

NOTICE AND AGENDA

Regular Meeting of the Board of Trustees

SANTA YNEZ RIVER WATER CONSERVATION DISTRICT, IMPROVEMENT DISTRICT NO.1

will be held at **3:00 P.M., Tuesday, October 15, 2024**

1070 Faraday Street, Santa Ynez, CA - Conference Room

Notice Regarding Public Participation: For those who may not attend the meeting but wish to provide public comment on an Agenda Item, please submit any and all comments and written materials to the District via electronic mail at general@syrwd.org. All submittals should indicate **“October 15, 2024 Board Meeting”** in the subject line. Materials received by the District during and prior to the meeting will become part of the post-meeting Board packet materials available to the public and posted on the District’s website.

1. **CALL TO ORDER AND ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **REPORT BY THE SECRETARY TO THE BOARD REGARDING COMPLIANCE WITH THE REQUIREMENTS FOR POSTING OF THE NOTICE AND AGENDA**
4. **ADDITIONS OR CORRECTIONS, IF ANY, TO THE AGENDA**
5. **PUBLIC COMMENT** - Any member of the public may address the Board relating to any non-Agenda matter within the District’s jurisdiction. The total time for all public participation shall not exceed fifteen (15) minutes and the time allotted for each individual shall not exceed three (3) minutes. The District is not responsible for the content or accuracy of statements made by members of the public. No action will be taken by the Board on any public comment item.
6. **CONSIDERATION OF THE MINUTES OF THE REGULAR MEETING OF SEPTEMBER 17, 2024**
7. **CONSENT AGENDA** - All items listed on the Consent Agenda are considered to be routine and will be approved or rejected in a single motion without separate discussion. Any item placed on the Consent Agenda can be removed and placed on the Regular Agenda for discussion and possible action upon the request of any Trustee.
 - CA-1. Water Supply and Production Report
 - CA-2. Central Coast Water Authority Update
8. **MANAGER REPORTS - STATUS, DISCUSSION, AND POSSIBLE BOARD ACTION ON THE FOLLOWING SUBJECTS:**
 - A. **DISTRICT ADMINISTRATION**
 1. Financial Report on Administrative Matters
 - a) Presentation of Monthly Financial Statements – Revenues and Expenses
 - b) Approval of Accounts Payable
 - B. **OPERATIONS UPDATE**
9. **REPORT, DISCUSSION, AND POSSIBLE BOARD ACTION ON THE FOLLOWING SUBJECTS:**
 - A. **SUSTAINABLE GROUNDWATER MANAGEMENT ACT**
 1. Eastern Management Area (EMA) Update
 - B. **HEXAVALENT CHROMIUM MAXIMUM CONTAMINANT LEVEL**
 1. Regulatory Update on Chromium 6 MCL
10. **REPORTS BY THE BOARD MEMBERS OR STAFF, QUESTIONS OF STAFF, STATUS REPORTS, ANNOUNCEMENTS, COMMITTEE REPORTS, AND OTHER MATTERS AND/OR COMMUNICATIONS NOT REQUIRING BOARD ACTION**

11. **CORRESPONDENCE: GENERAL MANAGER RECOMMENDS FILING OF VARIOUS ITEMS**
12. **REQUESTS FOR ITEMS TO BE INCLUDED ON THE NEXT REGULAR MEETING AGENDA:** Any member of the Board of Trustees may request to place an item on the Agenda for the next regular meeting. Any member of the public may submit a written request to the General Manager of the District to place an item on a future meeting Agenda, provided that the General Manager and the Board of Trustees retain sole discretion to determine which items to include on meeting Agendas.
13. **NEXT MEETING OF THE BOARD OF TRUSTEES:** The next Regular Meeting of the Board of Trustees is scheduled for **November 19, 2024 at 3:00 p.m.**
14. **CLOSED SESSION:**

The Board will hold a closed session to discuss the following items:

 - A. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
[Subdivision (d)(1) of Section 54956.9 of the Government Code – 2 Cases]
 1. Name of Case: Adjudicatory proceedings pending before the State Water Resources Control Board regarding Permit 15878 issued on Application 22423 to the City of Solvang, Petitions for Change, and Related Protests
 2. Name of Case: Central Coast Water Authority, et al. v. Santa Barbara County Flood Control and Water Conservation District, et al., Santa Barbara County Superior Court Case No. 21CV02432
 - B. **CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION**
[Subdivision (d)(4) of Section 54956.9 of the Government Code – Potential Initiation of Litigation By the Agency – One Matter]
15. **RECONVENE INTO OPEN SESSION:**
[Sections 54957.1 and 54957.7 of the Government Code]
 - A. Report (if any) on Closed Session Agenda Items 14.A – 14.B
16. **ADJOURNMENT**

This Agenda was posted at 3622 Sagunto Street, Santa Ynez, California, and notice was delivered in accordance with Government Code Section 54950 et seq., specifically Section 54956. This Agenda contains a brief general description of each item to be considered. The Board reserves the right to change the order in which items are heard. Copies of any staff reports or other written documentation relating to each item of business on the Agenda are on file with the District and available for public inspection during normal business hours at 3622 Sagunto Street, Santa Ynez. Such written materials will also be made available on the District's website, subject to staff's ability to post the documents before the regularly scheduled meeting. Questions concerning any of the Agenda items may be directed to the District's General Manager at (805) 688-6015. If a court challenge is brought against any of the Board's decisions related to the Agenda items above, the challenge may be limited to those issues raised by the challenger or someone else during the public meeting or in written correspondence to the District prior to or during the public meeting. In compliance with the Americans with Disabilities Act, any individual needing special assistance to review Agenda materials or participate in this meeting may contact the District Secretary at (805) 688-6015. Notification 72 hours prior to the meeting will best enable the District to make reasonable arrangements to ensure accessibility to this meeting.

SANTA YNEZ RIVER WATER CONSERVATION DISTRICT,
IMPROVEMENT DISTRICT NO.1
SEPTEMBER 17, 2024 REGULAR MEETING MINUTES

A Regular Meeting of the Board of Trustees of the Santa Ynez River Water Conservation District, Improvement District No.1, was held at 3:00 p.m. on Tuesday, September 17, 2024, in-person at 1070 Faraday Street and via teleconference.

Trustees Present: Mike Burchardi (via teleconference)
Jeff Clay
Brad Joos
Mark Moniot
Nick Urton

Trustees Absent: None

Others Present: Paeter Garcia Racel Cota Karen King
Dan Drugan Gary Kvistad Amber Thompson
Michael Matosich

1. CALL TO ORDER AND ROLL CALL:

President Clay called the meeting to order at 3:00 p.m., he stated that this was a Regular Meeting of the Board of Trustees. Ms. Cota conducted roll call and reported that all Trustees were present.

2. PLEDGE OF ALLEGIANCE:

President Clay led the Pledge of Allegiance.

3. REPORT BY THE SECRETARY TO THE BOARD REGARDING COMPLIANCE WITH THE REQUIREMENTS FOR POSTING OF THE NOTICE AND AGENDA:

Ms. Cota reported that the Agenda for this meeting was posted in accordance with the California Government Code commencing at Section 54953, as well as District Resolution No. 340.

4. ADDITIONS OR CORRECTIONS, IF ANY, TO THE AGENDA:

There were no additions or corrections.

5. PUBLIC COMMENT:

President Clay welcomed any members of the public and offered time for members of the public to speak and address the Board on matters not on the Agenda. There was no public comment. Mr. Garcia reported that no written comments were submitted to the District for the meeting.

Mr. Garcia welcomed and introduced Mr. Michael Matosich, Senior Corporate Engagement Associate for the Nature Conservancy, and stated that Mr. Matosich is a member of the 2024 Water Leaders Class for the Water Education Foundation. Mr. Garcia explained that he and Michael have been paired to work together on this year's research project on SGMA issues that is being undertaken by the Water Leaders Class. The Board welcomed Mr. Matosich.

6. CONSIDERATION OF THE MINUTES OF THE REGULAR MEETING OF AUGUST 20, 2024:

The Regular Meeting Minutes from August 20, 2024 were presented for consideration.

President Clay asked if there were any changes or additions to the Regular Meeting Minutes of August 20, 2024. There were no changes or additions requested.

1 It was **MOVED** by Trustee Moniot, seconded by Trustee Urton, and carried by 5-0-0 roll call vote,
2 to approve the August 20, 2024 Regular meeting minutes as presented.
3

4 **7. CONSENT AGENDA:**

5 The Consent Agenda Report was provided in the Board packet.
6

7 Mr. Garcia reviewed the Consent Agenda materials for the month of August.
8

9 It was **MOVED** by Trustee Joos, seconded by Trustee Urton, and carried by a 5-0-0 roll call vote,
10 to approve the Consent Agenda as presented.
11

12 **8. MANAGER REPORTS - STATUS, DISCUSSION, AND POSSIBLE BOARD ACTION ON THE FOLLOWING**
13 **SUBJECTS:**

14 **A. DISTRICT ADMINISTRATION**
15

16 1. Financial Report on Administrative Matters

17 a) Presentation of Monthly Financial Statements – Revenues and Expenses

18 Ms. Cota announced that the Financial Statements were provided to the Board via
19 email earlier in the day, included in the meeting handout materials, and posted on the
20 District’s website.
21

22 Ms. Cota reviewed the Statement of Revenues and Expenses for the month of August.
23 She highlighted various line-items related to revenue and expense transactions that
24 occurred during the month and referred to the Fiscal-Year-to-Date Statement of
25 Revenues and Expenses that provides a budget to actual snapshot for the month of
26 August. Ms. Cota stated that the revenue exceeded the expenses by \$581,505.12 and
27 the year-to-date net income was \$839,510.85. She also announced that the annual audit
28 field work conducted by Bartlett, Pringle, Wolf, LLP was performed in the first week
29 of September, and that the Board would be provided with the draft audit in November
30 or December.
31

32 b) Approval of Accounts Payable

33 Ms. Cota announced that the Warrant List was provided to the Board via email earlier
34 in the day, included in the meeting handout materials, and posted on the District’s
35 website.
36

37 The Board reviewed the Warrant List which covered warrants 26085 through 26136 in
38 the amount of \$535,739.53.
39

40 It was **MOVED** by Trustee Moniot, seconded by Trustee Urton, and carried by a 5-0-0
41 roll call vote, to approve the Warrant List for August 21, 2024 through September 17,
42 2024.
43

44 **B. OPERATIONS UPDATE**

45 Mr. Dan Drugan provided a report on current operations activities. He stated that the field
46 crew has performed inspections of all meter box, service lines, and customer lines within the
47 District boundaries per the requirements of a revised Lead and Copper regulation. He stated
48 that the revision requires all water agencies to develop and maintain a materials inventory of
49 all water service lines within their service area, and to report that data to the State in October.

50 Mr. Drugan expressed his appreciation to the District field staff for their efforts in completing
51 the inspections and service line inventory. Mr. Drugan reported that the newly adopted
52 Chromium 6 Maximum Contaminant Level (MCL) will take effect on October 1, 2024, and

1 that staff has resumed regulatory compliance preparations, including the engagement of
2 water treatment consultants to review treatment options/technologies, and construction
3 alternatives. He also stated that staff has completed the design specifications for the Refugio
4 3 booster pump station (pump and vault replacement), and that a request for bids will be
5 issued within the next month. Mr. Drugan explained that the staff is currently working on a
6 standardized Cross Connection Handbook, which is a new state requirement.
7

8 **9. REPORT, DISCUSSION, AND POSSIBLE BOARD ACTION ON THE FOLLOWING SUBJECTS:**
9

10 **A. SUSTAINABLE GROUNDWATER MANAGEMENT ACT**

11 1. Eastern Management Area (EMA) Update

12 The Board packet included notice of the August 29, 2024 Special Meeting of the Board of
13 Directors of the Santa Ynez River Valley Groundwater Basin Eastern Management Area
14 Groundwater Sustainability Agency (GSA), an article in the Santa Maria Times titled
15 "Santa Ynez Water Group Now Accepting Applications for Director Positions," and a
16 Notice of the Joint Special Meeting of the Board of Directors for the Central Management
17 Area, Eastern Management Area, and Western Management Area of the Santa Ynez River
18 Valley Groundwater Basin Groundwater Sustainability Agencies.
19

20 Mr. Garcia provided a review of the topics discussed at the first official meeting of the
21 EMA JPA held on August 29, 2024. He reported that the agenda topics included the
22 appointment of officers, a request for written verification, staff memos regarding
23 responses to the Requests for Qualifications for Executive Director, Legal Services, and
24 Rate Consultant, GSA Insurance, and an update on the draft subgrant agreement for the
25 DWR Proposition 68 Grant. Mr. Garcia stated that there was a news release issued
26 regarding the Santa Ynez Water Group accepting applications for the Agricultural
27 Director and Alternate Director positions for the EMA JPA. He indicated that one of the
28 published news articles listed the application deadline as September 30, 2024. Mr. Garcia
29 also provided a review of the Joint Special meeting of the three GSAs that was held on
30 September 6, 2024. He reviewed the topics discussed, which included an update on the
31 Proposition 68 DWR Grant implementation, a process for conducting outreach and
32 informational workshops with the public, and upcoming joint and individual meetings of
33 the three GSAs in the Basin. Mr. Garcia stated that there have been numerous articles
34 recently published regarding the ten-year anniversary of the Sustainability Groundwater
35 Management Act. He also mentioned that the Governor of California recently rescinded
36 the drought-related State of Emergency in 19 counties where conditions have improved,
37 and maintaining the emergency declaration in the remaining 39 counties to address
38 continued impacts to local water supplies and facilitate ongoing recovery. Mr. Garcia
39 explained that for the 19 counties where the drought emergency has been lifted, the
40 Governor's Order also rescinds the requirement for well permitting agencies to obtain a
41 written verification from the applicable GSA prior to the issuance of new well permits for
42 new or expanded groundwater production.
43

44 **B. CACHUMA PROJECT**

45 1. Value Planning Study Regarding Feasibility of Fish Passage Above Bradbury Dam

46 The Board packet included a State of California State Water Resources Control Board
47 Order WR 2024-0007.
48

49 Mr. Garcia reported that the State Water Resources Control Board issued WR 2024-0007
50 in response to the U.S. Bureau of Reclamation (USBR) Petition for Reconsideration of State
51 Water Board Order WR 2019-0148. He explained that following the issuance of WR 2024-

00007, USBR has decided to undertake a Value Planning Study process to analyze the feasibility of providing steelhead passage around Bradbury Dam.

10. **REPORTS BY THE BOARD MEMBERS OR STAFF, QUESTIONS OF STAFF, STATUS REPORTS, ANNOUNCEMENTS, COMMITTEE REPORTS, AND OTHER MATTERS AND/OR COMMUNICATIONS NOT REQUIRING BOARD ACTION:**

Trustee Burchardi provided a summary of topics discussed at the August 21, 2024 Los Olivos Community Services District Community Workshop and their September 11, 2024 Regular Board Meeting.

The Board packet included the Family Farm Alliance monthly briefing for the month of September 2024, and a September 4, 2024 news article titled "Governor Newsom Adapts State's Drought Response to Changing Conditions, Continues Action to Support Recovery and Build Resilience."

Mr. Garcia reported that District employee, Mr. Ruben Camacho, recently passed the Backflow Tester Certification exam. He stated that this certification is above and beyond what the District requires for his position, and that successful completion of this level of testing and certification generally requires extensive study and substantive knowledge of backflow prevention technology and facilities. He expressed gratitude for Mr. Camacho's hard work and dedication to the District.

11. **CORRESPONDENCE: GENERAL MANAGER RECOMMENDS FILING OF VARIOUS ITEMS:**

The Correspondence List was received by the Board.

12. **REQUESTS FOR ITEMS TO BE INCLUDED ON THE NEXT REGULAR MEETING AGENDA:**

There were no requests from the Board.

