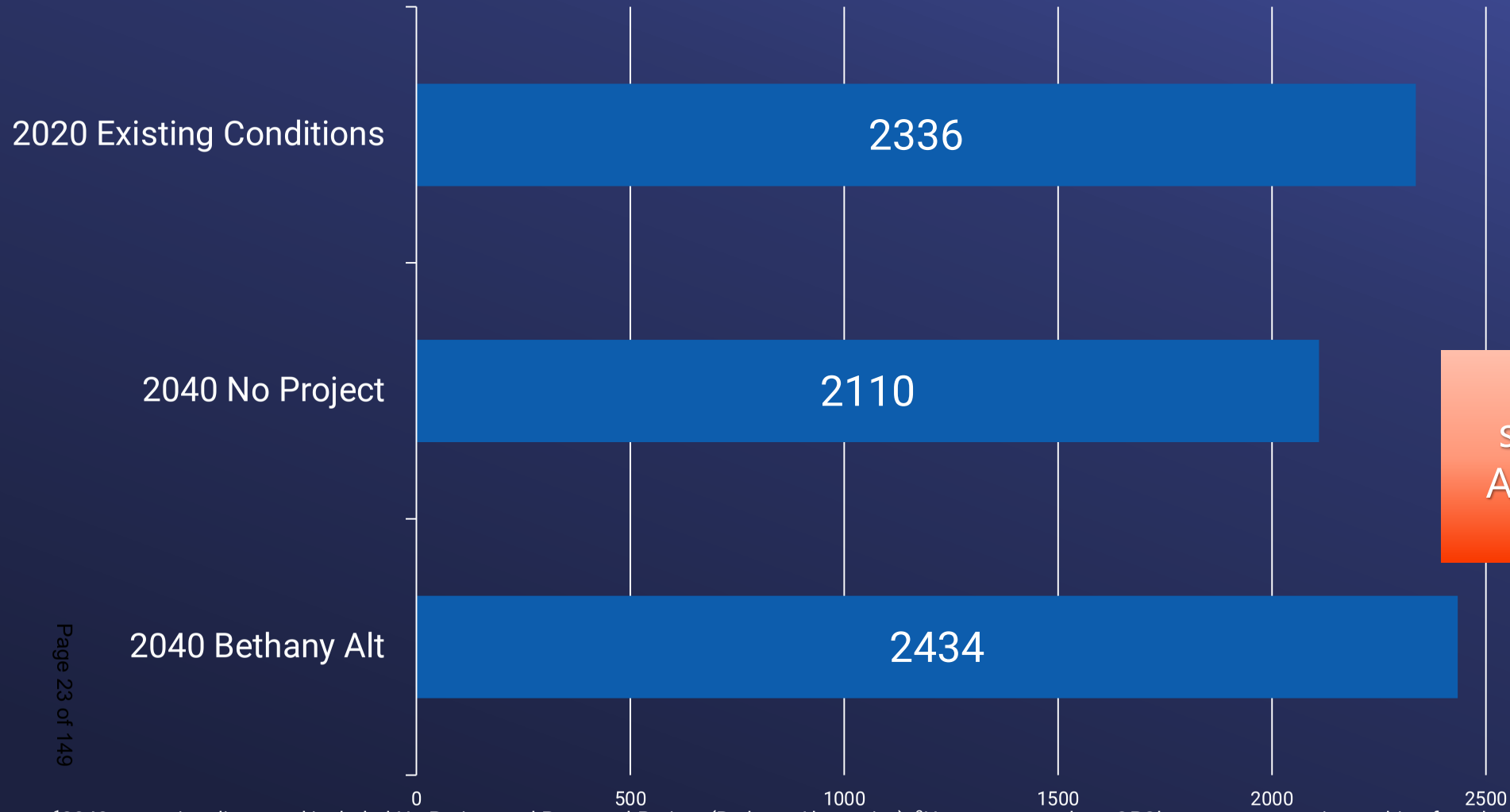
SWP Deliveries, Long Term Average (TAF)[1,2,3]

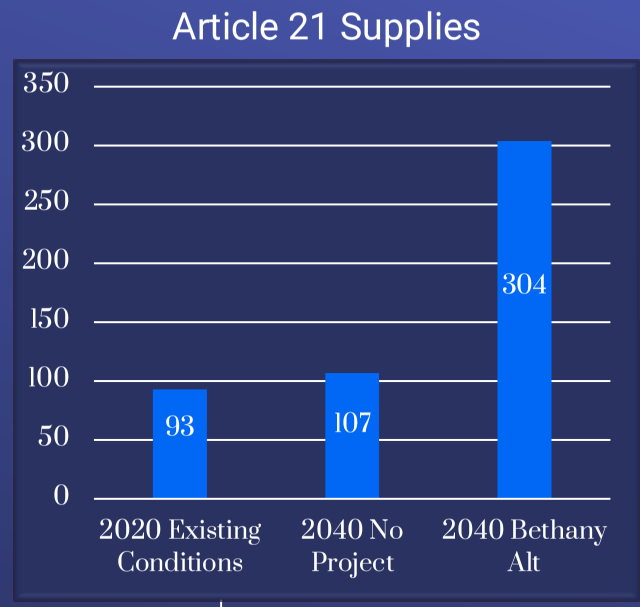


[1]2040 scenarios discussed included No Project and Proposed Project (Bethany Alternative), [2]H++ corresponds to OPC's extreme scenario resulting from loss of West Antarctic ice sheet
[3]Allocated supplies include Table A and Article 56 Carryover supplies as shown in Table 6A-1 of the DCP Draft EIR.

Adapting to High Flow Events Amid Climate Change

SWP Deliveries, Long Term Average (TAF)[1,2,3]





Restores allocated supplies and increases Article 21 supplies from high flow events

Allocated Supplies

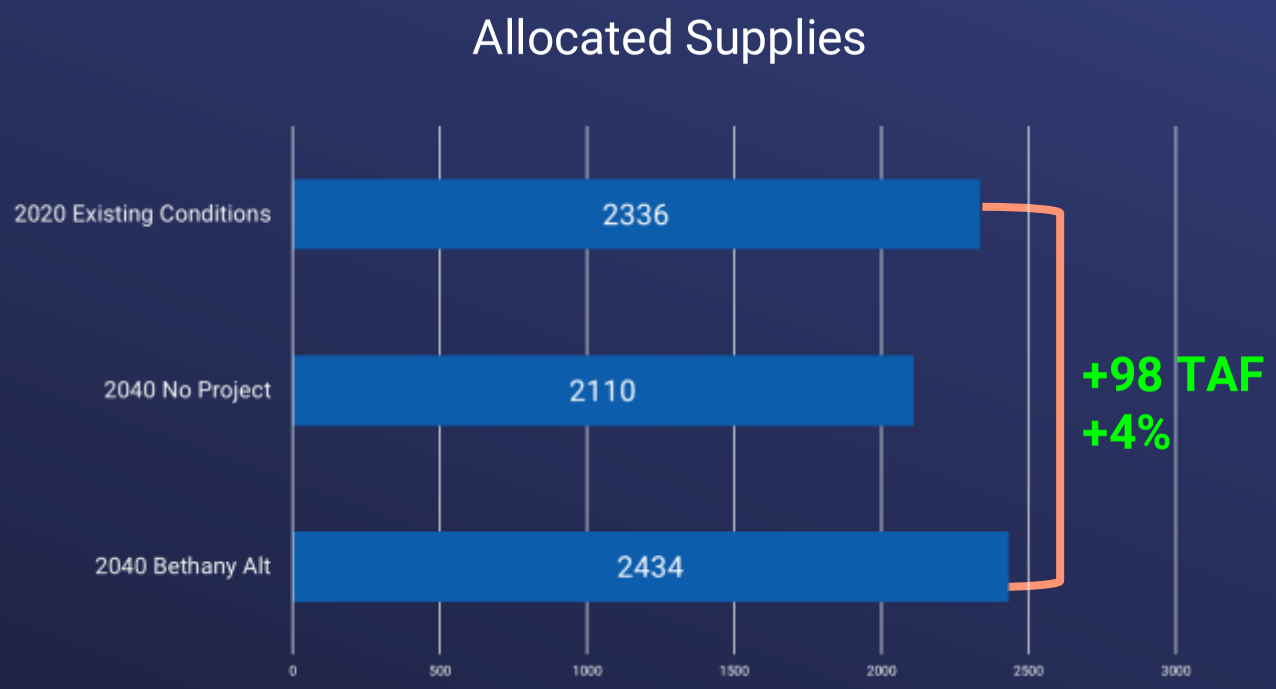
Article 21

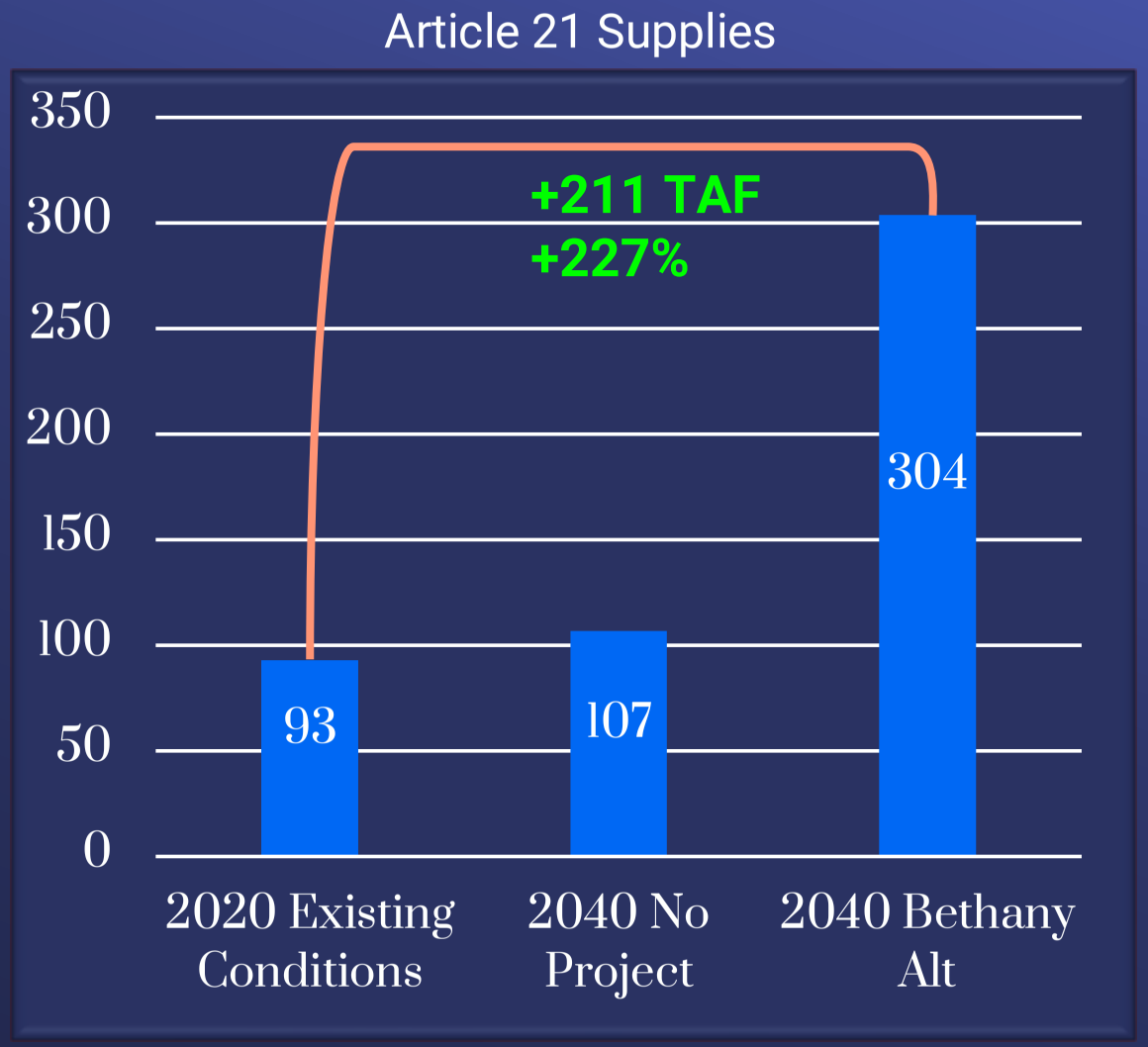
[1]2040 scenarios discussed included No Project and Proposed Project (Bethany Alternative), [2]H++ corresponds to OPC's extreme scenario resulting from loss of West Antarctic ice sheet

[3]Allocated supplies include Table A and Article 56 Carryover supplies as shown in Table 6A-1 of the DCP Draft EIR.

Adapting to High Flow Events Amid Climate Change

SWP Deliveries, Long Term Average (TAF)[1,2,3]



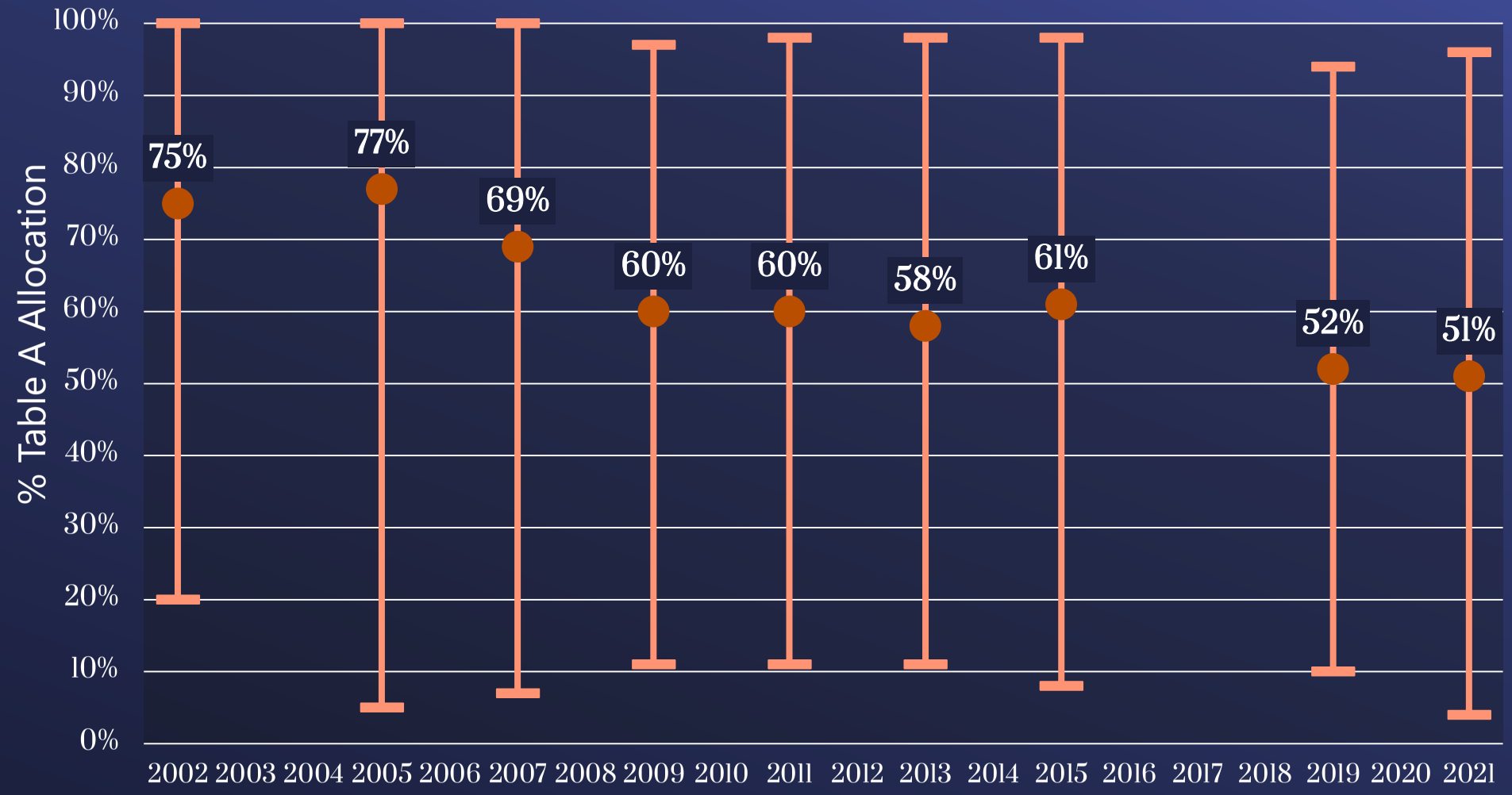


Capturing high flow events restores and protects water supply reliability

[1]2040 scenarios discussed included No Project and Proposed Project (Bethany Alternative), [2]H++ corresponds to OPC's extreme scenario resulting from loss of West Antarctic ice sheet
[3]Allocated supplies include Table A and Article 56 Carryover supplies as shown in Table 6A-1 of the DCP Draft EIR.

Future Reliability Estimates Trending Downward

SWP Delivery Capability Report Average Table A Allocation



Considering Future Uncertainty

Key Areas of Uncertainty[1]

- Water Demands
- Climate Change and Sea Level Rise
- Future Regulatory Actions
- Future Project Operations

Metropolitan will conduct additional analyses to evaluate potential uncertainties that were not analyzed as part of the Draft EIR[2] and their implications for Metropolitan's long-term planning processes.

[1]Qualitative analysis of 2070 conditions includes discussions of key drivers and uncertainties surrounding water demands, climate change, sea level rise, and future water management and regulatory actions. These types of uncertainties apply to a wide range of future water management actions. [2]Additional analysis of uncertainties is not a requirement of the CEQA process. MWD's planning analyses are properly outside scope of DWR's permitting documents.

Delta Conveyance Project
One Water and Delta Conveyance

One Water and Delta Conveyance Putting the Pieces Together

One Water and Delta Conveyance

Delta Conveyance Project aims to protect and restore SWP water reliability

Vital To Metropolitan

- The SWP is a core component of Metropolitan's supply portfolio
- Metropolitan's infrastructure is designed and built to benefit from the SWP

Develop New Local Supplies

- Blending higher quality source water (SWP) will help in maintenance and development of local supplies (Recycled Water)

Surface Storage

- San Luis Reservoir Carryover
- Flexible Storage
- Diamond Valley Lake

Water Quality at Existing Metropolitan Treatment Facilities

- Blending with Colorado River Supplies at Weymouth, Diemer, and Skinner Treatment Plants

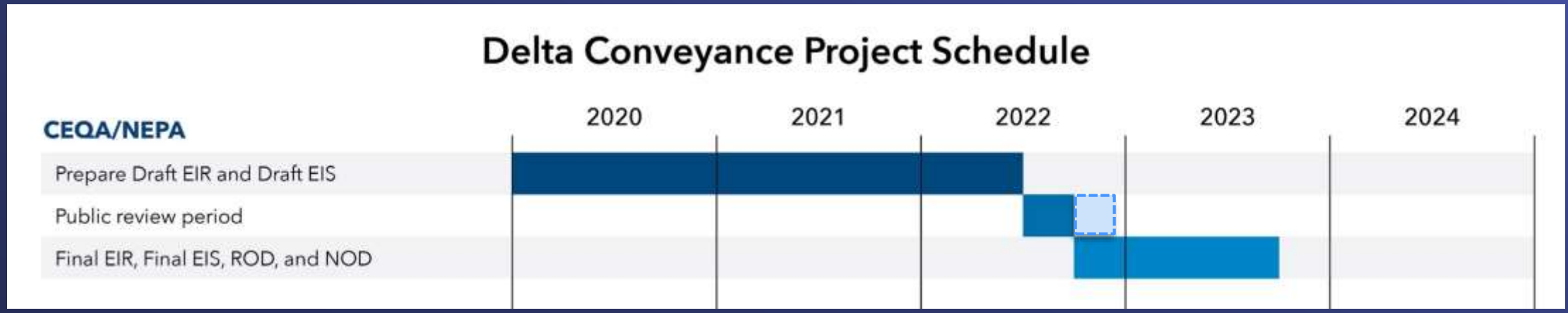
SWP Groundwater Banking

- Central Valley Programs
- High Desert Water Bank

Local Groundwater Recharge

- Supply for In-Service Area Groundwater Basins
- Conjunctive Use Programs

Delta Conveyance Project Planning Timeline



Future DCP updates to MWD Committee/Board[1]

- Regular Delta Conveyance Project Updates (Ongoing)
  - Delta Conveyance Design & Construction Authority
  - Delta Conveyance Finance Authority
  - Project development (planning / permitting activities)
- Cost Estimate (Fall 2023 - Spring 2024)
- Cost Benefit Analysis (Fall 2023 - Spring 2024)
- Continued Project funding discussion and board deliberation (by mid 2024)

[1]Proposed Delta Conveyance Project timeline and dates provided above are subject to change

Key Takeaways Supply Reliability

- Significant Changes in Runoff - Timing and Quantity[1]
- High Flow Events Occur in Various Water Year Types[2]
- Without the Project, Exports Decline ~800 TAF[3] by 2040
- Flashier Storm Events Present Risks & Opportunities
- Capturing high flow events restores and protects water supply reliability[4]

[1]Draft EIR Appendix 5A, Section B.6.1 [2]Source: Department of Water Resources Dayflow data https://data.ca.gov/dataset/dayflow [3]Total Delta Exports including both State Water Project and Central Valley Project water exports in Existing Conditions and 2040 scenarios as modeled in Chapter 5 and Appendix 5A of DCP Draft EIR and shown in Table 6A-3 [4]2040 scenarios discussed include No Project and Proposed Project (Bethany Alternative), H++ corresponds to OPC's extreme scenario resulting from loss of West Antarctic ice sheet and allocated supplies include Table A and Article 56 Carryover supplies as shown in Table 6A-1 of the DCP Draft EIR.

Next Steps

Ongoing Staff Efforts

- Support Member Agency Outreach
- Provide Comments by December 16th Deadline

November Agenda (part 2)

- Project Overview (recap)
- In-Delta engagement during DEIR development
- Tribal Cultural Resources


THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

DRAFT ENVIRONMENTAL IMPACT REPORT EXPLAINED

DRAFT ENVIRONMENTAL IMPACT REPORT EXPLAINED

CONTENTS

DRAFT ENVIRONMENTAL IMPACT REPORT EXPLAINED

INTRODUCTION

About this Document

The Delta Conveyance Project Draft Environmental Impact Report Explained is a companion to the Delta Conveyance Project's Draft Environmental Impact Report (EIR) to help members of the public better understand the proposed Delta Conveyance Project and the requirements for the Department of Water Resources (DWR) in preparing an EIR under the California Environmental Quality Act (CEQA). Although not required by CEQA, this document is intended to acquaint readers with the proposed Delta Conveyance Project and alternatives analyzed in the Draft EIR and provide a short summary of impacts to key resource areas. This document is separate from and not intended to be a substitute or surrogate for the comprehensive summary of the Draft EIR that is being circulated with the Draft EIR. Readers are encouraged to review the Draft EIR Executive Summary and full Draft EIR and provide comments during the public review period.

The Project

The Delta Conveyance Project is a proposal by DWR to restore and protect the reliability of State Water Project (SWP) water deliveries by modernizing SWP infrastructure in the Delta. These facility updates allow DWR to address sea level rise and climate change, minimize water supply disruption due to seismic risk and improve aquatic conditions in the Delta through more flexible SWP water operations.

The proposed project includes the construction and operation of new water intake facilities on the Sacramento River in the north Delta and a single main tunnel to divert and move water entering the north Delta from the Sacramento Valley watershed to existing SWP facilities in the south Delta, which would result in a dual conveyance system in the Delta. A dual conveyance system for SWP Delta conveyance includes a new intake facility in the north Delta operating together with existing south Delta pumping facilities. DWR is not seeking to increase its existing water rights, nor is it proposing any operational changes upstream of the Delta.

All proposed project details are subject to refinement. No final decisions will be made until the conclusion of the environmental review process.

Why the Delta Conveyance Project?

DWR's fundamental purpose in proposing to develop new intake and conveyance facilities in the Delta is to restore and protect the reliability of SWP water deliveries and, potentially, Central Valley Project (CVP) water deliveries south of the Delta, consistent with the State's Water Resilience Portfolio in a cost-effective manner. This purpose, in turn, gives rise to the following project objectives.

- To help address anticipated rising sea levels and other reasonably foreseeable consequences of climate change and extreme weather events.
- To minimize the potential for public health and safety impacts from reduced quantity and quality of SWP water deliveries, and potentially CVP water deliveries, south of the Delta as a result of a major earthquake that could cause breaching of Delta levees and the inundation of brackish water into the areas where existing SWP and CVP pumping plants operate in the southern Delta.
- To protect the ability of the SWP, and potentially the CVP, to deliver water when hydrologic conditions result in the availability of sufficient amounts of water, consistent with the requirements of state and federal law, including the California and federal Endangered Species Acts and Delta Reform Act, as well as the terms and conditions of water delivery contracts and other existing applicable agreements.
- To provide operational flexibility to improve aquatic conditions in the Delta and better manage risks of further regulatory constraints on project operations.

Central Valley Project Participation in the Delta Conveyance Project

The CVP is one of the state's major water projects, along with the SWP. The U.S. Bureau of Reclamation (Reclamation) oversees operations and maintenance of the CVP and coordinates Delta operations with the SWP. The CVP is operated for flood management; navigation; provision of water for irrigation and domestic uses; fish and wildlife protection, restoration, and enhancement; recreation; and power generation.

Reclamation is a cooperating agency to the U.S. Army Corps of Engineers on the Environmental Impact Statement (EIS) being prepared under the National Environmental Policy Act for the D elta Conveyance Project. Reclamation has not expressed an interest to involve the CVP in the proposed project or alternatives. However, because previous Delta conveyance efforts included various levels of participation from Reclamation and CVP contractors, alternatives that include CVP participation (Alternatives 2a and 4a in this document) are provided as part of the project to provide a comparison of the impacts (and potentially benefits) of possible CVP involvement.

THE ENVIRONMENTAL IMPACT REPORT

CEQA requires a public agency to review and document the potential environmental impacts before a project can be approved and implemented. The Delta Conveyance Project Draft EIR analyzes and discloses the potential impacts on the environment from the proposed project and alternatives. The Draft EIR considers nine project alternatives, including the proposed project, and the no-project alternative.

Resilience and Adaptation Benefits

The proposed project and alternatives are just one component of a suite of federal, state, regional, and local strategies to protect and ensure a safe, adequate water supply under rising sea levels and a changing climate well into the future. The proposed project and alternatives are designed to increase SWP resilience to seismic risks, sea level rise, and other foreseeable consequences of climate change and extreme weather events. Consistent with the California Water Resilience Portfolio the Delta Conveyance Project is intended to restore and protect the reliability of the SWP and, potentially, CVP water deliveries south of the Delta.

DWR considers capture and conveyance in the Delta as important potential adaptations to mitigate potential system losses in other areas due to changing precipitation patterns and seasonal runoff. In addition, the Delta Conveyance Project is expected to allow continued water deliveries and operational flexibility should catastrophic levee failure from seismic activity, extreme weather or pressure from sea level rise, or other disasters that may temporarily disrupt routing or quality of surface water supplies. In addition, the proposed north Delta intake locations are not vulnerable to salinity intrusion from sea level rise. Furthermore, the facilities are designed to withstand 200-year flood flows on top of water level elevations corresponding to 10.2-feet sea level rise.

Changes in temperature and precipitation are expected to significantly alter California's hydrology in the future. Having alternative points of diversion in the north Delta would increase resiliency in managing combined effects of sea level rise and changes in upstream hydrology, including changes to timing and quantity of seasonal runoff patterns.

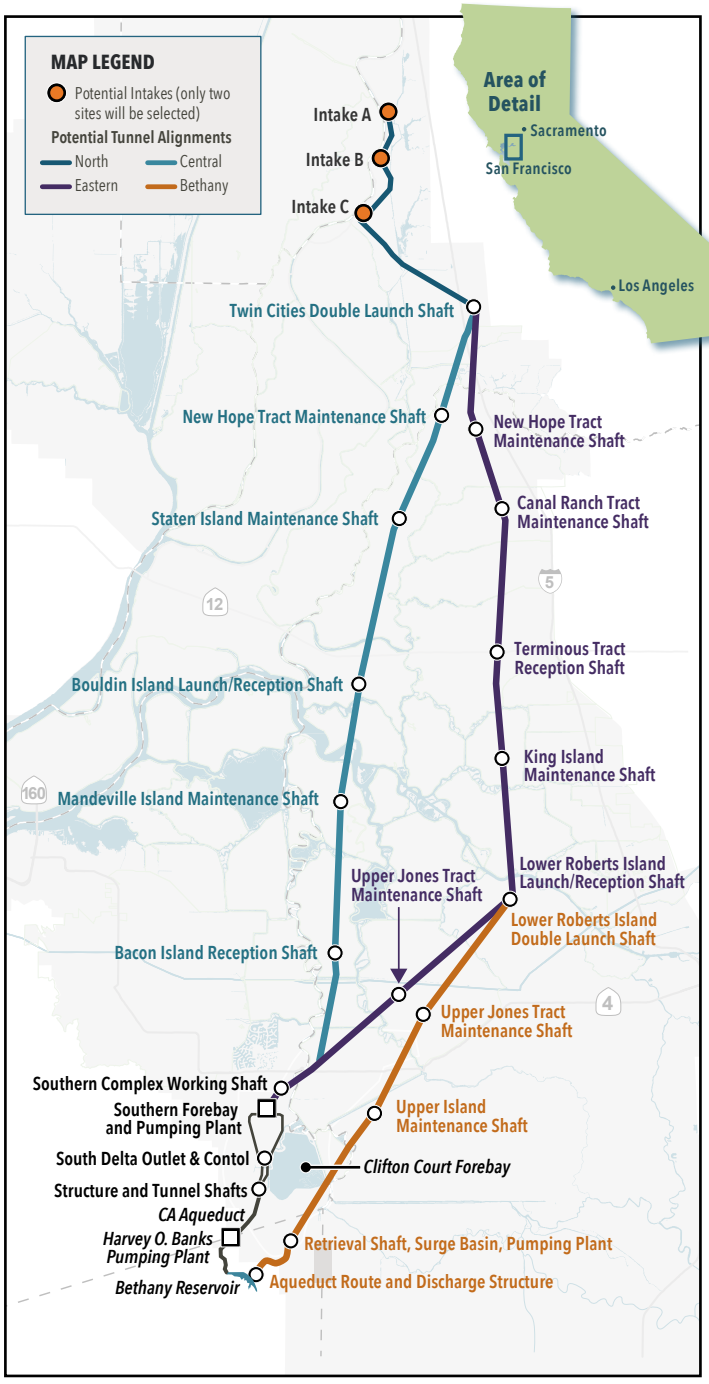
Operating the proposed north Delta intakes would facilitate the capture of inflow when changing precipitation patterns are expected to generate higher inflow than the April–June timeframe, when reservoirs have historically captured runoff. By being able to capture inflow when it is available, overall exports would be more reliable than with the existing south Delta pumps alone.

The alternatives analyzed in the Draft EIR include a combination of water conveyance configurations, capacities, and various mitigation measures. These alternatives were informed by public scoping sessions conducted in 2020 and input from federal, state and local agencies and public comment. The Draft EIR and supporting documentation will inform DWR's decision whether to approve the Delta Conveyance Project or an alternative, decisions by the state and federal agencies about issuing permits including endangered species permits, and decisions by public water agencies to participate in the project.

THE PROPOSED PROJECT AND ALTERNATIVES

Each of the nine project alternatives considered for the Delta Conveyance Project includes the following project elements: intake(s) to divert water in the north Delta, a tunnel to connect to existing facilities in the south Delta, shafts to use during tunnel construction (and later as maintenance access), and facilities in the south Delta to pump water up to the surface and into existing conveyance facilities. The alternatives represent three tunnel alignments combined with the proposed construction of new north Delta intake and conveyance facilities capable of diverting and conveying a range of 3,000 cubic feet per second (cfs) to 7,500 cfs in total. The alternatives are proposed to follow either a Central alignment, Eastern alignment, or Bethany Reservoir alignment, as illustrated in the figure below.

Proposed Project and Alternatives Facilities Map



Proposed Project: The Bethany Reservoir Alignment (Alternative 5)

CEQA requires DWR, as lead agency for preparation of the Delta Conveyance Project Draft EIR, to identify a *proposed project* as it conducts the environmental analysis. At the initial stages of environmental review in early 2020, DWR issued a Notice of Preparation that identified the proposed project as either the central or eastern alignment for a single tunnel connecting to a new forebay located in the south Delta adjacent to the existing SWP facilities with a maximum capacity to divert up to 6,000 cfs. Since that time, and after further evaluation, it became clear that the Bethany Reservoir Alignment, which extends the eastern corridor to the existing Bethany Reservoir and avoids development of a new forebay in the south Delta, was more appropriate as DWR's proposed project for several reasons, including that it would have less impact on agricultural land, cultural resources, and wetlands and waters of the United States. Therefore, DWR is identifying the *Bethany Reservoir Alignment*, or Alternative 5, as the proposed project for the Draft EIR.

The Bethany Reservoir Alignment would divert up to 6,000 cfs of water from two new north Delta intake facilities – Intakes B and C, each with 3,000 cfs capacity – through state-of-the-art fish screens and convey it via a single tunnel on an eastern alignment directly to a new pumping plant and aqueduct complex called the *Bethany Complex* near Byron Highway in the south Delta. The alignment would continue heading south to the existing Bethany Reservoir on the California Aqueduct.

This alternative would provide the same climate resiliency, seismic resiliency, and water supply reliability as the other 6,000 cfs alternatives that follow the central or eastern alignment evaluated in the Draft EIR but would have fewer or substantially reduced environmental impacts.

