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7 Principal, California Water Research

8 **BEFORE THE**  
9 **CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

10 HEARING REGARDING PETITION  
11 FILED BY THE DEPARTMENT OF  
12 WATER RESOURCES AND U.S. BUREAU  
13 OF RECLAMATION REQUESTING  
14 CHANGES IN WATER RIGHTS FOR THE  
15 CALIFORNIA WATERFIX PROJECT

16 REQUEST FOR OFFICIAL NOTICE OF  
17 DOCUMENTS RELATED TO CHANGES  
18 TO WATERFIX PROJECT

19 Deirdre Des Jardins, principal at California Water Research (“California Water  
20 Research,”) hereby moves the Hearing Officers to recognize the attached documents relating to  
21 changes in the WaterFix Project planned engineering design, construction, and operations for  
22 Official Notice for the purpose of ruling on procedural motions in Part 2.

23 Title 23 of the California Code of Regulations, section 648.2 states that “[t]he Board or  
24 presiding officer may take official notice of such facts as may be judicially noticed by the courts  
25 of this state.” In the August 31, 2017 hearing ruling, the Hearing Officers took Official Notice  
26 of the Incidental Take Permit issued by the Department of Fish and Wildlife, and the Biological  
27 Opinions issued by NOAA fisheries and the National Marine Fisheries Service, for the nature

1 and scope of the documents (p. 3.) In the 2008 Cal Am Water Cease and Desist Order hearing,  
2 the Board also took Official Notice of documents on May 13, 2008<sup>1</sup>, and May 29, 2008<sup>2</sup>.

3 The following documents are also suitable for official notice and are essential for  
4 informed procedural rulings in this hearing, including the California Water Research's February  
5 7, 2018 Joinder in Motion by NRDC et. al. to Stay or Continue Part 2.

- 6  
7 1. Santa Clara Valley Water District's October 17, 2017 *Resolution No. 17-68 on*  
8 *Conditional Support of the California WaterFix Project*.
- 9 2. The December 29, 2017, publication by the United States Bureau of  
10 Reclamation ("Reclamation") of the *Notice of Intent to Prepare an*  
11 *Environmental Impact Statement on the Revisions to the Coordinated Long*  
12 *Term Operation of the Central Valley Project and State Water Project and*  
13 *Related Facilities*.
- 14 3. The December 19, 2016 *Memorandum of Understanding* between Reclamation,  
15 the Department of Water Resources, the National Marine Fisheries Service, the  
16 U.S. Fish and Wildlife Service, and the California Department of Fish and  
17 Wildlife to initiate a NEPA process to determine long-term coordinated operation  
18 of the Central Valley Project and State Water Project.
- 19 4. The official minutes of *Reclamation's February 14, 2017 Stakeholder Kickoff*  
20 *Meeting on the Re-initiation of Consultation (ROC) on the Coordinated Long-*  
21 *Term Operation (LTO) of the Central Valley Project (CVP) and State Water*  
22 *Project (SWP.)*
- 23 5. The February 7, 2018 letter from Karla Nemeth, Director of the California  
24 Department of Water Resources, *To: Public Water Agencies Participating in*  
25 *WaterFix*.

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26 <sup>1</sup> The May 13, 2008 Cal Am Water Cease and Desist Order hearing ruling is available at  
27 [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/hearings/caw\\_cdo/docs/ruling051308.](http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/caw_cdo/docs/ruling051308.pdf)  
28 [pdf](http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/caw_cdo/docs/ruling051308.pdf)

<sup>2</sup> The May 29, 2008 Cal Am Water Cease and Desist Order hearing ruling is available at  
[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/hearings/caw\\_cdo/docs/ruling052908.](http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/caw_cdo/docs/ruling052908.pdf)  
[pdf](http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/caw_cdo/docs/ruling052908.pdf)

1 I certify that these are true and correct copies of the documents.

2  
3 Dated Feb 7, 2018

Respectfully submitted,

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6 Deirdre Des Jardins  
7 Principal, California Water Research  
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Cunningham Wash to the Graham Well, intersecting Butler Valley Road, then north and west on the county-maintained road to the "Bouse Y" intersection, 2 miles north of Bouse, Arizona. The course proceeds north, paralleling the Bouse-Swansea Road to the Midway (Pit) intersection, then west along the North Boundary (power line) Road of the East Cactus Plain Wilderness Area to Parker-Swansea Road. The course turns west into Osborne Wash crossing the CAP Canal, along the north boundary of the Cactus Plain Wilderness Study Area; it continues west staying in Osborne Wash and crossing Shea Road along the southern boundary of Gibraltar Wilderness, rejoining Osborne Wash at the CRIT Reservation boundary.

**Closure Restrictions:** The following acts are prohibited during the temporary land closures in order to provide for public and race participant safety:

1. Being present on or driving on the designated race course or the adjacent lands described above. All spectators must stay within the designated spectator areas. The spectator areas have protective fencing and barriers. This does not apply to race participants, race officials, or emergency vehicles authorized or operated by local, State, or Federal government agencies. Emergency medical response shall only be conducted by personnel and vehicles operating under the guidance of the La Paz County Emergency Medical Services and Fire, the Arizona Department of Public Safety, or the BLM.
2. Vehicle parking or stopping in areas affected by the closures, except where such is specifically allowed (designated spectator areas).
3. Camping in the closed area described above, except in the designated spectator areas.
4. Discharge of firearms.
5. Possession or use of any fireworks.
6. Cutting or collecting firewood of any kind, including dead and down wood or other vegetative material.
7. Operating any off-road vehicle (as defined by 43 CFR 8340.0-7(a)).
8. Operating any vehicle in the area of the temporary closure or on roads within the event area at a speed of more than 35 miles per hour. This does not apply to registered race vehicles during the race, while on the designated race course.
9. Failing to obey any official sign posted by the BLM, La Paz County, or the race promoter.
10. Parking any vehicle in violation of posted restrictions, or in such a manner as to obstruct or impede normal or emergency traffic movement or the parking of other vehicles, create a safety

hazard, or endanger any person, property, or feature. Vehicles parked in violation are subject to citation, removal, and/or impoundment at the owner's expense.

11. Failing to obey any person authorized to direct traffic or control access to event area including law enforcement officers, BLM officials, and designated race officials.
12. Failing to observe spectator area quiet hours of 10 p.m. to 6 a.m.
13. Failing to keep campsite or race viewing site free of trash and litter.
14. Allowing any pet or other animal to be unrestrained. All pets must be restrained by a leash of not more than 6 feet in length.
15. Reserving sites within the spectator area. Spectators are prohibited from denying other visitors or parties the use of unoccupied portions of the spectator area.

**Exceptions to Closure:** The restrictions do not apply to emergency or law enforcement vehicles owned by the United States, the State of Arizona, or La Paz County, and designated race officials, participants, pit crews, or persons operating on their behalf. All BITD registered media personnel are permitted access to existing routes 50 feet from the race course per BITD standards. Outside of the race corridor, other lands in the Field Office will remain open and available for off-highway vehicle access and all other recreation activities.

**Penalties:** Any person who violates these temporary closures may be tried before a United States Magistrate and fined in accordance with 18 U.S.C. 3571, imprisoned no more than 12 months under 43 U.S.C. 1733(a) and 43 CFR 8360.0-7, or both. In accordance with 43 CFR 8365.1-7, State or local officials may also impose penalties for violations of Arizona law.

**Effect of Closure:** The entire area encompassed by the designated course and all areas outside the course as described above and in the time period as described above are closed to all vehicles. The authorized applicant or their representatives are required to post warning signs, control access to, and clearly mark the event route and areas, common access roads, and road crossings during the closure period. Support vehicles under permit for operation by event participants must follow the race permit stipulations.

**Authority:** 43 CFR 8364.1.

**Jason West,**  
*Field Manager.*

[FR Doc. 2017-28217 Filed 12-28-17; 8:45 am]

**BILLING CODE 4310-32-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

[RR02800000, 18XR0680A1,  
 RX.17868949.0000000]

#### Notice of Intent To Prepare a Draft Environmental Impact Statement, Revisions to the Coordinated Long-Term Operation of the Central Valley Project and State Water Project, and Related Facilities

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice of intent; request for comments.

**SUMMARY:** The Bureau of Reclamation (Reclamation) intends to prepare a programmatic environmental impact statement (EIS) for analyzing potential modifications to the continued long-term operation of the federal Central Valley Project (CVP), for its authorized purposes, in a coordinated manner with the State Water Project (SWP), for its authorized purposes. Reclamation proposes to evaluate alternatives that maximize water deliveries and optimize marketable power generation consistent with applicable laws, contractual obligations, and agreements; and to augment operational flexibility by addressing the status of listed species. Reclamation is seeking suggestions and information on the alternatives and topics to be addressed and any other important issues related to the proposed action.

**DATES:** Submit written comments on the scope of the EIS by February 1, 2018.

**ADDRESSES:** Send written comments to Katrina Harrison, Project Manager, Bureau of Reclamation, Bay-Delta Office, 801 I Street, Suite 140, Sacramento, CA 95814-2536; fax to (916) 414-2425; or email at [kharrison@usbr.gov](mailto:kharrison@usbr.gov).

**FOR FURTHER INFORMATION CONTACT:** Katrina Harrison at (916) 414-2425; or email at [kharrison@usbr.gov](mailto:kharrison@usbr.gov).

**SUPPLEMENTARY INFORMATION:**

#### I. Agencies Involved

Reclamation will request the following agencies participate as cooperating agencies for preparation of the EIS in accordance with the National Environmental Policy Act (NEPA), as amended: U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), U.S. Army Corps of Engineers; Western Area Power Administration, and U.S. Environmental Protection Agency.