13. **NEXT MEETING OF THE BOARD OF TRUSTEES:**

President Clay stated that the next Regular Meeting of the Board of Trustees is scheduled for October 15, 2024 at 3:00 p.m.

14. **CLOSED SESSION:**

The Board adjourned to closed session at 4:50 p.m.

A. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

[Subdivision (d)(1) of Section 54956.9 of the Government Code - 4 Cases]

1. Name of Case: Aqueous Film-Forming Foams Product Liability Litigation, Master Docket No. 2:18-mn-2873-RMG: City of Camden, et al. v. BASF Corporation, Civil Action No.: 2:24-cv-03174-RMG
2. Name of Case: Aqueous Film-Forming Foams Product Liability Litigation, Master Docket No. 2:18-mn-2873-RMG: City of Camden et. al. v. Tyco Fire Products LP, Civil Action No.: 2-24-cv-02321-RMG
3. Name of Case: Adjudicatory proceedings pending before the State Water Resources Control Board regarding Permit 15878 issued on Application 22423 to the City of Solvang, Petitions for Change, and Related Protests

1 4. Name of Case: Central Coast Water Authority, et al. v. Santa Barbara County Flood
2 Control and Water Conservation District, et al., Santa Barbara County Superior Court
3 Case No. 21CV02432
4

5 **B. CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION**

6 [Subdivision (d)(4) of Section 54956.9 of the Government Code – Potential Initiation of
7 Litigation By the Agency – One Matter]
8

9 **15. RECONVENE INTO OPEN SESSION:**

10 [Sections 54957.1 and 54957.7 of the Government Code]
11

12 **A. Report (if any) on Closed Session Agenda Items 14.A – 14.B**
13

14 The Board reconvened to open session at approximately 6:02 p.m. Mr. Garcia announced
15 that the Board met in closed session in accordance with Agenda Items 14.A through 14.B.
16 He reported that there was no reportable action for any of the closed session Agenda Items.
17

18 **16. ADJOURNMENT:**

19 Being no further business, it was **MOVED** by Trustee Moniot, seconded by Trustee Urton, and
20 carried by a 5-0-0 roll call vote, to adjourn the meeting at approximately 6:02 p.m.
21

22 **RESPECTFULLY SUBMITTED,**
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Racel Cota, Secretary to the Board
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32 **ATTEST:**

33 Jeff Clay, President
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38 **MINUTES PREPARED BY:**

39
40
41
42

Karen King, Board Administrative Assistant
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**BOARD OF TRUSTEES
SANTA YNEZ RIVER WATER CONSERVATION DISTRICT,
IMPROVEMENT DISTRICT NO.1
October 15, 2024**

Consent Agenda Report

CA-1. Water Supply and Production Report. Total water production in **September 2024 (405 AF)** was 62 AF lower than total production in **August 2024 (467 AF)**, 15 AF lower than the most recent 3-year running average (2021-2023) for the month of **September (420 AF)**, and 48 AF lower than the most recent 10-year running average (2014-2023) for the month of **September (453 AF)**. Overall production in September 2024 was the second lowest for the month of September over the last 10 years; the next lowest September production over the last ten years was 381 AF in 2023; the highest September production in the last ten years was 515 AF in 2014. As previously reported, the District's overall demands and total production have been trending well below historic levels for domestic, rural residential, and agricultural water deliveries due to water conservation, changing water use patterns, and private well installations.

For the month of **September 2024**, **approximately 133 AF** was produced from the Santa Ynez Upland wells and **0 AF** was produced from the Santa Ynez River alluvium. As reflected in the Monthly Water Deliveries Report from CCWA, the District took approximately **272 AF** of SWP supplies for the month, all of which was allocated to Exchange with the South Coast Cachuma Member Units. Direct diversions to the County Park and USBR were **2.23 AF**.

The USBR Daily Operations Report for Lake Cachuma in September (ending September 30, 2024) recorded the end of month reservoir elevation at **748.95'** with the end of month storage of **180,979 AF**. USBR recorded total precipitation at the lake of **0.03 inches** for the month. SWP deliveries to the reservoir for South Coast entities were **77.1 AF**. Reported reservoir evaporation in **September** was **1,201.0 AF**.

Based on the updated maximum storage capacity of 192,978 AF (previously 193,305 AF), as of **October 7, 2024** Cachuma reservoir was reported at **93.1%** of capacity, with then-current storage of **179,673 AF** (Santa Barbara County Flood Control District, Rainfall and Reservoir Summary). **As previously reported Cachuma spill conditions were in effect this year from February 1st to June 21st**. At a point when reservoir storage exceeds 100,000 AF, the Cachuma Member Units typically have received a full allocation. Conversely, a 20% pro-rata reduction from the full allocation is scheduled to occur in Water Years beginning at less than 100,000 AF, where incremental reductions may occur (and previously have occurred) at other lower storage levels. In the Fall of 2022 when reservoir conditions were low, the Cachuma Member Units initially requested an approximate 15% Cachuma Project allocation for federal WY 2022-2023. By letter dated September 30, 2022, USBR issued an initial 0% allocation for WY 2022-2023. **Based on extraordinary rain conditions that spilled the reservoir in early 2023, USBR approved a 100% Project allocation for WY 2023-2024. According to similar conditions this year, the Cachuma Member Units submitted a joint letter dated June 17, 2024 requesting a 100% Project allocation for WY 2024-2025. USBR approved the 100% allocation request by letter dated July 19, 2024.** ID No.1 currently holds approximately 1,723 AF of current year allocation plus 2,651 AF of upcoming year allocation in the reservoir.

Water releases for the protection of fish and aquatic habitat are made from Cachuma reservoir to the lower Santa Ynez River pursuant to the 2000 Biological Opinion issued by the National Marine Fisheries Service (NMFS) and the 2019 Water Rights Order (WR 2019-0148) issued by the State Board (SWRCB). These releases are made to Hilton Creek and to the stilling basin portion of the outlet works at the base of Bradbury Dam. The water releases required under the NMFS 2000 Biological Opinion to avoid jeopardy to steelhead and adverse impacts to its critical habitat are summarized as follows:

NMFS 2000 Biological Opinion

- *When Reservoir Spills and the Spill Amount Exceeds 20,000 AF:*
 - 10 cfs at Hwy 154 Bridge during spill year(s) exceeding 20,000 AF
 - 1.5 cfs at Alisal Bridge when spill amount exceeds 20,000 AF and if steelhead are present at Alisal Reach
 - 1.5 cfs at Alisal Bridge in the year immediately following a spill that exceeded 20,000 AF and if steelhead are present at Alisal Reach
- *When Reservoir Does Not Spill or When Reservoir Spills Less Than 20,000 AF:*
 - 5 cfs at Hwy 154 when Reservoir does not spill and Reservoir storage is above 120,000 AF, or when Reservoir spill is less than 20,000 AF
 - 2.5 cfs at Hwy 154 in all years when Reservoir storage is below 120,000 AF but greater than 30,000 AF
 - 1.5 cfs at Alisal Bridge if the Reservoir spilled in the preceding year and the spill amount exceeded 20,000 AF and if steelhead are present at Alisal Reach
 - 30 AF per month to “refresh the stilling basin and long pool” when Reservoir storage is less than 30,000 AF

The water releases required under the SWRCB Water Rights Order 2019-0148 for the protection of fish and other public trust resources in the lower Santa Ynez River and to prevent the waste and unreasonable use of water are summarized as follows:

SWRCB Order WR 2019-0148

- *During Below Normal, Dry, and Critical Dry water years (October 1 – September 30), releases shall be made in accordance with the requirements of the NMFS 2000 Biological Opinion as set forth above.*
- *During Above Normal and Wet water years, the following minimum flow requirements must be maintained at Hwy 154 and Alisal Bridges:*
 - 48 cfs from February 15 to April 14 for spawning
 - 20 cfs from February 15 to June 1 for incubation and rearing
 - 25 cfs from June 2 to June 9 for emigration, with ramping to 10 cfs by June 30
 - 10 cfs from June 30 to October 1 for rearing and maintenance of resident fish
 - 5 cfs from October 1 to February 15 for resident fish
- *For purposes of SWRCB Order WR 2019-0148, water year classifications are as follows:*
 - Wet is when Cachuma Reservoir inflow is greater than 117,842 AF;
 - Above Normal is when Reservoir inflow is less than or equal to 117,842 AF or greater than 33,707 AF;
 - Below Normal is when Reservoir inflow is less than or equal to 33,707 AF or greater than 15,366 AF;
 - Dry is when Reservoir inflow is less than or equal to 15,366 AF or greater than 4,550 AF
 - Critical Dry is when Reservoir inflow is less than or equal to 4,550 AF

Based on recent hydrology, inflows to Cachuma Reservoir this water year have exceeded 33,707 AF and therefore triggered higher fishery release requirements from Bradbury Dam (Table 2 flows under Order 20219-0148; highlighted above). Those requirements will remain in place for the remainder of this year.

CA-2. State Water Project (SWP) and Central Coast Water Authority (CCWA) Updates.

As previously reported, based on last year's extraordinary rain events, DWR declared the 2023 SWP Table A allocation at 100 percent for the first time since 2006 (compared to a 5 percent allocation in 2022). This year (2024), despite above normal precipitation and snowpack, and above-average storage levels in Lake Oroville, DWR has taken a conservative approach and limited the final Table A allocation to 40 percent. DWR's rationale for its allocation decision was outlined in its notice to SWP Contractors dated April 23, 2024, as follows:

Although water year 2024 is currently classified as an Above Normal year, the ability to move water supply south through the system this spring continues to be impacted by the presence of threatened and endangered fish species near SWP pumping facilities in the south Delta. The presence of these fish species has triggered state and federal regulations that significantly reduce the pumping from the Delta into the California Aqueduct, which limits the SWP's ability to move and store water in San Luis Reservoir. This reduced pumping is expected to continue into late spring. The SWP is prepared to increase pumping as soon as the fishery conditions and state and federal operating permits allow.

As discussed in prior ID No.1 meetings and reflected in the Agenda for the September 13, 2024 Special Meeting of the CCWA Board of Directors, CCWA remains engaged in a variety of matters relating to the SWP, including but not limited to: SWP supplies and related SWP operations; the Temporary Warren Act Contract with USBR for the storage and conveyance of SWP supplies in the Cachuma Project; various CCWA infrastructure improvements; and DWR's statement of charges. As reflected in these Consent Report materials, CCWA is scheduled to implement the Coastal Branch shutdown on October 28th. The ID No.1 turnout is scheduled to become available again on November 13th.

CCWA and its member agencies also remain engaged in their pending litigation against the Santa Barbara County Flood Control and Water Conservation District to maintain CCWA sovereignty over important decisions pertaining to SWP supplies. The September 2024 meeting of the CCWA Board of Directors has been cancelled, and the next regularly scheduled meeting is scheduled for October 24, 2024.



**BUREAU OF
RECLAMATION**

Historical Archive and Report Database

Lake Cachuma Daily Operations

Run Date: 10/5/2024

September 2024

DAY	ELEV	STORAGE ACRE-FEET		COMPUTED*	CCWA	PRECIP ON	RELEASE - AF.				EVAPORATION		PRECIP
		IN LAKE	CHANGE	INFLOW AF.	INFLOW AF.	RES. SURF. AF.	TUNNEL	HILTON CREEK	OUTLET	SPILLWAY	AF.	INCH	INCHES
	750.38	185,267											
1	750.32	185,086	-181	-40.6	0.0	0.0	51.5	13.9	54.0	0.0	21.0	0.110	0.00
2	750.30	185,025	-61	115.3	0.0	0.0	47.3	13.8	54.0	0.0	61.2	0.320	0.00
3	750.25	184,875	-150	12.4	0.0	0.0	50.7	13.8	54.0	0.0	43.9	0.230	0.00
4	750.21	184,754	-121	31.4	21.7	0.0	57.6	13.8	53.0	0.0	49.7	0.260	0.00
5	750.17	184,633	-121	44.2	22.9	0.0	59.2	13.8	54.0	0.0	61.1	0.320	0.00
6	750.14	184,543	-90	86.8	22.9	0.0	65.1	13.8	54.0	0.0	66.8	0.350	0.00
7	750.09	184,362	-181	22.0	0.0	0.0	73.3	13.8	53.0	0.0	62.9	0.330	0.00
8	750.04	184,242	-120	84.0	0.0	0.0	73.3	13.8	54.0	0.0	62.9	0.330	0.00
9	749.99	184,091	-151	35.3	0.0	0.0	62.4	13.8	53.0	0.0	57.1	0.300	0.00
10	749.94	183,940	-151	20.7	9.6	0.0	60.2	13.8	54.0	0.0	53.3	0.280	0.00
11	749.88	183,759	-181	-11.7	0.0	0.0	61.5	13.8	54.0	0.0	40.0	0.210	0.00
12	749.83	183,609	-150	14.8	0.0	0.0	60.0	13.8	53.0	0.0	38.0	0.200	0.00
13	749.78	183,458	-151	9.7	0.0	0.0	60.6	13.8	54.0	0.0	32.3	0.170	0.00
14	749.73	183,307	-151	16.2	0.0	0.0	60.6	13.7	53.0	0.0	39.9	0.210	0.00
15	749.67	183,126	-181	-15.4	0.0	0.0	63.6	13.8	54.0	0.0	34.2	0.180	0.00
16	749.62	182,975	-151	-5.1	0.0	0.0	45.5	13.7	53.0	9.0	24.7	0.130	0.00
17	749.56	182,797	-178	-19.7	0.0	0.0	52.7	13.7	54.0	0.0	37.9	0.200	0.00
18	749.51	182,648	-149	2.8	0.0	0.0	52.9	13.7	53.0	0.0	32.2	0.170	0.00
19	749.45	182,469	-179	-22.9	0.0	0.0	56.2	13.7	54.0	0.0	32.2	0.170	0.00
20	749.39	182,290	-179	-27.7	0.0	0.0	61.9	13.7	53.0	0.0	22.7	0.120	0.00
21	749.36	182,201	-89	58.5	0.0	0.0	56.4	13.7	54.0	0.0	23.4	0.124	0.00
22	749.31	182,052	-149	-2.9	0.0	0.0	50.1	13.7	54.0	0.0	28.3	0.150	0.00
23	749.27	181,932	-120	35.9	0.0	0.0	49.5	13.7	53.0	0.0	39.7	0.210	0.00
24	749.23	181,813	-119	37.4	0.0	0.0	51.2	13.7	50.0	0.0	41.5	0.220	0.00
25	749.17	181,634	-179	-30.9	0.0	2.5	48.4	13.6	49.0	0.0	39.6	0.210	0.01
26	749.13	181,515	-119	14.7	0.0	0.0	45.7	13.7	46.0	0.0	28.3	0.150	0.00
27	749.09	181,366	-149	-16.6	0.0	2.5	46.0	13.7	45.0	0.0	30.2	0.160	0.01
28	749.04	181,247	-119	22.3	0.0	0.0	50.8	13.6	43.0	0.0	33.9	0.180	0.00
29	748.99	181,098	-149	-1.6	0.0	0.0	55.8	13.7	44.0	0.0	33.9	0.180	0.00
30	748.95	180,979	-119	15.5	0.0	2.5	52.2	13.6	43.0	0.0	28.2	0.150	0.01
TOTALS			-4,288	484.8	77.1	7.5	1,682.2	412.2	1,553.0	9.0	1,201.0	6.324	0.03
AVERAGE		183,061											

Comments: *Computed inflow is the sum of change in storage, releases and evaporation minus precip on the reservoir surface and CCWA inflow.
Indicated outlet release includes leakage from outlet valves and spillway gates.
Data based on a 24 hour period ending 0800.



Santa Barbara County - Flood Control District

130 East Victoria Street, Santa Barbara CA 93101 - 805.568.3440 - www.countyofsb.org/pwd

Rainfall and Reservoir Summary

Updated 8am: 10/7/2024

Water Year: 2025

Storm Number: NA

Notes: Daily rainfall amounts are recorded as of 8am for the previous 24 hours. Rainfall units are expressed in inches. All data on this page are from automated sensors, are preliminary, and subject to verification.