Identification of the Bethany Reservoir Alignment as the proposed project for the Draft EIR does not indicate that DWR has decided to move forward with the Delta Conveyance Project nor that, if DWR does determine to move forward, the Bethany Reservoir Alignment will be the project that DWR approves. DWR will not decide on the project until after addressing public comments on the Draft EIR as part of preparation and certification of the Final EIR and making all necessary findings, adopting a mitigation monitoring and reporting program and, if necessary, a statement of overriding considerations as part of the CEQA process.

Alternatives

In addition to the Bethany Reservoir Alignment, or proposed project, the Draft EIR examines eight other alternatives that would include new water intake facilities on the Sacramento River in the north Delta and a single tunnel to convey water from the intakes to a new Southern Forebay on Byron Tract. The figures on pages 7 through 9 provide details about each alternative. The end of the Southern Forebay would be connected to the existing SWP Banks Pumping Plant through new facilities based on the pumping capacity of the alternative (3,000 cfs to 7,500 cfs). Two of the eight alternatives would include additional facilities to convey water from the new Southern Forebay to CVP facilities at the Jones Pumping Plant.

The primary distinctions among the alternatives are the number of intake facilities, tunnel alignments and size, project design capacities, and location of the facilities to convey the Delta Conveyance Project water to existing SWP facilities.

Central Alignment Alternatives

Alternatives 1, 2a, 2b, and 2c consider a central tunnel alignment.

- Alternative 1 includes 2 intake facilities (Intakes B and C) with a total pumping capacity of 6,000 cfs.
- Alternative 2a includes 3 intake facilities (Intakes A, B and C) with a total pumping capacity of 7,500 cfs.
- Alternative 2b includes 1 intake facility (Intake C) with a total pumping capacity of 3,000 cfs.
- Alternative 2c includes 2 intake facilities (Intakes B and C) with a total pumping capacity of 4,500 cfs.

Eastern Alignment Alternatives

Alternatives 3, 4a, 4b, and 4c follow an eastern alignment similar to Alternative 5, the Bethany Reservoir Alignment, as far as Lower Roberts Island, then turn farther west towards Byron Tract.

- Alternative 3 includes 2 intake facilities (Intakes B and C) with a total pumping capacity of 6,000 cfs.
- Alternative 4a includes 3 intake facilities (Intakes A, B and C) with a total pumping capacity of 7,500 cfs.
- Alternative 4b includes 1 intake facility (Intake C) with a total pumping capacity of 3,000 cfs.
- Alternative 4c includes 2 intake facilities (Intakes B and C) with a total pumping capacity of 4,500 cfs.

No Project Alternative

The Draft EIR considers a No Project Alternative at the year 2040, which is the timeframe when the Delta Conveyance Project, if approved, is anticipated to be fully constructed and operational. The No Project Alternative considers effects from climate change and sea level rise. It evaluates changes that might occur without approval of the Delta Conveyance Project beyond the 2020 existing conditions and includes ongoing and reasonably foreseeable projects and programs that are assumed to occur in the absence of the Delta Conveyance Project. The No Project Alternative includes the actions water agencies that receive SWP supplies would need to take to address local shortages if the Delta Conveyance Project was not constructed and the resulting environmental effects of those actions, beyond what water agencies are currently planning. Examples of these actions include increases in water conservation programs, water recycling projects, groundwater recovery projects, among others.

Project Facilities

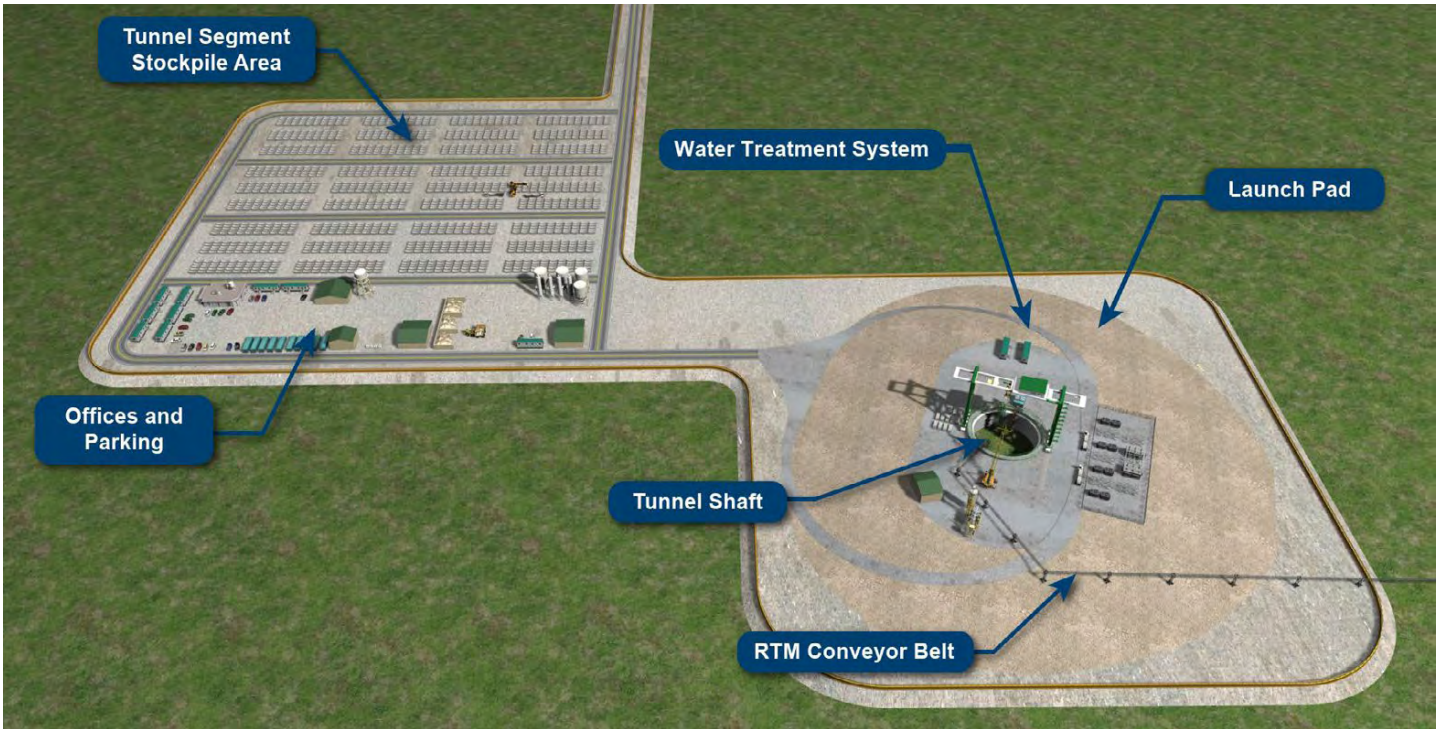
North Delta Water Intake Facilities

The proposed project and eight alternatives include new water intake facilities on the eastern shore of the Sacramento River in the north Delta. Up to three intakes could be constructed, depending on the alternative, with a maximum diversion capacity of 7,500 cfs total. The intake facilities are identified in the Draft EIR as Intakes A, B, and C.

- Intake A would be south of and on the other side of the Sacramento River from Clarksburg
- Intake B would be just north of Hood
- Intake C would be between Hood and Courtland

The water intake facilities would divert water through state-of-the-art fish screens. Other intake facility features include intake structures, sedimentation basins, sediment drying lagoons, flow control structures, intake outlet channel and intake outlet shaft, embankments, and other appurtenant structures and associated facilities to support construction and operations of the intakes. The intake structures do not include pumps; water would flow by gravity into the tunnels towards a pump station in the south Delta.

Water Intake Facility Features Rendering



Launch Shaft Rendering

Tunnels

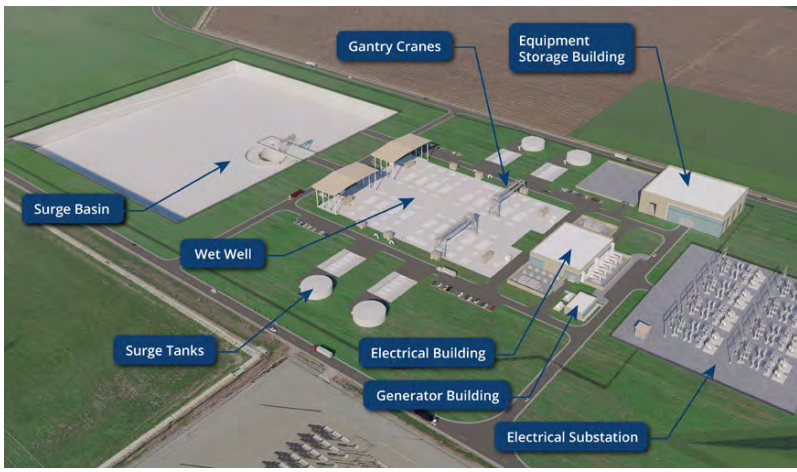
Under Alternatives 1, 2a, 2b, 2c, 3, 4a, 4b, and 4c, the main tunnel would convey water from the intakes to the proposed new Southern Forebay Inlet Structure in the south Delta, to be distributed via the Southern Forebay and additional facilities composing the Southern Complex. At the south end of the Southern Forebay, two ancillary tunnels would connect the Southern Forebay to the Banks Pumping Plant approach channel, a distance of 1.7 miles. The two ancillary tunnels are proposed to allow conveyance of the full design capacity of the Banks Pumping Plant, and secondarily so that one tunnel could be removed from service for inspection and cleaning while maintaining half-capacity service in the other tunnel. Alternatives 2a and 4a would require an additional single tunnel and facilities to convey water to the CVP from the Southern Complex. Under Alternative 5, the main tunnel would go directly to the Bethany Reservoir Pumping Plant from Lower Roberts Island. Alternative 5 does not require construction of a new forebay.

Other Project Facilities

Other project facilities that would be constructed for the project include:

- **Tunnel Shafts** to launch, remove and maintain tunnel boring machines that will bore the tunnels. Most activity will be at the tunnel launch shafts, which would be at the Twin Cities and Lower Roberts sites for all alternatives and the Southern Complex for Alternatives 1-4. Tunnel maintenance and removal shafts would be located at intakes, along the tunnel alignment, and at the Bethany Complex for Alternative 5.
- **Reusable Tunnel Material (RTM) Handling and Storage Facilities** to move, test and store soil removed by tunnel boring machines as tunnels are built.
- **Southern Complex on Byron Tract** to house facilities associated with all alternatives except the Bethany Reservoir Alignment, and includes tunnel shafts, the main tunnel terminus, the South Delta Pumping Plant, a Southern Forebay, an emergency spillway, an electrical switchyard, maintenance buildings, a Southern Forebay outlet structure, RTM handling facilities, emergency response facilities, and a concrete batch plant.
- **Southern Complex West of Byron Highway**, which would include the South Delta Conveyance facilities to connect the Southern Forebay to the Banks Pumping Plant approach channel.
- **Bethany Complex** near Clifton Court Forebay, as part of the Bethany Reservoir Alignment, that includes a pumping plant, a surge basin, aqueduct, aqueduct tunnels, discharge structure, access roads, and equipment and storage facilities.
- **Access Roads** to access intake facilities, tunnel shafts, the Southern Complex and Bethany Complex.
- **Park and Ride Lots,** Park-and-ride lots would be established near major commute routes, where workers could park and ride shuttle buses or vans to construction sites. Trucks arriving late at night could also use these lots to park overnight to minimize nighttime deliveries to construction sites.

Bethany Pumping Plant Rendering

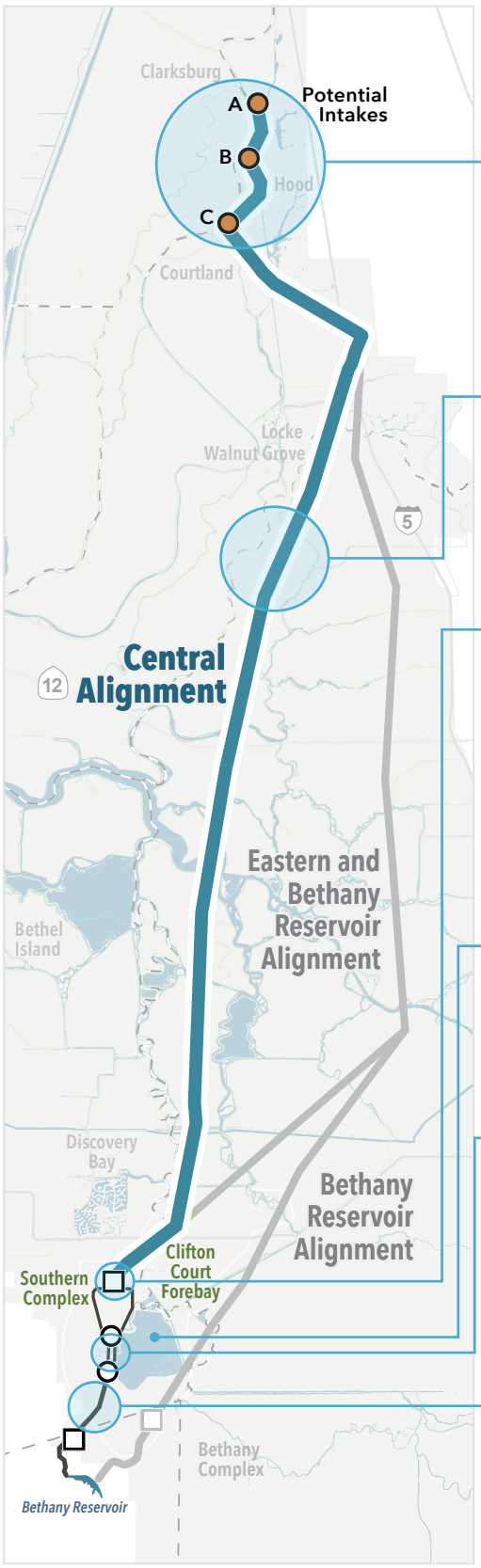


KEY PROJECT FEATURES BY ALTERNATIVE

The proposed project and alternatives have many features in common. This graphic describes major facilities present in multiple alternatives. Not all project alternatives involve all the common features.

Note: Tunnel diameter and length are from intakes to Southern Forebay, except for Alternative 5.

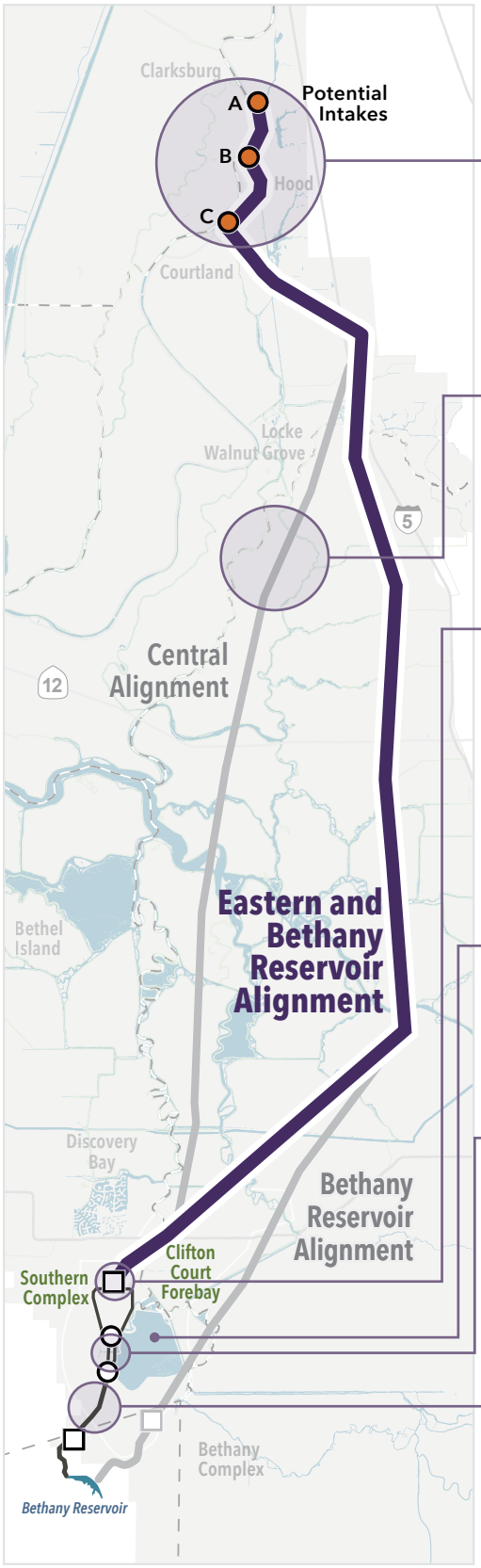
CVP = Central Valley Project; BRPP = Bethany Reservoir Pumping Plant.



Central Alignment

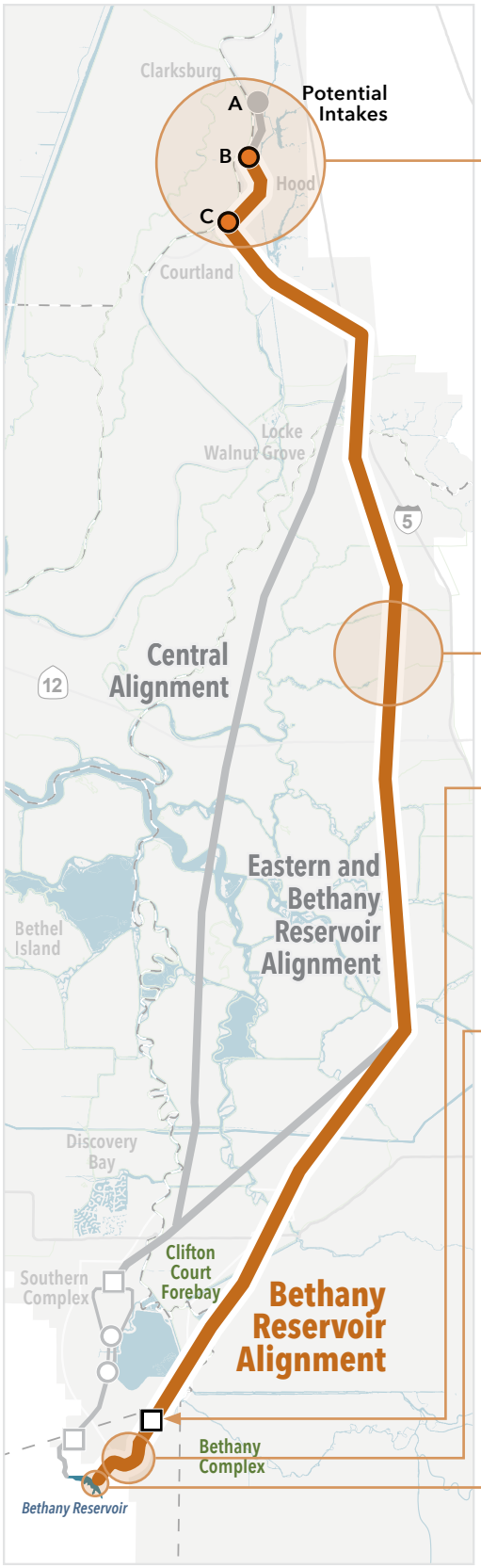
	Alternative 1	Alternative 2a	Alternative 2b	Alternative 2c
Intake facilities and project design capacity (cubic feet of water per second)	Intake B, 3,000 Intake C 3,000	Intake A, 1,500 Intake B, 3,000 Intake C, 3,000	Intake C, 3,000	Intake B, 3,000 Intake C, 1,500
Total CFS	**6,000**	**7,500**	**3,000**	**4,500**
Main tunnel diameter (feet)	36 inside 39 outside	40 inside 44 outside	26 inside 28 outside	31 inside 34 outside
Main tunnel length (miles)	39	42	37	39
South Delta Pumping Plant at the Northern Southern Forebay Embankment	Seven pumps at 960 cfs, each, including two standby pumps. Three pumps at 600 cfs, each, including one standby pump. Two portable pumps to dewater tunnel.	Eight pumps at 960 cfs, each, including up to two standby pumps. Three pumps at 600 cfs, each, including one standby pump. Two portable pumps to dewater tunnel.	Five pumps at 960 cfs, each, including up to two standby pumps. Three pumps at 600 cfs, each, including one standby pump. Two portable pumps to dewater tunnel.	Six pumps at 960 cfs, each, including up to two standby pumps. Three pumps at 600 cfs, each, including one standby pump. Two portable pumps to dewater tunnel.
Southern Forebay	Normal operating capacity: 9,000 acre-feet. Surface area: approximately 750 acres. Average surface water elevation: 11.5 feet, or approximately the halfway point within the normal operating elevation range of 5.5 to 17.5 feet. Area: approximately 1,000 acres.			
Dual tunnels at Southern Forebay Outlet Structure, each (feet)	38 inside 41 outside 1.7 miles long	40 inside 44 outside 1.7 miles long	38 inside 41 outside 1.7 miles long	38 inside 41 outside 1.7 miles long
Single Jones Tunnel (diameter in feet/length in miles)	Not applicable	20 inside 22 outside 1.5 miles	Not applicable	Not applicable
Park and Ride Lots	• Hood-Franklin Park-and-Ride. • Rio Vista Park-and-Ride. • Charter Way Park-and-Ride. • Byron Park-and-Ride. • Bethany Park-and-Ride.			

Eastern Alignment



	Alternative 3	Alternative 4a	Alternative 4b	Alternative 4c
Intake facilities and project design capacity (cubic feet of water per second)	Intake B, 3,000 Intake C 3,000	Intake A, 1,500 Intake B, 3,000 Intake C, 3,000	Intake C, 3,000	Intake B, 3,000 Intake C, 1,500
Total CFS	**6,000**	**7,500**	**3,000**	**4,500**
Main tunnel diameter (feet)	36 inside 39 outside	40 inside 44 outside	26 inside 28 outside	31 inside 34 outside
Main tunnel length (miles)	42	44	40	42
South Delta Pumping Plant at the Northern Southern Forebay Embankment	Seven pumps at 960 cfs, each, including two standby pumps. Three pumps at 600 cfs, each, including one standby pump. Two portable pumps to de-water tunnel.	Eight pumps at 960 cfs, each, including up to two standby pumps. Three pumps at 600 cfs, each, including one standby pump. Two portable pumps to de-water tunnel.	Five pumps at 960 cfs, each, including up to two standby pumps. Three pumps at 600 cfs, each, including one standby pump. Two portable pumps to de-water tunnel.	Six pumps at 960 cfs, each, including up to two standby pumps. Three pumps at 600 cfs, each, including one standby pump. Two portable pumps to de-water tunnel.
Southern Forebay	Normal operating capacity: 9,000 acre-feet. Surface area: approximately 750 acres. Average surface water elevation: 11.5 feet, or approximately the halfway point within the normal operating elevation range of 5.5 to 17.5 feet. Area: approximately 1,000 acres.			
Dual tunnels at Southern Forebay Outlet Structure, each (feet)	38 inside 41 outside 1.7 miles long	40 inside 44 outside 1.7 miles long	38 inside 41 outside 1.7 miles long	38 inside 41 outside 1.7 miles long
Single Jones Tunnel (diameter in feet/length in miles)	Not applicable	20 inside 22 outside 1.5 miles	Not applicable	Not applicable
Park and Ride Lots	• Hood-Franklin Park-and-Ride. • Charter Way Park-and-Ride.		• Byron Park-and-Ride. • Bethany Park-and-Ride.	

Bethany Reservoir Alignment (Proposed Project)



	Alternative 5, Proposed Project
Intake facilities and project design capacity (cubic feet of water per second)	Intake B, 3,000 Intake C, 3,000
Total CFS	**6,000**
Main tunnel diameter (feet)	36 inside 39 outside
Main tunnel length (miles)	From intakes to Bethany Reservoir Pumping Plant: 45
Bethany Reservoir Pumping Plant and Surge Basin	14 pumps at 500 cfs, each, including two standby pumps Four 75-foot diameter by 20-feet high one-way surge tanks connected to the BRPP's discharge pipelines. Two portable 60 cfs pumps to dewater main tunnel for inspection and maintenance. Four rail-mounted 100 cfs pumps to dewater Surge Basin. One 815-foot by 815-foot, 35-foot deep surge basin with surge overflow capacity.
Bethany Reservoir Aqueduct to Bethany Reservoir Discharge Structure	138 acres for construction; 63 acres postconstruction. Four pipelines, each 15-feet inside diameter, 15.2 feet outside diameter. 2.5 miles long. Four tunnels (1 for each pipeline) under CVP Jones discharge pipelines. 4 tunnels (1 for each pipeline) under Bethany Reservoir Conservation Easement. Riser shafts to Discharge Structure.
Bethany Reservoir Discharge Structure	15 acres for construction; 13 acres postconstruction.
Park and Ride Lots	• Hood-Franklin Park-and-Ride. • Charter Way Park-and-Ride.

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ENVIRONMENTAL COMMITMENTS AND BEST MANAGEMENT PRACTICES

The Delta Conveyance Project incorporates environmental commitments (ECs) and best management practices (BMPs) into the engineering or design of the proposed project and alternatives that are generally intended to meet certain regulatory requirements and avoid, reduce, or minimize general environmental impacts. ECs and BMPs either indirectly or generally address potential adverse effects of the proposed project and alternatives but are not proposed as specific mitigation for a potentially significant impact identified in one of the resource chapters. These commitments are considered part of the project description, and if the project is approved, would be incorporated into an enforceable mitigation monitoring and reporting program.

- EC-1: Conduct Environmental Resources Worker Awareness Training
- EC-2: Develop and Implement Hazardous Materials Management Plans
- EC-3: Develop and Implement Spill Prevention, Containment, and Countermeasure Plans
- EC-4a: Develop and Implement Erosion and Sediment Control Plans
- EC-4b: Develop and Implement Stormwater Pollution Prevention Plans
- EC-5: Develop and Implement a Fire Prevention and Control Plan
- EC-6: Conduct Cultural Resources Awareness Training
- EC-7: Off-Road Heavy-Duty Engines
- EC-8: On-Road Haul Trucks
- EC-9: On-Site Locomotives
- EC-10: Marine Vessels
- EC-11: Fugitive Dust Control
- EC-12: On-Site Concrete Batching Plants
- EC-13: DWR Best Management Practices to Reduce GHG Emissions
- EC-14: Construction Best Management Practices for Biological Resources
- EC-15: Sediment Monitoring, Modeling, and Reintroduction Adaptive Management
- EC-16: Provide Notification of Construction and Maintenance Activities in Waterways
- EC-17: Pursue Solar Electric Power Options at Conveyance Facility Sites
- EC-18: Minimize Construction-Related Disturbances to Delta Community Events and Festivals

OPERATIONS

The proposed north Delta intakes would operate in conjunction with the existing SWP and potentially CVP intakes in the south Delta for the proposed project and alternatives. Operations of the existing SWP facilities, and in coordination with CVP operations pursuant to the Coordinated Operations Agreement, will be governed by applicable regulatory requirements and assigned to the SWP in applicable water right decisions, biological opinions, an incidental take permit, and the U.S. Army Corps of Engineers Clifton Court diversion limits. The operations of the proposed north Delta intakes would remain consistent with regulatory requirements.

The proposed project is seeking a new point of diversion, and is not seeking to expand water right quantity. Diversions at the proposed north Delta intakes would be governed by new operational criteria specific to these intakes, including fish screen approach and sweeping velocity requirements, bypass flow requirements, pulse protection, and low-level pumping. These new criteria provide additional protections to the fish species over and above the protections from the state-of-the-art positive barrier fish screens included at the proposed intakes.

The north Delta intakes would operate in conjunction with the existing south Delta intakes. The proposed intakes would augment the ability to capture excess flows and improve the flexibility of the SWP operations such as for meeting the State Water Board D-1641 Delta salinity requirements. The Delta Conveyance Project would not change operational criteria associated with upstream reservoirs. Upstream of Delta facilities will continue to be operated to meet regulatory, environmental, and contractual obligations consistent with existing operations. The Delta Conveyance Project is not proposing to increase the total quantity of water permitted for diversion under existing DWR water rights.

Community Benefits Program

DWR is developing a Community Benefits Program for the proposed Delta Conveyance Project which will ultimately identify and implement commitments, if the Delta Conveyance Project is approved, to help protect and enhance the cultural, recreational, natural resource and agricultural values of the Delta. Development and eventual administration of this program will be a grassroots and collaborative process with the local community. The Community Benefits Program Framework was developed through outreach and input from interested parties and is described in Appendix 3G of the Draft EIR. Potential environmental impacts associated with implementing the Community Benefits Program are evaluated in Chapter 34 of the EIR.

POTENTIAL ENVIRONMENTAL IMPACTS OF THE DELTA CONVEYANCE PROJECT

The Draft EIR examines the potential direct, indirect and cumulative impacts of constructing and operating the Delta Conveyance Project and identifies mitigation that could be used to avoid, reduce, minimize, or compensate for significant environmental effects of the project alternatives.

The CEQA Guidelines are state regulations that include the environmental factors that should be reviewed for potential impacts in an EIR, and a checklist of questions to consider in order to determine if the project would have no impact, a less-than-significant impact, a less-than-significant impact with mitigation implemented, or a potentially significant impact on each resource.

In general, the proposed project and alternatives would have impacts on certain environmental resources due to construction and operation and maintenance activities. For potential impacts that are considered significant to an environmental resource, mitigation is proposed to reduce that impact.

Thresholds of Significance and Determining the Significance of Environmental Effects

DWR is required to prepare an Environmental Impact Report when a proposed project may have significant effects on the environment. CEQA calls for agencies to use thresholds of significance to determine if a project may cause a significant environmental effect. CEQA defines thresholds of significance as an identifiable quantitative, qualitative or performance level of a particular environmental effect. If the effect level is determined to be non-compliant, (e.g., it exceeds a threshold), it would be determined to have a significant impact on an environmental resource, and if it is compliant, it would be determined to have a less than significant impact.

Using environmental standards as thresholds of significance promotes consistency in significance determinations and integrates environmental review with other environmental program planning and regulation. A lead agency may adopt or use an environmental standard as a threshold of significance. In adopting or using an environmental standard as a threshold of significance, a lead agency shall, based on substantial evidence in the administrative record, explain how the particular requirements of that environmental standard address project impacts, including cumulative impacts, to a level that is considered less than significant, and why the environmental standard is relevant to the analysis of the project under consideration.

CEQA directs that agencies evaluate a proposed project's significant effects for direct, indirect and cumulative physical effects on the environment.

- An example of a Direct Physical Effect is noise, dust, or traffic from heavy equipment during construction.
- An example of an Indirect Physical Change is a physical change to the environment that then causes another change to the environment, such as building a new facility that leads to population growth, which results in increased air pollution from that population growth.
- An example of a cumulative impact is a physical change to the environment from two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts, e.g., when two or more projects will impact air quality in the study area. If a cumulative impact is significant, the EIR determines whether the project's contribution is cumulatively considerable.

Each of the resource chapters in the Delta Conveyance Project Draft EIR have a section on the Thresholds of Significance used to determine if the proposed project or alternatives would have a significant effect on the specific resource analyzed. The thresholds of significance are based on questions in CEQA Guidelines Appendix G and the mandatory findings of significance in CEQA Guidelines Section 15065.

The Draft EIR analyzes environmental impacts to many resources:

- Flood Protection
- Groundwater
- Water Quality
- Geology and Seismicity
- Soils
- Fish and Aquatic Species
- Terrestrial Biological Species
- Land Use
- Agriculture
- Recreation
- Socioeconomics
- Aesthetics and Visual Resources
- Cultural Resources
- Transportation
- Public Services and Utilities
- Energy
- Air Quality and Greenhouse Gas Emissions
- Noise
- Hazardous Materials and Wildfire
- Public Health
- Minerals
- Paleontological Resources
- Environmental Justice
- Climate Change
- Growth Inducement
- Tribal Cultural Resources

This document provides information about environmental impacts and mitigation for the following resources, as well as modeling results for surface water reservoir storage and river flows.

- **Air Quality and Greenhouse Gas Emissions**
- **Land Use**
- **Agricultural Resources**
- **Cultural Resources**
- **Tribal Cultural Resources**
- **Noise**
- **Transportation**
- **Fish and Aquatic Species**
- **Terrestrial Biological Species**
- **Water Quality**
- **Flood Protection**
- **Groundwater**
- **Environmental Justice**
- **Socioeconomics**

Mitigation

Mitigation is an action that will avoid, minimize, reduce, or eliminate, rectify, or compensate for a significant effect. Mitigation measures included in the Draft EIR are considered potentially feasible; however, the ultimate determination of feasibility is made by the lead agency as part of the process to certify the Final EIR, adopt findings, and decide whether to approve the project. The mitigation measures identified in the Draft EIR are not considered part of the project description.

Resource-specific mitigation measures are identified for resources within the Draft EIR where impacts are found to be potentially significant. DWR also proposes a Compensatory Mitigation Plan (CMP) to address impacts on habitat for special-status species, aquatic resources, jurisdictional wetlands and other waters.

The CMP would compensate for the loss of natural communities, habitats for species, and aquatic resources by creating habitat for special-status species on lands owned by DWR or their partners and enhancing channel margins and creating tidal wetland habitat for aquatic resources in an area known as the North Delta Habitat Arc. The CMP includes strategies to obtain mitigation bank credits or establish site protection instruments, such as a conservation easement, for mitigation sites.

As required by CEQA, each resource chapter also evaluates the potential indirect environmental impacts associated with implementing the proposed mitigation measures.

AIR QUALITY AND GREENHOUSE GAS EMISSIONS

The Draft EIR analyzes impacts to air quality and increases in greenhouse gas emissions from construction, operation, and maintenance of the proposed project and alternatives.