Reclamation has also identified Indian tribes and other Federal, State,

and local agencies (*e.g.*, public water agencies, power marketing agencies, power customers, etc.) as potential cooperating agencies, and Reclamation will invite them to participate as cooperating agencies.

## II. Why We Are Taking This Action

The CVP is a major water source for agricultural, municipal and industrial (M&I), and fish and wildlife demands in California. State and Federal regulatory actions, federal trust responsibilities, and other agreements, have significantly reduced the water available for delivery south of the Sacramento-San Joaquin River Delta, in order, among other things, to protect water quality within the delta and prevent jeopardy and adverse modification of critical habitat of threatened and endangered species. This project will evaluate alternatives to restore, at least in part, water supply, in consideration of all of the authorized purposes of the CVP.

In this programmatic EIS, Reclamation will analyze potential modifications to the continued long-term operation of the CVP (proposed action), in a coordinated manner with the SWP, to achieve the following:

- Maximize water supply delivery, consistent with applicable law, contracts and agreements, considering new and/or modified storage and export facilities.
- Review and consider modifications to regulatory requirements, including existing Reasonable and Prudent Alternative actions identified in the Biological Opinions issued by the USFWS and NMFS in 2008 and 2009, respectively.
- Evaluate stressors on fish other than CVP and SWP operations, beneficial non-flow measures to decrease stressors, and habitat restoration and other beneficial measures for improving targeted fish populations.
- Evaluate potential changes in laws, regulations and infrastructure that may benefit power marketability.

Reclamation has decided to prepare an EIS. As an example for why NEPA is required related to CVP operation, in 2014, the Ninth Circuit Court of Appeals determined that the current, coordinated operation of the CVP and SWP under biological opinions issued by the USFWS and NMFS in 2008 and 2009, respectively, was a major Federal action that affected the quality of the human environment that required the preparation of an EIS. *San Luis & Delta-Mendota Water Authority (SLDMWA) v. Jewell*, 747 F.3d 581 (9th Cir. 2014); *SLDMWA v. Locke*, 776 F.3d 971 (9th Cir. 2014). This EIS is expected to be primarily programmatic in nature. It is

anticipated that this current programmatic effort will be followed by tiered project-level NEPA analyses to implement various site specific projects or detailed programs that were generally described in the programmatic EIS.

## III. Purpose and Need for Action

The need for the action is to increase operational flexibility, as further described in Section II above. The purpose of the action considered in this EIS is to continue the operation of the CVP in a coordinated manner with the SWP, for its authorized purposes, in a manner that enables Reclamation and California Department of Water Resources to maximize water deliveries and optimize marketable power generation consistent with applicable laws, contractual obligations, and agreements; and to augment operational flexibility by addressing the status of listed species.

## IV. Project Area (Area of Analysis)

The project area includes the existing CVP and SWP Service Areas, proposed CVP Service Areas, and storage and export facilities (including potential modifications), within the Sacramento and San Joaquin watersheds (including external watersheds connected through facilities). The project area also includes potential improvements and developments of other water supply or power generation programs.

The CVP is Reclamation's largest federal reclamation project. Reclamation operates the CVP in coordination with the SWP, under the Coordinated Operation Agreement between the federal government and the State of California (authorized by Pub. L. 99–546). The CVP and SWP operate pursuant to water rights permits and licenses issued by the State Water Resources Control Board. The CVP and SWP water rights allow appropriation of water by directly using and/or diverting water to storage for later withdrawal and use, or use and re-diversion to storage further downstream for later consumptive use. Among the conditions of their water rights, are requirements of the projects to either bypass or withdraw water from storage and to help satisfy specific water quality, quantity and operations criteria in source rivers and within the Delta. The CVP and SWP are currently operated in accordance with the 2008 USFWS Biological Opinion and the 2009 NMFS Biological Opinion, both of which concluded that the coordinated long-term operation of the CVP and SWP, as proposed in Reclamation's 2008 Biological Assessment, was likely to jeopardize the continued existence of

listed species and destroy or adversely modify designated critical habitat. Both Biological Opinions included Reasonable and Prudent Alternatives designed to allow the CVP and SWP to continue operating without causing jeopardy to listed species or destruction or adverse modification to designated critical habitat. Reclamation accepted and then began Project operations consistent with the USFWS and NMFS Reasonable and Prudent Alternatives.

## V. Alternatives To Be Considered

As required by NEPA, the EIS will include and consider a proposed action and a reasonable range of alternatives, including a No Action Alternative. Reasonable alternatives to the proposed action may include a combination of:

- Operations in coordination with new or proposed facilities to increase water supply deliveries and marketable power generation:
  - Actions that increase storage capacity upstream of the Delta for the CVP
  - Actions that increase storage capacity south of the Delta
  - Actions that increase export capabilities through the Delta
  - Actions to generate additional water or that improve and optimize the utilization of water such as desalinization, water conservation, or water reuse
- Modified operations of the CVP and SWP with and without new or proposed facilities including possible requests to modify environmental and regulatory requirements, and sharing of water and responsibilities in the Delta
- Habitat restoration and ecosystem improvement projects intended to increase fish populations which would be factored into the regulatory process
- Modification to existing state and federal facilities to reduce impacts to listed species

The Final EIS will identify an agency-preferred alternative.

Alternatives could affect all or various facilities and/or operations of the CVP, and may also include actions that affect SWP and local project operations. Reclamation will engage with California Department of Water Resources and local stakeholders in developing the proposed action and reasonable alternatives. Reclamation will also consider reasonable alternatives identified through the scoping process.

The proposed EIS will address operations of the CVP and SWP, operations in coordination with new or proposed projects, and habitat restoration in the Project area, designed to increase operational flexibility, increase water supply for CVP

authorized purposes, and/or increase power marketability.

## VI. Indian Trust Assets and Environmental Justice

There are Indian Trust Asset issues and there may be environmental justice issues related to the Trinity River, as well as potential impacts within other areas.

## VII. Statutory Authority

NEPA [42 U.S.C. 4321 *et seq.*] requires that Federal agencies conduct an environmental analysis of their proposed actions to determine if the actions may significantly affect the human environment. As required by NEPA, Reclamation will develop an EIS which will analyze the potential direct, indirect, and cumulative environmental effects that may result from the implementation of the proposed action and alternatives.

The Rivers and Harbors Act of August 26, 1937 (50 Stat. 844, as amended and supplemented) provides for operation of the CVP.

## VIII. Request for Comments

The purposes of this notice are:

- To advise other agencies, CVP and SWP water users and power customers, affected tribes, and the public of our intention to gather information to support the preparation of an EIS;
- To obtain suggestions and information from other agencies, interested parties, and the public on the scope of alternatives and issues to be addressed in the EIS; and
- To identify important issues raised by the public related to the development and implementation of the proposed action.

Reclamation invites written comments from interested parties to ensure that the full range of alternatives and issues related to the development of the proposed action are identified. Comments during this stage of the scoping process will only be accepted in written form. Written comments may be submitted by mail, electronic mail, facsimile transmission or in person to the contact listed in the **ADDRESSES** section of this notice. Comments and participation in the scoping process are encouraged.

## IX. Public Disclosure

Before including your address, phone number, email address or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment

to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

## X. How To Request Reasonable Accommodation

If special assistance is required, please contact Katrina Harrison at the address provided above or TDD 916-978-5608. Information regarding this proposed action is available in alternative formats upon request.

Dated: December 20, 2017.

**David Murillo,**

*Regional Director, Mid-Pacific Region.*

[FR Doc. 2017-28215 Filed 12-28-17; 8:45 am]

**BILLING CODE 4332-90-P**

## INTERNATIONAL TRADE COMMISSION

### Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Subsea Telecommunications Systems and Components Thereof, DN 3283*; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

**FOR FURTHER INFORMATION CONTACT:** Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>, and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2000.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised

that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Neptune Subsea LP Ltd.; Neptune Subsea Acquisitions Ltd.; and Xtera, Inc. on December 22, 2017. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain subsea telecommunications systems and components thereof. The complaint names as respondents Nokia Corporation, Finland; Nokia Solutions and Networks B.V., the Netherlands; Nokia Solutions and Networks Oy, Finland; Alcatel-Lucent Submarine Networks SAS, France; Nokia Solutions and Networks US LLC, Phoenix, AZ; NEC Corporation, Japan; NEC Networks & System Integration Corporation, Japan; and NEC Corporation of America, Irving, TX. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

- (i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;
- (ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;
- (iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the

**DEPARTMENT OF WATER RESOURCES**

1416 NINTH STREET, P.O. BOX 942836  
SACRAMENTO, CA 94236-0001  
(916) 653-5791



February 7, 2018

To: Public Water Agencies Participating in WaterFix

As you know, California WaterFix marked several key milestones in 2017 and the state continues to work to advance the project through the remaining steps needed to begin construction.

Public water agencies that receive water supplies through contracts with the state have expressed their support for WaterFix. In a series of public meetings last fall, twelve of these agencies voted to advance WaterFix because they understand that California's primary supply of clean water for 25 million people and 3 million acres of farmland is increasingly unreliable. They include Santa Clara Valley Water District, Kern County Water Agency, Zone 7 Water Agency, Metropolitan Water District of Southern California, Alameda County Water District, Castaic Lake Water Agency, Coachella Valley Water District, Crestline-Lake Arrowhead Water Agency, San Bernardino Valley Municipal Water District, Desert Water Agency, San Geronio Pass Water Agency and Mojave Water Agency. The state needs a real solution that provides reliable, clean and safe water to California businesses, farms and residents. WaterFix is a critical element of the state's overall strategy to address climate change and ensure a reliable water supply for the future, as outlined in Governor Brown's California Water Action Plan.