*Each Water Year (WY) runs from Sept 1 through Aug 31 and is designated by the calendar year in which it ends
 County Real-Time Rainfall and Reservoir Website link > <https://rain.cosbpw.net>

Rainfall	ID	24 hrs	Storm 0day(s)	Month	Year*	% to Date	% of Year*	AI
Buellton (Fire Stn)	233	0.00	0.00	0.00	0.00	0%	0%	
Cachuma Dam (USBR)	332	0.00	0.00	0.00	0.02	7%	0%	
Carpinteria (Fire Stn)	208	0.01	0.00	0.05	0.12	34%	1%	
Cuyama (Fire Stn)	436	0.00	0.00	0.00	0.15	49%	2%	
Figueroa Mtn (USFS Stn)	421	0.00	0.00	0.00	0.01	2%	0%	12.2
Gibraltar Dam (City Facility)	230	0.00	0.00	0.00	0.00	0%	0%	12.2
Goleta (Fire Stn-Los Carneros)	440	0.01	0.00	0.01	0.03	9%	0%	
Lompoc (City Hall)	439	0.00	0.00	0.00	0.08	29%	1%	12.2
Los Alamos (Fire Stn)	204	0.00	0.00	0.00	0.13	50%	1%	
San Marcos Pass (USFS Stn)	212	0.00	0.00	0.00	0.01	2%	0%	
Santa Barbara (County Bldg)	234	0.01	0.00	0.05	0.12	32%	1%	
Santa Maria (City Pub. Works)	380	0.00	0.00	0.00	0.14	48%	1%	
Santa Ynez (Fire Stn /Airport)	218	0.00	0.00	0.01	0.01	4%	0%	
Sisquoc (Fire Stn)	256	0.00	0.00	0.00	0.06	19%	0%	

Countywide percentage of "Normal-to-Date" rainfall : **20%**

Countywide percentage of "Normal Water-Year" rainfall : **0%**

Countywide percentage of "Normal Water-Year" rainfall calculated assuming no more rain through Aug. 31, 2025 (End of WY2025).

AI (Antecedent Index / Soil Wetness)

- 6.0 and below = Wet (min. = 2.5)
- 6.1 - 9.0 = Moderate
- 9.1 and above = Dry (max. = 12.5)

Reservoirs

Reservoir Elevations referenced to NGVD-29.

**Cachuma is full and subject to spilling at elevation 750 ft. However, the lake is surcharged to 753 ft. for fish release water. (Cachuma water storage based on Dec 2021 capacity revision)

Click on Site for Real-Time Readings	Spillway Elev. (ft)	Current Elev. (ft)	Max. Storage (ac-ft)	Current Storage (ac-ft)	Current Capacity (%)	Storage Change Mo.(ac-ft)	Storage Change Year*(ac-ft)
Gibraltar Reservoir	1,400.00	1,386.66	4,693	2,068	44.1%	-146	-1,167
Cachuma Reservoir	753.**	748.64	192,978	179,673	93.1%	-802	-5,052
Jameson Reservoir	2,224.00	2,222.50	4,848	4,664	96.2%	-25	-113
Twitchell Reservoir	651.50	NA	194,971	NA		NA	NA

[Previous Rainfall and Reservoir Summaries](#)

CIMIS Daily Report

Rendered in ENGLISH Units.

Sunday, September 1, 2024 - Monday, September 30, 2024

Printed on Tuesday, October 1, 2024

Santa Ynez - Central Coast Valleys - Station 64

Date	ETo (In)	Precip (In)	Sol Rad (Ly/day)	Avg Vap Pres (mBars)	Max Air Temp (°F)	Min Air Temp (°F)	Avg Air Temp (°F)	Max Rel Hum (%)	Min Rel Hum (%)	Avg Rel Hum (%)	Dew Point (°F)	Avg Wind Speed (mph)	Wind Run (miles)	Avg Soil Temp (°F)
9/1/2024	0.20	0.00	573	15.4	93.1	53.3	66.7	98	33	69	56.2	2.6 Y	62.4 Y	79.6
9/2/2024	0.21	0.00	599	14.7	94.7	48.7	67.8	95	32	63	54.9	2.4 Y	58.8 Y	79.6
9/3/2024	0.22	0.00	605	14.7	97.6	48.3	69.0	95	28	61	54.9	2.5 Y	59.4 Y	79.7
9/4/2024	0.18 R	0.00 H	763 R	14.4 H	99.4	55.6	80.8 R	96 H	15 H	- R	- I	3.2 H	77.4 H	79.6 H
9/5/2024	0.23 R	0.00	591	14.1	108.1 Y	51.2	75.9 Y	94	18	46 Y	53.7 Y	2.4 Y	57.0 Y	80.0
9/6/2024	0.23 R	0.00	583	14.0	112.6 R	56.3	78.4 Y	89	14	42 Y	53.6 Y	2.3 Y	56.4 Y	80.4
9/7/2024	0.20 R	0.00	506	13.4	106.7 Y	53.0	75.0 Y	88	19	45 Y	52.3 Y	2.3 Y	55.8 Y	81.0
9/8/2024	0.21	0.00	568	14.2	99.4	52.2	73.0	89	24	51	53.9	2.5 Y	59.4 Y	81.1
9/9/2024	0.20	0.00	0	14.4	70.3	53.6	60.1	95	30	81	54.4	1.8 Y	42.6 Y	80.8
9/10/2024	0.17	0.00	670 R	14.1	82.5	49.8	64.7	95	42	67	53.6	3.0	71.6	80.7
9/11/2024	0.17	0.00	547	14.2	81.2	54.2	62.8	92	43	73	53.9	3.0	72.6	80.3
9/12/2024	0.16	0.00	515	14.4	80.8	53.1	62.7	93	47	74	54.3	2.8	67.3	79.9
9/13/2024	0.17	0.00	554	14.8	81.9	49.3	63.4	98	48	74	55.0	2.6	63.2	79.5
9/14/2024	0.14	0.00	484	15.1	76.8	53.7	61.9	97	57	80	55.6	2.5	60.2	79.4
9/15/2024	0.08	0.00	292	14.3	75.2	53.0	60.3	93	52	80	54.1	2.5	59.4	79.1
9/16/2024	0.16	0.00	515	11.8	73.4	46.8	59.1	95	41	69	48.8	3.2	76.6	78.3
9/17/2024	0.16	0.00	517	12.8	76.6	45.8	60.4	95	45	72	51.2	2.6	61.4	77.7
9/18/2024	0.16	0.00	501	14.2	79.0	54.4	62.3	94	45	74	53.9	2.7	64.4	77.5
9/19/2024	0.10	0.00	469	14.9	76.4	54.1	64.1	94	51	73	55.3	3.1	73.6	77.4
9/20/2024	0.12	0.00	425	15.0	75.4	56.6	62.2	95	55	79	55.5	2.6	63.4	77.2
9/21/2024	0.14	0.00	461	15.3	80.7	53.1	63.6	93	48	76	56.0	2.5	60.8	77.1
9/22/2024	0.16	0.00	504	15.1	88.1	54.1	65.2	97	38	71	55.6	2.5	59.3	77.3
9/23/2024	0.18	0.00	519	14.7	96.7	49.8	67.4	99	27	64	54.9	2.2	53.2	77.5
9/24/2024	0.17	0.00	525	15.1	90.7	47.6	64.9	96	38	72	55.6	2.6	62.0	77.6
9/25/2024	0.12	0.01	407	14.1	82.0	44.3	60.0	97	44	80	53.7	2.3	54.1	77.8
9/26/2024	0.14	0.00 H	485 H	14.0 H	85.7	44.9	61.8 H	97 H	39 H	74	53.6	2.2 H	53.7 H	77.2 H
9/27/2024	0.17	0.00 R	0	13.4	61.3 Y	48.5	54.6	99	29	92	52.3	1.1 R	27.2 R	76.9
9/28/2024	0.14	0.00	573 R	15.1	84.3	51.3	64.4	99	43	73	55.6	2.7	64.5	77.0
9/29/2024	0.14	0.00	449	14.6	82.0	51.5	61.7	98	45	78	54.7	2.4	57.4	76.9
9/30/2024	0.17	0.00	501	13.6	97.7	48.0	66.8	99	21	61	52.7	2.1	50.7	76.7
Tots/Avgs	5.00	0.01	489	14.3	86.3	51.2	65.4	95	37	69	54.1	2.5	60.2	78.7

Flag Legend		
A - Historical Average	I - Ignore	R - Far out of normal range
C or N - Not Collected	M - Missing Data	S - Not in service
H - Hourly Missing or Flagged Data	Q - Related Sensor Missing	Y - Moderately out of range
Conversion Factors		
Ly/day/2.065=W/sq.m	inches * 25.4 = mm	(F-32) * 5/9 = c
mph * 0.447 = m/s	mBars * 0.1 = kPa	miles * 1.60934 = km



CENTRAL COAST WATER AUTHORITY
MEMORANDUM

TO: Dessi Mladenova, Controller
FROM: Lacey Adam, Senior Accountant
SUBJECT: Monthly Water Deliveries

October 2, 2024

According to the CCWA revenue meters at each turnout, the following deliveries were made during the month of September 2024:

<u>Project Participant</u>	<u>Delivery Amount (acre-feet)</u>
Chorro	161.64
López.....	65.01
Shandon.....	0.00
Guadalupe.....	42.82
Santa Maria	629.55
Golden State Water Co.....	0.00
Vandenberg.....	295.54
Buellton	29.96
Solvang	91.01
Santa Ynez ID#1	272.39
Bradbury.....	<u>100.52</u>
TOTAL	1,688.44

In order to reconcile these deliveries with the DWR revenue meter, which read 1,704 acre-feet, the following delivery amounts should be used for billing purposes:

<u>Project Participant</u>	<u>Delivery Amount (acre-feet)</u>
Chorro	163
López	66
Shandon.....	0
Guadalupe.....	43
Santa Maria	596*
Golden State Water Co	40*
Vandenberg	298
Buellton	30
Solvang	92
Santa Ynez ID#1	275
Bradbury	<u>101</u>
TOTAL	1,704

*Golden State Water Company delivered 40 acre-feet into its system through the Santa Maria turnout. This delivery is recorded by providing a credit of 40 acre-feet to the City of Santa Maria and a charge in the same amount to the Golden State Water Company.

Notes: Santa Ynez ID#1 water usage is divided into 0 acre-feet of Table A water and 275 acre-feet of exchange water.

The exchange water is allocated as follows

<u>Project Participant</u>	<u>Exchange Amount (acre-feet)</u>
Goleta	99
Santa Barbara	66
Montecito	66
Carpinteria	44
TOTAL	275

Bradbury Deliveries into Lake Cachuma are allocated as follows:

<u>Project Participant</u>	<u>Delivery Amount (acre-feet)</u>
Carpinteria	0
Goleta	0
La Cumbre	101
Montecito	0
Morehart	0
Santa Barbara	0
Raytheon	0
TOTAL	101

cc: Daniel Brooks, GWD
Mike Babb, Golden State WC
Joshua Haggmark, City of Santa Barbara
Janet Gingras, COMB
Craig Kesler, San Luis Obispo County
Paeter Garcia, Santa Ynez RWCD ID#1
Shad Springer, City of Santa Maria
Todd Bodem, City of Guadalupe
Robert MacDonald, Carpinteria Valley WD
Mike Alvarado, La Cumbre Mutual WC
Pernell Rush, Vandenberg SFB
Nick Turner, Montecito WD
Randy Murphy, City of Solvang
Rose Hess, City of Buellton

Paeter Garcia

From: David R. Beard <drb@ccwa.com>
Sent: Thursday, September 26, 2024 2:57 PM
To: Adam Kanold (akanold@montecitowater.com); Alexandra Griffith; Anna Narduzzi, Space Force VAFB; Carlos Gonzalez, American Water MSG; Cindy Scheid, Morehart Land Co; Dakota Corey; Damaris Hanson; Daniel Covarrubias, American Water; Daniel Drugan; Danny Durbiano; David Matson, Goleta WD; fzenker@co.slo.ca.us; Gabriele Cook, City of Santa Barbara; Haggmark, Joshua N.; Howard Laguna - Morehart Land Co.; Jaime Vidales; Jason Heering, Space Force VAFB; Jeff Densmore, SWRCB Division of Drinking Water; Joe Come; John Sanchez, City of Buellton; Leo Rainwater, Golden State Water Co.; Lopez WTP Operators; Luke Deras, AM Water; Mario Villarreal, American Water; Mark Zimmer, Golden State Water Co.; Mary Robel; Mary McMaster; Mike Alvarado, LaCumbre Mutual Water Company; Mike Mathews, City of Solvang; Mike Schwartz, CMC Water Treatment Plant; mike.babb@gswater.com; Natalie Correa, Golden State Water; Nick Johnson; Nick Turner, Montecito Water District; Norma Rosales (norma@cvwd.net); Olivas Rojas, Montecito Water District; Paeter Garcia; Pernell Rush (pernell.rush@us.af.mil); Peter Sevcik, Nipomo Community Services District; Randy Murphy, City of Solvang; Ray Stokes; Raymond Dienzo, Nipomo Community Services District; Rose Hess, City of Buellton; Ryan Drake (RDrake@goletawater.com); Sarah Knecht, City of Santa Barbara; Scott Buffaloe (CA Men's Colony); Shad Springer, City of Santa Maria ; Stephanie Hastings; Tifani Woolsey, American Water; Toby Moore, Golden State Water Co; Todd Bodem, City of Guadalupe; Todd Suter, City of Santa Maria; Wes Thomson, SLO County
Cc: Lisa F. Watkins; Brandon L. Ladd; Todd A. York; Thomas Petersen
Subject: 2024 DWR Scheduled Coastal Branch Shutdown Notice
Attachments: 2024 Coastal Branch Shutdown Notice.pdf

CCWA Project Participants-

Please see attached memo regarding the 2024 Coastal Branch shutdown scheduled to begin on **Monday, October 28**. Feel free to contact me with any questions.

Thanks,

David Beard
Deputy Director
Central Coast Water Authority
(805) 680-2116

WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



CENTRAL COAST WATER AUTHORITY

MEMORANDUM

September 26, 2024

TO: CCWA Project Participants
FROM: David Beard, Deputy Director/Operations & Engineering
SUBJECT: 2024 DWR Scheduled Coastal Branch Shutdown

The Department of Water Resources (DWR) has finalized its schedule for the annual maintenance shutdown for the Coastal Branch of the State Water Project. This shutdown will require approximately 2½ to 3 weeks, depending on the location of your Turnout. Both DWR and Central Coast Water Authority (CCWA) will complete required maintenance work. To accommodate this work, CCWA will shut down Turnouts as follows:

- All Turnouts will be shut down **between 7:00 AM and 12:00 noon on Monday October 28, 2024.**

The shutdown maintenance work is expected to last 2½ to 3 weeks. Once complete, CCWA will activate Turnouts and resume water deliveries as follows:

- Water deliveries for the Golden State Water Company, City of Santa Maria, City of Guadalupe, Lopez, Chorro Valley and Shandon Turnouts will be targeted to resume between **8:00 AM and 12:00 noon on Tuesday, November 12, 2024.**
- Water deliveries for Vandenberg Air Force Base, City of Buellton, City of Solvang and Santa Ynez RWCD ID#1 Turnouts will be targeted to resume on **Wednesday, November 13, 2024.**

Please be advised that to prepare the pipeline for the duration of the shutdown, the target chlorine residual will be in the 3.3 to 3.5 milligrams/liter range in water delivered during the week prior to the shutdown. This will ensure that water within the pipeline will remain potable throughout the outage. CCWA will also purge a portion of the pipeline by resuming lake delivery operations prior to activating Turnouts on the pipeline.