Air Quality

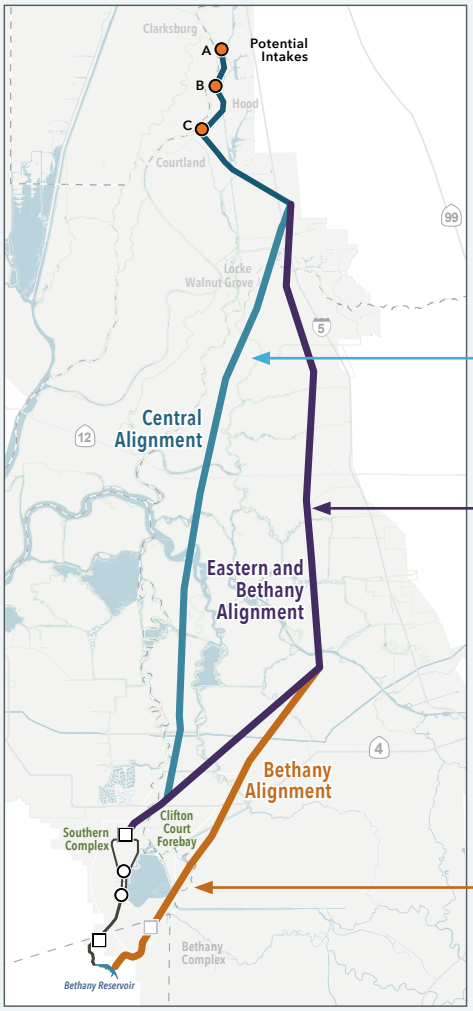
Air Quality impacts are changes from existing conditions that result from the project. The air quality pollutants evaluated in the Draft EIR are ozone precursors, carbon monoxide, nitrogen dioxide, sulfur dioxide, and particulate matter. These emissions would occur mainly from construction activities and materials, and employee transport. Anticipated emissions or concentrations of these pollutants are used to determine if rates would fall below thresholds defined by state and local air resource regulatory agencies.

There is no significant region-wide impact to air quality anticipated from construction of the proposed project or any of the project alternatives. Construction of the proposed project or alternatives would result in localized emissions during construction that would have a significant impact on air quality. The figure below shows significant impacts by alternative. Emissions of nitrogen dioxide and particulate matter around the larger construction areas are estimated to exceed ambient air quality standards during some peak periods of construction. One intake location also shows a potential increase in risk to human health from diesel particulate matter emissions. All other project locations are anticipated to see a negligible increase in risk to human health. The figure below shows the impact exceedances by the central, eastern, and Bethany Reservoir alignments for nitrogen dioxide and diesel particulate matter generation. The greatest emissions during construction would be expected under Alternatives 2a and 4a, where three intakes are proposed for construction.

Mitigation measures and environmental commitments such as dust control plans, use of best available control technologies and, where commercially available, use of electric-powered or alternative fuel construction equipment would be implemented to reduce construction emissions. The human health risk mitigation measure includes the provision of financial assistance for three impacted residential receptors for high-efficiency home filters or relocation during construction. If all three impacted residential receptors accept the assistance, health risks to receptors near the intake would be reduced to less than significant.

Potential impacts from long-term operation and maintenance of the project would be comparable among all project alternatives and would not result in ozone precursor or criteria pollutant emissions above any air district thresholds.

AIR QUALITY EMISSIONS EXCEEDANCES BY ALTERNATIVE



	Nitrogen Oxide Emissions Exceedance	Diesel Particulate Matter Generation
Central Alignment		
Alternative 1	✔ Significant Impact	No Significant Impact
Alternative 2a	✔ Significant Impact	✔ Significant Impact
Alternative 2b	✔ Significant Impact	No Significant Impact
Alternative 2c	✔ Significant Impact	No Significant Impact
Eastern Alignment		
Alternative 3	No Significant Impact	No Significant Impact
Alternative 4a	No Significant Impact	✔ Significant Impact
Alternative 4b	No Significant Impact	No Significant Impact
Alternative 4c	No Significant Impact	No Significant Impact
Bethany Reservoir Alignment (Proposed Project)		
Alternative 5	No Significant Impact	No Significant Impact

Greenhouse Gas Emissions

Construction of the proposed project or alternatives would result in increased greenhouse gas (GHG) emissions. Maintenance activities after project construction would also generate direct and indirect GHG emissions, as would changes in operational pumping associated with the SWP and CVP. These annual emissions would decline over time as improvements in engine technology and regulations to reduce combustion emissions reduce the carbon intensity of equipment, vehicles, and electricity generation.

Emissions generated by project maintenance and changes in operation of the SWP would not conflict with DWR's ability to implement its climate action plan. There would likewise be no long-term GHG impact after mitigation from project construction and displaced purchases of CVP electricity.

DWR is proposing a mitigation measure that includes the development and implementation of a GHG reduction plan to reduce GHG emissions from construction and net CVP operational pumping to net zero. A net zero performance standard represents a conservative assessment of construction emissions considering that the generation of construction-related GHG emissions is generally short term in duration compared to the project's overall lifetime. Regardless, DWR conservatively selected a net zero performance standard to avoid underrepresenting potential impacts.

LAND USE

The Draft EIR analyzes impacts to land use that could result from construction, operation, and maintenance of the proposed project and alternatives.

The Draft EIR discloses that construction of the water conveyance facilities could displace between 61 and 93 permanent structures because they would be located within the project construction footprint. These structures would be residences, recreational structures, storage or support structures, and other structures.

- Construction of Alternative 2a would result in removal of the most structures.
- Alternative 4b would result in the least removal of structures.
- Alternative 5 would remove 71 structures, of which 15 are residences.
- Alternatives 2a and 4a would impact the greatest number of residences, with Alternative 2a displacing 27 residences and Alternative 4a displacing 26 residences.

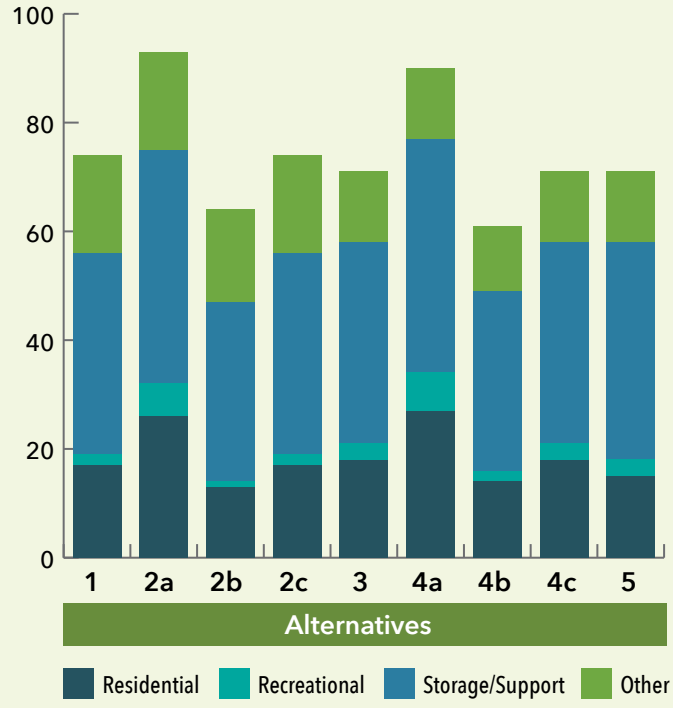
Most of the structures to be removed are in open space and agricultural areas.

The removal of structures caused by the proposed project or alternatives is not found to be a significant land use impact in the Draft EIR because relatively few structures would be removed and they are primarily located in open agricultural areas and not existing communities, and mitigation is not required as a part of CEQA. The state and federal constitutions and California's Relocation Assistance Act authorize the purchase of private property for public use and assure protection of the rights of citizens and property owners and that people displaced are treated fairly, consistently and equitably so that such displaced persons will not suffer injuries as a result of projects designed for the benefit of the public as a whole. Per the CEQA Guidelines,

the environmental impact from removal of structures would only be considered significant if the structures qualified as historical resources or if the removal of structures would lead to physical effects on other resources. The effects of displacement of structures are analyzed in the Agricultural, Cultural Resources, Noise, and Terrestrial Biological resource chapters. The Socioeconomics chapter discusses the social and economic impacts related to housing and displacement.

DWR would provide compensation to property owners for temporary or permanent losses due to implementation of the project where applicable. This compensation would not constitute mitigation for any related physical impact under CEQA; however, it would offset the economic effects.

Structures Displaced Due to Project Construction



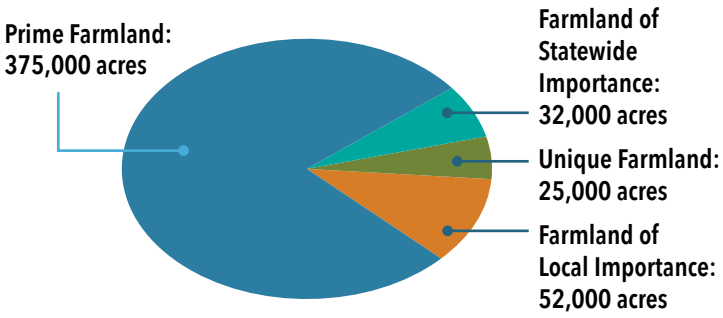
AGRICULTURAL RESOURCES

The Draft EIR analyzes impacts to agricultural resources that could result from construction, operation, and maintenance of the proposed project and alternatives. The project would potentially impact agricultural resources by converting Important Farmland to an incompatible use.

Important Farmland under CEQA is described as:

- **Prime Farmland** – Land that has the best combination of physical and chemical features able to sustain long-term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields.
- **Farmland of Statewide Importance** – Land similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture.
- **Unique Farmland** – Land of lesser quality soils used for the production of the state's leading agricultural cash crops. This land is usually irrigated but may include non-irrigated orchards or vineyards as found in some climatic zones in California.
- **Farmland of Local Importance** – Land that is of importance to the local agricultural economy, as defined by each county's local advisory committee and adopted by its board of supervisors.

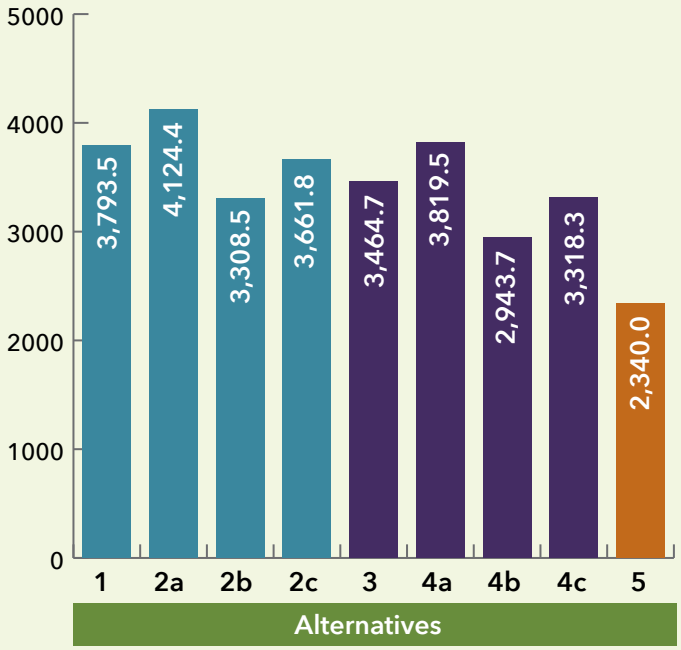
A substantial portion of agricultural land in the study area is designated Important Farmland. In the Delta, there are approximately 432,000 acres of Important Farmland:



The construction of the project's water conveyance facilities would permanently convert Important Farmland out of agricultural use. The Draft EIR conservatively assumes that temporary construction sties would result in permanent conversion of Important Farmland.

- Construction of Alternative 2a and Alternative 4a would permanently convert the highest acreage of Important Farmland. Alternative 2a would convert approximately 4,100 acres of Important Farmland and Alternative 4a would permanently convert approximately 3,800 acres of Important Farmland.
- Construction of Alternative 5 would convert 2,340 acres of important farmland.

Estimated Conversion of Important Farmland as a Result of Construction of Water Conveyance Facilities by Alternative (acres)



A factor influencing the differences in the amount of Important Farmland conversion is the number of intake sites. Alternatives with three intakes along the Sacramento River– such as Alternative 2a and 4a – would have a greater permanent footprint and more temporary construction work areas necessary to support construction of the intake facilities.

The conversion of Important Farmland from the buildout of the project is a significant impact. Mitigation would be implemented to preserve agricultural land at a 1:1 acreage ratio by acquisition and dedication of agricultural land, acquisition of development rights or conservation easements to permanently protect agricultural land, or in-lieu fee payments. Even with mitigation, this impact would remain significant and unavoidable because there would be a net loss of Important Farmland in the study area. In addition, DWR has developed a voluntary, collaborative process to further minimize effects of the project on farmland, which is described in Appendix 15B, *Agricultural and Land Stewardship Considerations*.

CULTURAL RESOURCES

The Draft EIR analyzes impacts to cultural resources from construction, operation, and maintenance of the proposed project and alternatives.

Cultural resources are considered remains or resources left by prehistoric or historic peoples (including Tribes) who inhabited California and can include prehistoric and historical archaeological sites as well as historic resources that exist in the built environment, places, and landscapes.

Construction of the proposed project's water conveyance features could impact *built-environment* historical resources as well as *archaeological resources* that are within the study area.

Under the CEQA Guidelines, construction activities would result in significant impacts on historical resources when they would result in material impairment of the characteristics that qualify it as a historical resource. This can include physical changes ranging from demolition to introduction of incompatible features in the setting of the historical resources. Construction of the proposed project and alternatives would result in significant and unavoidable impacts on built environment cultural resources and archaeological resources. Alternative 2a would impact the most built environment resources and archaeological resources, with 13 and 31 resources impacted, respectively. Alternative 4b would impact the least amount of built environment resources (4) and Alternative 5, the proposed project, would impact the least number of archaeological resources (13).

Mitigation measures would be implemented to mitigate the effects project construction would have on built-environment cultural resources. These measures include preparing and implementing a treatment plan in consultation with interested parties, such as the State Historic Preservation Officer, local historical societies, and interested parties including local preservation organizations. The Draft EIR concludes that even with the implementation of mitigation measures, impacts on built-environment resources would be significant and unavoidable. Similarly, mitigation measures would be implemented to mitigate effects on archaeological resources, including preparing and implementing an archaeological resources management plan to guide studies and treatments prior to and during project construction. Cultural resources sensitivity trainings would be conducted as a mitigation measure to inform all project personnel about cultural resources that could be encountered, and archaeologists would survey areas before any groundwork begins for cultural resources and follow established protocols if resources are exposed.

Built-environment resources are buildings, structures, objects, districts, landscapes, and Traditional Cultural Properties that are eligible for listing in the National Register of Historic Places or the California Register of Historical Resources. Archaeological resources are broadly sorted into two categories: Native American archaeological resources from before European contact, or before around AD 1500 (early Native American resources), and archaeological resources from after European contact (post-contact archaeological resources). Tribal cultural resources are places important to living communities or ethnic groups and can be a built-environment, archaeological resources or a landscape (The Draft EIR includes a separate chapter on Tribal Cultural Resources).

Impacts on Eligible Built-Environment Historical Resources Resulting from Construction and Operation of the Project (After the Application of Mitigation Measures)

	Significant and Unavoidable Impact	Less than Significant Impact	No Impact
Central Alignment			
Alignment 1	10 resources	16 resources	2 resources
Alignment 2a	13 resources	13 resources	1 resource
Alignment 2b	8 resources	17 resources	1 resource
Alignment 2c	10 resources	16 resources	1 resource
Eastern Alignment			
Alternative 3	6 resources	13 resources	0 resources
Alternative 4a	9 resources	11 resources	0 resources
Alternative 4b	4 resources	14 resources	1 resource
Alternative 4c	6 resources	13 resources	0 resources
Bethany Reservoir Alignment (Proposed Project)			
Alternative 5	6 resources	11 resources	0 resources

Impacts on Identified Archaeological Resources Resulting from the Project (After the Application of Mitigation Measures)

	Significant and Unavoidable Impact	Less than Significant Impact	No Impact
Central Alignment			
Alignment 1	30 resources	0 resources	0 resources
Alignment 2a	31 resources	0 resources	0 resources
Alignment 2b	27 resources	0 resources	0 resources
Alignment 2c	28 resources	0 resources	0 resources
Eastern Alignment			
Alternative 3	20 resources	0 resources	0 resources
Alternative 4a	22 resources	0 resources	0 resources
Alternative 4b	18 resources	0 resources	0 resources
Alternative 4c	20 resources	0 resources	0 resources
Bethany Reservoir Alignment (Proposed Project)			
Alternative 5	13 resources	0 resources	0 resources

TRIBAL CULTURAL RESOURCES

The Draft EIR analyzes impacts to Tribal cultural resources due to construction, operation and maintenance of the proposed project and alternatives.

DWR engaged California Native American Tribes (Tribes) regarding Tribal Cultural Resources (TCRs) and incorporated Tribal expertise regarding their histories and cultures and the importance and significance of resources from Tribes' perspectives. A critical Tribal perspective that resulted from government-to-government consultation with Tribes is the importance of the Delta as a whole and its interconnected landscape valued for its interrelated natural and cultural elements. This perspective led DWR to analyze the Delta as a Tribal Cultural Landscape with categories of character-defining features that are part of the whole landscape. DWR used information received during consultation to determine that the Delta Tribal Cultural Landscape (TCL) meets CEQA's definition, and therefore qualifies, as a Tribal Cultural Resource.

The Draft EIR analyzes whether the proposed project and alternatives may materially impair character-defining features of the Delta TCL. Character-defining features include:

- the Delta as a Tribal homeland and place of origin.
- the rivers and waterways within the Delta that are sacred.
- terrestrial and aquatic plant and animal species and habitats that are part of the Delta's ecosystem and Tribal heritage.
- ethnohistorical locations that are sacred places and historically important.
- archaeological sites that are sacred or important historical places.
- views and vistas of and from the Delta that are sacred and important to Tribal heritage.

While no single project component, on its own, results in a significant impact on the Delta TCL, the project as a whole would materially impair character-defining features and result in a substantial adverse change to the significance of the Delta TCL. Some effects would be minimized as a result of proposed mitigation measures to address significant impacts identified in other chapters of the Draft EIR. However, the mitigation measures included in other chapters are not focused on the Tribal or cultural significance of these resources, so the qualities that make these features character-defining features of the Delta TCL may not be mitigated to a less-than-significant level. Therefore, the project would result in a significant impact on the Delta TCL.

Mitigation measures have been identified to avoid and minimize impacts on Tribal cultural resources and to incorporate Tribal knowledge into the preparation and implementation of the Compensatory Mitigation Plan for Special-Status Species and Aquatic Resources and other measures for mitigating impacts on terrestrial biological resources, fish and aquatic resources, and cultural resources. Where avoidance or protection in place is not feasible, there is additional mitigation by way of Tribal cultural resource-specific treatment in consultation with affiliated Tribes.

Some of the key commitments identified include:

- Tribal preconstruction surveys for all ground disturbing activities.
- Tribal monitoring of all ground-disturbing construction activities.
- Setting aside land designated to relocate ancestral remains, cultural artifacts and associated burial items that may potentially be encountered. This land designation, including access rights, would be permanent.
- Tribal involvement in restoration planning efforts and access to designated spaces in the restored areas for ceremonial purposes in perpetuity.

Even with these measures, the project has the potential to materially impair affiliated Tribes' physical, spiritual, and ceremonial experience of character-defining features of the Delta TCL and therefore result in a significant and unavoidable impact on a Tribal cultural resource.

NOISE AND VIBRATION

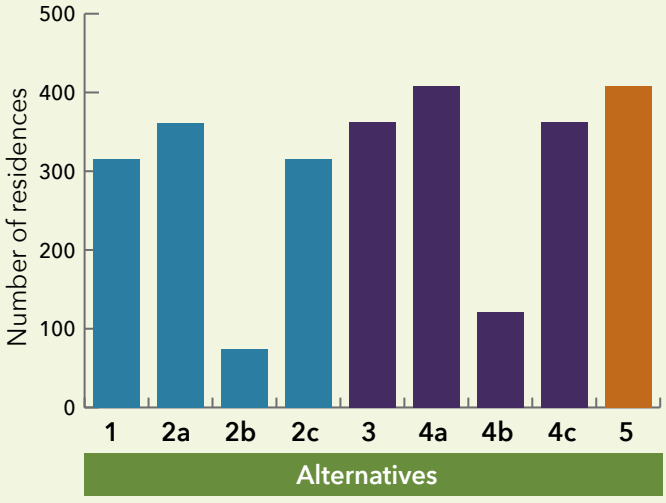
The Draft EIR analyzes impacts to sensitive receptors from noise and vibration due to construction, operation, and maintenance of the proposed project and alternatives. Sensitive receptors are locations that may be sensitive to noise, such as a residence, school or hospital. Noise and vibratory impacts to sensitive fish species are addressed in Chapter 12, Fish and Aquatic Resources. Noise and vibratory impacts to sensitive terrestrial species are addressed in Chapter 13, Terrestrial Biological Resources.

Construction of levee improvement, bridges, access roads, park-and-rides lots, utilities, and compensatory mitigation would exceed noise thresholds at nearby receptors on a temporary basis from the proposed project and alternatives. This would be a significant impact. Truck traffic on haul routes, including new access roads, and train activity on new rail spurs are not expected to exceed noise thresholds. Operation of pumping plants is not expected to be significant source of noise at the nearest receptors. Ground borne vibration or noise from heavy equipment or tunnel boring machines is not expected to result in perceptible levels of vibration within buildings or damage to building structures.

The greatest potential noise impacts from construction occur under Alternative 4a and 5, with heavy equipment noise during construction of permanent project features including intakes, shaft sites, concrete batch plants and a new forebay complex. Under Alternative 4a and 5, construction noise could exceed daytime noise thresholds at 178 residences, and nighttime thresholds at 230 residences.

Mitigation could be implemented to reduce the severity of the noise impact but would require property owners impacted by noise exceedances to participate in a sound insulation program. If property owners elect to participate in the program, noise impacts would be reduced to less-than-significant levels.

Noise Impacts: Locations Exceeding Construction Noise Levels by Project Alternative



Mitigation for Noise Impacts

The Draft EIR includes several mitigation concepts aimed at reducing noise levels through pre-construction actions, a sound-level monitoring, best noise control practices, and the installation of noise barriers.

Pre-construction actions include implementing test pile sound level monitoring at water intake facilities and providing a sound insulation program to qualifying homes and businesses near locations where construction noise would exceed daytime or nighttime noise level criteria.

Sound-level monitoring includes installing sound level meters near facility sites where construction will occur for a long-term period to verify compliance with local daytime and nighttime noise limits, and offering to relocate residents on a short-term basis if noise levels are exceeded.

Best noise control practices includes restricting construction activities to certain hours of the day (7:00 a.m. to 7:00 p.m.), using shrouds – or noise blankets – around pile-driver scaffolding, creating "quiet zones" around work areas to limit truck and equipment idling in certain construction locations, and adding enclosures around noise-generating equipment like generators or pumps.

Temporary Sound Barriers at Work Areas involves the addition of temporary sound barriers around concentrated work areas in case of a noise level exceedance.

TRANSPORTATION

The Draft EIR analyzes the potential impacts on transportation in the study area, which include facility construction areas, as well as the highway system and local roadway segments that could be affected by construction-related activities as well as operations and maintenance employee traffic activities associated with the proposed project.

What is Vehicle Miles Traveled?

Prior to the passage of Senate Bill (SB) 743 in September 2013, transportation impact analyses as part of CEQA used a traffic delay- or congestion-based metric such as level of service. SB 743 required a shift from the LOS metric to using measurements of distance traveled, such as Vehicle Miles Traveled (VMT). VMT is a measurement of the miles driven by vehicles within a specified area over a specific time period. VMT is defined as the amount of travel that occurs in automobiles, and in terms of a project like the Delta Conveyance Project, VMT is defined as the number of miles workers drive in automobiles (including automobiles and light trucks) to and from the work site during the project's construction, operations, and maintenance.

The analysis compares the VMT for the proposed project and alternatives to 22.5 miles as the average regional VMT per employee.

One method to analyze impacts associated with transportation is evaluating vehicle miles traveled (VMT). Construction of the project facilities would result in increased VMT by construction employees associated with employee trips to and from park and ride lots or construction sites. Increases in VMT during construction are substantial because the proposed project and alternatives would generate a higher average employee VMT compared to the regional average employee VMT of 22.5 miles on a daily basis because most employees are assumed to commute from population centers relatively far from the rural construction sites in the Delta. This would be a significant impact. Alternatives 2b and 4b would have the greatest increases in construction-related VMT compared to existing conditions while Alternatives 2c, 3, and 4c would have the smallest increases in VMT compared to existing conditions.

Construction and operation of the park-and-ride lots for all alternatives would reduce employee VMT on Delta roadways and reduce the severity of the project alternatives' increase in the average employee VMT but would not fully offset construction VMT. This increase is considered a significant impact because the average regional VMT would be exceeded.

Operations and maintenance work for the Delta Conveyance Project would happen at the locations where there are permanent facilities and would require a small percentage of employees to travel, compared to project construction. Under all project alternatives, operations and maintenance of the project would not result in the average VMT per operation and maintenance employee to exceed the regional average of 22.5 miles on a daily basis.

Mitigation in the form of site-specific construction transportation demand management plans and transportation management plans would be implemented to reduce impacts associated with increased VMT. These transportation plans would be intended to reduce construction employees' reliance on the use of single occupancy vehicles by incentivizing carpooling and vanpooling, requiring construction workers to use park and ride facilities, and incentivizing alternative travel modes – like transit and bicycling – to park-and-ride facilities for construction employees. Even with mitigation, the impact would be significant and unavoidable because of the uncertainty in achieving the goals of the mitigation plans. This uncertainty includes the level of participation and the challenge of large-scale carpooling and vanpooling in a large region, and the logistics requiring construction workers to carpool and vanpool.

Vehicle Miles Traveled

Alternative	Total Construction Employee VMT	Total Construction Employee Trips	Average VMT per Construction Employee
Alternative 1	91,194,066	3,551,163	25.68
Alternative 2a	107,268,666	4,154,530	25.82
Alternative 2b	77,149,716	2,855,379	27.02
Alternative 2c	90,225,139	3,621,754	24.91
Alternative 3	88,620,022	3,634,764	24.38
Alternative 4a	113,836,244	4,323,780	26.33
Alternative 4b	80,426,419	2,917,499	27.57
Alternative 4c	95,659,067	3,817,013	25.06
Alternative 5	101,945,619	3,956,138	25.77

All Project Alternatives Exceed the Regional Average of 22.50 Miles per Employee

The Draft EIR evaluates the potential for construction of the proposed project and alternatives to substantially increase hazards from geometric design features, such as sharp curves or dangerous intersctions, or from incompatible uses, like farm equipment. Construction of the proposed project would increase the amount of traffic generated by employees using the road system in the project area and this increase could lead to the potential for traffic safety hazards related to increasing the number of trucks and construction equipment operating with commuters, farming operations, and recreational users in areas next to construction sites. This impact would be significant, and would be mitigated through the transportation demand management plans and transportation management plan noted above.

Construction of the proposed project and alternatives could increase the potential for emergency vehicle delays on roadways used to access construction sites. This impact would be significant but would be mitigated to a less-than-significant level through implementation of the transportation demand management plans and transportation management plans, including:

- Coordination with emergency responders to identify routes traditionally used by voluntary responders to access fire stations, and emergency responders to access the communities from the police and fire stations.
- Coordinating on a weekly basis with emergency responders on project road construction and high-volume traffic events.
- Designating construction staff to monitor emergency response calls and communicate with construction staff to facilitate movement of emergency responders near construction sites.
- Posting information in multiple languages on the project website on a weekly basis to alert the public of daily road construction and high-volume traffic events.
- Maintaining one shoulder along existing access roads or providing detours during short-term or overnight closures to allow access for emergency vehicles that may need to travel at high speeds.
- Having steel plates and equipment available at all times to cover trench sites when there is no construction activity, such as after hours or on weekends, to provide access for emergency responders over temporary excavations.

FISH AND AQUATIC SPECIES

The Draft EIR analyzes impacts to fish and aquatic resources from construction, operations, and maintenance activities of the proposed project and alternatives.

The Draft EIR considers 21 different fish and aquatic species which could be potentially affected by the project. Fish and aquatic species evaluated in the Draft EIR were included based on their importance, vulnerability (such as being a federally or state listed as threatened or endangered species), and potential to be impacted by construction activities and changes in operations under the proposed project and alternatives.

The Draft EIR analyzes impacts to fish and aquatic species from construction of the water conveyance facilities and concludes there would be potentially significant impacts on some fish and aquatic species requiring mitigation. Potential effects would be:

- Acoustic effects through underwater noise, particularly pile-driving.
- Sediment disturbance that increases water column turbidity.
- Water quality degradation through accidental spills.
- Direct physical injury from activities (e.g., riprap placement).
- Reduced prey availability (such as zooplankton and small fish).
- Increased predation.
- Reduced habitat extent because of the physical footprint of the intake facilities.

Mitigation and environmental commitments for construction impacts would include:

- Measures to control underwater sound.
- Implementation of a fish rescue and salvage plan.
- Restoring tidal perennial habitat and channel margin habitat.
- Timing work to avoid periods with large numbers of sensitive fish moving through construction areas.

With mitigation in addition to environmental commitments, impacts to fish and aquatic species from construction of the water conveyance facilities would be less than significant.

The analysis also examines impacts from operation and maintenance of the water conveyance facilities. Impacts are analyzed as near-field effects and far-field effects. Near-field effects occur in the immediate proximity of the north Delta water intake facilities. The near-field analysis also considered effects at the existing south Delta export facilities and concluded impacts would be similar to what already exists at those locations.

Far-field effects are focused on factors such as juvenile salmonid survival through the Delta and the suitability of fish habitat. There would be potentially significant impacts due to changes in flow at and downstream of the intakes that have the potential to decrease migration rates, alter migration routing, reduce availability of rearing habitat, and increase exposure to predation for winter-run Chinook salmon, Central Valley spring-run Chinook salmon, and Central Valley steelhead. There would be potentially significant impacts to delta smelt and longfin smelt due to changes in Delta outflow that could affect the species directly or indirectly through changes in factors such as food availability.

Mitigation for operations and maintenance impacts would include:

- Constructing tidal perennial habitat
- Constructing channel margin habitat

This document takes a closer look at overall construction impacts and potential impacts on winter-run Chinook salmon and delta smelt from project operations and maintenance in an effort to simplify and summarize the highly technical and complex analysis provided in the Draft EIR. This document focuses on these species for two main reasons: 1) of the native, listed, fish species occurring in the Delta they are currently the most at-risk of extinction; and 2) their unique behavior, life-history patterns, and habitat needs allow for a broad assessment of potential project impact mechanisms.

Winter-run Chinook Salmon

Winter-run Chinook salmon is a native species that is listed as endangered under the California Endangered Species Act and the federal Endangered Species Act. Juvenile winter-run salmon can occur in the Delta during early rearing phases (usually in the fall), with peak occurrence as they migrate to the ocean as smolts, mainly in the winter (most have left the Delta by April). Winter-run Chinook salmon utilize the Delta for both migration and juvenile rearing habitat.

The Draft EIR examined the potential for winter-run Chinook salmon to be drawn through or pinned against a fish screen at the north Delta water conveyance facilities. The analysis concluded this occurrence would be very limited because:

- The location and design of intake facilities limits the extent to which winter-run Chinook salmon would be exposed to the fish screens.
- The size of the fish screen openings and the velocity – or speed – at which winter-run Chinook salmon could be entrained would be minimal.

The risk of predation on winter-run Chinook salmon near the north Delta intake facilities is not expected to be greatly different than what currently occurs in the area because the available information indicates that unusually high abundance of predatory fish near the intake facilities is not likely. While the impacts are expected to be limited, there is some uncertainty about predation effects, so fishery studies would be conducted to provide information on predatory fish and predation at the intake facilities once they are operating.

Water diversions at the proposed north Delta intake facilities would negatively impact winter-run Chinook salmon through hydrodynamic – or flow-survival – impacts as well as habitat impacts. The Sacramento River is the main migration pathway through the Delta for juvenile winter-run Chinook salmon and therefore a large proportion of the population would potentially be exposed to significant impacts. There would be potential hydrodynamic impacts associated with reduced flows due to north Delta intake facilities under all the project alternatives on migration habitat/corridors in the north Delta. Diversion of flows at the north Delta intake facilities would result in less Sacramento River flow moving downstream. While diversions would generally occur during excess flow conditions to minimize potential effects, the north Delta intake facilities would increase the effect of tides, which would increase travel time for juvenile winter-run Chinook salmon, potentially exposing them to predatory fish for longer periods. There could also be increases in the proportion of flow and therefore juvenile salmon entering the interior Delta through Georgiana Slough, which is a relatively low-survival migration pathway compared to other north Delta pathways. Additionally, water exports by the north Delta intake facilities would reduce the inundation of riparian and wetland bench habitat. This is important rearing and holding habitat for juvenile winter-run Chinook salmon.

Significant impacts on winter-run Chinook salmon would be addressed through mitigation efforts focused on tidal habitat restoration and channel margin habitat restoration to reduce negative hydrodynamic effects such as flow reversals in the Sacramento River at Georgiana Slough and reduced effects from reduced inundation of riparian/wetland benches as a result of north delta intake operations. With mitigation in addition to proposed operational criteria, impacts to winter-run Chinook salmon from operations of the water conveyance facilities would be less than significant.