As the Department of Water Resources (DWR) has previously stated, the scope of WaterFix ultimately hinges on our partnership with local water agencies and their support for the project. With the support of the public water agencies that contract with the state for their supplies, DWR is proposing to pursue WaterFix as planned, but also take actions that would allow construction to be implemented in stages. Being prepared to implement this option is directly responsive to the stated needs of the participating agencies, and would align project implementation with current funding commitments. It would also allow us to take significant steps toward improving environmental conditions.

Under this approach, DWR proposes to first focus on elements of WaterFix that are consistent with the support expressed by public water agencies. The option for a first stage includes two intakes with a total capacity of 6,000 cubic-feet per second (cfs), one tunnel, one intermediate forebay, and one pumping station.

The second stage would consist of a third intake with 3,000 cfs capacity, a second tunnel, and a second pumping station, which will bring the total project capacity from 6,000 cfs in the first phase to 9,000 cfs capacity in total. If funding for all elements of the currently-proposed WaterFix is not available when construction begins, stage two would begin once additional funding commitments are made from supporting water agencies.

Being prepared and having the option of a staged implementation of WaterFix is prudent, fiscally responsible and meets the needs of the public water agencies funding the project. It would allow work to begin on WaterFix, as soon as all necessary environmental review and permits are complete, which is anticipated near the end of 2018.

The overall cost of WaterFix has not changed, at \$16.3 billion in 2017 dollars (equivalent to \$14.9 billion in 2014 dollars). However, the cost of the option of proceeding with the first stage is \$10.7 billion.

The state is preparing a cost-benefit analysis that will be available soon to provide further information about the economic benefit of protecting a critical source of reliable water supplies for the state and safeguarding decades of public investment in the State Water Project.

Participating public water agencies are expected to bring actions to their respective boards this spring to finalize the necessary agreements and stand up the finance and construction Joint Powers Authorities.

In addition, DWR will fully evaluate the potential environmental impacts of the staged implementation option and expects to issue a draft supplemental Environmental Impact Report in June of 2018, with a final in October 2018. The additional information developed for CEQA will also be used to supplement the Endangered Species Act, Section 7 and California Endangered Species Act, Section 2081 record. DWR does not expect substantial change to the Biological Opinions or Section 2081 Incidental Take Permit issued in 2017. Preliminary modeling indicates that there are no new water quality or aquatic issues related to staging the implementation. DWR expects no changes in impact determinations and no changes to mitigation. Thus, DWR will be able to immediately implement this option, in addition to the project already analyzed under CEQA.

Having worked hard to fix a significant infrastructure and environmental problem, DWR is eager to move forward with you to protect the Delta and our water supplies.



Karla A. Nemeth  
Director

## Meeting Minutes, 2-14-17

### Re-initiation of Consultation (ROC) on the Coordinated Long-Term Operation (LTO) of the Central Valley Project (CVP) and State Water Project (SWP): Stakeholder Kickoff Meeting

Tuesday, February 14, 2017 | 10:00 am - 12:00 noon | 650 Capitol Mall, Sacramento, CA

#### Meeting Purpose

To communicate ROC on LTO objectives, process, and scope to stakeholders and request input on the engagement process.

#### Meeting Presentation Slide References

<https://www.usbr.gov/mp/BayDeltaOffice/docs/roc-stakeholder-meeting-20170214.pdf>

#### Introduction and Background

Pablo Arroyave (Reclamation Mid-Pacific Acting Regional Director), Paul Souza (USFWS Pacific Southwest Regional Director), Barry Thom (NOAA West Coast Regional Administrator), Cindy Messer (DWR Chief Deputy Director), and Carl Wilcox (CDFW Policy Advisor on the Delta) each offered introductory remarks. Points of emphasis included:

1. Support for an integrated and cooperative approach to ROC on LTO; and
2. A shared commitment to effective stakeholder engagement.

Reclamation's Bay-Delta Office (BDO) Manager Michelle Banonis introduced the BDO team managing the ROC on LTO effort: Janice Piñero, Patti Idlof, Katrina Harrison, Carolyn Bragg, Ben Nelson, and Luke Davis.

#### ROC on LTO Objectives

Slides 7-10

Reclamation identified a 'fresh look' approach to the ROC in which information made available since 2008 will be used to evaluate LTO. Reclamation is committed to developing consultation documents that consider the latest climate change information, include flexibility to manage adaptively, are subject to independent review, and result in one joint or two highly coordinated Biological Opinion(s) (BOs) that are based on the best available science.

- Question (Q): What is the role of the contractor that you will hire?
  - Response (R): Generally speaking, Reclamation expects the contractor will assist in developing NEPA alternatives, prepare a Biological Assessment (BA), perform modeling analyses, and implement stakeholder engagement, among other tasks. The scope of the contract is envisioned to be significant.

## **CVP and SWP Overview**

Slides 12-15

Reclamation provided a brief overview of each CVP division's operations/actions: Trinity, Shasta, Sacramento River, American River, Delta, East Side, West San Joaquin, Friant, and San Felipe.

DWR offered an overview on the SWP, summarizing system operations and connectivity between Oroville Dam, Skinner Fish Protection Facility, Clifton Court Forebay, and Banks Pumping Plant. DWR also briefly described the coordinated operations agreement, Delta standards, and joint use facilities shared by the CVP and SWP.

## **Project Scope**

Slides 17-20

Reclamation commented on three aspects of project scope:

1. **Temporal** – the project study period may extend to 2070 although no final decision has been reached; climate change implications and adaptive management regimes will be part of decision making.
  2. **Geographical** – the project will cover all CVP and SWP service areas including rivers downstream of CVP and SWP reservoirs and reservoirs in the service areas that store CVP and/or SWP water.
  3. **Approach/Actions** – project approach will be flexible and will consider operations, habitat, and construction actions that include improvements to existing facilities and new components to the overall system.
- Q: How will you consider reservoirs that are located in CVP/SWP service areas but that are not owned and operated by Reclamation?
    - R: Reclamation plans to include jointly-operated facilities and facilities that have a federal nexus with Reclamation via operations agreements, etc in the scope but has not finalized scope specifics and welcomes input.
  - Q: How does the scope of this ROC fit with the on-going ESA consultation for California Water Fix?
    - R: Reclamation has not defined the exact approach to this ROC, however there is a basic assumption that if the project period extends to 2070, then Water Fix may be operable and this project would have to consider/model according to Water Fix impacts on CVP/SWP.
  - Q: With respect to the study period, has Reclamation considered a shorter period for the Biological Opinion given the uncertainty that exists around climate change and sea level rise?
    - R: Reclamation is planning for an extended study period that builds in adaptive management techniques, however the study period is not yet determined/vetted and input is welcome both now and during the scoping process.

## **Overview of Regulatory Steps and Products**

Slides 22-26

The ROC on LTO will include a NEPA analysis, and stakeholder input will be accepted during the formal scoping process. The no-action alternative will be consistent with the current management direction.

The goal for action alternatives is to achieve a “non-jeopardy” Biological Opinion. Consultants will help identify best available science, choose appropriate tools, perform impact analyses, engage in peer-review, and integrate adaptive management principles.

The ROC will include ESA Section 7 Consultation. Cross-agency coordination between USBR, DWR, USFWS, NMFS, and CDFW will be a priority whether there is a joint BO from NMFS and FWS or separate, but coordinated BOs. The USFWS and NMFS will rely heavily on the content of the BA in reaching their decisions. Peer review, though not required, will likely play a role in the development of a BA and BOs.

CDFW is developing permits for SWP CESA operations; the current consistency determination is satisfied by complying with the existing BOs, but the existing permit expires in 2018. DFW will evaluate re-doing species’ authorizations as well as issuing a permit for delta smelt, winter-run, and spring-run Chinook salmon versus doing another consistency determination. CESA requires full mitigation of negative effects. The CESA process will consider Water Fix, address adaptive management, and rely on peer review. NEPA and CESA should have meaningful interplay, and the processes will be concurrent.

- Q: Is Reclamation planning to incorporate a CEQA process?
  - R: CEQA compliance is required to support CDFW permit issuance as it relates to the SWP, but it’s an open question as to how it will be addressed.
- Q: Is a longfin smelt permit on a different timeline than the overall LTO consultation? The longfin smelt permit expires in 2018, and it may merit parallel consideration with the ROC on LTO.
  - R: Additional efforts are needed to coordinate new authorizations with the development of new Biological Opinions. The approach taken in the initial longfin smelt authorization is outdated; Water Fix impacts will be important to consider in the new authorization.

## **Role of Stakeholder Engagement**

Slides 28-30

Reclamation emphasized its commitment to meaningful stakeholder engagement and anticipates meeting with stakeholders quarterly (at a minimum), in addition to holding ad hoc meetings. Reclamation will share NEPA and ESA schedules with stakeholders and clearly identify opportunities for stakeholder input. Reclamation will also actively coordinate with existing collaborative science processes.

## **Informal Input and Discussion at Information Stations**

Meeting materials and relevant information will be available on the Reclamation website: <https://www.usbr.gov/mp/BayDeltaOffice/lto.html>.

Participants were invited to visit posters with further details on the ROC, ask the Reclamation team questions, and provide suggestions on how Reclamation can effectively engage with stakeholders.

Written input provided by stakeholders at the poster session included the following paraphrased comments/suggestions:

- Actions to explore should include ‘ranges of operation’
- Designated Non-Federal Representatives should review the full Biological Opinion
- The ROC should be divided by division/geography to speed up the process
- ROC goals should include hydropower impacts. Power is a rate payer for facilities’ O&M and CVPIA. The power contract can be terminated in 2019 and 2024 should the economics not work out, a fact that should be identified.