During the outage, CCWA will have the Water Treatment Plant Clearwell, Tank 2, Tank 5 and Tank 7 available as a limited source of emergency supply. Weekly bacteriologic water quality samples will be collected and analyzed throughout the shutdown period. If your system requires an emergency source of supply during the shutdown, please contact us to coordinate.

If there are any changes to the above schedule, we will inform you as soon as practical. Thank you for your cooperation. If you have any questions, please call me at my office (805) 688-2292 ext. 228 or on my cell phone (805) 680-2116 at any time.

Also, please find attached CCWA flow request procedures. As a reminder, flow changes are conducted once per day for normal operations. However, for emergency situations, flow changes will be accommodated. Please forward the flow request procedures to your operations staff.



CENTRAL COAST WATER AUTHORITY

MEMORANDUM

September 26, 2024

TO: CCWA Project Participants
FROM: David Beard, Deputy Director/Operations & Engineering
SUBJECT: Flow Request Procedures

Since the start-up of the Coastal Branch Phase II pipeline, Central Coast Water Authority (CCWA), in conjunction with the Department of Water Resources (DWR), has developed water-ordering procedures to facilitate our flow requirements made by project participants. Per our agreement, CCWA notifies DWR twenty-four hours in advance of any flow requests by 9:30 a.m. This advance notification allows DWR to schedule the number of pumps and the power required for the next day's operations.

Flow Request Procedures

Routine Changes:

- All normal flow requests must be made **24 hours in advance** through the CCWA main office in Buellton at **(805) 688-2292 x236** (Distribution Control Room), between the hours of 7:00 a.m. and 9:00 a.m. The requested flows are totaled, and then forwarded to Polonio Pass Water Treatment Plant (WTP) staff. The WTP's Operator-in-Charge (OIC), in turn, notifies DWR by 9:30 a.m. of the requested deliveries for the following day.
- If the order needs to be placed prior to 7:00 a.m., CCWA has a voice-mail box strictly for Distribution messages at **(805) 688-2292 x236**, it is checked regularly, including weekends/holidays and after-hours. If you have problems getting to this extension, you can call the WTP at **(805) 463-2212 x314** and the WTP Operator on-duty will notify Distribution staff of your request.
- Normal flow change requests for Mondays should be made on the preceding Friday.

For Emergencies and Weekend Flow changes:

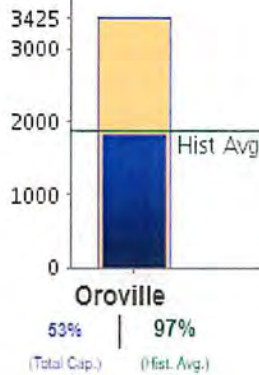
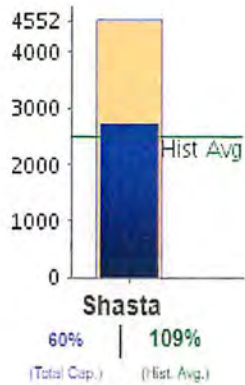
- Emergency flow changes can be made (in most situations) immediately.
- To request emergency flow changes, call the Distribution Operator On-Call at **(805) 245-7054**. If the Distribution Operator On-Call cannot be reached, please leave a message and then call the WTP OIC at **(805) 463-2122 x314**. If the WTP OIC cannot be reached, leave a message and then call the WTP Cellular Phone at **(805) 680-3715**. Messages are checked regularly on a 24-hour basis. The WTP OIC will notify the Distribution Operator On-Call to coordinate the requested flow change. Distribution staff will contact the requesting CCWA Project Participant immediately after the call is received from the WTP OIC and confirm that the change has been made.

Our goal is to continue effective communication and facilitate the needs of each CCWA Project Participant. Please feel free to call myself at 805-688-2292 ext. 228 or Tom Petersen, Distribution Supervisor at (805) 688-2292 ext. 237, if you have any questions or concerns.

CURRENT CONDITIONS: MAJOR WATER SUPPLY RESERVOIRS:08-OCT-2024

Data as of Midnight: 08-Oct-2024

Change Date: 08-Oct-2024

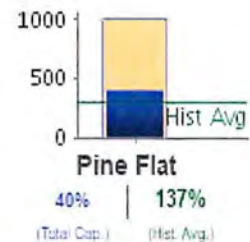
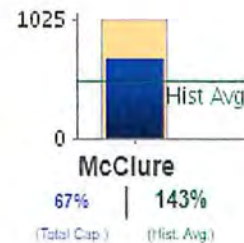
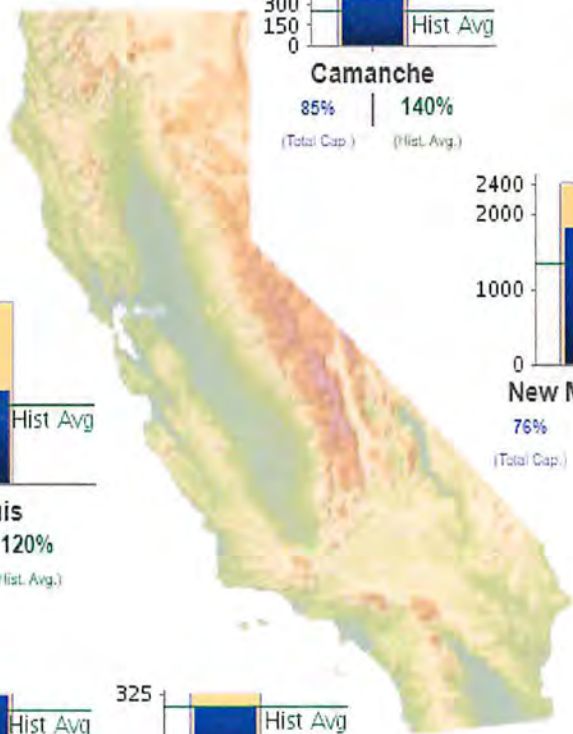
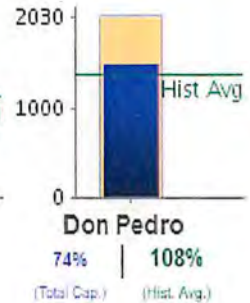
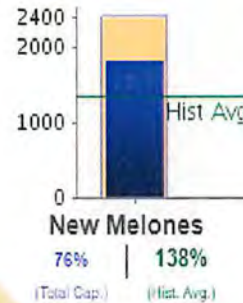
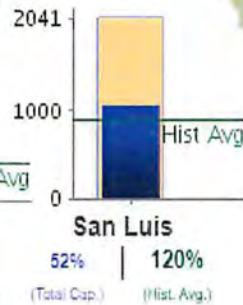
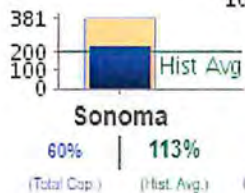
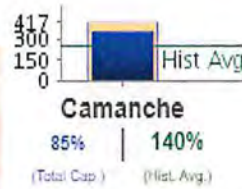
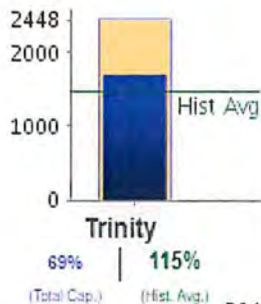


LEGEND

Blue Bar: Storage level for date
 Gold Bar: Total reservoir capacity
 Green Line: Historic level for date.

Capacity (TAF) } Historical Avg Mark

% of Capacity | % Hist. Avg.
 (Click res. 3 char. code for details)



[Click for printable version of current data.](#)

Report Generated: 09-Oct-2024 12:01 PM

The CSI link has been disabled to zoom in, for the lack of historical data.



**A REGULAR MEETING OF THE OPERATING COMMITTEE
of the
CENTRAL COAST WATER AUTHORITY**

will be held at 9:00 a.m., on Thursday, October 10, 2024
at 255 Industrial Way, Buellton

Members of the public may participate by video call or telephone via
Microsoft Teams Meeting ID: 227 057 104 037

Passcode: pQxetz

or via telephone by dialing (323) 484-5095 and entering code 317 116 430#

Public Comment on agenda items may occur via video call or telephonically, or by submission to the Board Secretary via email at bw@ccwa.com no later than 8:00 a.m. on the day of the meeting. In your email, please specify (1) the meeting date and agenda item (number and title) on which you are providing a comment and (2) that you would like your comment read into the record during the meeting. If you would like your comment read into the record during the meeting (as either general public comment or on a specific agenda item), please limit your comments to no more than 250 words.

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I. Call to Order and Roll Call

II. Public Comment – (Any member of the public may address the Committee relating to any matter within the Committee’s jurisdiction. Individual Speakers may be limited to five minutes; all speakers to a total of fifteen minutes.)

III. Consent Calendar

- * A. Minutes of the July 11, 2024 Operating Committee Meeting
Staff Recommendation: Approve Consent Calendar.

IV. Executive Director’s Report

- A. Operations Update
Staff Recommendation: Informational item only.
- B. Water Supply Situation Report
 - i. Overview of Water Transfers
Staff Recommendation: Informational item only.
- * C. Draft Policy on Water Usage to Maintain Pipeline Health
Staff Recommendation: Request Board approval of a policy for allocation of lost water to maintain CCWA pipeline health and approve the application of the approved policy of allocation of lost water to maintain CCWA Pipeline health to the May 2024 loss of water.
- * D. Request for Approval of Carryover of Project Funds from FY 23/24 to FY 24/25 - \$2,510,121.53
Staff Recommendation: Request Board approval of carryover of Project Funds from FY 23/24 to FY 24/25 - \$2,510,121.53
- E. CCWA Water Quality Overview
Staff Recommendation: Informational item only.

V. Reports from Committee Members for Information Only

VI. Date of Next Regular Meeting: January 9, 2025

VII. Adjournment

* Indicates attachment of document to agenda packet

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NOTICE AND AGENDA OF SPECIAL MEETING

**BOARD OF DIRECTORS OF THE SANTA YNEZ RIVER VALLEY GROUNDWATER BASIN
EASTERN MANAGEMENT AREA GROUNDWATER SUSTAINABILITY AGENCY**

**HELD AT
SANTA YNEZ COMMUNITY SERVICES DISTRICT, MEETING ROOM
1070 FARADAY STREET, SANTA YNEZ, CALIFORNIA
6:30 P.M., THURSDAY, SEPTEMBER 26, 2024**

Optional remote public participation is available via Telephone or TEAMS

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AGENDA OF SPECIAL MEETING

1. Call to Order and Roll Call
2. Additions or Deletions to the Agenda
3. Public Comment (Any member of the public may address the Board relating to any non-agenda matter within the Board’s jurisdiction. The total time for all public comment shall not exceed fifteen minutes and the time allotted for each individual shall not exceed five minutes. No action will be taken by the Board at this meeting on any public comment item.)
4. Review and Consider Approval of Meeting Minutes of August 29, 2024
5. Review and Consider Approval of Contract Services Agreement with Aleshire & Wynder, LLP for General Counsel legal services to the Eastern Management Area (EMA) Groundwater Sustainability Agency (GSA)
6. Review and Consider Approval of Professional Services Agreement with Confluence Engineering Solutions for Executive Director services to the EMA GSA
7. Review and Consider Approval of Professional Services Agreement with Water Resources Economics, LLC for Rate Consultant services to the EMA GSA
8. Update on Nominations and Appointments of Agricultural Director and Alternate Agricultural Director for the EMA GSA Board of Directors
9. Update on Executive Order N-3-24 and Recission of Written Verification Requirements
10. Consideration and Possible Action on EMA GSA Resolution No. 2024-002: Resolution of the Santa Ynez River Valley Groundwater Basin Eastern Management Area Groundwater Sustainability Agency Authorizing the Opening of An Account at Five Star Bank
11. Consideration and Possible Action for EMA GSA Website Services
12. Consider Designation of Principal Office of the EMA GSA

13. Consider Date for Next Regular or Special Meeting of the EMA GSA
14. Director Reports and Requests for Future Agenda Items
15. Adjournment

[This agenda was posted at least 24 hours prior to the special meeting at 3669 Sagunto Street, Suite 101, Santa Ynez, California, and SantaYnezWater.org in accordance with Government Code Section 54954. In compliance with the Americans with Disabilities Act, if you need special assistance to review agenda materials or participate in this meeting, please contact the Santa Ynez River Water Conservation District at (805) 693-1156. Advanced notification as far as practicable prior to the meeting will enable the GSA to make reasonable arrangements to ensure accessibility to this meeting.]

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DWR Releases Groundwater Conditions Update Highlighting First Decade of the Sustainable Groundwater Management Act

Published: Oct 07, 2024

Latest report shows that local agencies have made great strides under SGMA, but climate extremes pose challenges

Groundwater levels continued to stabilize and fewer dry wells were reported in the last water year

Sacramento, Calif. – On the heels of the 10-year anniversary of the [Sustainable Groundwater Management Act](#) (SGMA) last month and the start of the new water year, the California Department of Water Resources (DWR) today released its Fall [Semi-Annual Groundwater Conditions update](#).

The recent update, using the most current data and information on groundwater conditions, describes the accomplishments made towards a sustainable groundwater future under SGMA –including rebounding groundwater levels and fewer dry wells reported – as well as the challenges posed by climate extremes, especially extended periods of drought when groundwater is heavily used.

[Groundwater](#) is an important resource that helps sustain communities, households, agriculture, ecosystems and businesses across the state. Nearly 85 percent of Californians depend on groundwater for some portion of their water needs, but managing groundwater is difficult because it is out of sight, beneath our feet. Better data improves our understanding and ability to manage groundwater and prepare for extreme weather events such as droughts and floods. DWR’s Semi-Annual Groundwater Conditions Updates include the latest information on statewide groundwater levels, land subsidence, well infrastructure and the status of California’s groundwater basins.

“With a better understanding of groundwater conditions, state and local agencies can make more informed management decisions that will lead to a sustainable groundwater future under SGMA,” said Paul Gosselin, DWR Deputy Director of Sustainable Water Management. “One of the most significant accomplishments in the first ten years of SGMA has been a great improvement in groundwater data collection and sharing.”

The latest update includes data collected through August 31, 2024. A few of the highlights from the report are provided below:

Sustainable Groundwater Management Act

- SGMA has improved groundwater planning and data collection, enhanced groundwater recharge activities, and fostered local collaboration, positioning the state on a path toward sustainable water management, despite ongoing challenges such as extreme climate fluctuations.
- SGMA has profoundly improved public awareness about groundwater and has fostered proactive and collaborative groundwater management that is addressing long-term challenges of our changing climate and water supply reliability.

Groundwater Levels

- In Water Year 2023, groundwater levels began to rebound from the prior drought years, but only partially. In Water Year 2024, groundwater levels continued to stabilize, but it will likely require several more wet years, along with focused efforts to increase groundwater recharge and reduce pumping, to recover from the most recent and past droughts and decades of overpumping.

Land Subsidence

- Active land subsidence is observed in the Sacramento River, San Joaquin River, and Tulare Lake Hydrologic Regions, as described in the report. (Find the latest land subsidence information: [California's Groundwater Live](#)).
- Similar to what was observed during the 2012–2016 drought, increased groundwater extraction during the most recent drought (2020–2022) resulted in accelerated land subsidence in parts of the Central Valley. The wet spring in 2023 has decreased land subsidence rates for now.
- Like previous dry-wet-dry climate cycles, land subsidence rates are likely to increase again during future dry periods unless long-term groundwater extraction is reduced as part of ongoing sustainable groundwater management.

Well Infrastructure and Groundwater Monitoring Enhancements

- With favorable conditions over the last two years, fewer domestic and irrigation wells were installed in 2024 than any year in the past 10 years since SGMA was passed, and fewer dry wells were reported in Water Year 2024 compared to 2021, 2022, and 2023.
- GSAs are now submitting data from almost 6,000 groundwater monitoring wells. Over 2,300 of those were not previously included in DWR's database.
- DWR, in coordination with GSAs, has installed 221 monitoring wells at 85 sites, providing essential data about groundwater conditions for more informed decision-making.