Delta Smelt

Delta smelt is a native species that only occurs in the Sacramento-San Joaquin Delta and is listed as endangered under the California Endangered Species Act and threatened under the federal Endangered Species Act. Delta smelt are an annual species, meaning most live only one year in the wild, and are known as a semi-anadromous species because they migrate from brackish water to freshwater as adults to spawn, although there is evidence of year-round freshwater residence for a sub-set of the population. Operation and maintenance impacts analyzed for delta smelt include near field effects in the immediate proximity of the north Delta and south Delta export facilities, as well as far-field habitat effects such as food availability.

The delta smelt population is mainly distributed downstream and west (e.g., Sacramento-San Joaquin confluence, Honker and Suisun Bays, Cache Slough complex) of the proposed water intake facilities, so the number of individuals exposed to near-field effects such as entrainment of larvae through the north Delta fish screens would be very small. The north Delta fish screens would be designed to have the very slow water velocity standards required by the state and federal fish agencies to protect delta smelt. At the existing south Delta facilities, water exports under all alternatives are expected to be similar, or slightly lower, because of north Delta exports, and there would be similar levels of delta smelt entrainment risk under the project alternatives and existing conditions.

Water diversions at the north Delta intake facilities have the potential to negatively impact Delta smelt through reduced Delta outflow. Delta outflow is the flow of freshwater leaving the Delta toward the ocean. Operation of the project alternatives could affect delta smelt due to less Delta outflow. There would be somewhat less Delta outflow from the proposed project than existing conditions during spring through fall as a result of less outflow being needed for meeting Delta salinity requirements. Changes in outflow have the potential to modify habitat conditions known to be important for delta smelt, including a possible reduction in food produced in the Delta and transported by Delta outflow to areas where delta smelt are generally more likely to inhabit. While there is a large degree of uncertainty associated with these impacts to delta smelt as a result of Delta outflow reduction, the potential project effects are considered potentially significant given the status of the population.

Although not concluded to be a significant impact because of the relatively limited magnitude, there would be a commitment to assess and if necessary act to address effects on turbidity (the cloudiness of water caused by suspended sediment that is an important element of delta smelt habitat) because of suspended sediment removal in the water diverted at the north Delta intake facilities. Significant impacts on delta smelt would be addressed through tidal habitat restoration mitigation to increase delta smelt habitat and food availability. With this mitigation in addition to other project design features and environmental commitments, impacts to delta smelt would be less than significant.

TERRESTRIAL BIOLOGICAL SPECIES

The Draft EIR analyzes impacts to terrestrial, or land-based, animal and plant resources from construction, operations, and maintenance activities of the proposed project and alternatives.

A total of 38 plants, 75 animals, and 8 different habitats were evaluated.

Constructing the water conveyance facilities would impact areas of natural communities, occurrences and habitat for special-status plants and wildlife species, and aquatic resources in the study area.

- The central alignment alternatives (Alternatives 1, 2a, 2b, and 2c) would generally result in greater impacts on terrestrial biological resources relative to the eastern alignment alternatives (Alternatives 3, 4a, 4b, and 4c) and the Bethany Reservoir alignment (Alternative 5), which is largely due to the improvements on Bouldin Island and road improvements throughout the central alignment.
- Alternative 2a would result in the greatest impacts on terrestrial biological resources, which would be primarily due to construction activities at the Southern Complex.
- Alternative 4b would also have relatively fewer impacts and for some resources would have the fewest quantified impacts of all alternatives (e.g., valley/foothill riparian, greater and lesser sandhill cranes) primarily due to having only one intake, smaller RTM impacts associated with the Twin Cities Complex, and for the eastern and Bethany Reservoir alignments, the smallest RTM footprint on Lower Robert's Island.
- Alternative 5 (the proposed project) would have substantially fewer impacts on state and federally protected terrestrial resources compared to the other alternatives in large measure because it connects directly to Bethany Reservoir and avoids the need to construct a new forebay.

Mitigation actions to compensate for impacts to terrestrial species is included in the Compensatory Mitigation Plan (CMP). The CMP describes several habitat mitigation sites where habitat creation and enhancement could take place to offset losses of aquatic resources and species habitat or otherwise mitigate project impacts. Other avoidance measure identified to minimize impacts include limits to the season of work, time of day of work, and vehicle speeds; creating avoidance buffers or installing exclusion fencing; and employing biological monitors. The types of mitigation identified include conservation banks, conservation easements, habitat protection and habitat creation programs.

WATER QUALITY

The Draft EIR analyzes potential impacts to water quality that could result from construction, operation, or maintenance of the proposed project and alternatives.

The constituents selected as the focus of the chapter were determined through a rigorous screening process and public scoping comments, and include boron, bromide, chloride, electrical conductivity (EC), mercury, nutrients, organic carbon, dissolved oxygen, selenium, pesticides, trace metals, total suspended solids and turbidity, and cyanobacteria harmful algal blooms (commonly known as CHABs).

Construction of the project alternatives has the potential to affect water quality because activities would result in land disturbance and the transport and handling of a variety of hazardous and nonhazardous substances. However, impacts to water quality from construction are minimal due to on-site treatment of runoff and dewatering water prior to discharge and construction-related environmental commitments and best management practices the project would employ.

Operation of project alternatives' facilities has the potential to affect water quality through changes in Delta inflows from the Sacramento River, resulting in changes to the proportions of the other sources of water in the Delta (eastside tributaries, San Francisco Bay, San Joaquin River). Analysis shows facility operations would have minimal effects on most constituents, but showed potential increases in bromide, chloride, and EC in some locations. Those constituent increases would vary with season, and water year type, and not adversely affect the uses of Delta waters, including for agriculture (irrigation).

Analysis also finds that residence time may increase in some areas of the central Delta potentially impacting CHAB formation. However, the increases in residence time would be minor relative to existing conditions and are not expected to adversely affect Delta water uses.

Maintenance activities would have minimal impact on water quality.

Overall, it was determined the project alternatives would lead to no appreciable changes for the other nine constituents, or for parameters like velocity and temperature, and therefore, there would be no significant impacts to Delta waters.

The chapter identifies environmental commitments including Hazardous Materials Management Plans; Spill Prevention, Containment, and Countermeasure Plans; Erosion and Sediment Control Plans; and Stormwater Pollution Prevention Plans.

FLOOD PROTECTION

The Draft EIR analyzes potential impacts on flood protection that could result from construction, operation, and maintenance of the proposed project and alternatives.

The proposed project and alternatives do not change any flood management infrastructure in the Sacramento River Basin or in the Delta. Therefore, the impacts of project alternatives are analyzed for the Sacramento River reach where the drainage of flood water may be affected by the construction and operation of the intakes and localized flood flow impacts by project facilities.

Hydraulic analyses found that water surface elevation increases in the Sacramento River associated with the construction, operation and maintenance of the intakes would result in minimal flood protection impacts except during the construction of Alternatives 2a and 4a, where all three intakes are used. The water surface increases caused by the development of all three intakes could cause a significant impact, but this impact would be mitigated through phased construction of the water intake facilities, which would reduce impacts to a less than significant level.

Outside the Sacramento River, construction of permanent facilities under various project alternatives involve excavation, grading, stockpiling, soil compaction, and dewatering that could result in alterations to runoff, drainage patterns, erosion, stream courses, and surface water elevations during construction of facilities. All project features would be constructed to not increase peak runoff flows into adjacent storm drains, drainage ditches, or rivers and sloughs. All surface water runoff and dewatering flows or additional runoff during construction would be captured, treated, stored, and, if possible, reused on site. If additional stored water is not needed, the treated runoff flows would be released in a manner that would not increase peak surface water elevations in adjacent channels. Shallow flooding has historically occurred at the land-side sites of the proposed north Delta intakes due to natural depressions. Therefore, the project alternatives include drainage and pump enhancements to ensure intake facilities will not be subject to flooding. These sites would be continuously monitored during construction and operation. Because drainage and pump enhancements are included in facility design, the potential impacts of localized flooding at the intakes would be minimized.

GROUNDWATER

The Draft EIR analyzes potential impacts on groundwater that could result from construction, operation, and maintenance of the proposed project and alternatives.

The Draft EIR analyzes the potential impacts on groundwater levels, groundwater storage, and interconnected surface water flows in the study area. A regional scale integrated groundwater and surface water model was used as the analytical tool for quantitative analysis of impacts from project operations. The impacts on groundwater from construction and maintenance are discussed qualitatively.

The model simulation results indicate that no significant groundwater impacts are expected to occur as a result of project operations. There are slight changes in stream losses/gains, groundwater elevations, and groundwater in storage resulting from project operations, but these changes are minimal. However, during project construction and maintenance, there is a potential for impacts due to temporary localized changes in groundwater elevations from dewatering at construction and maintenance sites. These localized impacts could affect water wells near the project sites, cause changes in groundwater elevation that mobilize existing contaminant plumes, or result in the migration of lower-quality groundwater into areas of higher-quality groundwater. Although impacts are determined to be less than significant, mitigation, which includes groundwater-well monitoring, is proposed to further reduce potential localized impacts due to construction and operations.

ENVIRONMENTAL JUSTICE

The Draft EIR analyzes potential disproportionate impacts to minority and low-income communities, also termed environmental justice communities, from construction, operation, and maintenance of the proposed project and alternatives. While an environmental justice analysis is not required by CEQA, state legislation, executive orders, and policies do instruct state agencies to consider the impacts of their actions on environmental justice communities. In addition, the U.S. Army Corps of Engineers is required to prepare an environmental justice analysis for its (EIS) for the Delta Conveyance Project. Therefore, DWR has included an environmental justice analysis that aims to consider environmental justice concerns and disclose potential effects of the Delta Conveyance Project on environmental justice communities to achieve state and federal environmental justice directives.

The environmental justice analysis draws on the analysis from the other resource chapters and focuses on those resources and impacts that are found to be potentially significant or significant and unavoidable. The analysis evaluates whether the potential impacts identified in the resource chapters would affect environmental justice communities disproportionately compared to the effects on non-environmental justice communities impacted by the project. Environmental justice communities are identified using census tract data.

Construction and operation of project facilities could have potential significant impacts on water quality, agricultural resources, cultural resources, transportation, air quality and greenhouse gases, and noise. Most significant impacts would be reduced by implementation of environmental commitments or mitigated to a less-than-significant level by resource-specific mitigation measures.

Because minority and low-income residents meeting or exceeding the respective environmental justice thresholds are present in the study area census tracts, it is assumed that impacts that are determined to be significant and unavoidable would constitute a disproportionately adverse effect on environmental justice communities. Conversely, when mitigation reduces impacts to a less-than-significant level, the mitigation reduces impacts in minority and low-income populations to a less than significant level, too, so the remaining impacts would not exceed those on the general population; therefore, impacts on environmental justice communities would not be considered disproportionate.

Environmental Justice Survey for the Delta Conveyance Project

DWR conducted a survey in 2020 to gather perspectives of members of low-income, minority, indigenous, historically burdened, and otherwise underrepresented or disadvantaged communities (including limited English speakers) who live or work in the Delta. The objective of the survey was to inform DWR through gaining a better understanding of the priorities, values, and needs of Delta's diverse communities. It also aimed to gather perspectives and information about how community members value, experience, and depend on the region's cultural, recreational, natural, agricultural, and economic resources in order to identify how the project may impact those resources or potentially bring benefits to Delta communities. The findings from the survey were used to help inform the environmental justice analysis in the Draft EIR. An overview of the survey is available here.

SOCIOECONOMICS

The Draft EIR evaluates potential effects from construction, operations, and maintenance on socioeconomics, including economic conditions, community character and demographic conditions in the study area. For the purposes of CEQA, social and economic impacts are not considered impacts on the physical environment. While a socioeconomic analysis is not required by CEQA, these topics are important to community members, decision-makers, and is a requirement of the Draft EIS which is being prepared by the U.S. Army Corps of Engineers.

The analysis discloses the following changes that could occur as a result of the proposed project and alternatives but does not make CEQA determinations.

Regional employment and income

- Project construction would create new temporary construction jobs in the region.
- Some agricultural jobs would be lost from removal of agricultural land in the project construction area.
- Project operations and maintenance would create new permanent jobs.

Regional population and housing

- There would be a very small population increase from employment created by project construction activities.
- There would be a very small increase in housing demand from population increase.
- Small increases in population and housing are not expected to cause a physical change to the environment.

Community character in the Delta

Changes to community character could occur from reductions in agricultural acreage and production from project construction. These effects are anticipated to be minimal because the reduction would be less than one percent of agriculture in the Delta.

Recreational economics in the Delta and project area

The Draft EIR examined if and what potential physical changes to recreational facilities or opportunities may occur and how the project might affect the quality of recreation.

- The analysis shows no substantial effects on recreational economics.
- Potential impacts to waterways in areas used for recreational boating would be limited to immediately near intake locations on the Sacramento River and and discharge facility locations on Italian Slough. This would result in a minor impact to recreation economics.

Recreational Events and Festivals

The analysis shows no project construction impacts to impact events and festivals that draw tourism to the region. Most events occur on weekends when there would be little or no construction work. Additionally, DWR's environmental commitments for dust control, noise abatement, installation of visual barriers around construction sites, transportation management plans, and to limit disturbances to community events and festivals would avoid or minimize disruptions.

Agricultural economics in the Delta and project area

Construction of the project would lead to impacts on the value of agricultural production due to losses in production and acreage, but these are not expected to be substantial because they represent less than one percent total important farmland in the Delta for all alternatives.

MODELING

California has complex water management systems with natural features like mountain snowpack, lakes, rivers, and groundwater basins that are managed with engineered features like reservoirs, levees/flood walls, weirs, culverts, bypasses, and canals. Models represent the complex physical interactions between these features in a conceptual way. The Draft EIR uses various models to inform the resource analysis, including CalSim 3, a reservoir-river basin planning model developed by DWR and the U.S. Bureau of Reclamation to simulate the operation of the SWP and CVP over a range of different hydrologic conditions.

Modeling Results

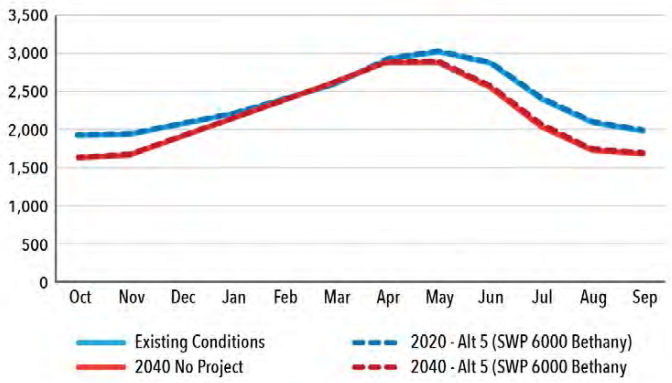
The Draft EIR analyzes potential changes to surface water, including to SWP and CVP storage and to long-term monthly average flows in rivers upstream of the Delta. The surface water study area comprises the Sacramento River Basin and the Delta—located at the confluence of the Sacramento and San Joaquin Rivers. The Draft EIR examines the Trinity, Sacramento, Feather, and American Rivers (and relevant associated reservoirs) in the Sacramento River Basin. These surface waters represent the geographic areas where potential changes could occur to surface waters as a result of the operation of new diversion and conveyance facilities for the SWP and, potentially, the CVP identified in the project alternatives. Surface water resources associated with the San Joaquin River are not expected to be affected and are not discussed in this document but are briefly described in the Draft EIR.

Results in Changes to SWP and CVP Storage

No changes are being proposed in operational rules and water supply allocation procedures for the existing SWP/CVP system, but operation of the proposed north Delta intakes could result in changes in simulated river flows and reservoir storage levels.

Storage volumes at SWP and CVP north-of-Delta reservoirs averaged for all years under the proposed project (Alternative 5) are similar to the existing conditions baseline. Additionally, the modeling effort considered a 2040 No Project condition and simulated Alternative 5 under those conditions, and the modeling indicated only minor changes in reservoir storage. For Trinity Lake, Shasta Lake, Lake Oroville (in the graph shown here as an example), and Folsom Lake, storage changes are minimal, and the changes that do occur are generally minor increases. The minor increases occur because of lower releases for exports (because of diversions at the proposed north Delta intakes) and carriage water savings.

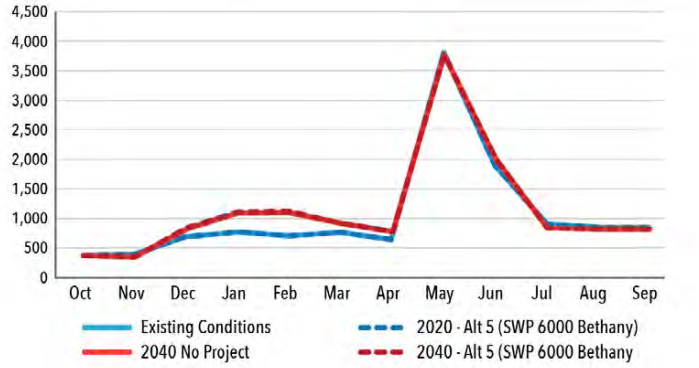
Storage – Oroville Storage – All Years



Results in Changes to Long-term Average Monthly Flows in the Trinity, Sacramento, Feather and American Rivers

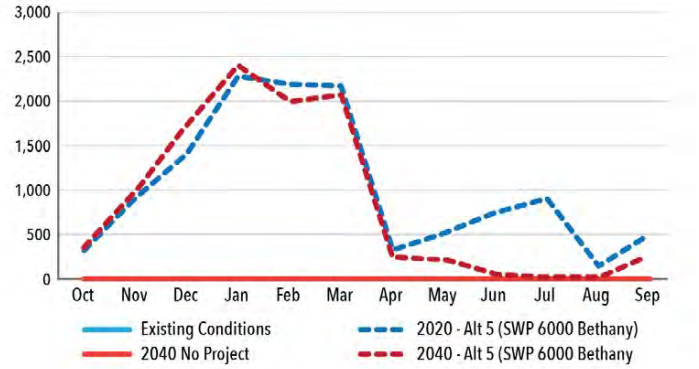
Generally, long-term average monthly flows in the Trinity, Sacramento, Feather and American Rivers at locations north-of-Delta for the proposed project are similar to the baseline under both existing conditions and the 2040 No Project, with some minor differences. During summer and fall months, there are minor flow decreases while there are small increases in flows during the winter and spring on a monthly average basis, as seen in the graph shown for the Trinity River as an example.

Upstream Flows – Release-Trinity – All Years



The figure included below shows monthly average diversions at the proposed north Delta Intakes. During the winter and spring, when there are excess flows in the system, the proposed north Delta intakes would be used to capture additional excess flows when south Delta exports are limited and unable to capture those flows. During the late spring, summer, and fall—when the SWP and CVP are typically operating to meet salinity requirements in the Delta—both the existing south Delta intakes and the proposed north Delta intakes would be operated together. Use of the proposed north Delta intakes, particularly in July through December, can be used to reduce carriage water requirements, which are necessary to move exports through the south Delta when salinity requirements are controlling. During the high flow winter months when north Delta intakes are capturing additional excess flows, there is a decrease in average monthly Delta outflow.

Delta – Total NDD Exports – All Years



HOW TO REVIEW AND EFFECTIVELY COMMENT ON THE DRAFT EIR

Why comment on a Draft EIR?

- The Draft EIR public review process provides an opportunity for the public to provide information to help DWR refine or improve the analysis of environmental impacts and feasible mitigation for those impacts found to be potentially significant. The best way to make the lead agency and all other public agencies proposing to approve a project aware of concerns related to the environmental analysis is to send in comments during the public comment period.
- The public review period for a Draft EIR provides an opportunity to address concerns related to any potential direct or indirect impacts to the physical environment, including impacts to aesthetics, agricultural resources, air quality, noise, traffic, biological resources, water quality, and historic, cultural, and tribal cultural resources.
- All substantive comments on the Draft EIR must be addressed by the lead agency in the Final EIR.

Suggestions for reviewing the Draft EIR

Start with the Executive Summary

- Review chapter(s) and appendices of particular interest
- Review references if needed (these are separate from the EIR)

Considerations

- Is the scope adequate?
- Is the discussion of existing conditions complete?
- Is there analysis to support the conclusions?
- Are the determinations of significance clear?
- Are mitigation measures well defined, feasible, and fully enforceable?
- Is the environmental analysis contained in the EIR technically adequate?

If there are shortcomings, explain what they are, and include any supporting facts and additional evidence not considered by DWR.

When providing comments on the Draft EIR, consider:

- **Substance:** Address specific components of the analysis regarding significant environmental impacts and provide substantive comments that point out errors, inconsistencies, or data emissions.
- **Supporting Evidence:** Back up comments by providing references, evidence, or other factual support.
- **Objectivity:** Provide objective comments instead of personal opinion. While submitting personal views on the proposed project or DWR is not prohibited, these types of non-substantive comments may not receive a specific response in the Final EIR.

Effective Comments

- Are concise, focusing on the environmental analysis in the Draft EIR
- Relate to the project's potential for impacts on the physical environment
- Identify the specific part of the Draft EIR at issue
- Include supporting evidence/facts, such as references or citations to published articles, books or specific webpages where the supporting evidence is presented

To: Board of Directors, *Municipal Water District of Orange County*
From: Natural Resource Results
RE: Monthly Board Report – November 2022

FY23 Appropriations

Before adjourning for the October recess, Congress passed a CR that keeps the federal government funded through December 16th. Congress returns from recess on November 14th and will have roughly a month to pass an omnibus appropriations bill for FY23.

There have been rumblings among conservative circles in the House GOP that any funding package should wait until the new Congress is seated in 2023 to take up an omnibus due to the expected change in control of the House. We believe this is unlikely to occur as Leader McCarthy has stated that his preference is to finish the FY23 appropriations process this year and begin next year with a clean slate. Additionally, Senate Appropriations Committee chairman Leahy (D-VT) and ranking member Shelby (R-AL) are both retiring at the end of the 117th which will be driver to wrap up the FY2023 bills by the end of the year.

Colorado River

On October 12th, the Department of the Interior announced a process for applying for federal funding through the Inflation Reduction Act, which includes $4 billion specifically for water management and conservation efforts in the Colorado River Basin and other areas experiencing similar levels of drought.

The announcement included the creation of the Lower Colorado River Basin System Conservation and Efficiency Program, which is currently accepting system conservation proposals for funding. Proposal must create wet water in Lake Mead and will be funded at a set price of:

- $330 per acre-foot for one-year agreements
- $365 per acre-foot for two-year agreements
- $400 per acre-foot for three-year agreements

The Department says that it will also solicit longer-term durable system efficiency projects in 2023. Longer-term projects could include initiatives such as canal lining, re-regulating reservoirs, ornamental and non-functional turf removal, salinity projects and other infrastructure. Projects could also be related to aquatic ecosystem restoration and impacts mitigation, crop water efficiency, rotational fallowing, and marginal land idling.

The funding announcement is attached to this report.

Delta Tunnels Legislation

In last month's report, we noted that Congressman Harder (D-CA) introduced H.R. 8849, the Stop Delta Tunnels Act, which would prohibit the Army Corps of Engineers (Corps) from issuing a Clean Water Act permit for the Delta Conveyance Project.

There have not been any new cosponsors added to the legislation since it was introduced, nor has a companion bill been introduced in the Senate.

House GOP Water Legislation

At the end of September, Congressman Valadao, along with the entire House GOP delegation, introduced H.R. 9084, the WATER for California Act (text attached to this memo). The press release included supportive quotes from numerous San Joaquin Valley agricultural water districts including Westlands, Friant Water Authority, Exchange Contractors, and the Kern County Water Agency.

The bill would:

- Require the Bureau of Reclamation to operate the CVP in accordance with the 2019 biological opinions unless changes are agreed to as a part of the voluntary agreement process
- Prevent reconsultation on the biological opinion unless certain criteria are met
- Override state law to allow for Shasta raise to move forward
- Retroactively fund WIIN Act funding request for the Shasta raise that were not approved by Congress
- Reauthorize the storage account from the WIIN Act
- Deem CVPIA complete

The bill is unlikely to go anywhere in the current Congress, but we expect it to be reintroduced next year in a GOP controlled House where it will likely have the votes to pass.

United States Department of the Interior

BUREAU OF RECLAMATION
P.O. Box 61470
Boulder City, NV 89006-1470

IN REPLY REFER TO:
LCB-4000
2.2.4.23

VIA ELECTONIC & OVERNIGHT MAIL

Interested Parties

Subject: Funding Opportunity for Voluntary Participation in the Lower Colorado Conservation and Efficiency Program

Greetings:

The purpose of this letter is to follow-up on the Department of the Interior's September 22, 2022, announcement of additional steps to address drought in the Colorado River Basin (https://www.usbr.gov/newsroom/news-release/4338). The Department of the Interior (Department) through the Bureau of Reclamation (Reclamation) is creating this new Lower Colorado Conservation and Efficiency Program (LC Conservation Program) to increase system conservation and efficiency opportunities to address the unprecedented drought in the Lower Colorado River Basin. Similar conservation programs in the Upper Colorado River Basin and other basins experiencing comparable levels of long-term drought are also being developed. The new LC Conservation Program is a part of the commitment made by the Department on August 16, 2022, to address the drought crisis with prompt and responsive actions and investments to ensure the entire Colorado River Basin (Basin) can function and support all who rely on it.

Prolonged drought and low runoff conditions accelerated by climate change have led to historically low water levels in Lakes Powell and Mead. Over the last two decades, Department leaders have engaged with Basin partners on various drought response operations. However, given that water levels are projected to continue to decline, additional action is needed to protect the Colorado River System and prevent the reservoirs from falling to critically low elevations threatening water deliveries and power production. Reclamation is using the best available science and actively collaborating with water users across the Basin to determine the best ways to meet this increased conservation need. The historic funding committed by the Biden-Harris Administration in the Bipartisan Infrastructure Law and the recently passed Inflation Reduction Act provide resources for water management and conservation efforts in the Basin and other basins experiencing comparable levels of long-term drought. The Department will continue to deploy these resources in the Lower Colorado River Basin with this LC Conservation Program.

The LC Conservation Program is intended to provide new opportunities to fund system conservation and efficiencies in the Lower Colorado River Basin that lead to additional conservation and bridge the immediate need while moving toward improved system efficiency and more durable long-term solutions for the Colorado River system.

The LC Conservation Program has three components:

1.a.) Beginning immediately, Reclamation is accepting proposals for system conservation resulting in additional volumes of water remaining in Lake Mead at a set price of:

- One-year agreement: $330 per acre-foot
- Two-year agreement: $365 per acre-foot
- Three-year agreement: $400 per acre-foot

This program will require a system conservation agreement with Reclamation and is similar to previous system conservation efforts in Lower Colorado River Basin under the Pilot System Conservation Program and system conservation under the Lower Basin Drought Contingency Plan. Lower Colorado River water delivery contract or entitlement holders and Central Arizona Project water delivery contract or entitlement holders are eligible to participate in the LC Conservation Program. We request this first round of 1.a. proposals be submitted no later than November 21.

1.b.) Additionally, beginning immediately, Reclamation will accept the first round of proposals describing Lower Colorado River Basin water conservation plans that can be implemented resulting in reductions in consumptive use of lower Colorado River water having a recent history of use. The proposals will include a price per acre-foot; economic justification for the price; plan description; proposed conservation amount; verification methodologies; approximate time frame for startup and the plan duration. The proposal must meet the requirements enclosed with this letter (Enclosure). Plan proposals that reduce Colorado River consumptive use based on new or innovative concepts and collaboration among partners is encouraged. Colorado River water delivery contract or entitlement holders and Central Arizona Project water delivery contract or entitlement holders are eligible to apply. We request this first round of 1.b. proposals be submitted no later than November 21.

2) In early 2023, Reclamation will announce an opportunity for entities to submit proposals for long-term system efficiency improvements that will result in additional system conservation. The proposal review and evaluation process will be competitive and ranking factors will include: the amount and timing of water conserved in Lake Mead; the duration of the conservation; and previous participation in existing conservation programs and/or the LC Conservation Program described in 1.a. and 1.b. above with emphasis placed on participation in 1.a. conservation.

The Department encourages participation under this voluntary LC Conservation Program to minimize any reductions in the future. If you are interested in participating in the 1.a. or 1.b. component of the LC Conservation Program, submit your proposal electronically by November 21, 2022, to:

Daniel A. Bunk
Chief, Boulder Canyon Operations Office
Email: dbunk@usbr.gov.

To the extent permissible by applicable law, proposals will remain confidential until plan agreements are executed to preserve the competitive nature of the selection process.

Should you have questions regarding the LC Conservation Program, or wish to discuss plan concepts, please contact Daniel Bunk at 702-293-8013 or dbunk@usbr.gov. Individuals in the United States, who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or Tele Braille) to access telecommunication relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

Sincerely,

Jacklynn L. Gould, P.E.
Regional Director
Interior Region 8: Lower Colorado Basin
Bureau of Reclamation

ENCLOSURE 1

Requirements for Lower Basin System Conservation and Efficiency Project Proposals

Purpose: The Lower Colorado River Basin System Conservation and Efficiency Program (LC Conservation Program) is intended to provide new opportunities for system conservation in the Lower Colorado River Basin that also lead to additional conservation and bridge the immediate need while moving toward improved system efficiency and more durable long-term solutions for the System. The Bureau of Reclamation is requesting proposals describing Lower Colorado River Basin water conservation projects that can be implemented resulting in reductions in consumptive use of Colorado River water having a recent history of use. Colorado River water delivery contract or entitlement holders and Central Arizona Project (CAP) water delivery contract or entitlement holders are eligible to apply. The conserved Colorado River System water will not accrue to the benefit or use of any individual Colorado River water user.

Proposal and Selection Requirements:

Proposal Requirements

System Conservation Program Under a Set Fixed Price (Program 1.a. in Letter)

The LC Conservation Program fixed-priced 1.a. proposals must include the following information:

- Plan description.
- The amount of Colorado River System water to be conserved per year and over the life of the proposed plan.
    - System water conserved shall be based on a history of use (not entitlement); this criterion will be reviewed on a case-by-case basis.
- Methodology for estimated consumptive use reduction and supporting information that documents the estimate.
- Description of how the proponent will verify and document the consumptive use reduction on an annual or more frequent basis, as appropriate.

We request this first round of 1.a. proposals be submitted no later than November 21, 2022.

Proposals for System Conservation (Program 1.b. in Letter)

The LC Conservation Program fixed-priced 1.b. proposals must include the following information:

- Plan description.
- The amount of Colorado River System water to be conserved per year and over the life of the proposed plan.
    - System water conserved shall be based on a history of use (not entitlement); this criterion will be reviewed on a case-by-case basis.
- Methodology for estimated consumptive use reduction and supporting information that documents the estimate.
- Description of how the proponent will verify and document the consumptive use reduction

on an annual or more frequent basis, as appropriate.
- Amount of time required to implement the conservation plan and the plan duration.
- Estimated cost per acre-foot of conserved water (on either an annual basis or other proposed period of plan operation) and economic explanation of the proposed cost.
- Description of how the proposed plan will ensure that the amount of conserved water to remain in Lake Mead will not be ordered by other entitlement holder(s), for example, through third party consents or forbearance agreements.
- Any additional information deemed helpful to explain and aid understanding of the proposal.

We request this first round of 1.b. proposals be submitted no later than November 21, 2022.

Selection Criteria
System Conservation Program Under a Set Fixed Price (Program 1.a. in Letter)

Reclamation will select proposals on the basis of how well they meet the following requirements. In developing your proposal, please keep in mind:

- Only Colorado River water delivery contract or entitlement holders and CAP water delivery contract or entitlement holders are eligible to participate in the LC Conservation Program.
- Entities and/or individuals will need to collaborate with Reclamation and other water entitlement holders in your state to ensure that the conserved water is not ordered for delivery and that it remains in Lake Mead.
- In early 2023, the Department will announce an opportunity for entities to submit proposals for long-term system efficiency improvements that will result in additional system conservation. The proposal review and evaluation process will be competitive, and ranking will occur on factors including: the amount and timing of water conserved in Lake Mead; the duration of the conservation; and previous participation in existing conservation programs and/or this LC Conservation Program.

System Conservation (Program 1.b. in Letter)

Reclamation will select proposals on the basis of how well they meet the following requirements. In developing your proposal, please keep in mind:

- Only Colorado River water delivery contract or entitlement holders and CAP water delivery contract or entitlement holders are eligible to participate in the LC Conservation Program.
- The proposal review and evaluation process is competitive; ranking will occur on the amount and timing of water conserved in Lake Mead, the cost per acre-foot, feasibility in verifying and accounting for water conserved in Lake Mead and evaluating the uniqueness of testing new approaches for creating conservation.
- Entities and/or individuals may have already committed financial and other resources to water use plans for calendar years 2022 and 2023. In such cases, we are flexible regarding plan initiation.
- Entities and/or individuals will need to collaborate with Reclamation and other water entitlement holders in your state to ensure that the conserved water is not ordered for delivery and that it remains as system conservation in Lake Mead.
- In early 2023, the Department will announce an opportunity for entities to submit proposals for long-term system efficiency improvements that will result in additional system conservation. The proposal review and evaluation process will be competitive, and ranking will occur on factors including: the amount and timing of water conserved in Lake Mead; the duration of the system conservation; and previous participation in existing

system conservation programs and/or this LC Conservation Program.