# **MEMORANDUM OF UNDERSTANDING**

for the

## **REINITIATION OF CONSULTATION ON THE COORDINATED LONG-TERM OPERATION OF THE CENTRAL VALLEY PROJECT AND THE STATE WATER PROJECT**

by and among

**THE UNITED STATES FISH AND WILDLIFE SERVICE  
THE NATIONAL MARINE FISHERIES SERVICE  
THE BUREAU OF RECLAMATION  
THE CALIFORNIA DEPARTMENT OF WATER RESOURCES  
AND  
THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

### **1.0 PARTIES TO MEMORANDUM**

This Memorandum of Understanding (Memorandum) sets forth the terms and understanding between the Parties, collectively deemed the United States Fish and Wildlife Service (USFWS), the National Marine Fisheries Service (NMFS), the Bureau of Reclamation (Reclamation), the California Department of Water Resources (DWR), and the California Department of Fish and Wildlife (CDFW), to undertake the Reinitiation of Consultation on the Coordinated Long-term Operation of the Central Valley Project (CVP) and the State Water Project (SWP) pursuant to the Federal Endangered Species Act (ESA).

### **2.0 RECITALS AND PURPOSES OF THE MEMORANDUM**

#### **2.1 Recitals**

The Parties have entered into this Memorandum in consideration of the following facts:

**2.1.1** Reclamation is a Federal agency within the United States Department of the Interior charged with the responsibility of operating and maintaining dams, power plants, and canals in the 17 western states. Reclamation's Mid-Pacific Region operates and maintains the CVP, which was built to protect the region from flood waters and irrigate the semi-arid acreage of the Central Valley and later amended to include fish and wildlife purposes. The CVP is composed of 20 reservoirs with a combined storage capacity of more than 11 million acre-feet; over 11 hydroelectric power plants; and more than 500 miles of major canals and aqueducts.

**2.1.2** DWR is a State agency within the California Natural Resources Agency responsible for constructing, operating and maintaining the SWP water storage

and conveyance facilities located throughout California, including pumping facilities located in the Sacramento-San Joaquin Delta. The SWP is composed of 21 reservoirs and lakes and 11 other storage facilities, with a combined storage capacity of more than 4 million acre-feet; five hydroelectric power plants and four pumping-generated plants; and more than 700 miles of major canals and aqueducts.

- 2.1.3** USFWS is a Federal agency within the United States Department of the Interior charged with the responsibility of administering the ESA and providing for the conservation of Federally-listed aquatic and terrestrial species and their habitat. USFWS is responsible for consulting with Federal action agencies under Section 7 of the ESA to address effects to Federally-listed aquatic and terrestrial species and their designated critical habitat to assist the Federal action agency in ensuring that their Federal action does not jeopardize listed species or destroy or adversely modify critical habitat.
- 2.1.4** NMFS is a Federal agency within the United States Department of Commerce charged with the responsibility of administering the Federal ESA and providing for the conservation of federally-listed anadromous and marine species and their habitat. NMFS is responsible for consulting with Federal action agencies under Section 7 of the ESA to address effects to Federally-listed marine species and their designated critical habitat to assist the Federal action agency in ensuring that their Federal action does not jeopardize listed species under NMFS' jurisdiction or destroy or adversely modify designated critical habitat.
- 2.1.5** CDFW is a State agency within the California Natural Resources Agency charged with the responsibility of administering the California Endangered Species Act (CESA). CDFW is authorized allow take of State-listed endangered or threatened, or candidate species through issuance of incidental take permits under California Fish and Game Code, section 2081(b), or through issuance of consistency determinations pursuant to California Fish and Game Code, section 2080.1
- 2.1.6** Section 103 of Public Law 99-546 authorized and directed the Secretary of the Interior to execute and implement the "Agreement between the United States of America and the Department of Water Resources of the State of California for Coordinated Operation of the Central Valley Project and State Water Project" (Coordinated Operation Agreement or COA, May 20, 1985). Reclamation and DWR coordinate operations of the CVP and SWP as provided by the COA.
- 2.1.7** All Federal agencies have a responsibility to utilize their authorities in furtherance of the purposes of the ESA by carrying out programs for the conservation of listed species, and to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of listed species or destroy or adversely modify their designated critical habitat [ESA Sections 7(a)(1), 7(a)(2)].

- 2.1.8** Federal agencies must comply with the requirements of the National Environmental Policy Act (NEPA) when their involvement in major Federal actions that affect the quality of the human environment is sufficient to trigger NEPA responsibility under applicable law.
- 2.1.9** Reclamation accepted and implemented the USFWS 2008 and NMFS 2009 Biological Opinions (BiOps) on the Coordinated Long-term Operation of the CVP and SWP including the Reasonable and Prudent Alternatives to avoid jeopardy of listed species and adverse modification of designated critical habitat.
- 2.1.10** CESA establishes a prohibition against the take of any species that the California Fish and Game Commission has determined to be an endangered or threatened species or designated as a candidate species. (California Fish and Game Code §§ 2080, 2084). It is State policy for all State agencies, boards, and commissions to seek to conserve endangered and threatened species. (California Fish and Game Code §§ 2055).
- 2.1.11** The BiOps served as the basis for CDFW's issuance of consistency determinations to DWR for operations of the SWP, pursuant to California Fish and Game Code, section 2080.1. CDFW has also issued an incidental take permit to DWR authorizing take of longfin smelt y SWP operations in the Delta.
- 2.1.12** Reclamation completed the NEPA process on the Coordinated Long-term Operation of the CVP and SWP with issuance of a corresponding Record of Decision (ROD) on January 11, 2016.
- 2.1.13** On August 2, 2016, Reclamation and DWR, as the Applicant, jointly requested reinitiation of ESA Section 7 consultation with USFWS and NMFS on the Coordinated Long-term Operation of the CVP and SWP, based on new information related to multiple years of drought and recent data on Delta smelt and winter-run Chinook salmon population levels, and new information available and expected to become available as a result of ongoing work through collaborative science processes.

## **2.2 Purpose of Memorandum**

The purposes of this Memorandum are to describe the expected tasks, processes (including schedule development), and participants for the reinitiation of consultation on the Coordinated Long-term Operation of the CVP and SWP.

## **3.0 AUTHORITIES**

### **3.1 Bureau of Reclamation**

The Rivers and Harbors Act of August 30, 1935, provided the initial Federal authority for the CVP. On Dec. 2, 1935, the president approved a finding of feasibility by the Secretary of the Interior, pursuant to the Reclamation Act of 1902. The Rivers and Harbors Act of August 26, 1937, brought the CVP under Reclamation Law and authorized the construction, operation and maintenance. On October 6, 1992, Section 3406(a) of the Central Valley Project Improvement Act (CVPIA), Public Law 102-575, amended the project purposes of the CVP to include fish and wildlife purposes.

### **3.2 Department of Water Resources**

DWR was authorized under the State Central Valley Project Act (Water Code section 11100 et seq.), Burns-Porter Act (California Water Resources Development Bond Act), State Contract Act (Public Contract Code section 10100 et seq.), Davis-Dolwig Act (Water Code sections 11900 – 11925), and other acts of the State Legislature and applicable laws of the State of California to construct, operate, and maintain the SWP. As provided for by Federal ESA regulations, DWR is designated as an applicant for this consultation.

### **3.3 U.S. Fish and Wildlife Service**

USFWS authority is pursuant to the Federal ESA and its implementing regulations as well as the Fish and Wildlife Coordination Act and the Fish and Wildlife Act of 1956, as amended and CVPIA.

### **3.4 National Marine Fisheries Service**

NMFS authority is pursuant to the Federal ESA and its implementing regulations, as well as the Fish and Wildlife Coordination Act, as amended.

### **3.5 California Department of Fish and Wildlife**

CDFW authority is pursuant to CESA and its role as the trustee for the State's fish and wildlife resources, set out in California Fish and Game Code, sections 711.7 and 1802.

## **4.0 DEFINITIONS**

The following terms as used in this Memorandum will have the meanings set forth below. Terms specifically defined in statutes, including the ESA or NEPA, or the regulations and policies adopted under those statutes, shall have the same meaning when used in this Memorandum.

- 4.1** Biological objectives mean specific, measureable outcomes as a result of the implementation of a specific plan or project.
- 4.2** “CESA” means the California Endangered Species Act (California Fish and Game Code, §§2050-2115.5) and all regulations promulgated pursuant to that Act.
- 4.3** “Central Valley Project” or “CVP” means the Central Valley Project, as defined in 3404(d) of Title XXXIV of Public Law 102-575.
- 4.4** “Central Valley Project Improvement Act” or “CVPIA” means Title XXXIV of Public Law 102-575.
- 4.5** “Cooperating Agency” means any Federal agency, other than a lead agency, that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed project or project alternative. A State or local agency of similar qualifications or a Native American tribe may, by agreement with the Federal lead agency, also become a cooperating agency.
- 4.6** “Coordinated Operations Agreement” means the Agreement between the United States of America and the State of California for the Coordinated Operation of the Central Valley Project and the State Water Project, dated November 24, 1986.
- 4.7** “Delta” or “Sacramento-San Joaquin Delta” means the Sacramento-San Joaquin Delta (including Suisun Marsh) as defined in Water Code §85058.
- 4.8** “California Department of Water Resources” or “DWR” means the California Department of Water Resources, a department of the California Natural Resources Agency.
- 4.9** “California Department of Fish and Wildlife” or “CDFW” means the California Department of Fish and Wildlife, a department of the California Natural Resources Agency.
- 4.10** “Designated Non-Federal Representative” means a non-Federal representative designated by a Federal agency to conduct informal consultation or prepare a biological assessment (BA) by giving written notice to the Director of USFWS and/or the Director of NMFS of such designation.
- 4.11** “Effective Date” means the date on which this Memorandum takes effect, described in Section 6.1.
- 4.12** “ESA” means the Federal Endangered Species Act of 1973, as amended (16 U.S.C. §§ 1531-1544) and all rules, regulations, and guidelines promulgated pursuant to that Act.