California's water year runs from October 1 through September 31. After a very wet 2023, Water Year 2024 delivered average precipitation to California along with one of the hottest summers on record and a recent

fall heatwave that dried the landscape and erased some of the benefits of the past two years. Despite favorable conditions over the past two years, some areas of the state continue to experience groundwater level declines, and over the long-term, groundwater storage remains in a deficit.

With a high level of uncertainty about the season ahead, it's important to be prepared for the possibility of extreme weather events including drier than average conditions punctuated by flashy, wet storms. DWR is working with our partner agencies throughout the season to assess, adjust and adapt to changing hydrology conditions in real-time. The State and local agencies will continue monitoring and tracking groundwater conditions and collecting new data allowing locals to better manage water resources including implementing groundwater recharge during average and wet years to ensure groundwater will be available as a buffer for future dry and drought times when it is needed most.

For more information:

- [DWR Semi-Annual Groundwater Conditions Updates](#)
- [California's Groundwater \(Bulletin 118\)](#)
- [California's Groundwater Live](#)
- [Sustainable Groundwater Management Act \(SGMA\)](#)
- [Groundwater Recharge](#)

California's Groundwater Conditions: Semi-Annual Update



OCTOBER 2024

**FALL BULLETIN 118
INFORMATION UPDATE**



CALIFORNIA DEPARTMENT OF WATER RESOURCES

California's Groundwater Conditions Semi-Annual Update: October 2024

Message from DWR Deputy Director of Sustainable Water Management

Ten Years of the Sustainable Groundwater Management Act



Paul Gosselin, DWR Director of Sustainable Water Management

Last month marked the 10-year anniversary of the Sustainable Groundwater Management Act (SGMA), a major milestone for groundwater management in California. In this edition of DWR's Semi-Annual Groundwater Conditions Update, we recognize this important milestone and the accomplishments over the last decade.

One important result of SGMA has been the significant innovations in groundwater data and tools that have substantially enhanced our understanding and management of groundwater resources. In total, over 350 basin-specific groundwater sustainability agencies (GSAs) have been formed in 142 basins, preparing and implementing plans and building local capacity for groundwater planning and management. By April 1, 2022, all GSAs were submitting annual reports to DWR, a requirement under SGMA.

These reports are an important new data source, providing insights into groundwater conditions and the progress being made toward sustainable management across California's groundwater basins.

As part of DWR's technical assistance, in coordination with GSAs, DWR has installed 208 new groundwater monitoring wells at 81 sites across California. These wells track groundwater levels and water quality, providing valuable data and helping GSAs track conditions so they can better plan, prepare and respond to local needs.

Another notable advancement in data resources is the collection of 16,000 miles of Airborne Electromagnetic (AEM) Geophysical Data across 95 basins throughout California, completed by DWR between 2019-2022. This data has provided a much clearer picture of the underground geology, allowing for more informed decision-making and management strategies, including identifying the best locations for groundwater recharge projects.

DWR makes all groundwater related data publicly available through various resources including CNRA Open Data platform, the SGMA Portal, California's Groundwater Live, and

through the [California's Groundwater Bulletin 118](#) suite of reports, including [Semi-Annual Groundwater Conditions Updates](#). This transparency ensures that all interested parties have access to the latest groundwater data and information.

SGMA was signed into law during California's historic 2012-2016 drought, highlighting the need to address diminishing groundwater supplies and the adverse effects of over extraction. Since then, local agencies, with state support, have met every ambitious milestone required by SGMA. Over 98 percent of groundwater pumping in California is now subject to a locally adopted, enforceable groundwater sustainability plan (GSP), Alternative to a GSP, or Adjudication.

Under SGMA, GSAs and other local entities are implementing creative solutions in more than 130 groundwater basins. Innovative local recharge efforts, supported by state initiatives, resulted in a massive managed aquifer recharge of 4.1 million acre-feet in 2023. In some basins, decisions have been made to manage groundwater demand and develop projects and management actions to reduce groundwater pumping and associated overdraft. While these decisions are challenging, GSAs that are developing new demand management and groundwater allocation programs are leading the way in achieving groundwater conditions that support both agriculture and access to water for all beneficial uses and users of groundwater.

Under SGMA, new collaborations and partnerships are forming, including between counties and GSAs, to minimize or avoid impacts on drinking water wells and disadvantaged communities. This collaborative approach between state and local entities is necessary for a sustainable future, as we work together to balance the needs of various interests and ensure the long-term viability of groundwater resources and equitable access to it.

Significant progress has been made since the initial submission of GSPs in 2020 and 2022 under SGMA, but there is still more work to be done. These plans have been updated based on evaluations and recommended corrective actions from DWR, addressing critical issues such as drinking water wells and land subsidence. Plans will continue to be updated and improved over time, ensuring they remain effective and responsive to emerging challenges, and the latest data and science.

Entering the next decade of SGMA, the focus shifts from planning and organizing to implementing projects and management decisions. These efforts aim to bring all groundwater basins subject to SGMA into a sustainable condition by the early 2040s. DWR remains committed to working closely with local GSAs to achieve their basin sustainability goals.

Weather extremes, particularly drought, pose significant challenges for SGMA compliance. GSAs will need to prepare in advance and develop strategies to address ongoing drought cycles and the associated increased reliance on groundwater. This includes creating incentives and streamlined processes for groundwater recharge and reducing groundwater

demand and use. Funding these projects will require a concerted effort and commitment from GSAs, cities, counties, and state and federal partners to support all beneficial uses and users in their basins. The plans adopted and submitted in 2020 are now undergoing their first periodic updates to explain progress, update plans as necessary, and continue filling data gaps to inform projects and management strategies. DWR is confident that local GSAs will reach their sustainability goals under SGMA, ensuring sustainable agriculture, drinking water supply, and healthy ecosystems.

I am pleased to share this latest edition of DWR's Semi-Annual Groundwater Conditions Update, which provides an overview of groundwater conditions in Water Year 2024 and recognizes the accomplishment of ten years of groundwater management under SGMA.

A handwritten signature in black ink that reads "Paul Iselle". The signature is written in a cursive, flowing style.

Deputy Director, Sustainable Water Management, California Department of Water Resources

Executive Summary

The Sustainable Groundwater Management Act (SGMA), enacted in 2014, has fundamentally transformed California's groundwater management approach. Over the past decade, SGMA has improved groundwater planning and data collection, raised public awareness, enhanced recharge activities, and fostered local collaboration, positioning the state on a path toward sustainable water management, despite ongoing challenges such as extreme climate fluctuations.

Currently, most of California's high- and medium-priority basins and adjudicated areas, which account for 98% of the state's total groundwater supply, are managed under a Groundwater Sustainability Plan (GSP), alternative plans, or through adjudication. Many low-priority basins have voluntarily adopted SGMA guidelines, demonstrating broad participation in sustainable practices. SGMA has played a crucial role in increasing public awareness of groundwater's importance and fostering local collaboration. With support from Groundwater Sustainability Agencies (GSAs) and the state's financial, technical, and regulatory backing, innovative strategies such as groundwater recharge projects and demand reduction have emerged, strengthening California's water resilience.

Although rainfall increased in 2023 and precipitation was average in 2024, California continues to face a cumulative precipitation deficit from 2000 to 2024, exacerbating groundwater depletion. This underscores the need for sustainable water management strategies that prioritize recharge and conservation. While recent wet years have helped stabilize groundwater levels, California's future will likely see continued fluctuations between wet and dry periods, making adaptive management practices essential.

One of SGMA's major achievements in its first decade has been significantly improving groundwater monitoring, with nearly 9,000 wells monitored in Water Year (WY) 2024, including the addition of nearly 2,400 new wells since the program's inception. Advanced technologies, such as 156 telemetered wells, provide near real-time data, with 28% of groundwater measurements reported within 30 days in WY 2024.

Despite recent wetter conditions leading to some recovery in groundwater levels, long-term trends show persistent concerns, particularly in the San Joaquin and Tulare Lake hydrologic regions, where more than 50% of wells reported below-normal levels in WY 2024. In contrast, the Coastal regions have seen improvements, with only 24% of wells below normal. Long-term data reveals that more than half of California's groundwater wells have experienced declining trends over the last 20 years, underscoring the effects of over-extraction and drought.

Land subsidence, a consequence of excessive groundwater extraction, has been somewhat mitigated by recent wetter conditions, but it remains a significant concern in areas like the Central Valley, where it has damaged roads, levees, wells, water conveyance and other infrastructure. Advanced monitoring techniques, such as satellite data and continuous GPS stations, have improved subsidence monitoring and support active management, but reducing groundwater pumping remains essential to prevent further damage.

SGMA's first decade has laid a solid foundation for sustainable groundwater management in California, though challenges remain. As the state faces unpredictable climate extremes, SGMA offers a vital framework for ensuring long-term groundwater sustainability. Moving forward, local agencies must accelerate recharge efforts, enhance monitoring technologies, and promote water conservation. Collaboration among the state, GSAs, local agencies, and the public will be crucial in achieving SGMA's goals and protecting California's water future.

Groundwater supplies almost 60% of California's water in dry years, with over 80% of Californians depending on it for some portion of their supply. It serves as a critical drought buffer and a key element of the state's climate adaptation strategy. However, without sustainable groundwater management, issues such as overdraft, dry wells, land subsidence, stream depletion, and water quality degradation can occur, as has been seen historically. Governor Newsom's drought emergency proclamations have strengthened the state's drought response by accelerating data collection, improving dry well reporting, enhancing drinking water assistance, and fast-tracking groundwater recharge projects under certain conditions to mitigate drought impacts.

In conclusion, while the progress made during SGMA's first decade is commendable, the path ahead requires sustained commitment and innovation. Addressing groundwater depletion, particularly in key regions, will demand increased recharge efforts, reduced demand, and expanded monitoring. With continued investment and collaboration, California can overcome its challenges and secure a sustainable water future by 2040.

This semi-annual report is the latest in a series of Semi-annual Groundwater Conditions Updates, last published in May 2024. These semi-annual reports are part of the informational resources associated with DWR's California's Groundwater (Bulletin 118). This update uses groundwater data received electronically by DWR as of August 31, 2024 and partially reflects the impacts of climatic conditions and natural and managed aquifer recharge. However, it should be noted that groundwater response is a slow process and takes months to years to fully respond to changes in surface water conditions. The most recent groundwater data is available on the California's Groundwater Live website, which is updated daily as data is received by DWR. Additional data and information are available in the CNRA Open Data and Water Data Library websites.

Key Findings

10 years of Sustainable Groundwater Management Act

- The implementation of SGMA has changed statewide water management and through efforts of local groundwater sustainability agencies, and state support, California is on track for a sustainable groundwater future.
- SGMA has set an ambitious goal for GSAs to reach sustainable groundwater conditions by 2040/2042 with first GSPs having been adopted in 2020/2022 and Alternatives adopted in 2017.
- As a result of SGMA and the efforts over the last 10 years, we have greatly improved groundwater data collection providing a better understanding of California's groundwater conditions.
- SGMA has profoundly improved public awareness about groundwater and the importance of protecting this valuable resource and has fostered proactive and collaborative groundwater management that is addressing long term challenges of our changing climate and water supply reliability.

Precipitation and Groundwater

- California has seen some recovery in groundwater levels thanks in part to increased rainfall following the WY 2020 to WY 2022 drought. Despite the wet WY 2023 and average WY 2024 hydrologic conditions, some areas in the state continue to have groundwater level declines.
- Despite record precipitation in some parts of the state in WY 2023 followed by average precipitation in WY 2024 the cumulative departure from the average annual statewide precipitation (**Figure 4**) for the 2000-2024 period shows that there is an accumulated precipitation deficit. Groundwater level and storage data similarly reflect decreasing long-term trends.

Groundwater Levels

- In WY 2023, groundwater levels began to rebound from the prior drought years, but only partially. WY 2024 helped continue to stabilize groundwater levels. It will likely require several more wet years, along with focused efforts to increase recharge and reduce pumping, to recover from the most recent and past droughts and the cumulative depletion of groundwater aquifers that has occurred over decades.
- The one-year and ten-year change data (**Figure 6 and 8**) show more wells with higher groundwater elevations than those in past years. However, over the last 20 years (**Figure 9**) more than 50% of monitoring wells in the state had a decreasing trend in groundwater elevations.

- In the Tulare Lake and San Joaquin River Hydrologic Regions, over 50% of groundwater elevations were below normal in monitoring wells in WY 2024 (**Figure 7**). In contrast, over 50% of groundwater elevations were above normal in monitoring wells throughout the Coastal Hydrologic Regions. Overall Statewide, only 24% of groundwater elevations were below normal with over 40% above normal.

Land Subsidence

- Between July 2023 and July 2024, a time of abundant surface water supplies and reduced groundwater pumping, an area of approximately 500 square miles experienced an uplift of greater than 0.1 feet, while an area of about 3,000 square miles subsided by greater than 0.1 feet. There are no areas that subsided by more than 0.6 feet (**Figure 10**).
- Active land subsidence is observed in the Sacramento River, San Joaquin River, and Tulare Lake Hydrologic Regions (**Figure 11**).

Well Infrastructure and Groundwater Monitoring Enhancements

- Fewer domestic and irrigation wells were installed in 2024 than any year in the past 10 years since the Sustainable Groundwater Management Act was passed (**Table 7**).
- Fewer dry wells were reported in WY 2024 compared to 2021, 2022, and 2023 (**Table 7**).
- GSAs are now submitting data from almost 6,000 groundwater monitoring wells, over 2,300 of those were not previously included in DWR's database. Additionally, DWR, in coordination with GSAs, has installed 221 monitoring wells at 85 sites, helping fill data gaps in monitoring California's groundwater conditions (**Figure 15**).
- Of the nearly 9,000 active groundwater monitoring wells in WY 2024, approximately 30% groundwater measurements were submitted within 30 days of data collection and two percent were telemetered, providing near-real time continuous data. (**Figure 16**).
- DWR has installed and operates 157 groundwater level monitoring sites equipped with telemetry for real-time data collection. Telemetered data provides accurate and timely information essential for informed decision-making, monitoring the effectiveness of water management practices, and identifying areas needing improvement.