Other Information: Participants will be required to execute a System Conservation Implementation Agreement (SCIA) with Reclamation containing terms and conditions for the design, implementation, monitoring, evaluation of the LC Conservation Program plan, and compensation to the entitlement holder proposing the plan, and setting forth the obligations of the parties. By entering into a SCIA, the participant grants access to Reclamation to perform periodic on-site inspections of system conservation plan. Participants must be in compliance with applicable Federal, State, and local environmental, cultural, and paleontological resource protection laws and regulations throughout the term of the SCIA. Reclamation's annual Colorado River Accounting and Water Use Report: Arizona, California, and Nevada will serve as the basis for documenting the amount of system conservation achieved under the LC Conservation Program.

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117TH CONGRESS
2D SESSION

H. R. 9084

To provide long-term water supply and regulatory reliability to drought-stricken California, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2022

Mr. VALADAO (for himself, Mr. MCCARTHY, Mr. CALVERT, Ms. CONWAY, Mr. GARCIA of California, Mr. ISSA, Mrs. KIM of California, Mr. LAMALFA, Mr. MCCLINTOCK, Mr. OBERNOLTE, and Mrs. STEEL) introduced the following bill; which was referred to the Committee on Natural Resources

---

A BILL

To provide long-term water supply and regulatory reliability to drought-stricken California, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Working to Advance Tangible and Effective Reforms for California Act" or the "WATER for California Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 3. DEFINITIONS.

In this Act, the following definitions apply:

(1) CVP.—The term ''CVP'' means the Central Valley Project.

(2) CVP CONTRACTOR.—The term ''CVP contractor'' means any public water agency, water user organization, or person that has entered into a contract with the United States for water service from the CVP, whether in the form of a water service contract, repayment contract, water rights settlement contract, exchange contract, or refuge contract.

(3) FWS BIOLOGICAL OPINION.—The term ''FWS Biological Opinion'' means the United States Fish and Wildlife Service ''Biological Opinion for the Reinitiation of Consultation on the Coordinated Operations of the Central Valley Project and State Water Project'' (Service File No. 08FBTD00–2019–F–0164) signed on October 21, 2019.

(4) NOAA BIOLOGICAL OPINION.—The term ''NOAA Biological Opinion'' means the National Oceanic and Atmospheric Administration Fisheries ''Biological Opinion on the Long-term Operation of the Central Valley Project and the State Water Project'' (Consultation Tracking Number: WCRO–2016–00069) signed on October 21, 2019.

(5) PREFERRED ALTERNATIVE.—The term ''Preferred Alternative'' means the Alternative 1 (Preferred Alternative), as described in the Final Environmental Impact Statement on the Reinitiation of Consultation on the Coordinated Long-Term Operation of the Central Valley Project and the State Water Project, issued by the Bureau of Reclamation, and dated December 2019.

(6) SWP.—The term ''SWP'' means the California State Water Project.

(7) SWP CONTRACTOR.—The term ''SWP contractor'' means a public agency that has entered into a long-term water supply contract with the California Department of Water Resources for water service from the SWP.

TITLE I—CVP AND SWP OPERATIONS

SEC. 101. OPERATION OF THE CVP AND SWP.

(a) CONGRESSIONAL DIRECTION REGARDING CVP AND SWP OPERATIONS.—The CVP and the SWP shall be operated in accordance with the Preferred Alternative and FWS Biological Opinion and NOAA Biological Opinion.

(b) APPLICATION OF LAWS AND REGULATIONS TO OTHERS.—Operation of the CVP and SWP shall proceed pursuant to subsection (a) except to the extent changes to operations are undertaken pursuant to one or more agreements, which are voluntarily entered into, approved, and implemented by CVP contractors, for operations of the CVP, and SWP contractors, for operations of the SWP, with all applicable Federal departments and the State of California, including any agency or board of the State of California.

(c) COSTS.—No cost, including water supply, financial, mitigation-related, or otherwise, associated with the

implementation of any agreement under subsection (b) shall be imposed by any Federal department or agency or the State of California, including any agency or board of the State of California, directly or indirectly on any CVP contractor, SWP contractor, or any other person or entity, unless such costs are incurred on a voluntary basis.

(d) ENDANGERED SPECIES ACT.—Notwithstanding subsection (b), implementation of subsection (a) shall not conflict with the FWS Biological Opinion and the NOAA Biological Opinion.

(e) NATIVE SPECIES PROTECTION.—The State of California shall not impose any bag, catch, or size restriction or limit on the take or harvest of striped bass or any species of black bass, including largemouth bass, smallmouth bass, and spotted bass, that occupy the Sacramento-San Joaquin Rivers Delta or its tributaries.

SEC. 102. OPERATIONS AND REVIEWS.

In carrying out section 101(a), the Secretary of the Interior and the Secretary of Commerce shall implement their statutory authorities in a manner that improves water supply reliability and enables the CVP and SWP to provide the maximum quantity of water supplies practicable to CVP agricultural, municipal, and industrial contractors, water service or repayment contractors, water rights settlement contractors, exchange contractors, ref-

uge contractors, and SWP contractors, in accordance with the Preferred Alternative, NOAA Biological Opinion, and FWS Biological Opinion.

SEC. 103. APPLICATION OF STATE LAWS.

(a) REDUCED WATER SUPPLY.—If, as a result of the application of applicable State law or regulation, the State of California (including any agency or board of the State of California) alters operation of the SWP in a manner that directly or indirectly results in reduced water supply to the SWP as compared with the water supply available under the Preferred Alternative, and as a result, CVP yield is greater than it otherwise would have been under the Preferred Alternative, then that additional yield shall be made available to the SWP for delivery to SWP Contractors to offset that reduced water supply. If it is necessary to reduce water supplies for any authorized uses of the CVP or CVP Contractors to make available to the SWP that additional yield, such reductions shall be applied proportionately to those authorized uses or CVP contractors that benefit from that increased yield.

(b) NO RESTRICTION OF CERTAIN WATER RIGHTS.—The State of California (including any agency or board of the State of California) shall not restrict the exercise of any water right obtained pursuant to State law, including but not limited to a pre-1914 appropriative right

or riparian right in order to offset any impact resulting from the implementation of this title on any species affected by operations of the CVP or the SWP.

SEC. 104. RECONSULTATION OF NOAA BIOLOGICAL OPINION AND FWS BIOLOGICAL OPINION.

(a) REQUIREMENT FOR RECONSULTATION.—

(1) REQUIREMENT.—Neither the Secretary of the Interior, acting through the Commissioner of Reclamation, nor the Secretary of Commerce or their designees shall commence, complete, or request reinitiation of consultation on the coordinated long-term operation of the Central Valley Project and the State Water Project that will result in changes to or the replacement of the documents listed in paragraph (2) unless—

(A) more than 75 percent of California has experienced 4 consecutive years of D3 or D4 level drought, as defined by the U.S. Drought Monitor;

(B) the Commissioner of Reclamation identifies one specific factor or combination of factors under section 402.16 of title 50, Code of Federal Regulations; and

(C) not fewer than 120 days before officially commencing or requesting reinitiation, the

Secretary of the Interior notifies the Committee on Natural Resources of the House of Representatives and Committee on Energy and Natural Resources of the Senate, in writing, of—

(i) the intent to commence or request reinitiation under this section; and

(ii) the detailed justification for the identification of the specific factor or combination of factors under section 402.16 of title 50, Code of Federal Regulations, that was identified to satisfy the requirement in subparagraph (B).

(2) DOCUMENTS.—The documents referred to in paragraph (1) are the following:

(A) The FWS Biological Opinion.

(B) The NOAA Biological Opinion.

(C) The Record of Decision for the Reinitiation of Consultation on the Coordinated Long-Term Modified Operations of the Central Valley Project and State Water Project, signed on February 18, 2020.

(b) APPLICABLE PROCEDURES AND REVIEW.—For the purposes of this Act, before reinitiating consultation on the Long-Term Operation of the CVP and SWP, a re-

quest by the Secretary of the Interior, the Secretary of the Commerce, or any other Federal employee, to reinitiate consultation shall be made in writing and considered a rule under section 551 of title 5, United States Code, and subject to the requirements of sections 801 through 808 of that title.

(c) COOPERATION.—In implementing this section, the Secretary of the Interior and the Secretary of Commerce shall comply with requirements included in section 4004 of Public Law 114–322.

(d) EXCLUSION.—Notwithstanding subsection (b), in implementing this section, section 801(b)(2) of title 5, United States Code, shall not apply.

SEC. 105. SUNSET.

Sections 101 through 104 shall have no force or effect on and after the date that is 7 years after the date of the enactment of this Act.

SEC. 106. CONSULTATION ON COORDINATED OPERATIONS.

The Water Infrastructure Improvements for The Nation Act (Public Law 114–322) is amended—

(1) in section 4004(a)—

(A) in paragraph (1), by inserting ''or proposed action'' after ''biological assessment,'';

(B) in paragraph (2), by inserting ''or proposed action'' after ''biological assessment,'';

(C) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively;

(D) after paragraph (2), by inserting the following new paragraph:

''(3) receive a copy of the proposed action and have the opportunity to review that document and provide comment to the action agency, which comments shall be afforded due consideration during development;''; and

(E) in paragraph (7), as redesignated by subparagraph (C) of this paragraph—

(i) in the matter preceding subparagraph (A), by inserting ''action agency proposes a proposed action or'' before ''the consulting agency'';

(ii) in subparagraph (A), by inserting ''proposed action or'' before ''alternative will''; and

(iii) in subparagraph (B), by striking ''alternative actions'' and insert ''actions or alternatives''; and

(2) in section 4013, by deleting ''section 4004, which shall expire 10 years after the date of its en-

actment;'' and inserting ''section 4004, which shall expire on December 16, 2033;''.

TITLE II—ALLOCATIONS FOR SACRAMENTO VALLEY CONTRACTORS

SEC. 201. DEFINITIONS.

In this title, the following definitions apply:

(1) The term ''existing CVP agricultural water service or repayment contractor within the Sacramento River Watershed'' means any water service or repayment contractor within the Shasta, Trinity, or Sacramento River division of the CVP that has in effect a water service or repayment contract on the date of enactment of this title that provides water for irrigation.

(2) The terms ''Above Normal'', ''Below Normal'', ''Dry'', and ''Wet'', with respect to a year, have the meanings given those terms in the Sacramento Valley Water Year Type (40–30–30) Index.

SEC. 202. ALLOCATIONS OF WATER.

Subject to section 203, and notwithstanding any changes to operations of the CVP or SWP voluntarily agreed to, approved, and implemented by CVP contractors, the Secretary of the Interior shall make every reasonable effort in the operation of the CVP to allocate water

provided for irrigation purposes to each existing CVP agricultural water service contractor within the Sacramento River Watershed in accordance with the following:

(1) Not less than 100 percent of the contract quantity of the existing CVP agricultural water service contractor within the Sacramento River Watershed in a Wet year.

(2) Not less than 100 percent of the contract quantity of the existing CVP agricultural water service Contractor within the Sacramento River Watershed in an Above Normal year.

(3) Not less than 100 percent of the contract quantity of the existing CVP agricultural water service contractor within the Sacramento River Watershed in a Below Normal year that is preceded by an Above Normal or Wet year.

(4) Not less than 50 percent of the contract quantity of the existing CVP agricultural water service contractor within the Sacramento River Watershed in a Dry year that is preceded by a Below Normal, Above Normal, or Wet year.

(5) In any other year not identified in any subsections (a) through (d), not less than twice the allocation percentage to south-of-Delta CVP agricultural water service contractors, up to 100 percent.

SEC. 203. PROTECTION OF REFUGE, MUNICIPAL AND INDUSTRIAL AND OTHER CONTRACTORS.

Nothing in section 202 shall—

(1) adversely affect any protections for the environment, including the obligation of the Secretary of the Interior to make water available to managed wetlands pursuant to section 3406(d) of the Central Valley Project Improvement Act (Title XXXIV of Public Law 102–575; 106 Stat. 4722);

(2) adversely affect any obligation of the Secretary of the Interior or the Secretary of Commerce under the FWS Biological Opinion or the NOAA Biological Opinion;

(3) modify any provision of a water service contract that addresses municipal or industrial water shortage policies of the Secretary of the Interior;

(4) affect or limit the authority of the Secretary of the Interior to adopt or modify municipal and industrial water shortage policies;

(5) constrain, govern, or affect, directly or indirectly, the operations of the American River division of the CVP or any deliveries from that division or a unit or facility of that division; or

(6) affect any allocation to a CVP municipal or industrial water service contractor by increasing or decreasing allocations to the contractor, as compared

to the allocation the contractor would have received absent section 202.

SEC. 204. OTHER CONTRACTORS.

Nothing in section 202 shall—

(1) affect the priority of any individual or entity with a Sacramento River settlement contract over water service or repayment contractors;

(2) affect the United States ability to deliver water to the San Joaquin River exchange contractors from the Sacramento River and the Delta via the Delta-Mendota Canal or modify or amend the rights and obligations under the Purchase Contract between Miller and Lux and the United States and the Second Amended Exchange Contract between the United States, Department of the Interior, Bureau of Reclamation and Central California Irrigation District, San Luis Canal Company, Firebaugh Canal Water District and Columbia Canal Company;

(3) affect the allocation of water to Friant division contractors of the CVP;

(4) result in the involuntary reduction in contract water allocations to individuals or entities with contracts to receive water from the Friant division;

(5) result in the involuntary reduction in water allocations to refuge contractors; or

(6) authorize any actions inconsistent with State water rights law.

TITLE III—INFRASTRUCTURE

SEC. 301. SHASTA RESERVOIR ENLARGEMENT PROJECT.

Section 40902(a)(2) of the Infrastructure Investment and Jobs Act (Public Law 117–58) is amended—

(1) in subparagraph (B)—

(A) in the matter preceding clause (i), by striking ''this Act, except for any project for which—'' and inserting ''this Act; or''; and

(B) by striking clauses (i) and (ii); and

(2) in subparagraph (C), by striking ''(except that projects described in clauses (i) and (ii) of subparagraph (B) shall not be eligible)''.

SEC. 302. WATER SUPPLY PLAN; PROJECTS.

(a) PLAN.—Not later than 180 days after the date of the enactment of this Act, the Commissioner of Reclamation shall develop a water deficit report, which shall identify—

(1) projected water supply shortages in the State of California for irrigation water service, municipal and industrial water service, water supply for wildlife refuges supplied by the CVP or the SWP; and

(2) infrastructure projects or actions which, if taken, would—

(A) significantly reduce or eliminate the projected water supply shortage; or

(B) fulfill water allocations consistent with agricultural, municipal and industrial contractors, water service or repayment contractors, water rights settlement contractors, exchange contractors, and SWP contractors with water delivery contractors on the CVP and SWP.

(b) REPORT TO CONGRESS.—The Commissioner of Reclamation shall provide a report described in subsection (a) to the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources upon its completion.

SEC. 303. CONSERVATION FISH HATCHERIES.

Section 4010(b)(5) of the Water Infrastructure Improvements for The Nation Act (Public Law 114–322) is amended by adding at the end the following:

''(D) SEMI-ANNUAL REPORT.—The Secretary of the Interior and the Secretary of Commerce shall submit to the Committee on Natural Resources of the House of Representatives and Committee on Energy and Natural Resources of the Senate semi-annual reports

that detail activities carried out under this paragraph.''.

SEC. 304. STORAGE; DURATION.

(a) STORAGE.—Section 4007 of the Water Infrastructure Improvements for The Nation Act (Public Law 114–322) is amended—

(1) in subsection (b)(1), by striking ''or any public agency organized pursuant to State law'' and inserting ''any public agency organized pursuant to State law, or any stakeholder''; and

(2) in subsection (i), by striking ''January 1, 2021'' and inserting ''January 1, 2028''.

(b) DURATION.—Section 4013 of the Water Infrastructure Improvements for The Nation Act (Public Law 114–322) is amended—

(1) in paragraph (1), by striking ''and'';

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

''(2) section 4007, which (except as provided in paragraph (3), shall expire on December 31, 2028; and''.

SEC. 305. SHASTA DAM ENLARGEMENT.

(a) FUNDING.—In accordance with section 4007 of the Water Infrastructure Improvements for the Nation Act (Public Law 114–322), and as recommended by the Secretary in letters dated February 13, 2019; June 22, 2020; and December 3, 2020; funds made available in the Water and Related Resources account for the Bureau Reclamation in Acts of appropriation for fiscal years 2017, 2018, 2019, 2020, and 2021 shall be made available to the Shasta Dam and Reservoir Enlargement Project.

(b) CLARIFICATION.—No provision of State law shall preclude or otherwise prevent any public water agency, including a public agency of the State, that contracts for the delivery of CVP water from assisting or cooperating with, whether by loan, grant, license, or otherwise, the planning and construction of any project undertaken by the Bureau of Reclamation to enlarge Shasta Dam.

TITLE IV—CVPIA ACTIONS

SEC. 401. CVPIA RESTORATION ACTIONS.

(a) REFUGE WATER SUPPLY PROGRAM.—Not later than two years after the date of enactment of this Act, the Secretary of the Interior shall complete the refuge water supply program under section 3406(d) of the Central Valley Project Improvement Act (Title XXXIV of Public Law 102–575; 106 Stat. 4722) and shall, within that two-year period, give priority to completing the refuge

water supply program when making funding decisions from the Central Valley Project Restoration Fund established under section 3407 of the Central Valley Project Improvement Act (106 Stat. 4726), the Infrastructure Investment and Jobs Act (Public Law 117–25), the Land and Water Conservation Fund Act (Public Law 88–578), and other sources of funding.

(b) RESTORATION ACTIONS DEEMED COMPLETE.—Upon completion of the refuge water supply program pursuant to subsection (a), or September 30, 2025, whichever occurs first, the Secretary of the Interior shall deem complete the fish, wildlife, and habitat mitigation and restoration actions mandated under section 3406 of the Central Valley Project Improvement Act (Title XXXIV of Public Law 102–575; 106 Stat. 4714).

○

BEST BEST & KRIEGER LLP
ATTORNEYS AT LAW

To:	MWDOC
From:	Syrus Devers, Best Best & Krieger
Date:	November 2nd, 2022
Re:	State Legislative Report

Legislative Report

Sacramento is rather quiet in the runup to the elections on November 8th. Even legislators in safe seats are away helping colleagues with tough races and, thanks to redistricting, there are more than the usual. But do not look for a significant shift in political power in Sacramento; the Democrats could lose 4 seats in the Senate and 6 seats in the Assembly and still have a supermajority. With that caveat in mind, here are some races to watch:

Assembly District 22: The Redistricting Commission created a district with no incumbent, close party split, and almost evenly divided between urban and rural communities. Both parties nominated candidates with no prior experience in elected office. The Republican candidate is Sheriff Juan Alanis. Jessica Self, an attorney, is running for the Democrats. (Based on no information whatsoever, BB&K staff predicts the Republican will win because, let's be honest, no one likes attorneys.)

Why it matters: The winner will need to be involved in water policy in this large, ag-dependent region just south of the Delta.

Assembly District 27: Esmerelda Soria (D) will compete against Mark Pazin (R) in this Central Valley seat where Democrats have a 16% registration advantage, but the district leans conservative.

Why it matters: The outgoing member is Democrat Adam Gray who was one of the most reliable moderate votes in the Assembly. If he were to be replaced by the more progressive Soria it would shift power away from the "Mod Caucus" in the Assembly. Despite the registration numbers, this is a highly competitive seat.

Assembly District 40: The incumbent is Republican Suzette Valladares who won in 2020 because so many Democrats ran in the primary that two Republicans advanced to the general election. Democrats then picked up a few points in registration after redistricting and now have a 13% advantage.

Why it matters: This is the top priority race for the Democrats to flip a Republican seat.

Assembly District 47: Former Republican Chad Mayes is calling it quits and the Democrats like their odds of picking up this seat. Democrats only have a 6 point registration advantage, not a lot in a

presidential midterm election, but they think they have a winner in Christy Holstege. The reason is that she's the popular outgoing mayor of Palm Springs which has a high voting propensity electorate. Mayes' former district director Greg Wallis in the Republican nominee.

Why it matters: This may be the most politically consequential race in the state. Redistricting put areas that were solid red, with Republicans in both the Assembly and Senate, into districts that may flip blue in both houses.

Assembly District 70: This evenly split district is one of three "hot races" in Orange County and was literally drawn to be a Vietnamese seat, and both parties nominated Vietnamese candidates. Little Saigon in Orange County is the largest single Vietnamese community in California and the local politics are complex. Luckily for BB&K staff, the MWDOC Board does not need a primer in Orange County politics. Both candidates have prior political experience and are lockstep in fundraising.

Why it matters: The area has been represented by Republicans in the last few cycles but the new district reflects the growing influence from the left in Orange County. This may be the most competitive race in the state.

Assembly District 74: The second Orange County seat on the "hot races" list has Republican incumbent Laurie Davies facing Democrat Chris Duncan. On the natural, Democrats would be more optimistic in this evenly split seat, but Davies has the advantage of being the incumbent with a bit of lead in fundraising, and this is a midterm election.

Why it matters: This seat is a "must win" for the Republicans in Orange County.

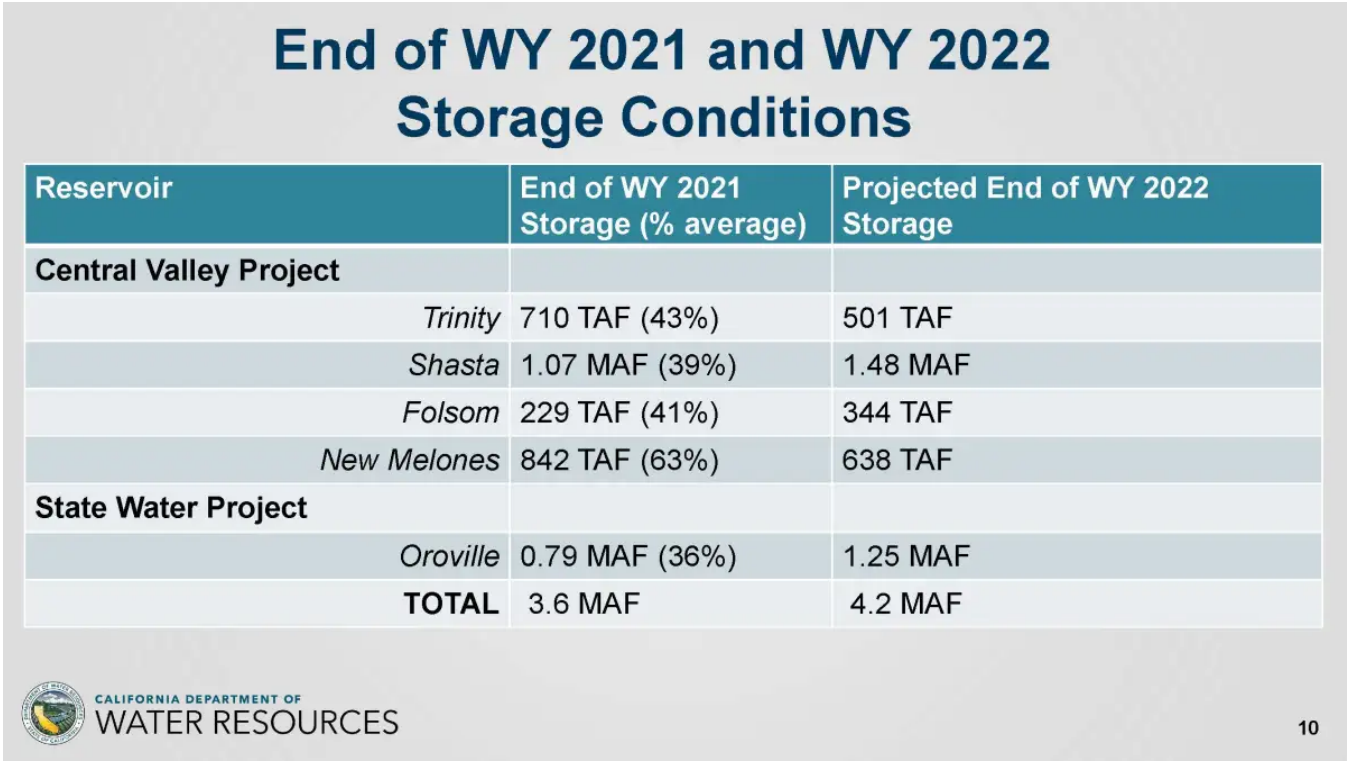
Senate District 38: Senator Pat Bates cannot run again due to term limits and redistricting has made this once solid Republican district lean slightly blue, which makes this the third competitive race in Orange County. Republican Matt Gunderson will face Democrat Cathleen Blakespear who has an advantage in political name I.D. and fundraising, but Gunderson has done an impressive job of raising funds for a political novice. In addition, Gunderson has benefitted from significant independent expenditures.

Why it matters: Again, BB&K does not believe it is necessary to expound on Orange County politics to the MWDOC Board. The outcome of this race cannot change the politics in the State Senate, but it matters a great deal to the political character of Orange County.

Administrative Report

Despite the persistent drought, the Department of Water Resources (DWR) reported that California ended the water year[1] in slightly better shape in terms of water storage than 2021.

[1] The official water year runs from October 1st to September 30th.



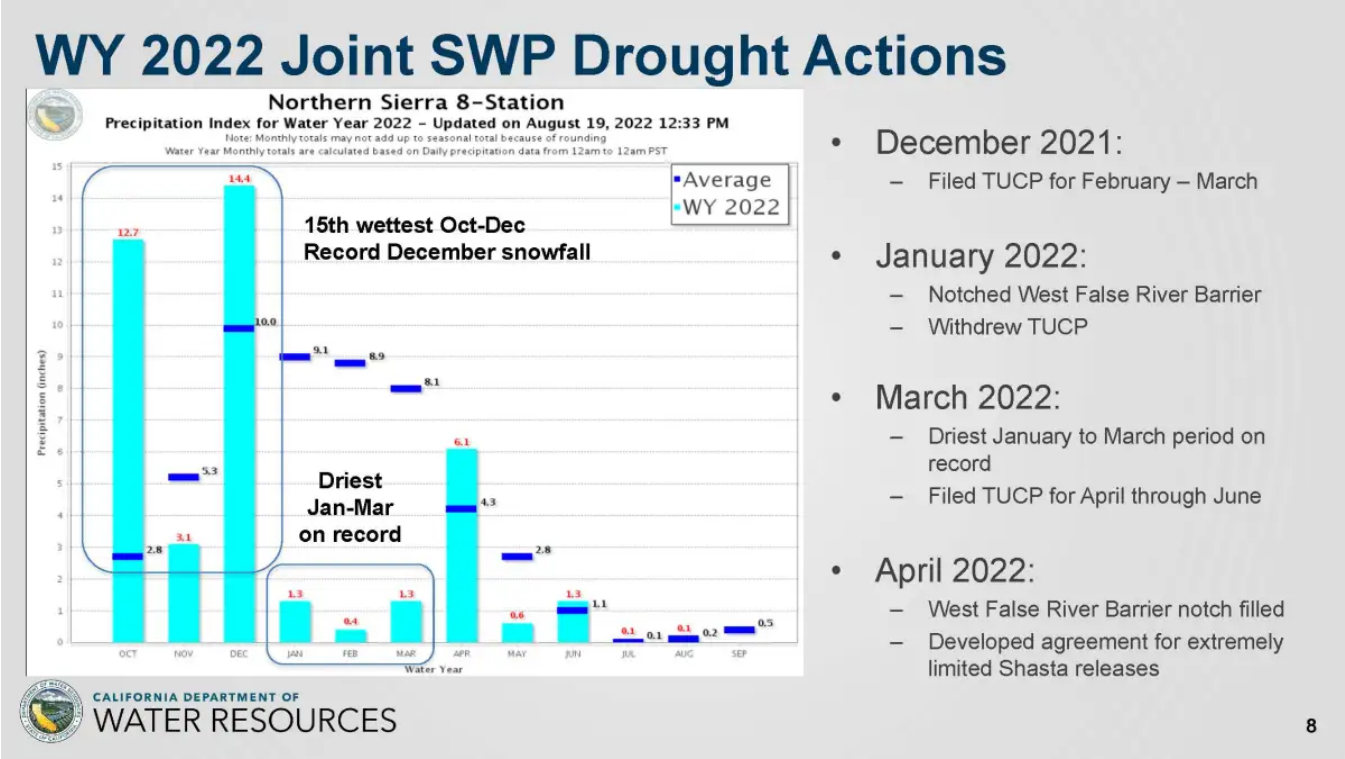
End of WY 2021 and WY 2022 Storage Conditions

Reservoir	End of WY 2021 Storage (% average)	Projected End of WY 2022 Storage
Central Valley Project		
Trinity	710 TAF (43%)	501 TAF
Shasta	1.07 MAF (39%)	1.48 MAF
Folsom	229 TAF (41%)	344 TAF
New Melones	842 TAF (63%)	638 TAF
State Water Project		
Oroville	0.79 MAF (36%)	1.25 MAF
TOTAL	3.6 MAF	4.2 MAF

CALIFORNIA DEPARTMENT OF WATER RESOURCES

10

The above chart was part of a report DWR gave to the California Water Commission on October 11th describing the improvements DWR is making to the 2023 State Water Project Delivery Capability Report, which is due at the end of December. This biennial report is the basis for water planners dependent on the SWP, and the 2021 Report was criticized for failing to predict SWP water deliveries in 2022. Perhaps in response, DWR included the following in their report:



Although DWR did not say it outright, the takeaway is that no one could have anticipated 2022. DWR then described how it hopes to improve runoff forecasting by relying more on real-time data gathered by frequent aerial snow surveys and weather stations, and less on historical data and point-in-time snow surveys. None of those efforts, however, will improve DWR's ability to forecast the weather. To deal with greater extremes in rainfall patterns, DWR has an ongoing effort to base water storage policies on near-term conditions and projections instead of inflexible rules based on past rainfall totals.

Legal and Regulatory

November 2, 2022

1. **Water Voter Confidence:** The American Water Works Association funded a national poll regarding the public's ideas on the tap water they receive. The poll was national and was conducted in June of this year. They asked about the quality of their household water and their opinion of their public water utility. Considering the wide range of communities that exist in the USA, urban, rural, density, old, new, rich, poor, middle and all the other factors, such as people not liking polls, the results were very favorable. 70% rated their tap water quality as excellent or good. A result of our increased inflation, about 1/3 said they had problems paying their water bills. 77% said they had a lot to some trust in their water utility. This number increased to 88% where the respondents were aware the utility did regular testing. 75% answered they were generally to somewhat satisfied overall in their water delivery system.

2. **Oysters Save the Coast:** San Diego is experimenting with artificial reefs designed to be large oyster homes. The structure looks like a giant whiffle ball about 8-10 feet in diameter and weighing 300 pounds. They are made with cement and crushed oyster shells. The oyster component is critical in getting the new oysters to make this pod their home. So far, over 360 have been installed between Point Loma and Coronado peninsula. Oysters flock to them, creating green silt. Not only do the oysters act as a filtering agent, but also the silt attracted eelgrass and other marine life that slows down the erosion process along the shorelines. The silt also provides food for 80 types of fish and 300 varieties of birds. This $1.5 million project is being evaluated and considered in San Francisco and New York. San Diego currently has 70% of its shoreline using some form of shoreline protection.

3. **Nutrient Pollution:** As winters are getting warmer and shorter, there is an increase of potential pollution from the runoff to lakes, streams, and aquifers. The University of Vermont estimates as much as a 40% increase in such pollution occurring across the US. The primary cause is the "rain on snow" effect. Warmer temperatures and rain on the snow causes earlier melting and runoff that normally would occur. This makes it more likely that fertilizers, animal feed and the like will make it into our water system. Under normal circumstances, the soil would absorb much of these nutrients before being washed down the water stream. Less days that experience freezing temperatures and earlier rain compound this phenomenon.

4. **Rice Problems:** The drought and water conditions in California are taking their toll on rice production. The Sacramento Valley is usually number one in rice production for the State. This year farmers only planted one-half the crop they did last year. In some northern California counties, productions were reduced by 75 to 85%. The late rain gave some hope, but it will take much more to get back to normal crops. National estimates show California's overall loss would be 38%. This will affect sales and restaurants nationally and internationally as California rice is premium grade.

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5. **Water Fleas Help Pollution:** The water flea (Daphnia) is a small crustacean about the size of a grain of rice. They are everywhere and are an important part of our ecosystem. They are also recognized as an important species used in identifying and monitoring toxic chemicals. They are often referred to as the "canaries in the coal mine" in locating chemical pollution in water world. All animals including human can identify and respond to changes in the environment, including pollution. Daphnia has been identified as such for many years and its importance is increasing. How to use them better and measures their reactions similarly is the object of this University of Birmingham study. They can also do very sophisticated detections with toxic chemicals.

6. **More PFAS Work:** As we have seen, many Universities and other researchers are aggressively attacking PFAS solutions. This current effort by the University of Tennessee has one expert claiming, "They are not forever chemicals." This is definitely going against popular thought. The reason is they have discovered naturally occurring bacteria that can degrade PFAS. That bacteria, Pseudomonas sp strain 273, has been successfully used to degrade and detoxify certain fluorinated products identified with PFAS compounds. It also does not leave any unwanted by products as some other processes do.

7. **Manmade Wetlands and PFAS:** Australian researchers have been experimenting with construction of manmade wetlands. These efforts in the past have generally been used to treat wastewater and stormwater runoff. They have discovered that they are also useful in filtering out microplastics and keeping them out of the water stream. While these wetlands have been successful in filtering chemical elements, it also works from microplastics. It not only traps them but also allows them to be collected and removed in a safe fashion.