**4.13** “Executive Sponsor” means a person of senior-level management in the execution of project management.

**4.14** “Federally Listed Species” means the species that are listed as threatened or endangered species under the Federal ESA. See 50 C.F.R. § 17.11.

**4.15** “Memorandum” means this Memorandum of Understanding.

**4.16** “National Marine Fisheries Service” or “NMFS” means the National Marine Fisheries Service, an agency of the Department of Commerce.

**4.17** “NEPA” means the National Environmental Policy Act (42 U.S.C. §§ 432-4347) and all rules, regulations and guidelines promulgated pursuant to that Act.

**4.18** “Project Management Plan” or “PMP” means a document prepared for the purposes of defining how the project is executed, monitored, and controlled.

**4.19** “Project Manager” or “PM” means a person delegated with oversight of the implementation of the PMP.

**4.20** “State Water Project” or “SWP” means the State Water Project as authorized by Water Code sections 12930 et seq. and Water Code sections 11100 et seq. and operated by DWR.

**4.21** “Bureau of Reclamation” or “Reclamation” means the Bureau of Reclamation, an agency of the Department of the Interior.

**4.22** “U.S. Fish and Wildlife Service” or “USFWS” means the United States Fish and Wildlife Service, an agency of the Department of the Interior.

## **5.0 CONSULTATION ON THE COORDINATED LONG-TERM OPERATION OF THE CVP AND SWP**

### **5.1 Goals and Objectives**

The overall goal of the consultation on the coordinated long-term operation of the CVP and SWP is to achieve a durable and sustainable BiOp(s) issued by the USFWS and NMFS that accounts for the updated status of the species and species’ needs as developed through ongoing collaborative science processes, operation of CVP and SWP facilities, existing operations of the CVP and SWP, and operation of potentially new components of the CVP and SWP.

Specific objectives for this process include<sup>1</sup>:

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<sup>1</sup> These are further defined as agency-specific roles and responsibilities in Section 5.4 below.

- Ensuring the Coordinated Long-term Operation of the CVP and SWP is not likely to jeopardize the continued existence of any federally-listed species and is not likely to adversely modify their designated critical habitat
- Utilizing concepts that may consider existing and alternative ways of achieving biological objectives. This means using a revised approach to the functionality of operations; assessing potential impacts of the operation of the CVP and SWP, including appurtenant facilities; and assessing operations to account for new science, including but not limited to changing climate, hydrology, ecosystem changes, and other information.
- Preparing a fully integrated operational and biological analysis of all CVP and SWP Divisions, including, but not limited to the potential assessment of Trinity and Friant Divisions, and Oroville operations.
- Utilizing science-based adaptive management concepts.
- Reclamation and DWR will propose an Action that will target a non-jeopardy BiOp.
- Preparing a joint BiOp issued by USFWS and NMFS, or two closely coordinated BiOps issued separately by USFWS and NMFS.
- Preparing a BA and NEPA document through an open, transparent, and participatory stakeholder process that allow for feedback, dialog, and incorporation of ideas and information beyond agency-only staff.
- Relying on peer reviewed products and/or best available scientific and commercially available data for the BA analysis whenever possible, and committing to peer-review of environmental compliance documentation developed under this Memorandum, as appropriate.
- Conducting timely reviews due to close agency coordination.
- Coordinating ESA and NEPA processes with CESA authorization for the SWP.
- Ensure compliance and consultation for Essential Fish Habitat as provided for in the Magnuson-Stevens Fishery Conservation and Management Act.

## **5.2 Tasks**

Ensuring that objectives of the consultation on the coordinated long-term operation of the CVP and SWP are met, will require participating State and Federal agencies<sup>2</sup> to:

- Explore potential alternative approaches to operate the CVP and SWP for all Project purposes.

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<sup>2</sup> These are further defined as agency-specific roles and responsibilities in Section 5.4 below.

- Develop a Proposed Action that reflects current conditions, fully integrated operations of all CVP and SWP Divisions, incorporates new planned facilities, and includes a suite of actions to meet the requirements of ESA Sections 7(a)(1) and 7(a)(2), ensure compliance with the Magnuson-Stevens Fishery Conservation and Management Act, and facilitate requests for CESA authorization.
- Prepare a BA using peer-reviewed, and/or best available scientific and commercial data, in a timely manner;
- Prepare a single joint BiOp or closely coordinated BiOps using peer-reviewed and/or best available scientific and commercial data, in a timely manner.
- Provide analyses regarding potential effects of the Proposed Action to federally-listed and certain proposed species and their designated or proposed critical habitats.
- Evaluate the Proposed Action and alternatives in compliance with NEPA through preparation of an environmental impact statement (EIS).

### **5.3 Schedule**

The Parties to this Memorandum will work collaboratively to develop a schedule for completion of major tasks including development of the Proposed Action, BA, BiOp(s), Draft EIS, and Final EIS. The Parties shall make a concerted effort to meet anticipated milestone dates with the understanding that regular meetings will be established with Parties to this Memorandum, including stakeholders as identified. Further, the Parties to this Memorandum agree that issues shall be swiftly resolved and that policy decisions shall be made quickly and efficiently. In the near-term, Parties to this Memorandum will develop a list of actions to potentially be analyzed in the alternatives development process, and draft an outline for the BA that will be reviewed by the agency directors.

As committed to by the Deputy Secretary of the Department of the Interior, this Memorandum is anticipated to be executed in the Fall of 2016. Additionally, the Deputy Secretary committed to the review of the draft outline of the BA by the agency directors by December 31, 2016.

The Parties will work to complete a Proposed Action for the BA and will work to solicit comments from each agency prior to submittal of a BA and a request for formal consultation. After receipt of a BA that is deemed sufficient for the purpose of formal consultation by NMFS and USFWS, a draft BiOp will be provided to Reclamation and DWR for review and comment.

### **5.4 Roles and Responsibilities**

Given the scope and magnitude of the Project, it is anticipated that extensive coordination will be required throughout the entirety of the process. This coordination will require each agency's dedication of technical experts, administrative support, directors, and other

staff as required. A detailed Project Management Plan (PMP) will be developed by Reclamation by January 2017 which will assist in better defining agency roles and responsibilities and forthcoming expectations in detail.

Generally, the following actions are expected of each Party to this Memorandum:

#### **5.4.1 All Parties**

- Identify a Project Manager (PM) from each agency with sufficient authority to enable efficient and effective decision-making.
- Identify an Executive Sponsor with final decision-making authority for the agency.
- Fulfill tasks defined in the PMP, further described below.
- Perform timely review of materials.
- Report on status and progress.
- Identify issues as early in the process as possible.
- Openly share information.

#### **5.4.2 Bureau of Reclamation**

- Reclamation will assign a PM with responsibilities for managing the timely completion of tasks and review of materials as described in the PMP as well as coordinating the identification and resolution of potential issues.
- The PM will be responsible for coordinating ESA, NEPA, and other necessary compliance required for the Project.
- Reclamation's PM will coordinate updates to the PMP, as necessary throughout the process.
- Reclamation will identify an executive sponsor with authorities and responsibilities for addressing policy-level issues as appropriate, coordinating with the Parties to this Memorandum as needed to complete tasks described in this Memorandum, and to identify and resolve issues.
- Reclamation will be the Federal action agency as it relates to its ESA Section 7 responsibilities.

- Provide analyses regarding potential effects of the Proposed Action to federally-listed and certain proposed species and their designated or proposed critical habitats.
- Explore potential alternative approaches to operate the CVP and SWP for all Project purposes.
- Evaluate the Proposed Action and alternatives in compliance with NEPA through preparation of an EIS.
- Develop a Proposed Action that reflects current conditions, incorporates new planned facilities, and includes a suite of actions to meet the requirements of ESA Sections 7(a)(1) and 7(a)(2).
- Reclamation will secure a contractor and appropriate funding to help facilitate internal and external stakeholder outreach, technical analysis, alternatives development, preparation of an EIS, preparation of a BA, and the preparation of an administrative record documenting decision-making.
- Reclamation will assume appropriate legal responsibilities under the issued final BiOp(s) from USFWS and NMFS.
- Reclamation will facilitate coordination with CVP contractors and stakeholders.

### **5.4.3 Department of Water Resources**

- DWR will assign a PM with responsibilities for coordinating and managing a team of technical, administrative, and other DWR and contracted staff, managing timely completion of tasks and review of materials as described in the PMP. The PM will closely coordinate with Reclamation's PM on the identification and resolution of issues and will ensure policy-level issues are elevated in a timely manner.
- DWR will identify an Executive Sponsor with authorities and responsibilities for addressing policy-level issues as appropriate, coordinating with the Parties to this Memorandum as needed to complete tasks described in this Memorandum and to identify and resolve issues.
- DWR will be an Applicant, as defined by ESA.
- DWR will work with the other parties to this Memorandum to aid in the development of alternatives and resulting ESA and NEPA documentation.
- DWR will participate as a NEPA cooperating agency during Reclamation's development of an EIS.

- DWR will explore potential alternative approaches to operate the CVP and SWP for all Project purposes.
- DWR will provide requested technical support from appropriate staff.
- DWR will facilitate coordination with SWP contractors.