Table of Contents

Message from DWR Deputy Director of Sustainable Water Management.....	1
Executive Summary.....	4
Key Findings.....	6
Introduction.....	12
10 years of the Sustainable Groundwater Management Act (SGMA)	12
Precipitation and Groundwater in California	17
Historic Precipitation and Snowpack.....	18
Status of California’s Groundwater Conditions	21
Short-Term Groundwater Conditions	21
Long-Term Groundwater Conditions	25
Land Subsidence	29
Well Infrastructure	33
Domestic Wells	36
Irrigation Wells.....	36
Dry Well Reporting.....	36
Groundwater Reporting Summary.....	40
Closing Thoughts	45

List of Tables

Table 1: Summary of GSP and Alternative approval status of groundwater subbasins as of July 2024.	15
Table 2: Summary of Groundwater Level (GWL) Changes Compared to spring 2023 to 2024 and spring 2014 to 2024 (shown in Figure 6).....	21
Table 3: Statistical Summary of percentile classes for March, April, May 2024 (as shown in Figure 8).....	22
Table 4: Summary of Groundwater Level (GWL) Changes Compared to spring 2014 to spring 2024 (shown in Figure 8).....	25
Table 5: Statistical Summary of Groundwater Level Trend Map (Figure 9)..	26
Table 6: Total Area (in square miles) of Subsidence (Subs.) and Uplift Corresponding to Displacement Rate (ft/yr) for one- year (Figure 10) and five-year (Figure 11).	29
Table 7: Statewide Summary of Newly Installed Domestic and Irrigation Wells and Number of Dry Well Reporting.	34
Table 8: CASGEM migration and new monitoring wells in the SGMA Program that were added to GSP monitoring networks. Based on available data from the SGMA MNM Portal 3/1/2024.....	41

List of Figures

Figure 1: Timeline of accomplishments in the first ten years of SGMA.....	13
Figure 2: Groundwater Management under SGMA: The status of GSP or Alternative Plan in WY 2024. Data available from the SGMA Portal as of 09/05/2024.	16
Figure 3: Statewide Annual Precipitation, NOAA National Centers for Environmental Information, (Climate at a Glance: U.S. Time Series, Precipitation).....	17
Figure 4: Cumulative Departure from Average Annual Statewide Precipitation based on data from NOAA National Centers for Environmental Information, (Climate at a Glance: U.S. Time Series, Precipitation).....	18
Figure 5: WY 2024 Snow Water Content, CDEC (Snowpack Conditions Snow Water Content).....	20
Figure 6: Statewide and hydrologic region groundwater level percentile map for Groundwater wells in March, April, and May. See Table 2 for specific groundwater level statistics. Map and chart are based on data from the DWR Water Data Library as of 08/31/2023.....	23
Figure 7: Statewide and hydrologic region groundwater level percentile map for groundwater wells in March, April, May. See Table 3 for specific groundwater level statistics. Map and chart are based on data from the DWR Water Data Library as of 07/23/2024.....	24
Figure 8: Statewide and hydrologic region groundwater level change map for ten-year period between spring 2014 and 2024. See Table 4 for specific groundwater level statistics. Map and charts based on data from the DWR Water Data Library as of 07/23/2024.....	27
Figure 9: Statewide and hydrologic region groundwater level trend analysis map for WYs 2004-2024. See Table 5 for specific groundwater level statistics. Map and charts based on data from the DWR Water Data Library as of 07/23/2024.	28
Figure 10: Statewide annual subsidence map for July 2023 to July 2024. See Table 6 for specific subsidence level statistics. Map and charts based on data from CNRA Open Data as of 9/19/2024.	30
Figure 11: Statewide average annual subsidence map for July 2019 to July 2024. See Table 6 for specific subsidence level statistics. Map and charts based on data from CNRA Open Data as of 9/19/2024.	32
Figure 12: Statewide newly installed domestic and irrigation wells map for 5-year period from WY 2020 through 2024. See Table 7 for specific well data. Map and charts based on data from the CNRA Open Data as of 08/31/2024.....	35

Figure 13: Statewide one-year reported dry wells issues map for WY 2024 through August 31. See **Table 7** for specific well data. Map and charts based on data from the CNRA Open Data as of 09/06/2024.39

Figure 14: Monthly Dry Well Reporting (October 2014 through August 2024).40

Figure 15: Comparison of groundwater monitoring sites by program. Map and charts based on data from the CNRA Open Data as of 8/30/2024.42

Figure 16: Statewide groundwater level data reported for data collected WY 2024. Map based on data from the CNRA Open Data as of 8/30/2024.44

Paeter Garcia

From: California Water Boards <public@info.waterboards.ca.gov>
Sent: Tuesday, October 8, 2024 4:13 PM
To: Paeter Garcia
Subject: Notice of New SGMA Reporting Requirements in the Tule Subbasin

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New SGMA Reporting Requirements for Groundwater Extractors in the Tule Subbasin

To continue receiving extraction reporting and fee email reminders, sign up to our new "SGMA Groundwater Extraction Reporting and Fees" email subscription at bit.ly/SWRCB-email-subscriptions (under State Water Board General Interests).

This is an email to inform you of new reporting requirements for groundwater extractors (people who pump groundwater) in the Tule Subbasin. The State Water Board mailed these extractors detailed information at the beginning of October about these requirements. Please note that the reporting requirement applies regardless of whether extractors receive notification that they are required to report.

Groundwater extractors within this subbasin are required to track their groundwater use starting **January 1, 2025**, and submit annual groundwater extraction reports by **February 1, 2026**, unless they are *de minimis* extractors. A *de minimis* extractor is a well owner who pumps two acre-feet or less of groundwater per year for domestic purposes only. Additionally, groundwater extractions are excluded from reporting and fee requirements if they: (1) are made within the Delano-Earlimart Irrigation District Groundwater Sustainability Agency or the Kern-Tulare Water District Groundwater Sustainability Agency, (2) are subject to the management actions of one of those GSAs, and (3) are in compliance with the applicable management actions of those GSAs.

Groundwater extractors in the Tule Subbasin who are required to report will need to:

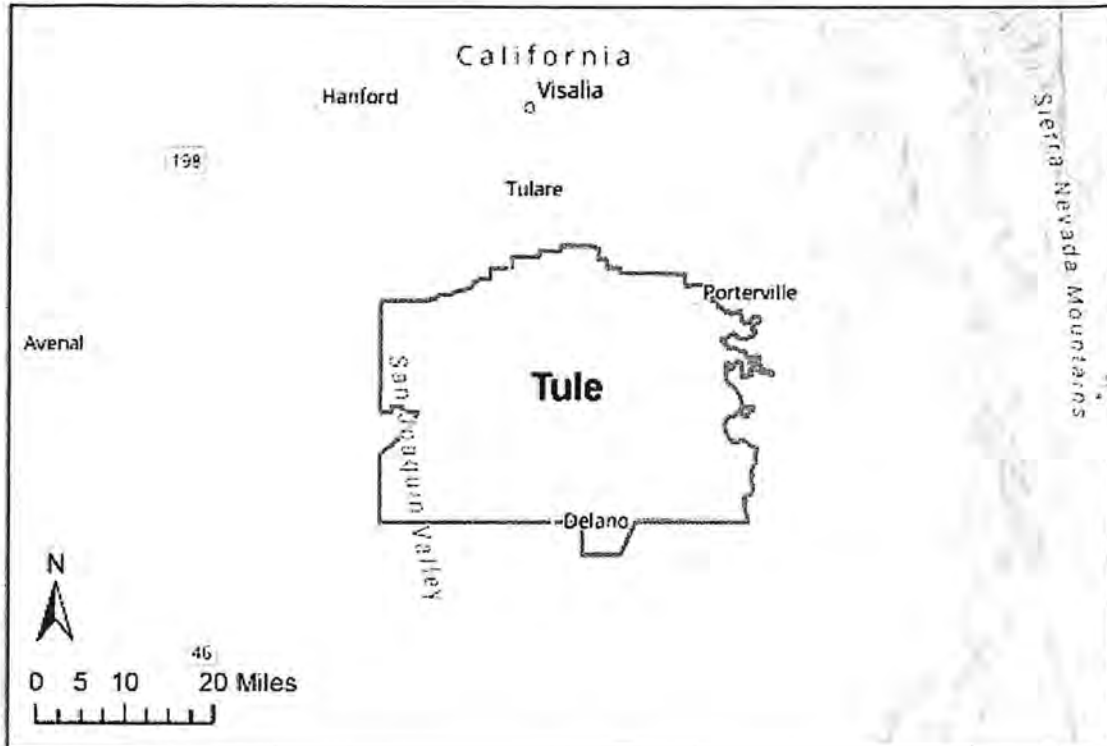
- Begin tracking their groundwater extractions starting **January 1, 2025**, using a device or method satisfactory to the State Water Board. Extractors who pump more than 500 acre-feet per year of groundwater from the subbasin will need to install and use certified flow meters on their wells beginning **March 1, 2025**. The State Water Board has approved evapotranspiration methods as an alternative approach for tracking some large extractions. See the Board's Tule Subbasin webpage for more information.
- Extractors in the Friant-Kern Canal Management Area, who are not de minimis extractors, will also need to begin measuring their extractions on **January 1, 2025** and will need to begin measuring those extractions with a certified flow meter on **March 1, 2025**. See the Board's Tule Subbasin webpage for more information.
- Register active and inactive groundwater wells and, if applicable, submit a groundwater extraction report by **February 1, 2026**, via the Groundwater Extraction Annual Reporting System (GEARS). This report will cover monthly extractions, starting from **January 1st to September 30th, 2025**.
- Pay an extraction fee after submitting a groundwater extraction report. Extractors may request a fee waiver if they meet the eligibility criteria specified in California Code of Regulations, title 23, section 1044. Additional fee waiver guidance is forthcoming and will be posted on the State Water Board's website.

Groundwater extractors in the Tule Subbasin were mailed a Notice of Groundwater Extraction Reporting letter in early October. Each notice letter contained a unique correspondence identification (ID) number, which a reporter will use to create a user account on the Groundwater Extraction Annual Reporting System (GEARS) website. A second copy of the reporting notice letter will be mailed in December; it is important for groundwater reporters to keep track of their unique correspondence ID listed in their notice letters. If you are required to report but did not receive a letter, please contact sgma@waterboards.ca.gov or (916) 322-6508 for a correspondence ID number.

The following resources are available to assist groundwater extractors in the Tule Subbasin with SGMA reporting requirements:

- [Groundwater Extraction Report Quick Guide](#)
- [Groundwater Extractors and State Intervention under SGMA FAQ](#)

If you have questions regarding this information, please contact State Water Board staff by email at sgma@waterboards.ca.gov or by phone at (916) 322-6508.



Map of the Tule Subbasin Boundary

Update your subscriptions, modify your password or email address, or stop subscriptions at any time on your [Subscriber Preferences Page](#).

You will need to use your email address to log in. If you have questions or problems with the subscription service, please visit subscriberhelp.govdelivery.com.

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Home | Drinking Water | Certlic | Drinkingwater | Hexavalent Chromium MCL

Hexavalent Chromium MCL (SWRCB-DDW-21-003)

Background and Additional Resources

- [Frequently asked questions \(FAQ\)](#) | Preguntas frecuentes
- Hexavalent Chromium Information

Summary of Rulemaking

This rulemaking is effective as of October 1, 2024.

MCL: 0.010 mg/L or 10 µg/L

DLR: 0.0001 mg/L or 0.1 µg/L

Hexavalent Chromium MCL Compliance Dates

(from Table 64432-B in 22 CCR 64432)

System Size (Service Connections Served on October 1, 2024)	Hexavalent Chromium MCL Compliance Date
10,000 or greater	October 1, 2026
1,000 to 9,999	October 1, 2027
Fewer than 1,000	October 1, 2028

- Community and Nontransient-noncommunity (NTNC) systems must complete initial sampling by April 1, 2025.
- Compliance plans are required within 90 days for sources that exceed the hexavalent chromium MCL before the applicable date in Table 64432-B.

Sections Affected

Sections Affected: California Code of Regulations, Title 22, sections 64415, 64431, 64432, 64447.2, 64463.4, 64465, and 64481.

Rulemaking Status

This rulemaking is completed.

Inquiries regarding the contents of this regulation may be directed to Bethany Robinson (Bethany.Robinson@waterboards.ca.gov) and Melissa Hall (Melissa.Hall@waterboards.ca.gov).

To request a copy of the Final Statement of Reasons, please email DDWRegUnit@waterboards.ca.gov. A link to this document can also be found farther down this webpage. A business or person submitting a comment regarding this proposed action has the right to request a copy of the Final Statement of Reasons.

Rulemaking Proceedings

- Standardized Regulatory Impact Assessment (SRIA) Submitted to Department of Finance: **13 December 2022**
 - SRIA (see Initial Statement of Reasons, Attachment 2, for updated version following Department of Finance comments)
 - DF-131
- Notice of Proposed Rulemaking Published: (English | Español) **16 June 2023**
 - Initial Statement of Reasons (ISOR)
 - ISOR Attachment 1: Cost Tables
 - ISOR Attachment 2: Standardized Regulatory Impact Assessment (SRIA) and Cost Estimating Methodology (CEM)
 - ISOR Attachment 3: Other Chemicals Above the PHG
 - ISOR Attachment 4: DLR Surveys Summary
 - ISOR Attachment 5: Cost Estimates for Individual Sources



- ISOR Errata Sheet
- Administrative Procedure Act Public Hearing: **2 August 2023**
 - Hearing recording (English | Español)
 - Board staff presentation slides (English | Español)
- Third Revised Notice of Proposed Rulemaking: **4 August 2023**
- Close of 45-Day Public Comment Period: **18 August 2023**
- Notice of Public Availability of Changes to Proposed Rulemaking (English | Español): **22 November 2023**
 - Changes to Text of Proposed Regulations
 - ISOR Addendum
 - Close of 15-Day Public Comment Period: 15 December 2023
- Notice of Public Availability of Additional Documents Relied Upon (English | Español): **31 January 2024**
 - OEHHA. (2023). Public Review Draft of a Proposed Health-Protective Concentration for the Noncancer Effects of Hexavalent Chromium in Drinking Water. California Environmental Protection Agency, Office of Environmental Health Hazard Assessment.
 - SWRCB.(2024). Consolidation and Alternatives Analysis. State Water Resources Control Board
 - Revised Notice of Public Availability of Additional Documents Relied Upon (English | Español): **14 February 2024**
 - Attachment 1 to Consolidation and Alternatives Analysis
 - Close of 15-Day Public Comment Period: **4 March 2024**
- Board Adoption Meeting: **17 April 2024**
 - Agenda
 - Draft Resolution
 - Proposed Regulation Text
 - CEQA Findings and Statement of Overriding Considerations
 - Final Environmental Impact Report
 - Appendix A – Revised Draft EIR Appendix A (Proposed Regulations)
 - Appendix B – Notice of Preparation Comment Letters
 - Appendix C – Revised Draft EIR Appendix C (CEQA Analysis Using SDWIS and GIS Data)
 - Appendix D – Existing Treatment System Information
 - Appendix E – Alternative MCL Source Maps
 - Appendix F – Comment Letters and Public Meeting Transcript
 - Draft Responsive Summary

- Effective Date: **1 October 2024**
- Final Documentation
 - Final Statement of Reasons (FSOR)
 - FSOR Attachment 1: Response to Comments
 - FSOR Attachment 2: Response Dated 1 August 2023 to Timothy Worley (*document available upon request*)
 - FSOR Attachment 3: Response Dated 5 April 2024 to Senator Anna Caballero et al. (*document available upon request*)
 - Updated Informative Digest
 - Final Regulation Text
 - Document Incorporated by Reference: EPA Method 218.6
 - Document Incorporated by Reference: EPA Method 218.7

Rulemaking File

#	Item	Date
1	Certified Resolution	
	Certified State Water Board Resolution 2024-0015, Adopting the Proposed Hexavalent Chromium Maximum Contaminant Level Regulations	4/17/24
	Text of Proposed Regulations (as adopted)	
2	Initial 45-Day Comment Period	
	Notice of Proposed Rulemaking, Public Hearing, and 45-day Notice Period to Consider Proposed Hexavalent Chromium MCL Regulation (English Español)	6/16/23
		7/21/23
	• Revised Notice of Proposed Rulemaking Español	8/01/23
	• Second Revised Notice of Proposed Rulemaking	8/04/23
	• Third Revised Notice of Proposed Rulemaking	
	Initial Statement of Reasons (ISOR) - ISOR Errata	5/4/23

From: Densmore, Jeff@Waterboards
Cc: Salazar, Ingrid@Waterboards; Tan, Laureen@Waterboards; Feliz, Vincent@Waterboards; Singer, Teagan@Waterboards; Karinja, Patrick@Waterboards; Ghavim, Armin@Waterboards; Kitao, Dylan@Waterboards
Subject: Hexavalent Chromium Maximum Contaminant Level and Initial Monitoring Requirements
Date: Tuesday, October 8, 2024 1:15:48 PM

Hello Community and Nontransient-Noncommunity Water Systems,

Below is important information on the new hexavalent chromium regulation and the initial monitoring requirement deadlines.

On October 1, 2024, the Hexavalent Chromium Maximum Contaminant Level (MCL), 10 ug/L, went into effect. According to California Code of Regulations, title 22, section 64432, (a copy of the regulation is linked here: [Final Regulation Text \(ca.gov\)](#)) each community and nontransient-noncommunity water system must initiate monitoring within six months of the October 1, 2024, effective date. Initial monitoring consists of one hexavalent chromium sample from all active groundwater and surface water sources. The samples must be analyzed by a certified lab using either analytical method 218.6 or 218.7. If the sample result exceeds the MCL, then the water system must initiate quarterly monitoring for that source. Standby sources must also be sampled.