8. **Water from Asteroids:** An ongoing discussion has been how did life end up on earth. There have been many explanations, but none have been conclusive. The secret to all life is water. That is agreed upon. A recent Japanese study started with a satellite launch in 2014, Hayabusa-2, may have provided some answers. The Japanese probe picked up some dirt from an asteroid, Rkyugu, some 186 million miles from Earth. That piece of dirt contained a drop of water. The sample also contained other organic material that would be necessary to sustain life as we know it. Scientists confirm that over the life of Earth, we have been bombarded with numerous asteroids around the galaxy. Perhaps, that is how we got our oceans billions of years ago. The belief is that amino acids, the building blocks of life, formed in space a long time ago. And that over time asteroids transported these various elements to Earth.

9. **Water Rights Battle:** The Federal government as well as the State government has been trying to control water users at all levels. Recently an Oregon water district, Klamath Irrigation District, has challenged an order from the US Bureau of Reclamation to stop diversions of water to their customers. The District has told the Bureau they were not going to comply. The basis for the original order was the Endangered Species Act potential violation. Another legal battle for which we will Stay Tuned.

10. **Floating Desal Units:** Vandenberg Space Force Base has retained a Santa Barbara company, Ocean Portal Water Co, a subsidiary of SeaWell. Their project would place floating desal buoys off the coast of Vandenberg. Each buoy is a self-contained desal unit about one mile offshore. The process is reverse osmosis and water would be sucked in through fine screens to ensure critters would not be impacted. Initial purification would occur in the buoy and then the water would be pumped to shore. On shore final treatment would occur. Details of the

operation are not available, but they hope to be in operation by 2025. They have also not applied for permits and the usual approvals needed. Does the Coastal Commission have jurisdiction on US owned operations? We will find out.

11. **San Diego v Tijuana Water:** A recent article from the Voice of San Diego compared the water situation in San Diego to Tijuana. San Diego has abundant water, but they are paying some of the highest prices in the US. Tijuana pays very little and virtually is out or water. Tijuana's issues are many including pollution, trash, lack of infrastructure, lack of money. The greatest part of Tijuana's water goes to agriculture. Governmental issues also impact Tijuana, lack of maintenance and poor management have contributed to the problem.

MWDOC Workshop

2022 Bill Matrix – Final

A. Priority Support/Oppose

Measure	Author	Topic	Status	Brief Summary	Position	Priority	Notes 1
AB 1195	Garcia, Cristina D	Limited Eligibility and Appointment Program: lists.	9/30/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 892, Statutes of 2022.	This bill was amended from its original purpose and no longer pertains to water policy.	Oppose unless amended	A. Priority Support/ Oppose	Position adopted May 5th.
AB 1845	Calderon D	Metropolitan Water District of Southern California: alternative project delivery methods.	9/13/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 275, Statutes of 2022.	Would authorize the Metropolitan Water District of Southern California to use the design-build procurement process for certain regional recycled water projects or other water infrastructure projects. The bill would define “design-build” to mean a project delivery process in which both the design and construction of a project are procured from a single entity. The bill would require the district to use a specified design-build procedure to assign contracts for the design and construction of a project, as defined.	Support	A. Priority Support/ Oppose	Support adopted on March 2nd
AB 1944	Lee D	Local government: open and public meetings.	7/5/2022-Failed Deadline pursuant to Rule 61(b)(14). (Last location was S. GOV. & F. on 6/8/2022)	The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency’s		A. Priority Support/ Oppose	Amended on 4/18/2022 Preferred bill was AB 2449 (Rubio)

				jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. This bill would require the agenda to identify any member of the legislative body that will participate in the meeting remotely.			
AB 2142	Gabriel D	Income taxes: exclusion: turf replacement water conservation program.	9/28/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 674, Statutes of 2022.	The Personal Income Tax Law and the Corporation Tax Law, in conformity with federal income tax law, generally defines “gross income” as income from whatever source derived, except as specifically excluded, and provides various exclusions from gross income. Current law provides an exclusion from gross income for any amount received as a rebate or voucher from a local water or energy agency or supplier for the purchase or installation of a water conservation water closet, energy efficient clothes washers, and plumbing devices, as specified. This bill would, for taxable years beginning on or after January 1, 2022, and before January 1, 2027, under both of these laws, provide an exclusion from gross income for any amount received as a rebate, voucher, or other financial incentive issued by a public water system, as defined, local government, or state agency for participation in a turf replacement water conservation program.	Support	A. Priority Support/ Oppose	Support adopted on March 2nd
AB 2278	Kalra D	Natural resources: biodiversity and conservation report.	9/16/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 349, Statutes of 2022.	By Executive Order No. N-82-20, Governor Gavin Newsom directed the Natural Resources Agency to combat the biodiversity and climate crises by, among other things, establishing the California Biodiversity Collaborative and conserving at least 30% of the state’s lands and coastal waters by 2030. This bill would require the Natural Resources Agency, in implementing actions to achieve the goal to conserve at least 30% of the state’s lands and coastal waters by 2030 established by the executive order, to prioritize specified actions. The bill would require the Secretary of the Natural Resources Agency to prepare and submit, beginning on or before March 31, 2024, an annual report to the Legislature on the progress made during the prior calendar year toward achieving that goal, as provided.	Watch	A. Priority Support/ Oppose	Possible return of AB 3030
AB 2387	Garcia, Eduardo D	Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce	8/31/2022-Failed Deadline pursuant to Rule 61(b)(18). (Last location was	Would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of $7,430,000,000 pursuant to the State General Obligation Bond Law	Watch	A. Priority Support/ Oppose	

		Development Bond Act of 2022.	APPR. SUSPENSE FILE on 5/11/2022)	to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development programs.			
AB 2449	Rubio, Blanca D	Open meetings: local agencies: teleconferences.	9/13/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 285, Statutes of 2022.	Current law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act generally requires posting an agenda at least 72 hours before a regular meeting that contains a brief general description of each item of business to be transacted or discussed at the meeting, and prohibits any action or discussion from being undertaken on any item not appearing on the posted agenda. This bill would revise and recast those teleconferencing provisions and, until January 1, 2026, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements that each teleconference location be identified in the notice and agenda and that each teleconference location be accessible to the public if at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction.	Support	A. Priority Support/ Oppose	Support adopted on April 6th.
AB 2451	Wood D	State Water Resources Control Board: drought planning.	8/12/2022-Failed Deadline pursuant to Rule 61(b)(15). (Last location was APPR. SUSPENSE FILE on 8/8/2022)	(1)Current law establishes within the Natural Resources Agency the State Water Resources Control Board and the California regional water quality control boards. Current law requires the work of the state board to be divided into at least 2 divisions, known as the Division of Water Rights and the Division of Water Quality. Current law requires the state board to formulate and adopt state policy for water quality control.This bill would create a Drought Section within the state board, as specified. The bill would require the state board, in consultation with the Department of Fish and Wildlife, to adopt principles and guidelines for diversion and use of water in coastal watersheds, as specified, during times of water shortage for drought preparedness and climate resiliency. The bill would require that the principles and guidelines provide for the development of watershed-level contingency plans to support public trust uses, public health and safety, and the human right to water in times of water shortage, among other things. The bill also would require the state board, prior to adopting those	Watch	A. Priority Support/ Oppose	

				principles and guidelines, to allow for public comment and hearing, as provided. The bill would require the state board to adopt those principles and guidelines no later than March 31, 2024.			
AB 2639	Quirk D	San Francisco Bay/Sacramento-San Joaquin Delta Estuary: water quality control plan: water right permits.	5/27/2022-Failed Deadline pursuant to Rule 61(b)(11). (Last location was A. THIRD READING on 5/19/2022)	Would require the State Water Resources Control Board, on or before December 31, 2023, to adopt a final update of the 1995 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary, as specified, and to implement the amendments to the plan adopted by the state board pursuant to Resolution No. 2018-0059 on December 12, 2018. The bill would prohibit the state board, on or after January 1, 2024, from approving a new water right permit that would result in new or increased diversions to surface water storage from the Sacramento River/San Joaquin River watershed until and unless the state board has taken those actions.	Oppose unless amended	A. Priority Support/ Oppose	Position adopted May 2nd.
SB 45	Portantino D	Short-lived climate pollutants: organic waste reduction goals: local jurisdiction assistance.	9/19/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 445, Statutes of 2022.	Current law requires the Department of Resources Recycling and Recovery, in consultation with the State Air Resources Board, to adopt regulations to achieve the organic waste reduction goals established by the state board for 2020 and 2025, as provided. Current law requires the department, no later than July 1, 2020, and in consultation with the state board, to analyze the progress that the waste sector, state government, and local governments have made in achieving these organic waste reduction goals. Current law authorizes the department, if it determines that significant progress has not been made toward achieving the organic waste reduction goals established by the state board, to include incentives or additional requirements in its regulations to facilitate progress towards achieving the goals. This bill would require the department, in consultation with the state board, to assist local jurisdictions in complying with these provisions, including any regulations adopted by the department.		A. Priority Support/ Oppose	Bond intended for the Nov. '22 ballot.
SB 222	Dodd D	Water Rate Assistance Program.	9/28/2022-Vetoed by the Governor. In Senate. Consideration of Governor's veto pending.	Current law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Existing law declares it to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This	Watch	A. Priority Support/ Oppose	Watch position adopted 2/3/2021

				bill would establish the Water Rate Assistance Fund in the State Treasury to help provide water affordability assistance, for both drinking water and wastewater services, to low-income residential ratepayers. The bill would make moneys in the fund available upon appropriation by the Legislature to the state board to provide, in consultation with relevant agencies, direct water bill assistance to low-income residential ratepayers served by eligible systems, as defined, and would require 80% of total expenditures from the fund to be directly applied to residential ratepayer accounts.			
SB 230	Portantino D	State Water Resources Control Board: Constituents of Emerging Concern in Drinking Water Program.	9/28/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 676, Statutes of 2022.	Current law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. The state board's duties include, but are not limited to, conducting research, studies, and demonstration programs relating to the provision of a dependable and safe supply of drinking water, enforcing the federal Safe Drinking Water Act, and adopting and enforcing regulations.This bill would require the state board to build upon its existing work dealing with, and work to improve its knowledge of, constituents of emerging concern (CEC) in waters of the state and drinking water.	Support	A. Priority Support/ Oppose	Support position adopted April 7th.
SB 991	Newman D	Public contracts: progressive design-build: local agencies.	9/2/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 243, Statutes of 2022.	Current law authorizes the Director of General Services to use the progressive design-build procurement process for the construction of up to 3 capital outlay projects, as jointly determined by the Department of General Services and the Department of Finance, and prescribes that process. Current law defines "progressive design-build" as a project delivery process in which both the design and construction of a project are procured from a single entity that is selected through a qualifications-based selection at the earliest feasible stage of the project. Current law, pursuant to the process, after selection of a design-build entity, authorizes the Department of General Services to contract for design and preconstruction services sufficient to establish a guaranteed maximum price, as defined. Current law authorizes the department, upon agreement on a guaranteed maximum price, to amend the contract in its sole discretion, as specified. Current law requires specified information to be verified under penalty of perjury. This bill, until January 1, 2029, would authorize local agencies,	Support	A. Priority Support/ Oppose	Support adopted on April 6th.

				defined as any city, county, city and county, or special district authorized by law to provide for the production, storage, supply, treatment, or distribution of any water from any source, to use the progressive design-build process for up to 15 public works projects in excess of $5,000,000 for each project, similar to the progressive design-build process authorized for use by the Director of General Services.			
SB 1157	Hertzberg D	Urban water use objectives.	9/28/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 679, Statutes of 2022.	Current law requires the Department of Water Resources, in coordination with the State Water Resources Control Board, and including collaboration with and input from stakeholders, to conduct necessary studies and investigations and authorizes the department and the board to jointly recommend to the Legislature a standard for indoor residential water use. Current law, until January 1, 2025, establishes 55 gallons per capita daily as the standard for indoor residential water use. Current law establishes, beginning January 1, 2025, the greater of 52.5 gallons per capita daily or a standard recommended by the department and the board as the standard for indoor residential water use, and beginning January 1, 2030, establishes the greater of 50 gallons per capita daily or a standard recommended by the department and the board as the standard for indoor residential water use. Current law requires the board, in coordination with the department, to adopt by regulation variances recommended by the department and guidelines and methodologies pertaining to the calculation of an urban retail water supplier's urban water use objective recommended by the department. This bill would eliminate the option of using the greater of 52.5 gallons per capita daily and the greater of 50 gallons per capita daily, as applicable, or a standard recommended by the department and the board as the standard for indoor residential water use. The bill would instead require that from January 1, 2025, to January 1, 2030, the standard for indoor residential water use be 47 gallons per capita daily and beginning January 1, 2030, the standard be 42 gallons per capita daily.	Oppose unless amended	A. Priority Support/ Oppose	Oppose unless amended adopted on March 2nd

B. Watch

Measure	Author	Topic	Status	Brief Summary	Position	Priority	Notes 1
AB 1001	Garcia, Cristina D	Environment: mitigation measures for air	7/5/2022-Failed Deadline	The California Environmental Quality Act (CEQA) requires a lead agency to prepare a mitigated negative declaration	Watch	B. Watch	

		quality impacts: environmental justice.	pursuant to Rule 61(b)(14). (Last location was S. E.Q. on 5/4/2022)	for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. This bill would require mitigation measures, identified in an environmental impact report or mitigated negative declaration to mitigate the adverse effects of a project on air quality of a disadvantaged community, to include measures for avoiding, minimizing, or otherwise mitigating for the adverse effects on that community. The bill would require mitigation measures to include measures conducted at the project site that avoid or minimize to less than significant the adverse effects on the air quality of a disadvantaged community or measures conducted in the affected disadvantaged community that directly mitigate those effects.			
AB 1774	Seyarto R	California Environmental Quality Act: water conveyance or storage projects: judicial review.	4/29/2022-Failed Deadline pursuant to Rule 61(b)(5). (Last location was NAT. RES. on 2/10/2022)	The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report (EIR) on a project that the lead agency proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA establishes a procedure by which a person may seek judicial review of the decision of the lead agency made pursuant to CEQA. This bill would require the Judicial Council to adopt rules of court applicable to actions or proceedings brought to attack, review, set aside, void, or annul the certification or adoption of an environmental impact report for water conveyance or storage projects, as defined, or the granting of project approvals, including any appeals to the court of appeal or the Supreme Court, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court to an action or proceeding seeking judicial review of the lead agency's action related to those projects.	Watch	B. Watch	

AB 1817	Ting D	Product safety: textile articles: perfluoroalkyl and polyfluoroalkyl substances (PFAS).	9/29/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 762, Statutes of 2022.	Would prohibit, beginning January 1, 2025, any person from manufacturing, distributing, selling, or offering for sale in the state any new, not previously owned, textile articles that contain regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS, except as specified, and requires a manufacturer to use the least toxic alternative when removing regulated PFAS in textile articles to comply with these provisions. The bill would require a manufacturer of a textile article to provide persons that offer the product for sale or distribution in the state with a certificate of compliance stating that the textile article is in compliance with these provisions and does not contain any regulated PFAS.		B. Watch	
AB 2108	Rivas, Robert D	Water policy: environmental justice: disadvantaged and tribal communities.	9/16/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 347, Statutes of 2022.	Current law requires the State Water Resources Control Board to formulate and adopt state policy for water quality control. Current law requires the regional boards to prescribe requirements as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge, except discharges into a community sewer system, with relation to the conditions existing in the disposal area or receiving waters upon, or into which, the discharge is made or proposed. Current law also authorizes the state board or a regional board to waive these requirements as to a specific discharge or type of discharge if the state board or a regional board determines, after any necessary state board or regional board meeting, that the waiver is consistent with any applicable state or regional water quality control plan and is in the public interest. This bill would, among other things, specify that the state board and each regional board need to begin outreach to identify issues of environmental justice as early as possible in planning, policy, and permitting processes. The bill would require the state board and each regional board to engage in equitable, culturally relevant community outreach to promote meaningful civic engagement from potentially impacted communities of proposed discharges of waste that may have disproportionate impacts on water quality in disadvantaged communities or tribal communities and ensure that outreach and engagement shall continue throughout the waste discharge planning, policy, and permitting processes.	Watch	B. Watch	
AB 2247	Bloom D	Perfluoroalkyl and	9/29/2022-	Would require, as part of the hazardous	Watch	B.	

		polyfluoroalkyl substances (PFAS) and PFAS products and product components: publicly accessible data collection interface.	Vetoed by Governor.	waste control laws, the department to contract with an existing multistate chemical data collection entity that is used by other states and jurisdictions to implement, by January 1, 2026, a publicly accessible data collection interface to collect information about perfluoroalkyl and polyfluoroalkyl substances (PFAS) and products or product components containing intentionally added PFAS. The bill would require, on or before July 1, 2026, and annually thereafter, a manufacturer, as defined, of PFAS or a product or a product component containing intentionally added PFAS that, during the prior calendar year, is sold, offered for sale, distributed, or offered for promotional purposes in, or imported into, the state to register the PFAS or the product or product component containing intentionally added PFAS, and specified other information, on the publicly accessible data collection interface. The bill would specify that the above requirements do not apply to certain products regulated by the United States Food and Drug Administration or products intended for certain animal uses that are regulated under certain federal laws.		Watch	
AB 2313	Bloom D	Water: judges and adjudications.	8/12/2022-Failed Deadline pursuant to Rule 61(b)(15). (Last location was APPR. SUSPENSE FILE on 8/2/2022)	Existing law authorizes the Judicial Council to conduct institutes and seminars for the purpose of orienting judges to new judicial assignments, keeping them informed concerning new developments in the law, and promoting uniformity in judicial procedure, as specified.This bill would authorize the Judicial Council, on or before January 1, 2025, to establish a program that provides training and education to judges in specified actions relating to water, as defined. The bill would provide that the program may be funded by an appropriation from the General Fund in the annual Budget Act or another statute, or by using existing funds for judicial training. The bill would require a court to prioritize assigning a judge with training or education under the program for actions relating to water, if certain conditions are met.This bill contains other related provisions and other existing laws.	Watch	B. Watch	
AB 2477	Rodriguez D	Emergency alert and warning service providers: minimum operating standards.	8/12/2022-Failed Deadline pursuant to Rule 61(b)(15). (Last location was	Current law, on or before July 1, 2022, requires the Office of Emergency Services (OES), in consultation with specified entities, to develop voluntary guidelines for alerting and warning the public of an emergency, and requires the OES to provide each city, county, and city and county with a copy of the guidelines. Current law authorizes the	Watch	B. Watch	

			APPR. SUSPENSE FILE on 8/2/2022)	OES to impose conditions upon application for voluntary grant funding that it administers requiring operation of alert and warning activities consistent with the guidelines. Current law also requires the OES, within 6 months of making the statewide guidelines available and at least annually thereafter and through its California Specialized Training Institute, to develop an alert and warning training, as specified. This bill, on or before July 1, 2024, would require the OES, by regulation, to adopt minimum operating standards for private sector companies that provide alert and warning services to local entities.			
AB 2605	Villapudua D	Water quality: state certification.	4/29/2022-Failed Deadline pursuant to Rule 61(b)(5). (Last location was E.S. & T.M. on 3/10/2022)	The State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements in accordance with the Federal Water Pollution Control Act and the Porter-Cologne Water Quality Control Act. Under federal law, any applicant seeking a federal license or permit for an activity that may result in any discharge into the navigable waters of the United States is required to first seek a state water quality certification, as specified. The Porter-Cologne Water Quality Control Act authorizes the state board to certify or provide a statement to a federal agency, as required pursuant to federal law, that there is reasonable assurance that an activity of any person subject to the jurisdiction of the state board will not reduce water quality below applicable standards. The federal act provides that if a state fails or refuses to act on a request for this certification within a reasonable period of time, which shall not exceed one year after receipt of the request, then the state certification requirements are waived with respect to the federal application. This bill would authorize the state board to delegate its authority regarding the above-described issuance of a certificate or statement to the regional boards. The bill would require a project proponent, as defined, to request a prefiling meeting with the state board, as specified.	Watch	B. Watch	
AB 2740	Dahle, Megan R	Water resources: desalination.	5/6/2022-Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. W.,P. &	Current law requires the Department of Water Resources, not later than July 1, 2004, to report to the Legislature, on potential opportunities and impediments for using seawater and brackish water desalination, and to examine what role, if any, the state should play in furthering the use of desalination technology. Current law requires the department to convene a Water	Watch	B. Watch	

			W. on 3/17/2022)	Desalination Task Force, comprised of representatives from listed agencies and interest groups, to advise the department in carrying out these duties and in making recommendations to the Legislature. This bill would repeal these provisions.			
AB 2742	Friedman D	Water meters: urban water suppliers.	5/6/2022-Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. PRINT on 2/18/2022)	The Water Measurement Law generally requires the installation of a water meter as a condition of new water service on and after January 1, 1992. The law, with certain exceptions, requires an urban water supplier to install water meters on all municipal and industrial service connections that are located in its service area on or before January 1, 2025. This bill would delay that requirement for an urban water supplier to install the water meters to on or before January 1, 2030.	Watch	B. Watch	
AB 2811	Bennett D	California Building Standards Commission: recycled water: nonpotable water systems.	4/29/2022-Failed Deadline pursuant to Rule 61(b)(5). (Last location was E.S. & T.M. on 3/17/2022)	Would require, commencing January 1, 2024, all newly constructed nonresidential buildings be constructed with dual plumbing to allow the use of recycled water for all applicable nonpotable water demands, as defined, if that building is located within an existing or planned recycled water service area, as specified.	Watch	B. Watch	
AB 2857	Bauer-Kahan D	Sustainable Groundwater Management Act: groundwater sustainability plans: domestic well impacts.	4/29/2022-Failed Deadline pursuant to Rule 61(b)(5). (Last location was W.,P. & W. on 3/24/2022)	The Sustainable Groundwater Management Act requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. The act prescribes that a groundwater sustainability plan contain certain information, including, where appropriate and in collaboration with the appropriate local agencies, control of saline water intrusion, wellhead protection areas and recharge areas, a well abandonment and well destruction program, well construction policies, and impacts on groundwater dependent ecosystems. This bill would additionally require that a groundwater sustainability plan include measures to mitigate adverse impacts on domestic wells, as defined, including, but not limited to,	Watch	B. Watch	

				compensating an owner of a domestic well or a user of water from a domestic well for increased energy costs associated with deeper groundwater pumping and increased costs to households associated with the delivery of water from an existing water supply system or alternative water supply. The bill would prohibit a mitigation measure from subjecting an owner of a domestic well or a user of water from a domestic well to an unreasonable financial burden or expense.			
AB 2876	Bigelow R	Sustainable Groundwater Management Act.	5/6/2022-Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. PRINT on 2/18/2022)	The Sustainable Groundwater Management Act requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. The act requires all relevant state agencies to consider the policies of the act, and any adopted groundwater sustainability plans, when revising or adopting policies, regulations, or criteria, or when issuing orders or determinations, where pertinent. This bill would make nonsubstantive changes to the latter provision.	Watch	B. Watch	
AB 2877	Garcia, Eduardo D	Safe and Affordable Drinking Water Fund: tribes.	9/23/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 481, Statutes of 2022.	Current law establishes the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and long terms. Current law continuously appropriates to the State Water Resources Control Board moneys deposited in the fund for the development, implementation, and sustainability of long-term drinking water solutions, among other things. Existing law requires the state board to expend moneys in the fund for grants, loans, contracts, or services to assist eligible recipients. Current law includes within the list of “eligible recipients,” public agencies, nonprofit organizations, public utilities, mutual water companies, federally recognized California Native American tribes, specified nonfederally recognized Native American tribes, administrators, groundwater sustainability agencies, community water systems, and	Watch	B. Watch	

				technical assistance providers. This bill would specify that any waiver of tribal sovereignty that is required by the state board for a tribe that is an eligible recipient to access funding from the fund shall be narrowly drafted to serve both the individual needs of the tribe and make the funding agreement enforceable. The bill would require the state board to include its designated tribal liaison, as defined, in all discussions with eligible recipients, except as specified.			
AB 2895	Arambula D	Water: permits and licenses: temporary changes: water or water rights transfers.	9/28/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 675, Statutes of 2022.	Under current law, the State Water Resources Control Board administers a water rights program pursuant to which the board grants permits and licenses to appropriate water. Current law authorizes a permittee or licensee to temporarily change the point of diversion, place of use, or purpose of use due to a transfer or exchange of water or water rights if the transfer would only involve the amount of water that would have been consumptively used or stored by the permittee or licensee in the absence of the proposed temporary change, would not injure any legal user of the water, and would not unreasonably affect fish, wildlife, or other instream beneficial uses.This bill would revise and recast the provisions regulating temporary changes due to a transfer or exchange of water rights, including, among other revisions, specifying that those provisions apply to a person who proposes a temporary change for purposes of preserving or enhancing wetlands habitat, fish and wildlife resources, or recreation. The bill would eliminate the requirement that a petitioner publish notice of a petition in a newspaper.	Watch	B. Watch	
AB 2919	Fong R	Dams: release of water: fish populations.	4/29/2022-Failed Deadline pursuant to Rule 61(b)(5). (Last location was W.,P. & W. on 3/24/2022)	Current law requires the owner of a dam to allow sufficient water at all times to pass through a fishway, or in the absence of a fishway, allow sufficient water to pass over, around or through the dam, to keep in good condition any fish that may be planted or exist below the dam. This bill would provide that, notwithstanding any other law, the release of water from a dam shall only be regulated based on actual fish populations and not based on approximate fish populations.	Watch	B. Watch	
SB 480	Stern D	Metropolitan Water District of Southern California: rules: inappropriate conduct.	8/31/2022-Failed Deadline pursuant to Rule 61(b)(18). (Last	The Metropolitan Water District Act provides for the creation of metropolitan water districts and specifies the powers and purposes of a district. The act requires the Metropolitan Water District of Southern California to establish and operate an	Watch	B. Watch	

			location was INACTIVE FILE on 8/24/2022)	Office of Ethics and adopt rules relating to internal disclosure, lobbying, conflicts of interest, contracts, campaign contributions, and ethics for application to its board members, officers, and employees. This bill would require the Metropolitan Water District of Southern California to adopt rules relating to inappropriate conduct, as defined, by board members, officers, and employees.			
SB 832	Dodd D	Water rights: measurement of diversion.	5/20/2022-Failed Deadline pursuant to Rule 61(b)(8). (Last location was S. APPR. SUSPENSE FILE on 4/25/2022)	Current law defines various terms applicable to the Water Code. This bill would define "water year," unless otherwise specified, to mean the 12-month period beginning October 1 and ending September 30.	Watch	B. Watch	
SB 890	Nielsen R	Department of Water Resources: Water Storage and Conveyance Fund: water storage and conveyance.	8/31/2022-Failed Deadline pursuant to Rule 61(b)(18). (Last location was N.R. & W. on 2/9/2022)	Would establish the Water Storage and Conveyance Fund in the State Treasury to be administered by the Department of Water Resources. The bill would require all moneys deposited in the fund to be expended, upon appropriation by the Legislature, in support of subsidence repair and reservoir storage costs, including environmental planning, permitting, design, and construction and all necessary road and bridge upgrades required to accommodate capacity improvements. The bill would require the department to expend from the fund, upon appropriation by the Legislature, specified monetary amounts to complete funding for the construction of the Sites Reservoir, and to restore the capacity of 4 specified water conveyance systems, as prescribed, with 2 of those 4 expenditures being in the form of a grant to the Friant Water Authority and to the San Luis and Delta-Mendota Water Authority. This bill would make these provisions inoperative on July 1, 2030, and would repeal it as of January 1, 2031.	Watch	B. Watch	
SB 892	Hurtado D	Cybersecurity preparedness: food and agriculture sector and water and wastewater systems sector.	9/29/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 820, Statutes of	Current law requires Cal-CSIC to provide warnings of cyberattacks to government agencies and nongovernmental partners, coordinate information sharing among these entities, assess risks to critical infrastructure information networks, enable cross-sector coordination and sharing of best practices and security measures, and support certain cybersecurity assessments, audits, and	Watch	B. Watch	

			2022.	accountability programs. Current law also requires Cal-CSIC to develop a statewide cybersecurity strategy to improve how cyber threats are identified, understood, and shared in order to reduce threats to California government, businesses, and consumers, and to strengthen cyber emergency preparedness and response and expand cybersecurity awareness and public education. This bill would require Cal OES to direct Cal-CSIC to prepare, and Cal OES to submit to the Legislature on or before January 1, 2024, a strategic, multiyear outreach plan to assist the food and agriculture sector and the water and wastewater sector in their efforts to improve cybersecurity and an evaluation of options for providing grants or alternative forms of funding to, and potential voluntary actions that do not require funding and that assist, those sectors in their efforts to improve cybersecurity preparedness.			
SB 1059	Becker D	Privacy: data brokers.	5/20/2022-Failed Deadline pursuant to Rule 61(b)(8). (Last location was S. APPR. SUSPENSE FILE on 5/16/2022)	Current law requires data brokers to register with, and provide certain information to, the Attorney General. Current law defines a data broker as a business that knowingly collects and sells to third parties the personal information of a consumer with whom the business does not have a direct relationship, subject to specified exceptions. Current law subjects data brokers that fail to register to injunction and liability for civil penalties, fees, and costs in an action brought by the Attorney General, with any recovery to be deposited in the Consumer Privacy Fund, as specified. Current law imposes a $100 civil penalty for each day a data broker fails to register. This bill would include in the definition of data broker a business that knowingly collects and shares, as defined, certain personal information to third parties. The bill would transfer all authority and responsibilities under the provisions relating to data broker registration from the Attorney General to the CCPA, including by requiring data brokers to annually register with the CPPA on or before January 31. However, the bill would authorize the Attorney General to also bring an action against a data broker that fails to register.	Watch	B. Watch	
SB 1078	Allen D	Sea Level Rise Revolving Loan Pilot Program.	9/29/2022-Vetoed by the Governor. In Senate. Consideration of	Would require the Ocean Protection Council, in consultation with the State Coastal Conservancy, to develop the Sea Level Rise Revolving Loan Pilot Program, within 12 months of receiving specified requests from local jurisdictions to do so, for purposes of	Watch	B. Watch	

			Governor's veto pending.	providing low-interest loans to local jurisdictions, as defined, for the purchase of coastal properties in their jurisdictions identified as vulnerable coastal property, as defined, located in specified communities, including low-income communities, as provided. The bill would require the council in consultation with other state planning and coastal management agencies, as provided, to adopt guidelines and eligibility criteria for the program. The bill would authorize specified local jurisdictions to apply for, and be awarded, a low-interest loan under the program from the conservancy, in consultation with the council, if the local jurisdiction develops and submits to the conservancy a vulnerable coastal property plan and completes all other requirements imposed by the council. The bill would require the conservancy, in consultation with the council, to review the plans to determine whether they meet the required criteria and guidelines for vulnerable coastal properties to be eligible for participation in the program.			
SB 1197	Caballero D	Water Innovation and Drought Resiliency Act of 2022.	5/20/2022-Failed Deadline pursuant to Rule 61(b)(8). (Last location was S. APPR. SUSPENSE FILE on 5/2/2022)	Current law declares that the protection of the public interest in the development of the water resources of the state is of vital concern to the people of the state and that the state shall determine in what way the water of the state, both surface and underground, should be developed for the greatest public benefit. Current law creates the Office of Planning and Research to serve the Governor as staff for long-range planning and research and as a comprehensive state planning agency. This bill, the Water Innovation and Drought Resiliency Act of 2022, would create the Initiative to Advance Water Innovation and Drought Resiliency at the office for the furtherance of new technologies and other innovative approaches in the water sector. The bill would require the office, as part of the initiative, to take specified measures on or before December 31, 2024, to advance innovation in the water sector and ensure a drought-resilient economy.	Watch	B. Watch	
SB 1219	Hurtado D	21st century water laws and agencies: committee.	7/5/2022-Failed Deadline pursuant to Rule 61(b)(14). (Last location was A. W.,P. & W. on	Would require the Secretary of the Natural Resources Agency and the Secretary for Environmental Protection to convene a committee to develop and submit, on or before December 31, 2024, to the Governor and to the Legislature a strategic vision, proposed statutes, and recommendations for a modern 21st century set of water laws and regulations and state and local water agencies for the state, as	Watch	B. Watch	Possible priority bill, but unlikely to move.

			6/2/2022)	provided. The committee would consist of 5 specified heads of state agencies, 2 members appointed by the Senate Committee on Rules, and 2 members appointed by the Speaker of the Assembly. The bill would require the Governor or the committee to appoint a "blue ribbon" citizen commission or taskforce, a stakeholder advisory committee, and any other group that the Governor or the committee deems necessary or desirable to assist in carrying out these provisions. The bill would require all relevant state agencies, at the request of the committee, to make available staff and resources to assist in the preparation of the strategic vision and proposed statutes.			
SB 1476	Bradford D	Water replenishment districts: contracts.	9/30/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 891, Statutes of 2022.	The Water Replenishment District Act provides for the formation of water replenishment districts with prescribed powers for the purposes of replenishing the groundwater supplies within the district. The act requires a district to advertise for bids before making any contract totaling $25,000 or more within any 12-month period and, when work is to be done, to give notice calling for bids by publication, as prescribed. The act requires contracts and other documents executed by a district that require or authorize the district to expend $10,000 or more to be authorized by the board of directors and signed by the president and the secretary, except as specified. This bill would revise and recast the provisions establishing the competitive bidding and related public notice procedures for water replenishment districts, including, among other revisions, only until January 1, 2028, deleting the requirement that a district advertise for bids before making any contract totaling $25,000 or more within any 12-month period, and instead requiring a district expenditure for the erection, construction, alteration, repair, or improvement of a public structure or building of $25,000 or more be let by contract by formal bidding procedure.	Watch	B. Watch	

Total Measures: 39

Total Tracking Forms: 39

Metropolitan Water District of Southern California
State Legislative Matrix
October 10, 2022 – Second Year of Legislative Session

Item No. 2e

Topic	Bill Number Author	Status	Title – Summary	MWD Position	Effects on Metropolitan
Metropolitan-sponsored bills	**SB 230** **Portantino (D)** Sponsors: Metropolitan and the California Municipal Utilities Association (CMUA)	Amended 8/23/2022 CHAPTERED	**State Water Resources Control Board: Constituents of Emerging Concern in Drinking Water Program** Seeks to expand statewide knowledge of Constituents of Emerging Concern (CECs) in waters of the state and drinking water and recommend CECs for further regulatory action.	**CO-SPONSOR** Based on October 2019 Board Action	Metropolitan and water agencies will benefit from State Water Board efforts to ensure CECs are addressed in a methodical and science-based manner, which will ultimately better protect public health. The bill would require the State Water Board to build its knowledge of CECs in drinking water and authorizes the Deputy Director to convene a Science Advisory Panel to review and provide information on CECs for further regulatory action.
Metropolitan-sponsored bills	**AB 1845** **Calderon (D)** Sponsor: Metropolitan	Amended 8/15/2022 CHAPTERED	**Metropolitan Water District of Southern California: alternative project delivery methods** Allows Metropolitan to use alternative project delivery methods for the design and construction of Pure Water Southern California and a limited set of emergency drought mitigation projects.	**SPONSOR** Based on October 2021 Board Action	Metropolitan is limited to the traditional Design-Bid-Build method for delivery of public works construction contracts which can be inefficient and inflexible for large, time-sensitive, and complex projects like Pure Water Southern California and emergency drought mitigation projects. Alternative delivery methods such as Design-Build, Progressive Design-Build, and Construction Manager/General Contractor have the potential to expedite construction of critical new water infrastructure projects and reduce their overall costs.