#### **5.4.4 National Marine Fisheries Service**

- NMFS will assign a PM with responsibilities for ensuring the NMFS coordinates and collaborates in an effective manner and communicates status internally and to other agencies.
- NMFS will identify an Executive Sponsor with authorities and responsibilities for addressing policy-level issues as appropriate, coordinating with the Parties to this Memorandum as needed to complete tasks described in this Memorandum and to identify and resolve issues.
- NMFS will provide technical assistance to Reclamation related to the preparation of the BA.
- NMFS will, within 30 days of receipt of a BA formally submitted by Reclamation along with a consultation request, submit a notification letter to Reclamation indicating whether the document contains the information necessary to initiate Section 7 consultation.
- NMFS will prepare a draft and final BiOp, considering the potential of a joint BiOp prepared in conjunction with USFWS.
- NMFS, in coordination with USFWS, will issue a draft BiOp for Reclamation's review. NMFS's final BiOp and/or Administrative Record will include consideration and/or integration of comments received from the Reclamation review of the draft BiOp.
- NMFS will participate as a NEPA cooperating agency during Reclamation's development of an EIS.
- NMFS will provide input to Reclamation during the development of the draft BA to assist Reclamation in its responsibility to provide the best available scientific and commercial data with respect to NMFS species as required by 50 C.F.R. 402.14(d).

#### **5.4.5 U.S. Fish and Wildlife Service**

- USFWS will assign a PM with responsibilities for ensuring the USFWS coordinates and collaborates in an effective manner and communicates status internally and to other agencies.
- USFWS will identify an Executive Sponsor with authorities and responsibilities for addressing policy-level issues as appropriate, coordinating with the Parties to this Memorandum as needed to complete tasks described in this Memorandum and to identify and resolve issues.
- USFWS will provide technical assistance to Reclamation related to the preparation of the BA.
- USFWS will, within 30 days of receipt of a BA formally submitted by Reclamation along with a consultation request, submit a notification letter to Reclamation indicating whether the document contains the information necessary to initiate Section 7 consultation.
- USFWS will prepare a draft and final BiOp, considering the potential of a joint BiOp prepared in conjunction with NMFS.
- USFWS, in coordination with NMFS, will issue a draft BiOp for Reclamation's review. USFWS's final BiOp and/or Administrative Record will include consideration and/or integration of comments received from the Reclamation review of the draft BiOp.
- USFWS will participate as a NEPA cooperating agency during Reclamation's development of an EIS.
- USFWS will provide input to Reclamation during the development of the draft BA to assist Reclamation in its responsibility to provide the best scientific and commercial data available with respect to USFWS species as required by 50 C.F.R 402.14(d).

#### **5.4.6 California Department of Fish and Wildlife**

- CDFW will assign a PM with responsibilities for ensuring CDFW coordinates and collaborates in an effective manner and communicates status internally and with other agencies.
- CDFW will identify an Executive Sponsor with authorities and responsibilities for addressing policy-level issues as appropriate, coordinating with the Parties to this Memorandum as needed to complete tasks described in this Memorandum and to identify and resolve issues.

- CDFW will provide input, specifically as it relates to species within its jurisdiction, related to the development of alternatives for NEPA and a Proposed Action for the BA.
- CDFW will participate as a NEPA cooperating agency during Reclamation’s development of an EIS.
- CDFW will work with DWR, USFWS, and NMFS to coordinate CESA authorization for the SWP.

## **6.0 MISCELLANEOUS PROVISIONS**

### **6.1 Duration of this Memorandum**

This Memorandum may be modified by mutual consent of authorized officials from Reclamation, DWR, USFWS, NMFS, and CDFW. This Memorandum will become effective upon signature by the authorized officials and will remain in effect until modified or terminated by any one of the Parties by mutual consent, or by completion of the Project as described.

### **6.2 Specialized Stakeholder Engagement**

#### **6.2.1 Cooperating Agencies**

Sections 40 C.F.R. 1501.6 and 40 C.F.R. 1508.5 of the Council on Environmental Quality Regulations address cooperating agencies, which are Federal agencies other than a lead agency which have jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal or reasonable alternative. These regulations implement NEPA and mandate that Federal agencies prepare NEPA analyses and documentation “in cooperation with State and local governments” and other agencies with jurisdiction by law or special expertise [42 U.S.C. §§ 4331(a) and 42 U.S.C. §§ 4332(2)].

In accordance with these regulations, Reclamation will engage with other Federal agencies with special expertise or jurisdiction by law via a request to become a cooperating agency under NEPA. These Federal agencies may include, but are not limited to, agencies such as NMFS, USFWS, U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, Western Area Power Administration, and other entities, as appropriate. Reclamation may also request State and local governments to become cooperating agencies for the NEPA process, if such agencies have special expertise or jurisdiction by law, and their cooperation is found by Reclamation to be appropriate. These entities may include, but are not limited to, DWR, DFW, counties, cities, water districts, flood districts, and other such groups with appropriate knowledge about components of their respective geographic regions.

## **6.2.2 Designated Non-Federal Representatives**

Reclamation and DWR both retain responsibility for operation of the CVP and SWP, respectively. Many water and power users may participate in the ESA consultation process as a Designated Non-Federal Representative (DNFR), as defined by 50 C.F.R. 402.08. As a DNFR, certain water and power users may be allowed to participate in development of the BA during the informal consultation process with NMFS and USFWS. Staff in water and power organizations have a technical understanding of the CVP and SWP, their operations, and corresponding ecosystem responses. Moreover, the contractual relationships between water and power users and DWR and Reclamation leads to the conclusion that it would be appropriate to designate certain water and power users as DNFRs for development of the BA during the informal consultation process.

## **6.2.3 Expanded Stakeholder Engagement Process**

Organizations with specific interests or concerns regarding the Reinitiation of Consultation on the Coordinated Long-term Operation of the CVP and SWP, including Environmental and Recreational Fishery, Commercial Fishery, Commercial Passengry Fishery Non-Governmental Organizations (NGOs), Federal and State water and power users and Federal and State agencies within the purview of the reinitiation will be invited to participate in an expanded stakeholder engagement process specific to the development of the EIS for NEPA. Participants of this process will provide input during the preparation of NEPA environmental documents and BA associated with the reinitiation of consultation. By attending and receiving the presentations of materials presented at the expanded stakeholder engagement forum, participants will gain a deep understanding of the analyses and assumptions. Moreover, participants will review administrative draft documents associated with the EIS at the same time as cooperating agencies.

## **6.2.4 Federally Recognized Tribes**

Federally Recognized Tribes with a specific interests or concerns regarding the Reinitiation of Consultation on the Coordinated Long-term Operation of the CVP and SWP, will be invited by Reclamation to become a cooperating agency for the associated NEPA process. As a cooperating agency, these Federally Recognized Tribes will participate in the development and review of the EIS and identify issues and provide information to be considered. Moreover, Reclamation leadership will engage in Government-to-Government consultation if requested by the Federally Recognized Tribe(s), seeking their input and considering their interest as a necessary and integral part of the decision-making process.

### **6.3 No Delegation of Authority**

Nothing in this Memorandum shall cause, or shall be deemed to cause, any delegation of authority from any Party to this Memorandum to any other Party.

### **6.4 Applicable Laws**

All activities undertaken pursuant to this Memorandum must be in compliance with applicable laws and regulations. All parties understand and acknowledge that regulations promulgated by USFWS and NMFS at 50 C.F.R. Part 402 govern consultations under Section 7 of the ESA and nothing in this Memorandum is to be construed contrary to the meaning and intent of those regulations.

### **6.5 Severability**

In the event one or more provisions contained in this Memorandum is rendered illegal or impossible, or implementation is otherwise barred in any way by, executive or legislative branch action, or by policy decisions therein, the Parties will meet and confer to determine whether such portion will be deemed severed from this Memorandum and the remaining parts of this Memorandum will remain in full force and effect as though such, illegal, impossible or barred portion had never been a part of this Memorandum.

### **6.6 No Legally Enforceable Rights Created**

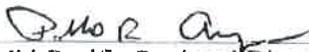
All parties acknowledge and understand that this Memorandum sets out the expectations of each party as to the conduct of the reinitiated consultation on the Project in accordance with the ESA and the regulations governing such consultations contained in 50 C.F.R. Part 402. All parties also acknowledge and agree that this Memorandum does not, and shall not be construed to, create any rights or obligations for any party enforceable in a court of law by any party, by any party contracting with DWR or Reclamation, by any stakeholder affected by the Project, by any Designated Non-Federal Representative, or by any other third party, agency, person, or entity.

### **6.7 Anti-Deficiency Act**

The Federal agency obligations described in this Memorandum are contingent on appropriations. No liability shall accrue to the United States or Federal agencies in the event funds are not appropriated or allotted.