Community and nontransient-noncommunity systems that have sampled groundwater sources for hexavalent chromium prior to October 1, 2024 and in accordance with California Code of Regulations, title 22, section 64432, may be eligible to use existing results to satisfy the initial monitoring requirement. The prior samples must have been collected no more than two years prior to the October 1, 2024 effective date and analyzed using an approved method. Water systems must send DDW a request to use this data. DDW recommends that systems submit this request by **November 10, 2024** to allow time for review. If the request is rejected, this leaves time for the water system to collect their initial samples by April 1, 2025. Previous samples taken from surface water sources cannot be used to satisfy initial monitoring.

Below are important dates to remember:

Deadline:	Requirement:
April 1, 2025	Complete initial hexavalent chromium monitoring in accordance with California Code of Regulations, title 22, section 64432.
November 10, 2024 (recommendation)	Contact the Division of Drinking Water with a request to use prior monitoring, if applicable (samples taken after October 1, 2022).

For any questions, please refer to the FAQ on the State Water Board website at https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/Chromium6.html or contact your Division of Drinking Water staff contact or email at

dwpdist06@waterboards.ca.gov.

Sincerely,

Jeff Densmore, P.E.
South Central Section Chief
Central Branch DDW - Division of Drinking Water
1180 Eugenia Place, Suite 200
Carpinteria, CA 93013
805.566.9021

WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



Fact Sheet

Monitoring Hexavalent Chromium in Drinking Water

Information for Laboratories Performing Drinking Water Analysis

Regulatory Requirements for Water Systems

Beginning October 1, 2024, public drinking water systems will be required to monitor for hexavalent chromium [Cr (VI)], in order to demonstrate compliance with a Maximum Contaminant Level (MCL) of 0.010 mg/L. The Division of Drinking Water (Division) incorporated two analytical methods into the regulations that water systems must utilize, EPA 218.6 revision 3.3 (1994) and EPA 218.7 version 1.0 (2011), and water systems must use an Environmental Laboratory Accreditation Program (ELAP) accredited laboratory for the analysis.

To fulfill the California Safe Drinking Water Act requirements, ELAP-accredited laboratories will need to meet the Detection Limit for Purposes of Reporting (DLR) to be able to upload results to the California Laboratory Intake Portal (CLIP). The laboratory must appropriately conduct and document its Limit of Quantitation (LOQ) in accordance with 2016 TNI standard, revision 2.1, volume 1 module 4 requirements, incorporated by reference in ELAP's regulations.

DLR – i.e. the laboratory's highest allowable Limit of Quantitation	MCL – i.e. the drinking water standard
0.0001 mg/L (0.1 ppb)	0.010 mg/L (10 ppb)

Method Selection

Laboratories conducting analysis for drinking water compliance must utilize either EPA 218.6 or EPA 218.7 as written. The two methods contain significant differences and must be followed as written. Laboratories cannot pick and choose requirements from the two different methods. **Laboratories must meet the minimum requirements specified in the method it uses.** Laboratories or water systems interested in utilizing the extended holding time defined in EPA 218.7 are encouraged to seek accreditation to use EPA 218.7.

Unincorporated Guidance

Allowances or requirements of other programs, such as those identified in the Code of Federal Regulations, title 40 part 136, cannot be applied to drinking water compliance samples tested under the Division's requirements. Similarly, old guidance from the US EPA's Unregulated Contaminant Monitoring Rule and old guidance from ELAP when the program was under the California Department of Public Health cannot be followed.



Under the new regulations, **alterations to the method’s defined sample collection and preservation sections are not permitted.** Because no additional requirements outside of the method-defined parameters were incorporated into the Division’s regulation, the methods must be followed without modification. **Laboratories must abide by the holding time and buffers defined in the method the laboratory uses.**

Method Comparison

This list is non-exhaustive and does not supersede or overwrite the requirements within the methods. While ELAP has made every effort to ensure the accuracy of the items below, the laboratory must comply with the requirements within the specific method in which they seek or hold accreditation. Commonly used acronyms or synonyms are used to create parallels between the method terms.

Requirement	EPA 218.6	EPA 218.7
DLR – Maximum LOQ/MRL	0.0001 mg/L (0.1 ppb) (§ 64432)	0.0001 mg/L (0.1 ppb) (§ 64432)
Holding Time	24 hours (Section 8.3)	14 days when preserved (Section 8.4)
Temperature Preservative	4°C (Section 8.3)	6°C (recommended) (Section 8.3)
Chemical Preservative	pH 9-9.5 with (NH ₄) ₂ SO ₄ /NH ₄ OH (Sections 7.9 and 8.2) NOTE: Concentration differs from 218.7 option	pH > 8 with either: (NH ₄) ₂ SO ₄ /NH ₄ OH or CO ₃ ²⁻ /HCO ₃ ⁻ /(NH ₄) ₂ SO ₄ (Section 8.1)
Sample Container	HDPE (Section 6.3)	HDPE or polypropylene, see section 4.1 for exceptions (Section 6.1)
Column type	high-capacity anion exchange resin (Section 6.1.7)	Flexible, see section 6.5.4
Eluent	(NH ₄) ₂ SO ₄ /NH ₄ OH (Section 7.7)	Flexible, see section 7.1
Linear Dynamic Range	Part of the IDP (Section 9.2.3)	Not required
QC Recovery Summary		
Second Source (QCS/ICV)	90-110% (Section 9.3.5)	85-115% (section 9.2.5)
Blanks (LRB/MB)	1 per Batch < MDL (Section 9.3.1)	1 per Batch < 1/3 MRL/LOQ (Section 9.3.1)
Positive Controls (LFB/LCS)	1 per Batch 90-110% (Sections 9.3.2, 9.3.3)	1 per Batch, may count as CCC. 85-115% (section 10.3.1)

Requirement	EPA 218.6	EPA 218.7
Calibration Verification (IPC/CCC/CCV)	1 per 10 samples 95-105% (Section 9.3.4)	Beginning, end, and 1 per 10 samples. (Section 9.3.2) Mid-point: 85-115% low CCC at MRL/LOQ: 50-150% (section 10.3.1)
Matrix Spikes (LFM/LFMD/MS/MSD)	10% of samples (Section 9.4)	1 per analysis batch, and LFMD or duplicate (Section 9.3.4)

Additional Resources

More information on the rulemaking may be found on the Division's website at https://waterboards.ca.gov/drinking_water/certlic/drinkingwater/SWRCBDDW-21-003_hexavalent_chromium.html

Technical Questions regarding methods or laboratory technical requirements can be directed to elapca_technical@waterboards.ca.gov.



Legal Alerts | 10/08/2024

The Shifting Landscape of Water Rate Setting

New legislative developments for a post-*Coziahr* world.

The landscape for water rate setting in California is quickly evolving, and public agencies face growing challenges adjusting to new and complex standards when establishing or increasing water fees and charges. For example, in *Coziahr v. Otoy Water District*, the San Diego Court of Appeal recently struck down Otoy Water District’s tiered water rates, suggesting increased scrutiny on evidence supporting tiered water rates, and further ruled that substantial refunds are available in a Proposition 218 case. The Riverside Court of Appeal is set to hear a similar case concerning San Diego’s water rates.

These cases, in addition to other recent and pending opinions, are part of a growing universe of rate cases that continue to evolve the rate-setting environment for public agencies in California. Partly in response to these challenges, Governor Newsom recently signed three new bills governing rate-setting under Proposition 218. The laws come at a critical time to bolster the ability of public agencies to establish and defend vital revenue streams for property-related services.

BBK will host a webinar series titled “The Shifting Landscape of Water Rate Setting – Proposition 218 Compliance after *Coziahr*” in the month of November to dive more deeply into the implications of these developments. Learn more about the webinar.

In the meantime, below is a brief summary of the new laws that serves as an important reference for rate-setting entities.

AB 1827 - Recovering Incremental Costs for Water Use: Proposition 218 prohibits water providers from imposing fees for water service that exceed the proportional cost of service to a parcel. Courts interpret this restriction to allow public agencies to allocate incremental costs associated with high water use to tiered water rates or fixed charges, provided such rate structures are supported by evidence. AB 1827 codifies this authority, providing specifically that agencies can consider the higher water usage demand of parcels, maximum potential water use, and projected peak water usage to allocate such costs. Public agencies must continue to justify these incremental costs with evidence of higher usage and increased burden.

AB 2257 - Administrative Exhaustion Procedure: California law requires that a litigant first exhaust administrative remedies prior to suing a public agency. However, California courts have previously held that Proposition 218’s notice and public hearing requirements are not themselves an adequate remedy, such that a litigant is not required to object during the notice and public hearing process in order to satisfy exhaustion requirements. AB 2257 incorporates these lessons by establishing an independent administrative remedy that must be exhausted prior to any Proposition 218 litigation.

AB 2257's protections only extend to agencies that choose to meet certain specified requirements and procedures, including:

- The agency must make the proposed rates available at least 45 days prior to the deadline for a property owner to submit objections, and provide notice of the administrative remedy procedure in the public hearing notice.
- The agency must post evidence supporting the rates on the agency's website, and mail it to a property owner upon request.
- The agency must provide property owners with a minimum of 45 days in which to submit a written objection alleging noncompliance with Proposition 218.
- The agency must respond in writing to each written objection prior to the close of the public hearing during which the agency considers adopting the fee or assessment in question.

If an agency complies with the requirements of AB 2257, a potential litigant may only bring litigation after timely submission of a written objection. Further, AB 2257 limits any litigation to the administrative record of the proceedings, which avoids costly discovery and the addition of extra-record evidence.

SB 1072 - Remedies: Proposition 218 does not specify a refund procedure in the event of a violation. However, California courts have previously found that a litigant can obtain a refund for amounts paid in violation of Proposition 218. When a refund is awarded, agencies must generally pass this cost through to all rate payers as part of the agency's cost of service.

SB 1072 seeks to rectify the pass-through cost by providing that an agency must instead credit ratepayers in the amount attributable to the Proposition 218 violation at any subsequent adoption of rates. Thereby reducing the agency's revenue requirement and the amount collected from ratepayers. SB 1072 applies to water, sewer, and solid waste rates.

The bills described above are important developments that attempt to balance the importance and cost of public utility services with the public's right to participate in the rate-setting process and challenge property-related fees. For additional information or to discuss how these developments may impact your agency please contact your BBK attorney. Additionally, be sure to register for our webinar series entitled "The Shifting Landscape of Water Rate Setting – Proposition 218 Compliance After *Coziahr*" for a deeper dive on these bills with industry leaders. Register for the webinar.

Disclaimer: BBK Legal Alerts are not intended as legal advice. Additional facts, facts specific to your situation, or future developments may affect subjects contained herein. Seek the advice of an attorney before acting or relying upon any information herein.

Paeter Garcia

From: Family Farm Alliance Communications <media@familyfarmalliance.com>
Sent: Wednesday, October 2, 2024 6:00 AM
To: Paeter Garcia
Subject: Keppen to Step Down as Executive Director after 20 years

[View this email in your browser](#)



Keppen to Step Down as E.D. New E.D. Search Starts Soon

October 2, 2024

CONTACT:

President Paul Orme at (602)-568-3899 or paulorme@gmail.com
Vice-President Don Schwindt at (970)-739-9748 or donschwindt49@gmail.com
Dan Keppen at (541)-892-6244 or dan@familyfarmalliance.org

(Klamath Falls, OR) - The Family Farm Alliance board of directors has announced that it has initiated a nationwide search for a new executive director. Dan Keppen (OREGON), who has served as the organization's executive director since March 2005, intends to step down from his current position at the Alliance's October 2025 annual meeting in Reno (NEVADA).



“This is the best organization I’ve ever worked for,” said Keppen. “In March 2025, I’ll turn 60, which marks the 20th anniversary of serving as executive director for the Alliance. Next year seems like a logical, symbolic time to hand the reins over to someone else. Plus, the Alliance’s financial position has never been stronger.”

He has served as president of his own water policy consulting firm, Dan Keppen & Associates, Inc. since 2005. Since that time, his primary client has been the Alliance, for whom he has served as executive director under contract.

“The Alliance has received most of my attention for nearly 20 years, but I’ve also worked for other clients throughout the West,” Keppen said. “I will continue to provide communications, policy and technical consulting on Western water issues, although I hope to ramp down the time commitments a bit and spend more time with my family.”

During Keppen's tenure at the Alliance, the organization testified 99 times before Congressional committees. Keppen and the late Patrick O’Toole – who served as president of the Alliance for nearly 19 years before his passing last February – represented the Alliance at half of those hearings.

During that time, the Alliance established a reputation for working across the aisle, avoiding stridency, and not alienating other groups with which they could potentially work.

“The Alliance are the masters of that – working with reasonable NGO groups, Democrats and Republicans,” said Paul Orme, the Alliance’s President of the Board. “Dan Keppen epitomized that philosophy and set the gold standard for executive director.”

Keppen and the Alliance helped lead the steering committee of a 230-organization coalition that secured \$8.3 billion of Western water provisions for the 2021 Bipartisan Infrastructure Law. He also co-founded the Western Agriculture and Conservation Coalition, which has influenced the conservation title of recent farm bills. The organization also worked with Congress and the

Trump Administration to pass and implement legislation that facilitates title transfer of federal water facilities to local entities.

"Dan showed us what could be done, the art of the possible," said Alliance Treasurer Marc Thalacker, the long-time manager of Three Sisters Irrigation District (OREGON), pointing to the behind-the-scenes work the organization spearheaded to on legislation that led to President Obama signing two low-head hydropower streamlining laws in 2013. "That law is helping my district now to generate green power, help with fish populations, and more."

Keppen in December of 2023 notified then-Alliance President Pat O'Toole of his career plans and the two planned to make a public announcement at the February 2024 annual conference in Reno. Unfortunately, with Mr. O'Toole's passing, the board of directors and Keppen decided to delay any public action until today's announcement.

Establishing a transparent process to hire a new executive director and board leadership transition were identified as top Alliance priorities last February. A strategic board retreat was held in Colorado in July, where a search committee was established to develop timelines, mileposts and deliverables associated with finding a new executive director by mid-summer 2025.

"The retreat also served as a kick-off to begin the board's succession discussion, which will continue until late summer 2025, with input from the incoming executive director," said First Vice-President Don Schwindt (COLORADO), who is chairing the Executive Director Search Committee. "Dan Keppen is irreplaceable. Our goal is to find a great candidate with the same strong passion for the Alliance's mission statement that will bring his or her unique attributes to continue strengthening our membership advocacy moving forward."

A formal job announcement for the new executive director's position will be made later this month.

###



Protecting Water for Western Irrigated Agriculture

October 2024
Issue No. 267 13 Pages

Monthly Briefing

A Summary of the Alliance's Recent and Upcoming Activities and Important Water News

Keppen to Step Down as Alliance Director after 20 Years of Service National Search for New Executive Director to be Launched Later This Month

The Family Farm Alliance board of directors has announced that it has initiated a nationwide search for a new executive director. Dan Keppen (OREGON), who has served as the organization's executive director since March 2005, intends to step down from his current position at the Alliance's October 2025 annual meeting in Reno (NEVADA).



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Continued on Page 5

STORIES INSIDE.....

	<u>Page #</u>
Alliance President Meets With Secretary Vilsack	2
Farmer Lobbyists Catch Congress Before Recess...Short-term CR Passed, Still no Farm Bill	3
Western Senators Advance Drought Mitigation Recommendations	5
Senate ENR Subcommittee Considers Western Water Bills	6
House Resources Committee Chair Releases NEPA Reform Package	6
Committee Holds California Field Hearing on Water Issues and Challenges	7
"Waters of the U.S." Update	8
Federal Infrastructure Announcements Continue	10
ESA Modernization and Urban Canal Safety Bills Clear House Committee	11
Reclamation Signs Five New Colorado River Conservation Agreements	12
House Subcommittee Considers Bill Blocking 'BIDEH' Wildlife Refuge Plan	12
House Passes Act to "Fix our Forests"	13

Alliance President Meets with Secretary Vilsack

Water supply, drought resilience and forest health discussed

Family Farm Alliance President Paul Orme joined Phoenix Mayor Kate Gallego and other local stakeholders last month at Salt River Project headquarters for a meeting with U.S. Secretary of Agriculture Tom Vilsack.