Delta/State Water Project	**SB 832** **Dodd (D)** Sponsor: Author	Amended 4/6/2022 Senate Appropriations Committee – Suspense File Held in Committee	**Water rights: measurement of diversion** Clarifies existing law that a person diverting 10 acre-feet or more of water per year under a registration is subject to existing water diversion measurement, recording, and reporting requirements. Authorizes the State Water Board to modify water diversion measurement requirements to allow open satellite data methods to estimate evapotranspiration if the board makes certain findings regarding use of water for irrigation.	**SUPPORT** Based upon Board-adopted 2022 Legislative Priorities and Principles	Metropolitan is installing meters on its Delta Islands to comply with existing statutory requirements. While OpenET would be a useful tool for water management and could be used as an indicator of unlawful diversions in the Delta, it is a new methodology for California. The bill requires the State Water Board to conduct a five-year study to determine the adequacy of evapotranspiration methods as a substitute for conventional metering methods to comply with State Water Board reporting requirements.
Delta/State Water Project	**SB 1020** **Laird (D)** Sponsor: Author	Amended 8/29/2022 CHAPTERED	**Clean Energy, Jobs, and Affordability Act of 2022** Establishes interim targets to the statewide 100 percent clean energy goal. Additionally, requires state agencies including the State Water Project to accelerate their 100 percent clean energy goal to 2035.	**WATCH** Based on August 2022 Board Action	The bill as amended on August 29 now requires the Department of Water Resources (DWR) to accelerate the procurement of renewable resources to power the State Water Project with 100 percent clean energy by 2035. DWR estimates the cost to be $1.2 billion rather than $3.3 billion when the bill, as introduced, set a target date of 2030. Metropolitan and the State Water Contractors lifted their opposition after our amendments were

					adopted. The cost to Metropolitan is less but still significant.
Design-Build	**SB 991** **Newman (D)** Sponsors: Water Collaborative Delivery Association (formerly Design Build Council)	Amended 8/11/2022 CHAPTERED	**Public contracts: progressive design-build: local agencies** Authorize local water and wastewater agencies to each use the progressive design-build (PDB) project delivery method for up to 15 public works projects each in excess of $5 million.	**SUPPORT** Based on April 2022 Board Action	SB 991 will benefit water agencies, including Metropolitan, by providing the option to use the Progressive Design-Build delivery method, which allows for greater collaboration between the project owner and the contractor through the design and construction phase thereby reducing project costs, risk, and schedules.
Governance	**AB 2449** **B. Rubio (D)** Sponsor: Three Valleys Municipal Water District	Amended 8/8/2022 CHAPTERED	**Open meetings: local agencies: teleconferences** Amends the Ralph M. Brown Act to allow local agencies until January 1, 2026 to use teleconferencing during non-emergencies without noticing their teleconference locations and making them publicly accessible under certain conditions.	**SUPPORT** Based on April 2021 Board Action	AB 2449 would allow Metropolitan to hold teleconferenced meetings after the COVID-19 public health emergency ends and the Executive Order is lifted if a quorum of the Board's directors participate in person; give notice and post agendas as prescribed; ensure that directors attending meeting participate through both audio and visual technology; and allow the public to address the Board in person or by teleconference. If there is a disruption to the call-in or streaming options, then no action can be taken by the board.

Regulatory Reform	**AB 2313 Bloom (D)** Sponsor: Author	Amended 6/30/2022 Senate Appropriations Committee – Suspense File Held in Committee	**Water: judges and adjudications** Authorizes the Judicial Council of California to establish a program that provides training and education to judges in technical, scientific, legal, management, and infrastructure actions relating to water.	**SUPPORT** Based upon Board-adopted 2022 Legislative Priorities and Principles	Metropolitan's interests in enforcement of water quality law and water rights would be better served by judges, court staff, and special masters who have received training in the legal, scientific, and technical issues involving water quality, water rights and water transfers.
Regulatory Reform	**SB 1065 Eggman (D)** Sponsor: Author	Amended 8/23/2022 VETOED	**California Abandoned and Derelict Commercial Vessel Program** Establishes the California Abandoned and Derelict Commercial Vessel Program within the Natural Resources Agency to bring federal, state, and local agencies together to identify, prioritize and, upon appropriation, fund the removal of abandoned and derelict commercial vessels from commercially navigable waters.	**SUPPORT** Based upon Board-adopted 2022 Legislative Priorities and Principles	SB 1065 will benefit water quality in the Bay Delta as abandoned and derelict vessels may cause sewage contamination and leakage of fuels and lubricants. Studies have shown that abandoned and derelict vessels are one of the stressors to the Delta and its species. SB 1065 would also provide protection to Metropolitan properties in the Delta in the event any vessel happens to be abandoned in any of the waters surrounding Metropolitan's Delta Islands.

Water Conservation	**AB 2142** **Gabriel (D)** Sponsors: Association of California Water Agencies California Water Efficiency Partnership WaterNow Alliance	Amended 4/6/2022 CHAPTERED	**Income taxes: exclusion: turf replacement water conservation program.** Would provide an exclusion from gross income for any amount received as a rebate, voucher or other financial incentive issued by a local water agency or supplier for participation in a turf replacement water conservation program during the taxable years of January 1, 2022 through January 1, 2027.	**SUPPORT** Based upon Board adopted 2022 Legislative Priorities and Principles	California law previously exempted turf rebates from taxable income, but those provisions were allowed to sunset in December 2019. This bill would reinstate an important tax exemption for turf replacement rebates from gross income in California, aligning it with certain other permanently exempt efficiency rebates.
Water Quality	**AB 1817** **Ting (D)** Sponsors: Breast Cancer Prevention Partners Natural Resources Defense Council Clean Water Action	Amended 8/24/2022 CHAPTERED	**Product safety: textile articles: perfluoroalkyl and polyfluoroalkyl (PFAS).** Prohibits as of January 1, 2025, any person from manufacturing, distributing, selling, or offering for sale in California any textile articles that contain "regulated PFAS" as defined, and requires the manufacturer to use the least toxic alternative to regulated PFAS.	**SUPPORT** Based upon Board adopted 2022 Legislative Priorities and Principles	Metropolitan supports the removal or reduction of PFAS in manufactured products in order to protect source water quality.

Water Quality	**AB 2108** **R. Rivas (D)** Sponsor: California Coastkeeper Alliance	Amended 8/25/2022 CHAPTERED	**Water policy: environmental justice: disadvantaged and tribal communities.** Requires the State Board and each regional board to begin addressing issues of environmental justice and social equity as early as possible in project planning processes and when issuing waste discharge permits or updating state or regional water quality control plans or policies.	**WATCH** Based on July 2022 Board Action	Some provisions in the bill are ambiguous in ways that could be interpreted to authorize and require the State Board to reallocate water rights, including in the Bay-Delta watershed, to address injustices or inequities, jeopardizing the current and future Bay-Delta Water Quality Control Plan update processes and potentially diminishing State Water Project supplies. Author did not accept Metropolitan's requested amendments.
Water Quality	**AB 2247** **Bloom (D)** Sponsors: Environmental Working Group Clean Water Action California Association of Sanitation Agencies	Amended 8/25/2022 VETOED	**Perfluoroalkyl and polyfluoroalkyl substances (PFAS) and PFAS products and product components: publicly accessible reporting platform.** Requires a manufacturer of PFAS or of a product containing intentionally added PFAS to register on or before July 1, 2026 and every year thereafter the PFAS or the product containing PFAS on a publicly accessible data collection website implemented by the Department	**SUPPORT** Based upon Board adopted 2022 Legislative Priorities and Principles	Information about PFAS and products containing PFAS will help inform state and local decision making regarding PFAS management in order to protect source water quality.

			of Toxic Substances and an existing multi-state chemical data collection entity.		
Water quality	**AB 2771 Friedman (D)** Sponsors: Environmental Working Group Breast Cancer Prevention Partners The California Public Research Group (CALPIRG)	Amended 6/13/2022 CHAPTERED	**Cosmetic products: safety** Prohibits as of January 1, 2025, any person or entity from manufacturing, selling, delivering, holding, or offering for sale in commerce any cosmetic product that contains PFAS.	**SUPPORT** Based upon Board adopted 2022 Legislative Priorities and Principles	Metropolitan supports the removal or reduction of PFAS in manufactured products to protect source water quality.
Water Quality	**SB 1124 Archuleta (D)** Sponsor: Author	Amended 6/23/2022 Assembly Appropriations Committee – Suspense File	**Public health goal: primary drinking water standard: manganese** Requires, on or before July 1, 2023, the Office of Environmental Health Hazard Assessment (OEHHA) to prepare a public health goal for	**OPPOSE UNLESS AMENDED** Based upon Board adopted 2022 Legislative Priorities and Principles	Metropolitan supports efforts to ensure all communities have a safe and reliable water supply by setting drinking water standards through the normal regulatory process. The bill circumvents that process and could compromise a rigorous scientific process backed by data and stakeholder engagement.

		Held in Committee	manganese. Requires the state board, after OEHHA publishes a public health goal for manganese, to adopt a primary drinking water standard.		

Item No. 4

ACTION ITEM
November 2, 2022

TO: **Board of Directors**

FROM: **Joe Byrne, General Counsel**

SUBJECT: **APPROVE CONTINUATION OF REMOTE MEETINGS PURSUANT TO AB 361 AND MAKE REQUIRED FINDINGS**

STAFF RECOMMENDATION

That the Board of Directors vote to continue virtual meetings pursuant to AB 361 for an additional 30 days based on the findings that (1) it has reconsidered the circumstances of the state of emergency for COVID-19, and (2) state and local officials continue to impose or recommend measures to promote social distancing.

COMMITTEE RECOMMENDATION

This item was not presented to a Committee.

SUMMARY

At the October 4, 2021 Board meeting, pursuant to AB 361, the Board of Directors adopted Resolution No. 2115 and authorized the Board to continue to have remote meetings based upon the continued state of emergency for COVID-19 and the finding that state and local officials have imposed or recommended measures to promote social distancing. At the past several meetings, including the October 19, 2022 Board meeting, the Board voted to continue such remote meetings for additional 30 day periods. As previously indicated, if the Board wishes to continue to hold remote meetings pursuant to AB 361, and assuming a state of emergency still is in place, it must make similar findings within every 30 days.

At the time this report was prepared, there is a continued state of emergency for COVID-19 and state and local officials continue to recommend measures to promote social distancing. This item is on the Agenda for the Board to consider whether to continue remote meetings pursuant to AB 361 for an additional 30 days and to make the appropriate findings.

The Building Management Committee continues to review and discuss this item.

Budgeted (Y/N): N/A	Budgeted amount: N/A	Core _X_	Choice __
Action item amount:	Line item:		
Fiscal Impact (explain if unbudgeted):			

Item No. 5

DISCUSSION ITEM
November 2, 2022

TO: **Board of Directors**

FROM: **Robert Hunter,**
General Manager

Staff Contact: Melissa Baum-Haley

SUBJECT: **METROPOLITAN WATER DISTRICT (MET) ITEMS CRITICAL TO ORANGE COUNTY**

STAFF RECOMMENDATION

Staff recommends the Board of Directors to review and discuss this information.

DETAILED REPORT

This report provides a brief update on the current status of the following key MET issues that may affect Orange County:

a. MET's Finance and Rate Issues
b. MET's Integrated Resources Plan Update
c. Water Supply Condition Update
d. Water Quality Update
e. Colorado River Issues
f. Delta Conveyance Activities and State Water Project Issues

ISSUE BRIEF #A

SUBJECT: MET Finance and Rate Issues

RECENT ACTIVITY

Water Transactions for August 2022 totaled 139.9 thousand acre-feet (TAF), which was 3.6 TAF higher than the budget of 136.3 TAF and translates to $131.4 million in revenues for August 2022, which were $13.4 million lower than budget of $144.8 million.

Year-to-date water transactions through August 2022 were 281.9 TAF, which was 15.0 TAF higher than the budget of 266.9 TAF. Year-to-date water revenues through August 2022 were $265.0 million, which were $1.1 million lower than the budget of $266.1 million.

ISSUE BRIEF #B

SUBJECT: **MET Integrated Resources Plan Update**

RECENT ACTIVITY

To provide member agency access to an equivalent level of water supply reliability through necessary adaptive implementation of the IRP findings:

- Metropolitan staff developed water orders for both the State Water Project (SWP) and Colorado River deliveries, which support delivery of Colorado River water into the SWP-dependent area. Metropolitan staff successfully obtained additional Human Health and Safety supplies to offset a portion of the impact of the Upper Feeder Shutdown.

- Following board authorization of a consulting agreement for final design of improvements to the Foothill Pumping Plant, Metropolitan staff has completed a detailed layout of facilities and system descriptions.

To advance the long-term reliability and resilience of the region's water sources through a One Water approach that recognizes the interconnected nature of imported and local supplies, meets both community and ecosystem needs, and adapts to a changing climate:

- The Pure Water Southern California project was awarded $80M from the state to accelerate project design and pursue early delivery components. ESG is working to incorporate sustainability and carbon footprint criteria into at least two capital projects, including Pure Water SC. The South Coast Air Quality Management District issued the operating permit to the demonstration plant, which allows plant influent flows up to its maximum level of 1 MGD that will expand our testing configurations.

- SRI and Fleet Services kicked off the ZEV Task Force to develop plans for a shift to zero emission vehicles operated by Metropolitan and to pursue funding to support this transition.

- As DWR held three public meetings about the Delta Conveyance draft EIR, Metropolitan shared information with member agencies about the proposal and EIR. The public comment period was extended to December 16.

Water reserves continued to be managed according to Water Surplus and Drought Management (WSDM) principles, operational objectives, and the current 5 percent State Water Project (SWP) allocation. Deliveries of SWP supplies were minimized to preserve SWP Carryover and Flexible Storage. Releases from DVL through PC-1 to connections on the Lakeview Pipeline, as well as from the DVL to the Mills plant operation, continued in September to conserve SWP supply use in that area. Returns from the Semitropic and Kern Delta SWP Banking Programs also continued in September. Metropolitan staff resumed Greg Avenue pump operations to minimize SWP supply usage following the successful

completion of the Upper Feeder shutdown. In addition, Metropolitan staff continued coordination with member agencies, shifting their deliveries from SWP connections to Colorado River water connections, when possible. Metropolitan staff continue to develop additional drought mitigation actions to help with the low SWP allocation in 2022.

ISSUE BRIEF #C

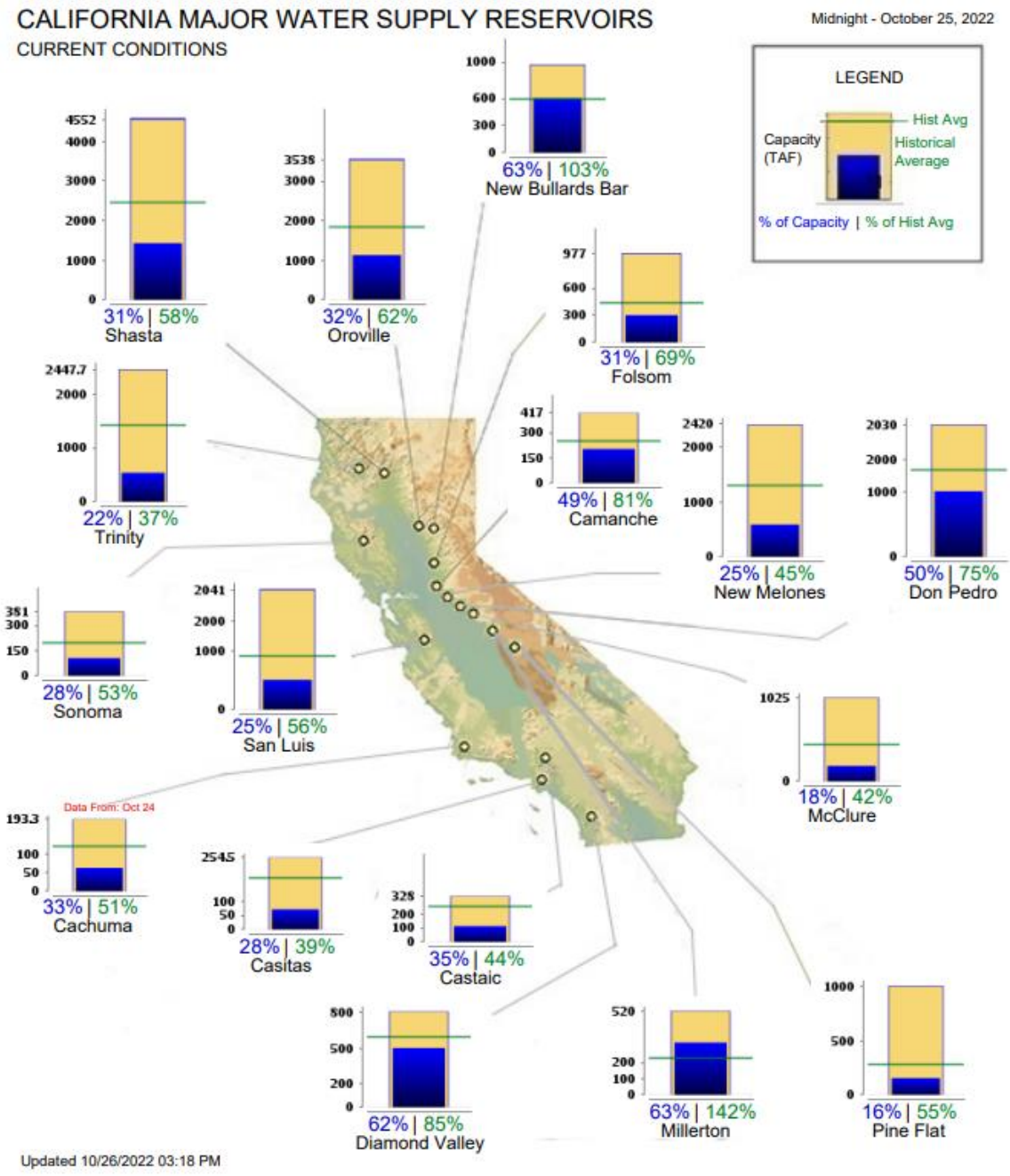
SUBJECT: MET's Supply Condition Update

RECENT ACTIVITY

The 2022-23 Water Year (2022-23 WY) officially started on October 1, 2022. Thus far, Northern California accumulated precipitation (8-Station Index) reported ***0.01 inches or 0.40% of normal*** as of October 26th. For 2021-22 WY, the Northern Sierra Snow Water Equivalent was at ***7.7 inches on April 1st***, which is ***27% of normal*** for that day. Due to historical low precipitation/snowfall from January to March 2022, the Department of Water Resources (DWR) has decreased the State Water Project (SWP) ***"Table A" allocation to 5%.*** This allocation provides Metropolitan with approximately **95,575** ***AF in SWP deliveries this water year.*** DWR's SWP Allocation considers several factors including existing storage in SWP, conservation reservoirs, SWP operational regulatory constraints, and the 2022 contractor demands. In additional, Metropolitan will receive ***134,000 AF for Human Health and Safety Supply.***

The Upper Colorado River Basin accumulated precipitation is reporting ***1.4 inches or 83% of normal as of October 24th***. On the Colorado River system, snowpack is measured across four states in the Upper Colorado River Basin. The Upper Colorado River Basin Snow Water Equivalent was reporting ***17.2 inches as of April 15th***, which is ***86% of normal*** for that day. Due to the below average precipitation/snowfall in 2020-21 WY, the United States Bureau of Reclamation **declared a shortage at Lake Mead starting January 1st, 2022**. There is and a 100% chance of shortage continuing in 2023.

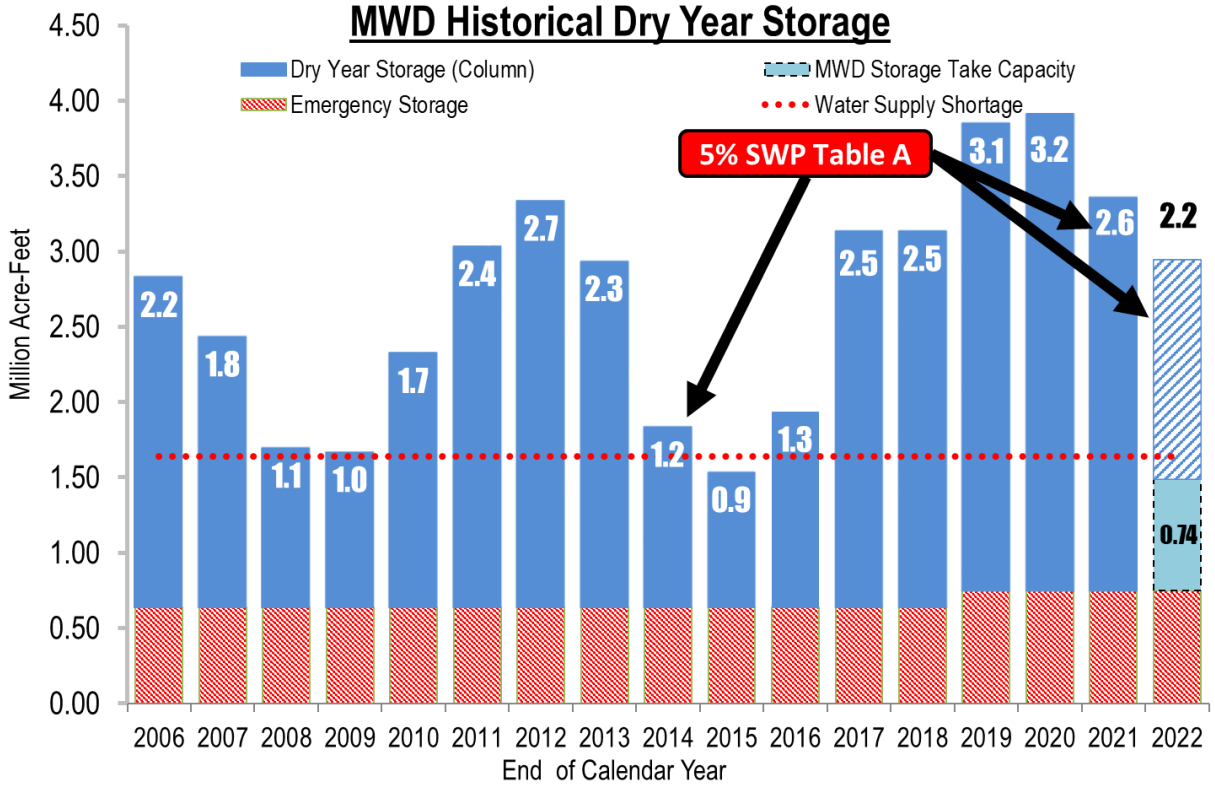
As of October 25th Lake Oroville storage is at ***32% of total capacity and 62% of normal.*** As of October 25th San Luis Reservoir has a current volume of ***25% of the reservoir's total capacity and is 56% of normal.***

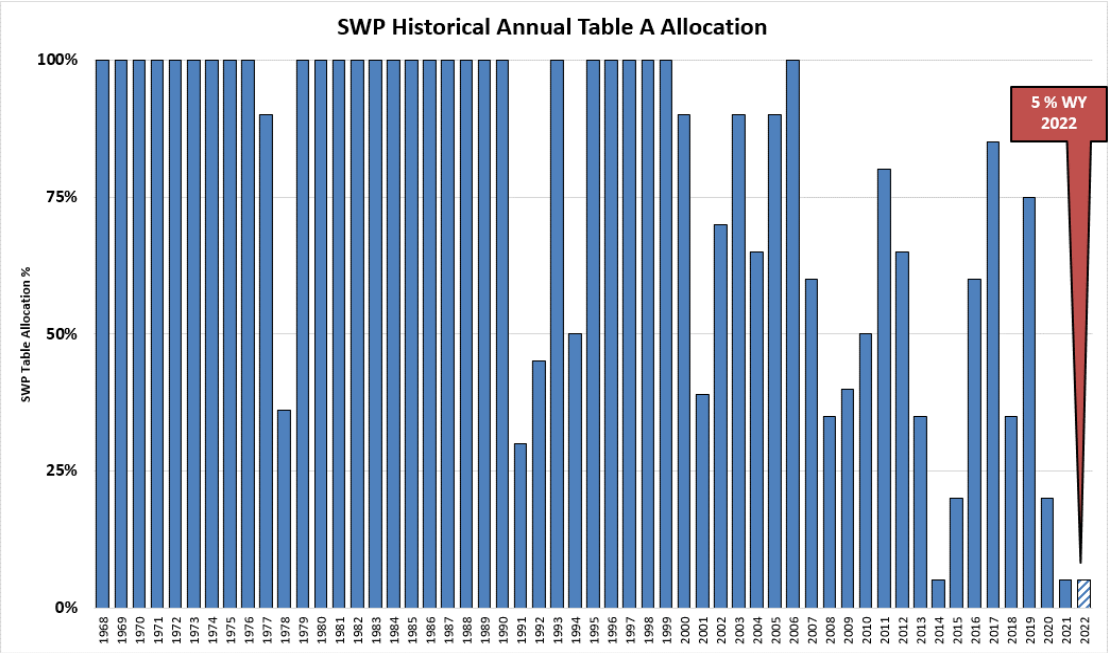


With CY 2022 estimated total demands and losses of 1.689 million acre-feet (MAF) and with a 5% SWP Table A Allocation, Metropolitan is projecting that demands will exceed supply levels in Calendar Year (CY) 2022. Based on this, estimated total dry-year storage for Metropolitan at the end of ***CY 2022 will go down to approximately 2.194 MAF.***

A projected dry-year storage supply of ***2.194 MAF would still be about 1.194 MAF above where MWD has historically declared a water supply allocation.*** A large factor in maintaining a high water storage level are lower than expected water demands***.*** We are seeing regional water demands reaching a 38-year low. ***With a majority of MWD's water***

supplies stored in Lake Mead and the uncertainty of another dry year in California there is potential for Water Supply Allocation in CY 2023.





2022 WSDM Storage Detail

WSDM Storage	1/1/2022 Estimated Storage Levels	CY 2022 Take Capacity [1]	2022 Total Storage Capacity
Colorado River Aqueduct Delivery System	**1,252,000**	**121,000**	**1,657,000**
Lake Mead ICS	1,252,000 [2]	121,000 [3]	1,657,000
State Water Project System	**636,000**	**185,000**	**1,879,000**
MWD SWP Carryover [4]	38,000	38,000	350,000
DWCV SWP Carryover [4]			
MWD Articles 14(b) and 12(e)	0	0	N/A
Castaic Lake (DWR Flex Storage)	0	0	154,000
Lake Perris (DWR Flex Storage)	49,000	49,000 [5]	65,000
Arvin Edison Storage Program	136,000	17,000 [6]	350,000
Semitropic Storage Program	218,000	49,000 [7]	350,000
Kern Delta Storage Program	149,000	32,000	250,000
Mojave Storage Program	19,000	0	330,000
AVEK Storage Program	27,000	0	30,000
In-Region Supplies and WSDM Actions	**795,000**	**426,000**	**1,246,000**
Diamond Valley Lake	600,000	343,000	810,000
Lake Mathews and Lake Skinner	179,000	67,000	226,000
Conjunctive Use Programs (CUP) [8]	16,000	16,000	210,000
Other Programs	**674,000**	**11,000**	**1,181,000**
Other Emergency Storage	381,000	0	381,000
DWCV Advanced Delivery Account	293,000	11,000	800,000
Total	**3,357,000**	**743,000**	**5,963,000**
Emergency	750,000	0	750,000
Total WSDM Storage (AF) [9]	**2,607,000**	**743,000**	**5,213,000**

[1] Take capacity assumed under a 5 percent SWP Table A Allocation. Storage program losses included where applicable.

[2] Reflects USBR's final accounting for 2021, released in May 2022. This amount is net of the water Metropolitan stored for IID in Lake Mead in an ICS sub-account, which IID can access to avoid an overrun.

[3] Take capacity based on planned maintenance activities and current CRA supply estimate.

[4] Total storage capacity varies year to year based on prior year remaining balance added to current year contractual limits.

[5] Available for withdrawal from Castaic Lake in 2022 pursuant to an MWD-DWR agreement.

[6] Take amounts dependent on exchange capabilities.

[7] Includes leasing 5,000 AF of return capacity from SDCWA. This provides Metropolitan the ability to withdraw more of its groundwater stored in the program.

[8] Total of all CUP programs including IEUA/TVMWD (Chino Basin); Long Beach (Central Basin); Long Beach (Lakewood); Foothill (Raymond and Monk Hill); MWDOC (Orange County Basin); Three Valleys (Live Oak); Three Valleys (Upper Claremont); and Western.

[9] Total WSDM Storage level subject to change based on accounting adjustments.