This MOU is signed and dated:

Bureau of Reclamation:

For   
Mid-Pacific Regional Director

12/11/16  
Date

Department of Water Resources:

  
Director

12/29/16  
Date

California Department of Fish and Wildlife:

  
Director

12/21/2016  
Date

U.S. Fish and Wildlife Service:

  
Pacific Southwest Regional Director

12-19-16  
Date

National Marine Fisheries Service:

  
West Coast Regional Administrator

12/30/2016  
Date

**BOARD OF DIRECTORS  
SANTA CLARA VALLEY WATER DISTRICT**

**RESOLUTION NO. 17 - 68**

**CONDITIONAL SUPPORT OF CALIFORNIA WATERFIX**

WHEREAS, our mission at the Santa Clara Valley Water District (District) is to provide Silicon Valley with safe, clean water to support healthy lives, the environment, and economy; and

WHEREAS, the Board of Directors endeavor through our policies and actions to affirm to the residents of Silicon Valley that we are dependable stewards and that the District can be trusted to provide clean, safe, affordable water, and guarantee our water supply for the future; and

WHEREAS, Santa Clara County relies on State Water Project (SWP) and Central Valley Project (CVP) water conveyed through the Sacramento-San Joaquin Bay-Delta (Delta) for 40 percent of its water supply on average; and

WHEREAS, imported water from the Delta and its watershed has played a significant role in recharging the County's groundwater basin, protecting against further land subsidence, and providing for the well-being of the citizens of Santa Clara County; and

WHEREAS, substantial local investments in water use efficiency and conservation, recycled water and groundwater management are essential but cannot cost-effectively replace imported water; and

WHEREAS, the District has long been committed to sustained reliable water supplies as well as environmental stewardship; and

WHEREAS, if no action is taken, the District's SWP and CVP supplies will be vulnerable to risks from declining ecosystem conditions, increasing regulatory restrictions, seismic risks, climate change and sea level rise, resulting in reduced water supply reliability for Santa Clara County; and

WHEREAS, the California Department of Water Resources (DWR) proposes to construct the California WaterFix, which consists of new intakes on the east bank of the Sacramento River in the northern Sacramento San Joaquin Delta, tunnel(s) connecting these intakes to a new, intermediate forebay, and tunnel(s) carrying water from this forebay to a new pumping plant connected to an expanded and modified Clifton Court Forebay; and

WHEREAS, the California WaterFix is a critical component of the California Water Action Plan, the State of California's blueprint for a "sustainable and resilient future"; and

WHEREAS, the California WaterFix has the potential to protect the District's water supply reliability by upgrading aging infrastructure, thereby reducing the vulnerability of SWP and CVP water supplies to seismic events in the Delta and climate change impacts; and

WHEREAS, the California WaterFix has the potential to improve access to transfer supplies and increase storage project yield while conveying water across the Delta in a way that is safer for the environment; and

WHEREAS, the SWP component of the WaterFix is defined such that benefits of the project would accrue to SWP participants, while the U.S. Bureau of Reclamation's proposed CVP participation approach does not provide sufficient assurances that WaterFix benefits will be realized by CVP participants: and

WHEREAS, on July 21, 2017, DWR certified the final environmental analysis for the California WaterFix and signed the Notice of Determination thereby approving California WaterFix as the proposed project under the California Environmental Quality Act; and

WHEREAS, the District supports the use of unionized labor and Project Labor Agreements (PLAs) to participate in the construction of the WaterFix project.

NOW, THEREFORE BE IT RESOLVED that the Board of Directors of the Santa Clara Valley Water District does hereby find, determine, and order as follows:

1. That the Santa Clara Valley Water District hereby declares its conditional support for the California WaterFix and adopts the Guiding Principles, attached hereto as Attachment 1, for Participation in the California WaterFix; and
2. That the District's Directors and staff will use these Guiding Principles to shape the District's participation in the WaterFix Project, including evaluating the WaterFix project, identifying ways to meet the District's goals, and shaping the project development and any agreements necessary to secure the conditions needed for the District's support. Any proposed material deviation from the Guiding Principles shall be presented to the District Board for its consideration and approval.

PASSED AND ADOPTED by the Board of Directors of Santa Clara Valley Water District by the following vote on October 17, 2017:

AYES: Directors G. Kremen, T. Estremera, N. Hsueh, B. Keegan, L. LeZotte, R. Santos, J. Varela

NOES: Directors None

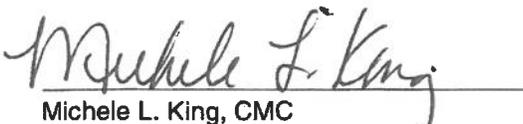
ABSENT: Directors None

ABSTAIN: Directors None

SANTA CLARA VALLEY WATER DISTRICT

By:   
 JOHN L. VARELA  
 Chair/Board of Directors

ATTEST:

  
 Michele L. King, CMC  
 Clerk/Board of Directors

Attachment: Guiding Principles for Participation in the California WaterFix

**Attachment 1**  
**Guiding Principles for Participation in the**  
**California WaterFix**

**Guiding Principle #1 – Santa Clara County needs are the primary drivers in all our decisions involving the WaterFix project.**

Fresno, Huron, Southern California, Discovery Bay, Rio Vista and other places in California have important desires, but providing safe, clean, affordable water for the people, businesses, wildlife and habitat of *Santa Clara County* is our primary focus.

**Guiding Principle #2 – We will not allow Silicon Valley values and priorities to be placed at a disadvantage relative to Central Valley Agriculture or Southern California.**

We support a WaterFix project in which all parties pay their fair share and avoid cost shifting to urban users.

Santa Clara County rate payers and / or taxpayers should *pay no subsidies* to Central Valley Agriculture or Southern California water users.

Ensure that the District receives all prices, benefits and other terms ("me-too" clause), considered as a whole, that are at least equivalent to those terms being offered to other participants of the WaterFix project.

**Guiding Principle #3 – We are advocating for a flexible approach that addresses Silicon Valley stakeholder and community input.**

We take public input seriously, having had over 50 agenda items at properly noticed, public meetings on the WaterFix project and the District's water master supply plan alone (see Appendix A for a partial list of such meetings).

We support a WaterFix project that provides for environmental protections for the Delta, that is part of an overall State effort to improve Delta habitat through, at a minimum, the EcoRestore program, and that takes into account climate change.

To quote from the recent *Baykeeper Issue Brief on the Delta Tunnels*:

"With a portfolio of science-based actions we can stabilize the Delta ecosystem to prevent fish extinctions while permitting sustainable water exports. Signs of hope and solutions include:

....

*Reduction in tunnel scope to a single smaller tunnel.* Several groups, including the Natural Resources Defense Council and the Public Policy Institute of California, have suggested that a single tunnel could help achieve the reliability and resiliency sought by water contractors while maintaining an engineered limit to diversions that would be less susceptible to over-extraction and abuse."

Additionally, to quote Governor Brown in the LA Times on October 5<sup>th</sup>, 2017:

But Brown said Thursday that WaterFix could survive, albeit in a scaled-down version, without money from Westlands and other agricultural districts that receive delta supplies from the federal Central Valley Project.

"The project can be altered to reduce the costs if the federal contractors don't want to be a part of it," the governor said. "The state needs the water. We're not going to commit suicide. We gotta have it."

Given that Westlands Water District and certain other agriculture districts have declined to participate in the WaterFix project, we are supportive of a *lower-cost, scaled-down, and staged* project that is consistent with the existing environmental impact reports and other administrative proceedings. We support considering an approach that incorporates the following in the first stage of the project:

- a) One tunnel instead of the two tunnels;
- b) A reduced intake volume from the original 9,000 cubic feet per second;
- c) A reduced number of intakes on the Sacramento River;
- d) A project that incorporates and ensures less impacts on fisheries and the environment relative to current operations; and
- e) Allows Santa Clara Valley Water District elected officials to be actively involved as leaders in the governance of the WaterFix project to ensure the project is implemented appropriately and to prevent any Southern California water grab.

Any changes to the project that diverge from this principle must be brought before the board before any final agreement is announced.

**Guiding Principle #4- As water is a human right, we must make investments to make sure our water supply meets future needs at a cost affordable by everyone**

Our District believes in an "all-of-the-above approach" to water supply. We have significant ongoing investments in water conservation. We are looking seriously at highly purified (drinkable) water, recycled water, storm water capture, rain water capture, grey water usage, etc. We take into account the importance of local supplies and resiliency.

At the same time, the cost of water is an important consideration to our ratepayers and we believe that water is a basic human right. Of the options that produce a significant quantity of supply, our imported supply is the lowest cost per unit source available to the District, and a staged WaterFix project could help stabilize the increasing cost of our overall supply portfolio. The cost of water is a social justice issue; the WaterFix project would help keep down the cost of our water supply portfolio and make safe, clean water more affordable.

Consistent with this principle, our support of the WaterFix is conditioned on the per acre-foot cost remaining similar to current estimates.

**Guiding Principle #5 – Equity and costs are important.**

The District Board may further refine this Principle #5 in future Board meeting(s) that are part of the rate setting process. Those communities and / or organizations that pay SWP property taxes (funds) and receive on average 85% of their water supply from sources other than the District-managed supplies will receive, directly or indirectly and not exceeding the amount of SWP property tax paid, those funds back in the form of additional, incremental, dedicated, segregated funds exclusively for water conservation programs, recycled water, purified water, wastewater treatment plant environmental upgrades, Automatic Meter Infrastructure (AMI) updates, or dedicated environmental focused grants starting in FY 2019 until FY 2024. To unlock these additional, incremental, dedicated funds, the communities and organizations will be required to make at least 20% match of the District's contribution; otherwise the dedicated, segregated funds go back to the District by FY 2026.

**Guiding Principle #6 – Any final arrangement must provide flexibility to acquire supplemental water by taking advantage of future wet years to ensure residents have a reliable water supply, no matter what extreme weather the changing climate brings.**

The District supports the State Water Project WaterFix participation approach, which would allocate the benefits and costs of the WaterFix to the District in proportion to its current 2.5% level of participation in the State Water Project.

Additionally, the District shall commit to and / or purchase enough supplies from the project to replace the projected deficit in current imported water supplies over time, and to ensure against future uncertainty. More specifically, we commit to securing sufficient supplemental water supplies if they become available at a reasonable price to avoid a deficit in our water supply, with potentially additional investments to provide insurance against future uncertainty.

Simultaneously, it is critical that the WaterFix provide reliability for our CVP supplies as well as our SWP supplies and that both supplies can be moved through the WaterFix.

If we do not act, given competition for limited water supplies in California, undoubtedly, water made available through improvements in the State Water Project and the Bay-Delta will instead go to Central Valley Agriculture and Southern California.

**Guiding Principle #7 – Keep negotiating for the best deal for Santa Clara County**

Our final guiding principal is that staff shall continue participating in California WaterFix planning discussions with State and federal agencies as well as other prospective WaterFix participants, to further define the project, and to develop agreements to secure the conditions needed for the District's support.

## Appendix A - Board Meeting Agenda Items regarding California WaterFix

1. May 10, 2011 - Overview of Delta Issues
2. August 26, 2011 (Board Workshop)- Secretary of California Natural Resources Agency, John Laird, and several representatives of environmental groups discussed the ecosystem restoration goal of the BDCP.
3. October 14, 2011 (Board Workshop) - Deputy Secretary of the California Natural Resources Agency, Gerald Meral, and several general managers of California water agencies discussed the water supply reliability goal of the BDCP.
4. March 28, 2012 (Board Workshop) - Several elected officials and residents of Delta counties discussed the in-Delta perspective on BDCP, along with perspectives from Senior Policy Fellow at the Public Policy Institute of California, Ellen Hanak.
5. May 15, 2012 (Board Agenda Item)- Staff prepared a BDCP update following release of the preliminary administrative draft of the BDCP.
6. August 7, 2012 (Board Agenda Item) - Following the July 25th announcement by the Governor and Obama Administration on key elements of the BDCP proposed project, staff provided an update on the Bay Delta Conservation Plan and results of an opinion survey.
7. February 26, 2013 – (Board Agenda Item) Prior to the release of the second Administrative Draft of the BDCP, staff provided an update on the BDCP and established a Board Ad Hoc Committee to assist the Board with developing policies relating to the District's engagement in the BDCP.
8. October 11, 2013 (Board Workshop)- Director of California Department of Water Resources, Mark Cowin, Undersecretary of California Department of Food and Agriculture, Sandra Schubert, and Economist David Sunding provided an overview of BDCP in relation to other State planning efforts and discussed the statewide economic impacts and perspective on BDCP.
9. November 8, 2013 (Board Workshop) - California Department of Fish and Wildlife staff and several representatives of environmental and in-Delta interests discussed habitat restoration and conservation in the Delta and the perspectives of in-Delta users
10. November 13, 2013 (Board Workshop) - Director of Department of Fish and Wildlife Chuck Bonham, technical experts in Delta risks, and BDCP project managers discussed Delta risks, the relevance of BDCP to Delta fisheries, and plan components and analysis.
11. December 9, 2013 (Board Workshop) - Secretary of California Natural Resources Agency, John Laird and other invited guests provided perspectives on the importance of BDCP to the State, County and economy of Silicon Valley. Staff provided a preliminary analysis of BDCP benefits and costs to Santa Clara County
12. January 27, 2014 (Board Workshop) - Former Director of the San Francisco Public Utilities Commission's Water System Improvement Program, Julie Labonte, and President and CEO of Hallmark Group Capital Program Management, Chuck Gardner, described implementation of large water supply infrastructure construction projects.
13. May 27, 2014 (Board Agenda Item) - Following the five 2013–2014 District Board Workshops on BDCP, staff provided an update on Bay Delta Conservation Plan, a summary of the workshops, and responses to Board questions raised during and after the workshops.
14. July 22, 2014 (Board Agenda Item) - Staff presented draft District comments on the Public Review Draft BDCP and its EIR/EIS and on the draft BDCP Implementing Agreement for Board review for consistency with Board Policy. Staff also presented an update on the BDCP and responses to additional Board questions.

15. September 23, 2014 (Board Agenda Item) - Staff responded to questions and concerns raised by Board Members and the League of Women Voters of California with various aspects of the BDCP
16. January 22, 2015 (Board Workshop) - Staff and a panel of invited guests described the BDCP adaptive management strategy and the current scientific understanding of habitat restoration in general as well as with respect to BDCP restoration actions.
17. May 26, 2015 (Board Agenda Item) - Staff provided an update on the BDCP and described the new approach proposed by the State to separately develop California WaterFix and EcoRestore.
18. October 27, 2015 (Board Agenda Item) - Staff provided an update on the BDCP and the re-circulated draft environmental documents including draft staff comments on the re-circulated documents.
19. January 26, 2016 (Workshop) - A panel of guests provided updated information and resource agency perspectives on the California WaterFix and California EcoRestore.
20. April 15, 2016 (Board Agenda Item) - Staff provided an overview of imported water and current issues
21. July 12, 2016 (Board Agenda Item) - Staff provided an updated business case analysis and a draft District policy statement for the State Water Board hearing on the petition to change the point of diversion for the SWP and CVP
22. September 27, 2016 - Update on Implementation of the 2012 Water Supply and Infrastructure Master Plan and Development of the 2017 Water Supply Master Plan (WSMP)
23. January 31, 2017 - Update on the 2017 Water Supply Master Plan and Potential Storage Options
24. March 14, 2017 – Review and confirm proposed Principles related to the Waterfix and receive WaterFix update
25. April 25, 2017 - Update on the 2017 Water Supply Master Plan and Alternative Water Supply Strategies
26. May 9, 2017 – Updated information on the Delta Stewardship Council's Delta Plan, the District's CWF Principles relevant to the Delta Plan amendments
27. May 25, 2017 (Workshop) Guests Chuck Gardner, John Bednarski, Pat Pettiette, and Bob Goodfellow provide presentation on cost estimation, risk assessment and management, and cost control for the WaterFix
28. July 11, 2017 – Update on WaterFix and providing a schedule for future presentations through Fall 2017
29. August 22, 2017 – 1) Analysis of issues facing imported water supply reliability; 2) Update on WaterFix including proposed design and construction management and governance.
30. September 12, 2017 – California WaterFix water supply analysis, cost and water allocations, and financing.

#### Ad Hoc and Advisory Committee Meetings

1. March 18, 2013 – BDCP – Initial meeting, discuss and define the BDCP Ad Hoc Committee's purpose and intended outcome
2. April 9, 2013 – BDCP – 1) Review scope and purpose of the Committee; 2) Discuss the Delta Stewardship Council's Delta Plan; 3) Overview of BDCP, Chapters 104; 4) Discuss the Natural Resource Defense Council's proposed portfolio-based BDCP alternative

3. April 22, 2013 - BDCP – 1) Overview of BDCP, Chapters 104 (continued from 4/9/13); 2) Overview of BDCP, Chapters 5-7; 3) Discuss the Natural Resource Defense Council's proposed portfolio-based BDCP alternative (continued from 4/9/13)
4. May 28, 2013 – BDCP – 1) Discussion of BDCP EIR/EIS alternatives; 2) Discussion of Conservation Measure 1 Construction Mgmt Structure; 3) delta Dialogues – Discussion Group; 4) BDCP Schedule and Board Workshops
5. June 25, 2013 – BDCP – 1) Overview and discussion of Chapters 8-10; 2) Discussion of Board member communication and outreach
6. August 22, 2013 – BDCP – 1) Overview of the role of science in Delta planning; 2) Schedule for Bay Delta issues and Board communication
7. October 9, 2013 – BDCP – 1) Overview of the Role of Science in Delta Planning (carryover from August 22, 2013 meeting); 2) Update on BDCP; 3) Schedule and future agendas
8. December 17, 2013 – BDCP – 1) Discuss 2013 Board Workshops on BDCP; 2) Discuss potential 2014 Board items; 3) Discuss next steps for public outreach and engagement
9. January 13, 2014 – BDCP – 1) Discuss 2013 Special Board Workshops on BDCP; 2) Report out by Committee members on BDCP and related issues
10. January 24, 2014 – BDCP - Discuss 2013 Special Board Workshops on BDCP (Continued from 1/13/14); 2) Report out by Committee members on BDCP and related issues
11. June 3, 2014 – BDCP – 1) Updates on the BDCP and BDCP EIR/EIS; 2) Report out by Committee members on BDCP and related issues
12. July 10, 2014 – BDCP - 1) Updates on the BDCP and BDCP EIR/EIS; 2) Report out by Committee members on BDCP and related issues
13. September 9, 2014 – BDCP – 1) Discuss staff responses to Board member questions on the BDCP; 2) Discuss staff responses to the BDCP comment letter from the League of Women Voters of CA; 3) Schedule for Board communication on BDCP
14. October 6, 2014 – Agricultural Water Committee (BDCP Update)
15. May 13, 2015 – BDCP – 1) Update on BDCP; 2) Election of Chair and Vice Chair; 3) Report out by Committee members on BDCP and related issues
16. October 5, 2015 – Agricultural Water Committee (BDCP Update)
17. October 13, 2015 – BDCP – 1) Update on BDCP and the recirculated draft environmental documents; 2) Report out by Committee members on BDCP and related issues
18. November 24, 2015 – BDCP 1) Update on WaterFix Business Case; 2) Report out by Committee members on BDCP and related issues
19. February 22, 2016 – BDCP 1) Update on Waterfix Business Case; 2) Update on the Design Construction Enterprise and related agreements; 3) Draft Policy Statement for State Water Resources Control Board proceedings
20. April 4, 2016 – Agricultural Water Committee (BDCP Update)
21. June 21, 2016 – BDCP – Update on WaterFix
22. October 3, 2016 - Agriculture Advisory Committee - Water Supply Update, including WSMP
23. October 17, 2016 – EWRC - Water Supply Update, including WSMP
24. October 25, 2016 – BDCP – Update on WaterFix, EcoRestore and other Delta planning efforts

- 25. October 26, 2016 – Water Commission - Water Supply Update, including WSMP**
- 26. November 8, 2016 - BDCP disbanded**
- 27. January 17, 2017 – Joint Board meeting with Open Space Authority - WSMP Update**
- 28. April 12, 2017 – Water Commission - 2017 WSMP Update**