ATTACHMENT: WATER SUPPLY CONDITIONS POWERPOINT – NOVEMBER 2ND

Water Supply Conditions

Kevin Hostert, Water Resources Analyst
Municipal Water District of Orange County

November 2nd 2022

A Review of Regional Drought Conditions

Insight to regional drought conditions that affect California's water supply

California Drought Monitor

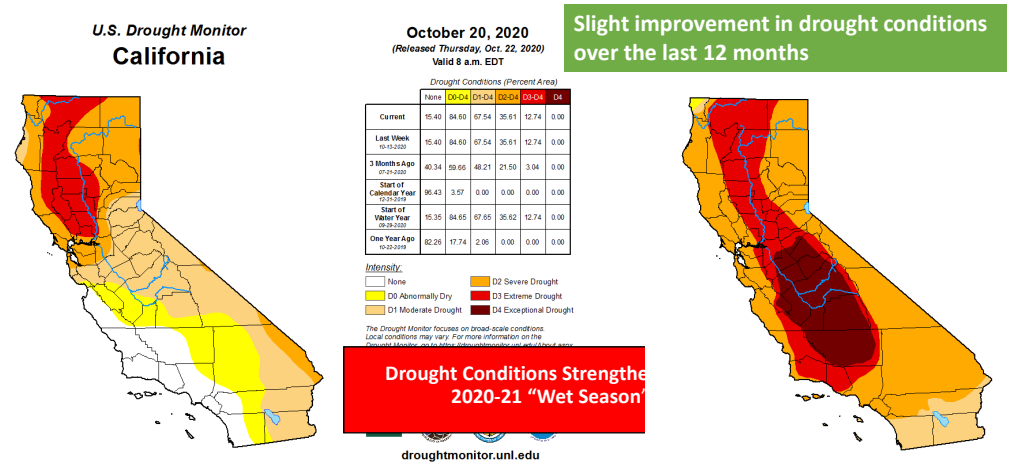
October 2020 = 68% Moderate Drought (D1) in California

October 2020 = 36% Severe to Extreme Drought (D2 to D3) in California

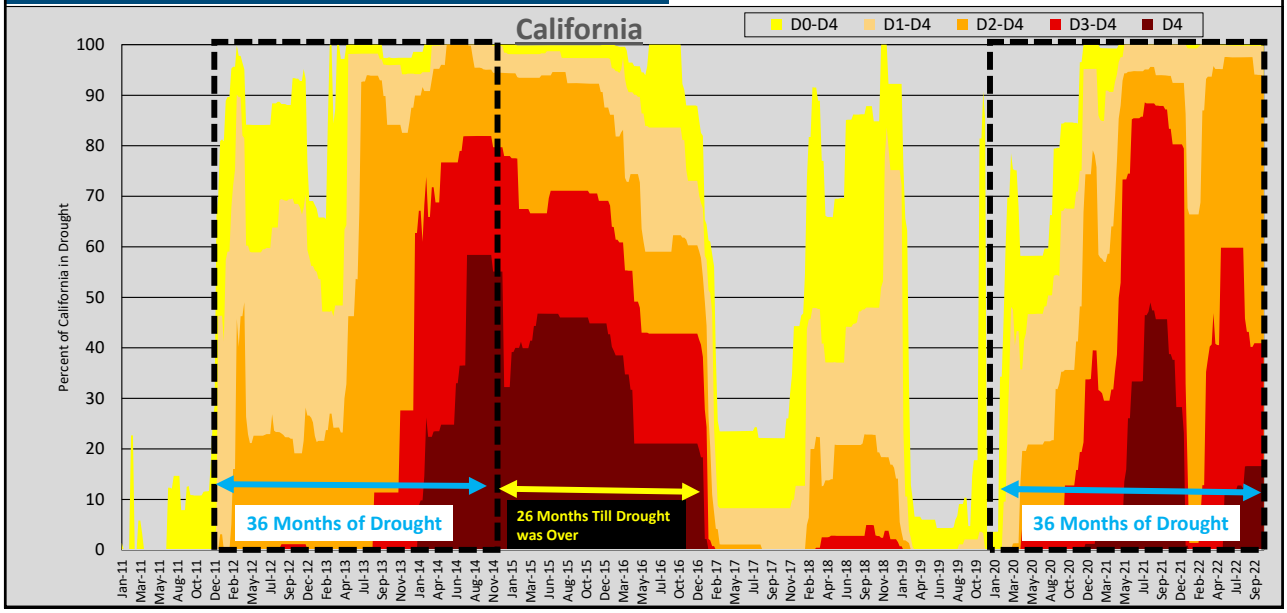
October 2022 = 99.7% Moderate Drought (D1) in California

October 2022 = 92% Severe to Exceptional Drought (D2 to D4) in California. *41% in Extreme Drought and 17% in Exceptional Drought*

Slight improvement in drought conditions over the last 12 months

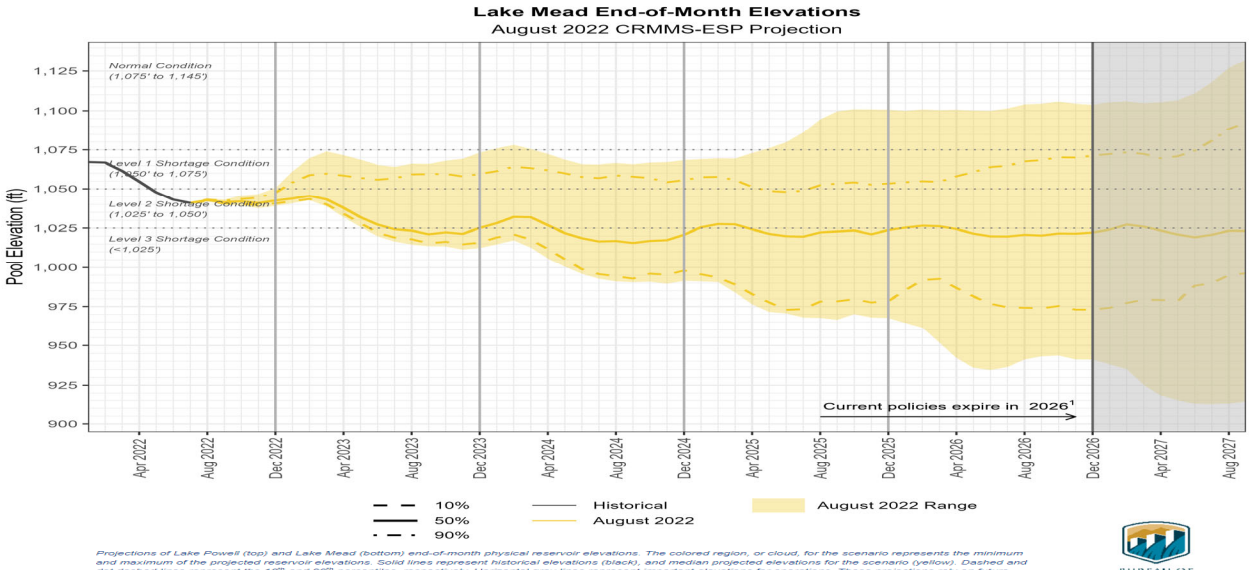


California Drought Monitor



Lake Mead

Lake Mead Forecast

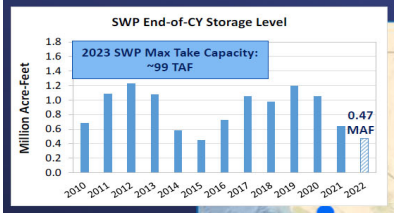


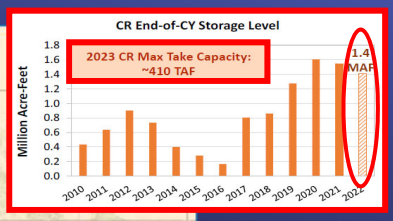
MWD 2022 Estimated Water Storage

EOY Storage Decrease by -413 TAF
~Does not include 134 TAF for HH&S

End of Year Storage by Region

= 63% of Total MWD Storage





Water Supply Conclusions

- The new water year officially started October 1st, 2022. It is very early in the year, but at this time there has been no measurable precipitation in Northern California.
- Accumulated Precipitation in Northern California the **last three years** was **extremely low.**
- Key State/Federal Reservoirs Levels are **still at critical low levels**.
- **85% of Northern California Precipitation** comes in the months of **November to April**
- The Colorado River System is still in **shortage and is projected to be in shortage for the next 5 years.**

ISSUE BRIEF #D

SUBJECT: MET's Water Quality Update

RECENT ACTIVITY

Water System Operations

Metropolitan member agency water deliveries were 140,012 acre-feet (AF) for September with an average of 4,667 AF per day, which was 665 AF per day lower than in August. Some of the decreased water demands in September can be attributed to the conservation achieved within the greater Los Angeles County area as a result of the urgent call for conservation during the Upper Feeder shutdown. Treated water deliveries decreased by 14,331 AF from August for a total of 67,869 AF, or 48 percent of total deliveries for the month. The Colorado River Aqueduct (CRA) continued operating at an eight-pump flow with a total of 116,000 AF pumped for the month. State Water Project (SWP) imports averaged 1,485 AF per day, totaling about 44,565 AF for the month which accounted for approximately 32 percent of Metropolitan's deliveries. The target SWP blend remained at zero percent for Diemer and Skinner plants. The Weymouth plant transitioned back to 100 percent Colorado River water on September 19 following the successful completion of the Upper Feeder shutdown.

Water Treatment and Distribution

To support the Upper Feeder shutdown in September, the Weymouth plant's source water was temporarily switched to Silverwood Lake. The State Water Project (SWP) target blend entering the Weymouth plant was increased to 100 percent before the shutdown and then decreased to zero percent on September 19 at the end of the shutdown. The SWP target blend entering the Diemer plant and Lake Skinner was zero percent in September.

Flow-weighted running annual averages for total dissolved solids from August 2021 through July 2022 for Metropolitan's treatment plants capable of receiving a blend of supplies from the State Water Project and the Colorado River Aqueduct were 597, 593, and 590 mg/L for the Weymouth, Diemer, and Skinner plants, respectively.

Source Water Quality

On September 8, Metropolitan staff assessed the source water protection measures implemented at the Cal Fire maintenance staging area for emergency use at the DVL Marina parking lot. Cal Fire inspected and serviced up to 200 vehicles used in containing the Fairview Fire and provided hazardous material liners and other measures to safely contain potential spills and ensure protection of DVL water quality.

On September 12, Metropolitan staff participated in the Clean Colorado River Sustainability Coalition board meeting held in Lake Havasu City, Arizona. Metropolitan is a member of this coalition, composed of key stakeholders in the Lower Colorado River Basin focused on protecting the river's water quality. The coalition elected officers and discussed activities

involving Lake Havasu, including an ongoing mapping project, current water quality conditions, and a proposed Environmental Learning Center.

Water Quality Compliance, Worker Safety, and Environmental Protection.

Metropolitan complied with all water quality regulations and primary drinking water standards during August 2022. This month, Metropolitan staff updated, published, and posted two Safety Talks on the IntraMet to inform and promote employee safety during on-the-job activities. Both Personal Security of Field Employees and Working at Isolated Locations safety talks have been updated with instructions on how to handle situations involving a law enforcement “private person's arrest” form.

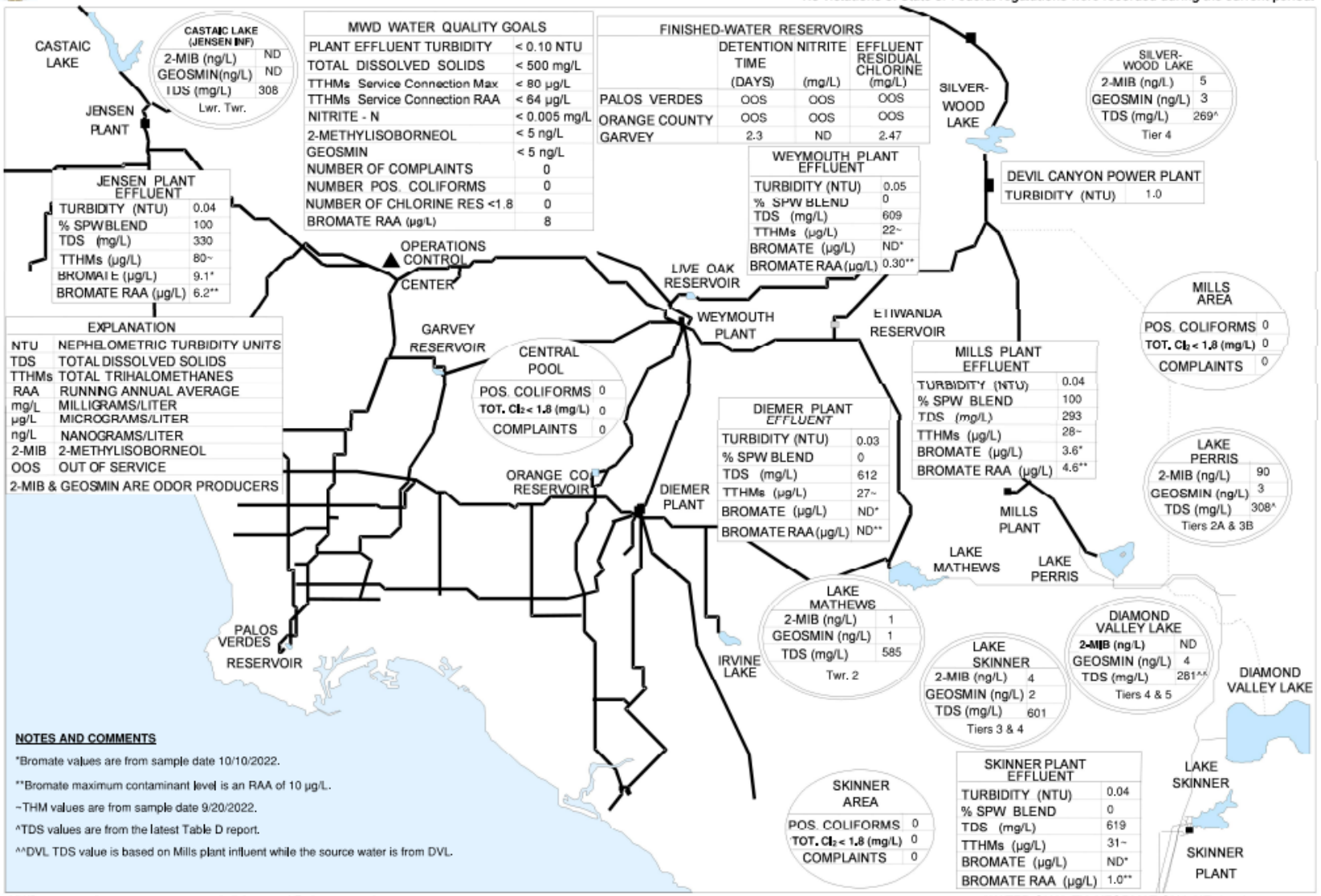
Weekly Water Quality System Status

Wednesday, October 19, 2022

Generated On:10/19/2022 9:22:19 AM

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

No violations of State or Federal regulations were recorded during the current period.



NOTES AND COMMENTS

*Bromate values are from sample date 10/10/2022.

**Bromate maximum contaminant level is an RAA of 10 µg/L.

~THM values are from sample date 9/20/2022.

^TDS values are from the latest Table D report.

^^DVL TDS value is based on Mills plant influent while the source water is from DVL.

MWD water quality goals meet or exceed all State and Federal regulations.

WATER QUALITY INFORMATION LINE: (800) 354-4420
VISIT MWD ON THE WEB AT http://www.mwdh2o.com

Page 6a

Water Quality Section Weekly TDS Report

For the week of 10/16/2022

Percent SPW Needed to Achieve TDS Goal of 500 mg/L			
Source Water TDS			**SPW Required**
Plant	**CRW**	**SPW**	**Percent**
Weymouth	585	281	28%
Diemer	585	281	28%
Skinner-Silverwood	593	281	30%
Skinner-Perris	593	308	33%

CRW for Diemer and Weymouth is Lake Mathews and San Jacinto - West Portal for Skinner.

Estimated TDS for Reservoirs		
Reservoir (Effluent)	**Date**	**mg/L**
Lake Havasu (Table D)	7/13/22	599
Lake Mathews (DFPI-LWRFDR)	10/17/22	585
Lake Skinner (Outlet Structure)	10/17/22	601
Castaic Lake (JFPI)	10/16/22	308
DVL (Mills Inf)	10/16/22	281
Lake Perris (Table D)	7/5/22	308
DVL Outlet (Table D)	7/11/22	286

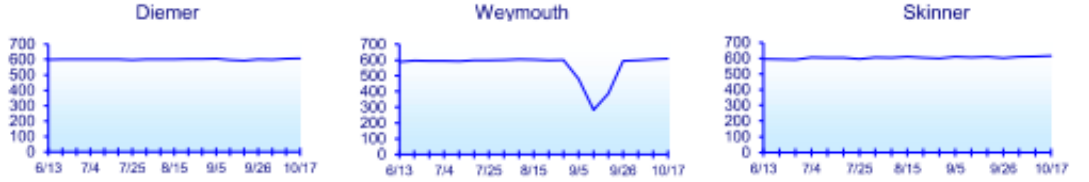
SUNDAY COMPOSITE ESTIMATED TDS FOR 06/12/22 - 10/16/22

TDS For Week of 10/16	
Plant Eff.	**mg/L**
Diemer	611
Weymouth	612
Skinner	622
Jensen	330
Mills	293

Sunday composite estimated TDS measured from plant effluent composite samples collected on Sunday and analyzed for hardness and electrical conductivity.

WEEKLY COMPOSITE ESTIMATED TDS FOR 06/12/22 - 10/16/22

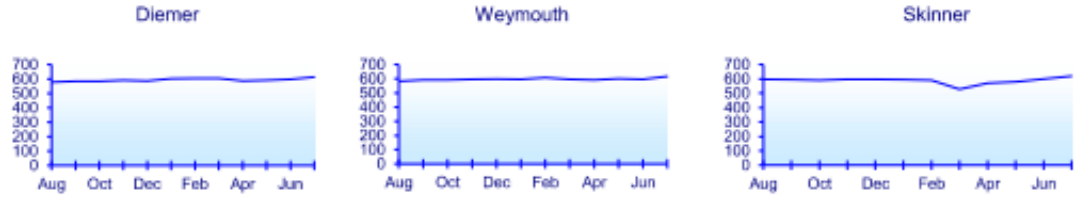
TDS For 10/10 - 10/16	
Plant Eff.	**mg/L**
Diemer	608
Weymouth	608
Skinner	616



Weekly composite estimated TDS measured from plant effluent composite samples collected Monday through Sunday and analyzed for hardness and electrical conductivity.

MONTHLY COMPOSITE CALCULATED TDS FOR August 2021 - July 2022

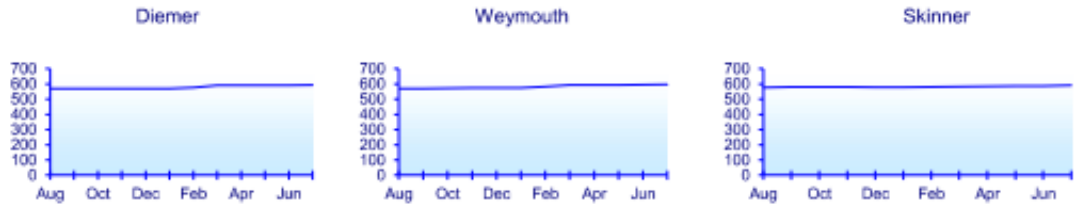
TDS For Jul 2022	
Plant Eff.	**mg/L**
Diemer	614
Weymouth	617
Skinner	620
Jensen	319
Mills	300



Monthly calculated TDS calculated from plant effluent monthly composite sample for total anions and cations. These results are also used for Table D.

FLOW WEIGHTED RAA TDS FOR August 2021 - July 2022

Flow-Weighted RAA TDS Aug 2021 - Jul 2022	
Plant	**mg/L**
Diemer	593
Weymouth	597
Skinner	590
Jensen	325
Mills	294



Seasonal flow weighted RAA TDS calculated from plant effluent monthly composite sample for total anions and cations. Results are based on average monthly flows.

ISSUE BRIEF #E

SUBJECT: Colorado River Issues

RECENT ACTIVITY

Status of Colorado River Protection Volume Discussions

In June of this year, Bureau of Reclamation (Reclamation) Commissioner Camille Touton called on Colorado River Basin water users to develop a plan to reduce their use by two to four million acre-feet of water in 2023 to address critical reservoir elevations at Lake Powell and Lake Mead. Initially, a deadline to develop the plan in mid-August was given; it was not met, but later Reclamation confirmed that they would continue to work with the Colorado River Basin States to develop actions to significantly reduce water use from 2023 to 2026, and that funds from the Inflation Reduction Act would be available to assist in implementing those actions. The agencies in California determined that they would move forward with a plan to conserve water in California from 2023 through 2026 and have been meeting to determine how much water can be conserved during that period and how much funding from Reclamation would be needed. The specific volumes and actions are being discussed, and Metropolitan staff will inform the Board of the progress of the California conservation plan as it develops. California agencies are also continuing to meet with other states to develop a larger plan. The agencies involved in the discussions to conserve water beginning in 2023 include Metropolitan, Imperial Irrigation District, Coachella Valley Water District, Palo Verde Irrigation District, and agencies in the California Department of Natural Resources, including the Colorado River Board of California.

ISSUE BRIEF #F

SUBJECT: Delta Conveyance Activities and State Water Project Issues

RECENT ACTIVITY

Delta Conveyance

The California Department of Water Resources (DWR) released the public Draft Environmental Impact Report (EIR) under the California Environmental Quality Act (CEQA) for the Delta Conveyance Project (DCP) on July 27, 2022. It describes project alternatives and potential environmental impacts and identifies mitigation measures to help avoid, minimize, or substantially lessen potentially significant impacts. In response to requests to extend the comment period, on September 23, DWR announced that the comment period has been extended from October 27, to Friday, December 16, 2022, giving agencies and the public 143 days to comment.

A Change Sheet for the DCP Draft EIR is now available on the Delta Conveyance Project website (Read the Document (deltaconveyanceproject.com). Since the publication of the Draft EIR, formatting and editorial issues have been identified in the Draft EIR. The Change Sheet describes those issues and the changes that will be made in the Final EIR to correct them. In some cases, the issues identified were not easily presented in the Change Sheet, and corrected files have been posted on the DCP Draft EIR website to present the corrected information. None of the identified changes modify the Draft EIR impact analyses or conclusions. The Change Sheet may continue to be updated if other formatting or editorial issues are identified throughout the duration of the public comment period.

DWR conducted the first of three virtual public hearings to receive comments on the DCP Draft EIR on Tuesday, September 13, 2022, from 9:00 a.m. to 11:00 a.m. The second was held on Thursday, September 22, from 12:00 p.m. to 2:00 p.m., and the third on Wednesday, September 28, from 5:30 p.m. to 7:30 p.m.

The U.S. Army Corps of Engineers, as part of its permitting review under the Clean Water Act and Rivers and Harbors Act, is preparing an Environmental Impact Statement (EIS) to comply with the National Environmental Policy Act and is planning to release a draft EIS for public review later this year.

Joint Powers Authorities

During the regularly scheduled Board of Directors Meeting on September 15, the Delta Conveyance Design and Construction Authority (DCA) Board of Directors approved a resolution to extend virtual board and committee meetings pursuant to AB 361. The DCA Board also passed a resolution approving the fourth amendment to the Management Partners Agreement for Executive Director services.

The Delta Conveyance Finance Authority (DCFA) Board of Directors held their regularly scheduled meeting on September 15, and they approved the Investment Policy and delegated authority to the DCFA Treasurer to invest DCFA funds.

Sites Reservoir

At the September 16 joint meeting of the Sites Project Authority Board, they approved the release of the draft Initial Study/Mitigated Negative Declaration pursuant to CEQA to initiate the public review process for activities related to the 2023-2024 Sites Reservoir Test Pits, Fault Studies, and Quarry Studies Project.

Science Activities

The State Water Contractors (SWC) held a Science Symposium on September 13, addressing the science related to the water project operations management criteria consisting of the ratio of San Joaquin River inflow to water project exports. This measure has been a key focus in recent processes related to water project operations requirements. Metropolitan staff helped organize and facilitate the symposium. Scientists presented information on the development of the Inflow: Export ratio regulation and what it adds to the regulatory toolkit; how it is meant to aid juvenile salmon; and data on how inflow and exports impact hydrodynamics and juvenile salmon routing and survival through the South Delta. Studies presented at the symposium found that more San Joaquin River inflow to the Delta has a positive effect on increasing survival of juvenile salmon, while no significant relationship was observed between water project exports and survival. A written summary of the symposium will be available by the end of the year.

Metropolitan staff attended the annual conference of the Society of Environmental Toxicology and Chemistry, Northern California Chapter, on September 15. The conference program included a presentation on a Metropolitan funded study evaluating the relative risk of toxic contaminants in the Delta. The study is being conducted by Dr Wayne Landis and his team at Western Washington University and is a collaboration with the Delta Science Program, Department of Pesticide Regulation, DWR, and SWC. The results suggest that contaminants are significantly affecting fish species in the Delta. The results of the study will be reported in a final report in June 2023.

Metropolitan staff continued participating in the Collaborative Science and Adaptive Management Program (CSAMP). In September, Metropolitan staff efforts focused on Phase 2 of the CSAMP Salmon Recovery Initiative. Metropolitan staff is working with interested parties to gather information on current and planned projects aimed at increasing salmon abundance. These projects will be used to establish a baseline scenario of current conditions to estimate how implementing these projects might increase salmon numbers. Metropolitan staff is reaching out to project leads on over 200 projects to gather, consolidate, and organize this baseline information. Once a baseline condition is established, various management actions will be evaluated to achieve salmon recovery. The goal of the Salmon Recovery project is to identify broadly supported management strategies that aid salmon recovery.

Summary Report for
The Metropolitan Water District of Southern California
Board Meeting
October 11, 2022

CONSENT CALENDAR OTHER ITEMS – ACTION

Voted against waiver of Metropolitan Administrative Code Section 2201 regarding term limits for Board Chairwoman Gray. **(Agenda Item 6D)**

Adán Ortega was elected as Board Chair for two-year term effective January 1, 2023. **(Agenda Item 6E)**

CONSENT CALENDAR ITEMS - ACTION

Adopted the resolution authorizing the reimbursement of capital expenditures from bond proceeds for FY 2022/23 and FY 2023/24 as contained in Attachment 1 of the Board letter. **(Agenda Item 7-1)**

(a) Authorized the General Manager to sign a PLA with the trade councils of Los Angeles, Orange, Riverside, San Bernardino, San Diego Counties and the Tri-Counties and the signatory unions, and approve its use as a bid condition for select construction contracts within the Capital Investment Plan for a term of five years. (b) Authorized an agreement with Parsons Constructors, Inc. in an amount not to exceed $5,750,000 to administer the PLA. **(Agenda Item 7-2)**

Authorized an agreement with MWA Architects, in an amount not to exceed $990,000, for preliminary design of La Verne warehouse facilities. **(Agenda Item 7-3)**

Authorized on-call agreements with Brown and Caldwell, CDM Smith, Inc., Carollo Engineers, Inc., Jacobs Engineering Group, Inc., and Parsons Transportation Group, in amounts not to exceed $10 million each, for a maximum period of five years for engineering services. **(Agenda Item 7-4)**

Authorized on-call agreements with: (1) MARRS Services, Inc. in an amount not to exceed $6.7 million; (2) Butier Engineering, Inc. in an amount not to exceed $4.4 million; and (3) Berg & Associates, Inc. in an amount not to exceed $3.5 million for construction management and inspection services, each with a duration of three years. **(Agenda Item 7-5)**

Approved the attached salary schedules **(Agenda Item 7-6)**

Declared that the 41 parcels are surplus land and not necessary for Metropolitan's use based on the written grounds set forth in the staff board letter and authorized their disposal according to Metropolitan's surplus land disposal policies and procedures. **(Agenda Item 7-7)**

Authorized to extend the term of the Operational Shift Cost Offset Program to provide credits in CY 2023, consistent with the terms in Attachment 1 of the Board letter. **(Agenda Item 7-8)**

Adopted the revision and restatement of Bay-Delta Policies, including amendments offered by Directors Ackerman and Smith, as shown on "Attachment 1 with redlines". **(Agenda Item 7-9)**

Authorized a $300,000 settlement of Metropolitan claims against the federal government for the recovery of costs resulting from damages to Metropolitan infrastructure due to the crash of a military helicopter. **(Agenda Item 7-10)**

Adopted resolution encouraging action to reduce or eliminate irrigation of non-functional turf with potable water. **(Agenda Item 7-11)**

Approved amendments to the Administrative Code. **(Agenda Item 7-12)**

Adopted a resolution designating Metropolitan's maximum contribution for medical benefits for retirees to comply with the current authorized Memoranda of Understandings and align to active employees and retirees under Government Code 22892(a). **(Agenda Item 7-13)**

OTHER MATTERS AND REPORTS

Presented 5-year Service Pin to Director Barry D. Pressman, representing the city of Beverly Hills. **(Agenda Item 5G)**

Reported from Executive Committee on nominations for Board Chair. **(Agenda Item 5H)**

THIS INFORMATION SHOULD NOT BE CONSIDERED THE OFFICIAL MINUTES OF THE MEETING.

All current month materials, and materials after July 1, 2021 are available on the public website here: https://mwdh2o.legistar.com/Calendar.aspx

This database contains archives from the year 1928 to June 30, 2021: https://bda.mwdh2o.com/Pages/Default.aspx

Upcoming Board Items

Item No. 6b

ANTICIPATED KEY ITEMS OF FOCUS – NOT AN EXHAUSTIVE LIST
SCHEDULE SUBJECT TO CHANGE

November	• Nomination and Election for Board Secretary for two-year term effective January 1, 2023 • State Mandated AB 1234 Ethics Training (2-hour training following Board meeting) • Department Head Performance Evaluations • Presentation on Budget Expenditure Trend for FY 2022/23 and Status of New Revenues and Grants • Board Report of the Benefits of Various Project Portfolios for State Water Project Dependent Areas following IRP Testing • Board Workshop on Planning Processes • Water Supply Resiliency Plan Workshop
December	• Inaugural Update on Climate Action Plan Implementation • Oral Briefing on Status of State and Federal Bay-Delta Regulatory Processes • Authorize Colorado River Protection Volume Agreements • Authorize commencement of Pure Water Southern California with State funding • Adopt Legislative Priorities and Principles for 2023 • Public Hearing on SB60
January	• Delta Conveyance Project Follow-up Workshop
February	• Board Report on Portfolio of Recommended Actions for State Water Dependent Areas • Metropolitan Storage Portfolio Workshop

The Metropolitan Water District of Southern California

Agenda

The mission of the Metropolitan Water District of Southern California is to provide its service area with adequate and reliable supplies of high-quality water to meet present and future needs in an environmentally and economically responsible way.

Board of Directors - idden

November 8, 2022

12:00 PM

Tuesday, November 8, 2022 Meeting Schedule
09:00 a.m. L&C
10:00 a.m. OP&T
11:00 a.m. A&E
12:00 p.m. Board

Live streaming is available for all board and committee meetings on mwdh2o.com (Click Here)

A listen only phone line is also available at 1-877-853-5257; enter meeting ID: 831 5177 2466. Members of the public may present their comments to the Board on matters within their jurisdiction as listed on the agenda via in-person or teleconference. To participate via teleconference (833) 548-0276 and enter meeting ID: 815 2066 4276.

MWD Headquarters Building - 700 N. Alameda Street - Los Angeles, CA 90012

1. Call to Order

a. Invocation: TBD

b. Pledge of Allegiance: TBD

2. Roll Call

3. Determination of a Quorum

4. Opportunity for members of the public to address the Board on matters within the Board's jurisdiction. (As required by Gov. Code § 54954.3(a))

a. Member Agency Overview: Craig J. Parker, P.E., BCEE, Acting Assistant General Manager, Water Services Anaheim Public Utilities **21-1643**

5. OTHER MATTERS AND REPORTS

A. Report on Directors' Events Attended at Metropolitan's Expense **21-1620**

B. Chairwoman's Monthly Activity Report **21-1679**

C. General Manager's summary of activities **21-1621**

D. General Counsel's summary of activities **21-1622**

E. Interim General Auditor's summary of activities **21-1623**

F. Ethics Officer's summary of activities **21-1624**

G. Report from Executive Committee on nominations for Board Secretary **21-1627**

**** CONSENT CALENDAR ITEMS -- ACTION ****

6. CONSENT CALENDAR OTHER ITEMS - ACTION

A. Approval of the Minutes of the Board of the Directors Meeting for October 11, 2022 (Copies have been submitted to each Director, Any additions, corrections, or omissions) **21-1628**

B. Adopt resolution to continue remote teleconference meetings pursuant to the Brown Act Section 54953(e) for meetings of Metropolitan's legislative bodies for a period of 30 days; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA **21-1687**

C. Nomination and Election for Board Secretary for two-year term effective January 1, 2023 **21-1626**

D. Approve Committee Assignments **21-1680**

7. CONSENT CALENDAR ITEMS - ACTION

7-1 Approve proposed amendments to the administrative code for Equal Employment Opportunity investigations of Directors and Department Heads (AE) **21-1616**

7-2 Ratify an emergency contract with PCL Construction, Inc., in the amount of $855,623.78, for replacement of the expansion joint on the Upper Feeder pipeline at the Santa Ana River bridge crossing; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA [Requires four-fifths vote of the Board] (EO) **21-1629**

7-3 Award a $1,228,607.10 contract to Howard Ridley Company, Inc. for the rehabilitation of the concrete liner at ten locations within the Rainbow Tunnel segment of San Diego Pipeline No. 1; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (EO) **21-1630**

7-4 Authorize on-call agreements with GEI Consultants, Inc., HDR, Inc., and Stantec Consulting Services Inc. in amounts not to exceed $2.5 million each, for a maximum of five years, to support Metropolitan's Dam Safety Initiatives Program; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (EO) **21-1632**

7-5 Adopt CEQA determination that the environmental effects of the East County Advanced Water Purification Local Resources project that is the subject of the proposed action was previously addressed in Padre Dam Municipal Water District's Mitigated Negative Declaration and related CEQA actions and that no further CEQA review is required, and authorize the General Manager to amend the existing Local Resources Program agreement with San Diego County Water Authority and East County Advanced Water Purification Joint Powers Authority for the East County Advanced Water Purification Project (OWC) **21-1685**

7-6 Report on litigation in San Diego County Water Authority v. Metropolitan Water District of Southern California, et al., San Francisco County Superior Court Case Nos. CPF-10-510830, CPF-12-512466, CPF-14-514004, CPF-16-515282, CPF-16-515391, CGC-17-563350, and CPF-18-516389; the appeals of the 2010 and 2012 actions, Court of Appeal for the First Appellate District Case Nos. A146901, A148266, A161144, and A162168, and California Supreme Court Case No. S243500; the petition for extraordinary writ in the 2010 and 2012 actions, Court of Appeal for the First Appellate District Case No. A155310; the petition for extraordinary writ in the second 2016 action, Court of Appeal for the First Appellate District Case No. A154325 and California Supreme Court Case No. S251025; and the Metropolitan Water District of Southern California v. San Diego County Water Authority cross-complaints in the 2014, 2016, and 2018 actions; and authorize increase in maximum amount payable under contract for legal services with Horvitz & Levy, LLP in the amount of $350,000 for a total amount not to exceed $1,250,000; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA. [Conference with legal counsel - existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(1)] (LC) **21-1636**

**** END OF CONSENT CALENDAR ITEMS ****

8. OTHER BOARD ITEMS - ACTION

NONE

9. BOARD INFORMATION ITEMS

9-1	Report on Conversation	**21-1637**
9-2	Legislative Priorities and Principles for 2023 (CL)	**21-1638**
9-3	Information on the High Desert Water Bank Program status, updated costs, and water quality (IW)	**21-1657**

10. OTHER MATTERS

10-1	Department Head Performance Evaluations [Public Employees' performance evaluations; General Manager, General Counsel, and Ethics Officer; to be heard in closed session pursuant to Gov. Code 54957.]	**21-1640**
10-2	Report on Department Head 2022 Salary Survey	**21-1641**
10-3	Discuss and Approve Compensation Recommendations for General Manager, General Counsel, and Ethics Officer	**21-1642**
10-4	AB 1234 Ethics Biennial Training	**21-1625**

11. FOLLOW-UP ITEMS

NONE

12. FUTURE AGENDA ITEMS

13. ADJOURNMENT

NOTE:

Each agenda item with a committee designation will be considered and a recommendation may be made by one or more committees prior to consideration and final action by the full Board of Directors. The committee designation appears in parenthesis at the end of the description of the agenda item e.g. (E&O, BF&I). Committee agendas may be obtained from the Executive Secretary.

Requests for a disability related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting should be made to the Executive Secretary in advance of the meeting to ensure availability of the requested service or accommodation.