“Thank you for the invitation to participate in today’s panel and for your continued engagement on these critical water and drought resilience issues,” Mr. Orme said in his remarks. “Water supply, drought resilience, and forest health are certainly issues that we think about and work on every day.”

Secretary Vilsack was in Arizona to highlight U.S. Department of Agriculture (USDA) investments that protect communities and natural resources from wildfire and drought, expand access to clean energy and create jobs, and build stronger, more resilient communities.

“This morning, with community leaders in Tempe, we discussed @POTUS and @USDA’s historic investments in innovative solutions to help Arizona communities reduce wildfire risk and adapt in the face of drought and other unique challenges related to our changing climate,” Secretary Vilsack yesterday tweeted on the social platform X.

During the roundtable, the Secretary highlighted several investments made to increase wildfire resilience and water savings in Western states, including Arizona.

“We are investing historic resources in innovative solutions to help Arizona communities reduce wildfire risk and adapt in the face of drought,” said Secretary Vilsack. “At the same time, we are looking to the future by investing in clean

energy infrastructure, creating new jobs, and building prosperity in rural communities.”

The roundtable discussion in Tempe provided an opportunity for Mr. Orme and local stakeholders to share with the Secretary their firsthand experiences with the devastating impacts of extreme heat, wildfire, long-term drought and water scarcity.

“The Family Farm Alliance has been working to increase funding for critical USDA programs and having discussions about how to ensure its programs work for farmers and ranchers on the ground,” Mr. Orme told Secretary Vilsack at the roundtable discussion. “So many of these discussions were encapsulated in the Biden-Harris Administration’s Western Water and Working Lands Framework

and we are committed to remain engaged to expand how to apply the important principles in that action plan.”

Mr. Orme also expressed appreciation for the USDA Natural Resources Conservation Service’s work over a 6-year period to establish a 900-acre Agricultural Conservation Easement (ACE) on Orme Ranch in Central Arizona.

“This will keep the land in agricultural production in perpetuity,” Mr. Orme told the secretary. “These ACEs are critical tools that help protect productive farm and ranch lands.”

Mr. Orme concluded his remarks by emphasizing that, now more than ever, it is essential that we protect American agriculture and build a climate resilient food supply chain.

“Of course, in the West that means ensuring we can keep water on the landscape,” he said.



Alliance President Paul Orme delivering the Western water message to USDA Secretary Vilsack. Photo courtesy of USDA.

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Make your tax-deductible gift to the Alliance today! Grassroots membership is vital to our organization. Thank you in advance for your loyal support.

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Farmer Lobbyists Catch Congress Before Recess

Short-term C.R. Passed, Still no Farm Bill

Thirty “farmer lobbyists” from 7 Western states managed to squeeze in 44 meetings in just over two days, catching Members of Congress before they passed a short-term continuing resolution (CR) on September 25 to prevent a looming government shutdown. Committee hearings scheduled for the following day were cancelled, as Hurricane Helene began to veer north out of the Gulf of Mexico towards Florida and the southeast, sparking fears that bad weather would complicate air travel out of DC later in the week.

The Family Farm Alliance's annual Farmer Lobbyist trip is one of the organization's "cornerstone" programs that brings family farmers and water professionals to Washington, D.C. to meet with legislators and Administration policy leaders on critical water issues. The largest group of Alliance members ever to participate in the yearly D.C. fly-in walked the halls of Congress and downtown Washington, D.C., meeting with Biden Administration officials, Members of Congress, and Congressional staffers as part of the 2024 Farmer Lobbyist trip.

“I believe our group made a good impression and provided good input to the decision makers who can positively affect preserving and enhancing water for Western ag,” said Nate Eckloff, who represents Nebraska agriculture on the Alliance board of directors.

Capitol Hill Reception

The highlight of the week for many was a late afternoon reception that took place on the balcony of House Speaker Johnson's office in the Capitol building. While Speaker Johnson did not make an appearance, some other influential House Republicans did, including Natural Resources Committee Chairman Bruce Westerman (R-Ark.), Agriculture Committee Chairman GT Thompson (R-Penn.), staff members from both committees, and Rep. David Valadao (R-CALIFORNIA).

Earlier in the day, the House passed Rep. Westerman's “Fix our Forests Act” with bipartisan support (*see related story, Page 13*).

Mark Limbaugh, Lane Dickson and Chris Griffin of The Ferguson Group (TFG) guided various groups of farmer lobbyists as they crisscrossed Capitol Hill and met with federal agency leaders in downtown Washington, D.C.

“The TFG staff – especially scheduler Tina Dykstra – deserve a shout-out for the incredible itinerary they developed and professional approach they employed in setting up this year's trip,” said Alliance Executive Director Dan Keppen. “They are the best in the business, and we're blessed to have them working on our behalf.”



House Natural Resources Committee Chairman Bruce Westerman (center) discusses the “Fix our Forests Act” with Alliance director Mark Hansen (right) and Advisory Committee member Jeff Payne (left) on the balcony of House Speaker Mike Johnson's office in the Capitol. Photo courtesy of Urban Eberhart

Another Continuing Resolution

On Day 2 of this year's farmer lobbyist trip, the House voted on the Continuing Appropriations and Extensions Act, 2025 (H.R. 9747) by a vote of 341-82, and the Senate followed suit, voting on the legislation that evening 78-18.

House Speaker Mike Johnson (R-LA) originally introduced a six-month CR with the SAVE Act, which would require individuals to provide documentary proof of U.S. citizenship in order to register to vote in federal elections. However, the approach failed after 14 members from his own party voted against the measure, prompting the Speaker to put forth a “narrow, bare-bones CR.”

“The best play under the circumstances was the CR with the SAVE Act,” Speaker Johnson said ahead of the vote. “But we came a

little short of the goal line, so we have to go with the last available play.”

Following the vote, lawmakers left town for month-long October recess and will return after the general election with just 20 legislative days to pass a long-term solution to government funding.

President Biden signed the legislation into law well ahead of the October 1 shutdown deadline.

Senate ENR Markup Cancelled

Following the vote, lawmakers bolted out of town to go on a month-long October recess, and will return after the general election with just 20 legislative days to pass a long-term solution to government funding. Committee hearings scheduled for Thursday were cancelled, as Hurricane Helene began to veer north out of the Gulf of Mexico towards Florida and the southeast, sparking fears that bad weather would complicate air

Continued on Page 4

Congress Passes Short-Term C.R. (Cont'd from Pg. 3)

travel out of DC later in the week.

The Senate Energy and Natural Resources (ENR) Committee cancelled a markup it had planned for September 26, which had over 70 land and water bills on the docket, including several of interest to the Alliance. Several of these marked up bills were the considered earlier in the month by the ENR Water and Power Subcommittee (see related story, Page 6).

"The markup by the full committee will be rescheduled when Congress returns from the election recess in early November," said Mr. Limbaugh.

Pressure for Farm Bill Deal Grows

The farm bill – which historically has passed about every five years - expired at the end of last month, after already being extended an extra year in 2023. Rep. David Scott (D-

GA), the Ranking Member of the House Agriculture Committee, listed a deal on the \$1.5 trillion bill as a top priority in the lame-duck session, while House Democratic and Republican coalitions wrote letters pressing leadership to prioritize it. Democrat and Republican leaders of both the House and Senate agriculture committees met on September 26 to discuss potential next steps.

In a letter to Speaker Mike Johnson (R-La.) and other GOP leaders, the lawmakers — including Agriculture Chair Thompson — said farmers "do not have the luxury of waiting" until next year for enactment of the bill, given growing economic challenges.

Chairman Thompson told *The Hill* that getting a deal in the lame-duck session isn't "highly likely, but I'm an eternal optimist, and I'm going to work hard every day to make that happen."



With Hurricane Helene impacting weather across the mid-Atlantic seaboard, the Capitol emptied out once Congress passed the CR (above). Idaho farmer lobbyists walk the halls on their way to meet with their Congressional delegation (above R). A couple of cowboy lobbyists review the Mall from the balcony of the House Speaker's office. Photos courtesy of Urban Eberhart and Dan Keppen.

"Agriculture in the West will not exist without passing sound legislation and developing reasonable policy around water management. The only way for this to occur is through exceptional leadership. The Family Farm Alliance did this by bringing seven states together as a unified voice to help ensure a sustainable future for agriculture in the West."

Brooke White, Executive Director Central Valley Project Waters Users and 2024 Farmer Lobbyist

Western Senators Advance Drought Mitigation Recommendations

On August 7, Senators Michael Bennet (D-COLORADO) and Roger Marshall (R-KANSAS) wrote a letter asking Secretary of Agriculture Tom Vilsack to adapt the USDA's drought mitigation programs to provide sufficient resources to Western farmers and ranchers.

The letter included testimony and recommendations from producers, water managers, and state officials gathered at a field hearing held in Burlington, Colorado in June.

"Colorado and Kansas producers told us they cannot survive the current levels of drought unless we make serious changes to how we address it," said Senator Bennet. "Their field hearing testimonies were invaluable, and now we need the assistance from our USDA programs and upcoming Farm Bill to reflect the unique challenges they are facing."

The letter outlines recommendations for the Conservation Reserve Program, the Environmental Quality Incentives Program (EQIP), the Watershed and Flood Prevention Program (PL-566), research and data, and scaling voluntary water conservation programs.

All of these programs are administered by USDA's Natural Resources Conservation Service (NRCS).

"The USDA must implement the EQIP water management entity provision that allowed the NRCS to enter contracts with entities such as irrigation districts, ditch companies, and groundwater management districts to implement voluntary regional-scale water conservation and efficiency improvements," the letter reads. "Despite this authorization, NRCS has not widely utilized this new authority within western states, partly due to limited NRCS guidance on how best to implement these provisions in line with the statute and limited financial and technical resources."

The Family Farm Alliance – working with the Western Agriculture and Conservation Coalition (WACC) – successfully advocated for the provision that allows irrigation districts to contract with NRCS on EQIP in the last farm bill.

The August 7 letter also recommends modernizing PL-566 to meet increasing demands and unique western water challenges, which aligns with similar advocacy advanced by the Alliance and the WACC.

"We heard the problems and complications loud and clear – it's now time to focus on solutions," said Senator Marshall.

***"We heard the problems and complications loud and clear – it's now time to focus on solutions."
Senator Roger Marshall (R-KANSAS).***

Keppen to Step Down as Alliance ED in Oct. '25 (Cont'd from Pg. 1)

During that time, the Alliance established a reputation for working across the aisle, avoiding stridency, and not alienating other groups they could potentially work with.

"The Alliance are the masters of that – working with reasonable NGO groups, Democrats and Republicans," said Paul Orme, the Alliance's President of the Board. "Dan Keppen epitomized that philosophy and set the gold standard for executive director."

Keppen and the Alliance helped lead the steering committee of a 230-organization coalition that secured \$8.3 billion of Western water provisions for the 2021 Bipartisan Infrastructure Law. He also co-founded the Western Agriculture and Conservation Coalition, which has influenced the conservation title of recent farm bills. The organization also worked with Congress and the Trump Administration to pass and implement legislation that facilitates title transfer of federal water facilities to local entities.

"Dan showed us what could be done, the art of the possible," said Alliance Treasurer Marc Thalacker, the long-time manager of Three Sisters Irrigation District (OREGON), pointing to the behind-the-scenes work the organization spearheaded to on legislation that led to President Obama signing two low-head hydropower streamlining laws in 2013. "That law is helping my district now to generate green power, help with fish populations, and more."

Keppen in December of 2023 notified then-Alliance President Pat O'Toole of his career plans and the two planned to make a public announcement at the February 2024 annual conference in Reno. Unfortunately, with Mr. O'Toole's passing, the board of directors and Keppen decided to delay any public action until today's announcement.

Establishing a transparent process to hire a new executive director and board leadership transition were identified as top Alliance priorities last February. A strategic board retreat was held in Colorado in July, where a search committee was established to develop timelines, mileposts and deliverables associated with finding a new executive director by mid-summer 2025.

"The retreat also served as a kick-off to begin the board's succession discussion, which will continue until late summer 2025, with input from the incoming executive director," said First Vice-President Don Schwindt (COLORADO), who is chairing the Executive Director Search Committee. "Dan Keppen is irreplaceable. Our goal is to find a great candidate with the same strong passion for the Alliance's mission statement that will bring his or her unique attributes to continue strengthening our membership advocacy moving forward."

A formal job announcement for the new executive director's position will be made later this month.

Senate ENR Subcommittee Considers Western Water Bills

The Senate Energy and Natural Resources (ENR) Subcommittee on Water and Power on September 11 held a legislative hearing to consider 16 bills.

"We submitted written testimony for the hearing record that addressed 11 of those bills," said Alliance Executive Director Dan Keppen. "Several of the bills discussed at the hearing focus on federal water infrastructure, and six of them are related to the Colorado River, which supports some 40 million residents across seven Western states."

The bills formally supported by the Alliance are summarized in the inset box on this page.

The Alliance testimony expressed support for S. 4576, the Colorado River Basin System Conservation Extension Act, co-sponsored by Senators Barrasso (WYOMING) and Hickenlooper (COLORADO), while also expressing concerns with the federal implementation of this program.

"We have members in the Upper Basin who view this program simply as a means of paying West Slope farmers not to farm, with absolutely no assurances that the saved water will find its way downstream into Lake Powell," said Mr. Keppen. "We need the federal government to continue work with states and stakeholders on looking at the proper mix of conservation of water use and storage up and down the River."

Senate water bills recently supported by the Family Farm Alliance

- S. 4016, to amend the Boulder Canyon Project Act to authorize the Secretary of the Interior to expend amounts in the Colorado River Dam fund, and for other purposes (Sinema);
- S. 4242/H.R. 4385, to extend the authorization of the Reclamation States Emergency Drought Relief Act of 1991, and for other purposes (Hickenlooper/Lummis);
- S. 4458, to reauthorize the Reclamation Rural Water Supply Act of 2006, and for other purposes (Rounds/Klobuchar);
- S. _____, to amend the Aquifer Recharge Flexibility Act to clarify a provision relating to conveyances for aquifer recharge purposes (Risch);
- S. _____, to authorize additional funding for the San Joaquin River Restoration Settlement Program (Padilla);
- S. _____, to establish an interest-bearing account for the non-Federal contributions to the Lower Colorado River Multi-Species Conservation Program (Padilla);
- S. _____, to establish the Integrated Water Management Federal Leadership Committee and to provide for improved drought resilience and dam safety (Padilla);
- S. _____, to make certain modifications to the repayment period and payment of interest for the Fryingpan-Arkansas project in the State of Colorado (Bennet); and
- S. _____, to prohibit the use of amounts from the Upper Colorado River Basin Fund to implement a certain record of decision (Lee).

House Resources Committee Chair Releases NEPA Reform Package

House Natural Resources Chair Bruce Westerman (R-Arkansas) has unveiled draft legislation to overhaul the National Environmental Policy Act (NEPA), part of the ongoing debate in Congress on project permitting.

"America's permitting process is broken," said Chairman Westerman, when the bill was introduced on September 11. "Today, we are taking major steps to reform the NEPA process that radical special interest groups have weaponized to block projects ranging from transportation and infrastructure to forestry, conservation and energy development."

Rep. Westerman has been negotiating changes to NEPA with Rep. Scott Peters (D-CALIFORNIA), but the recently released discussion draft appears to be a Republican-only effort. The Committee will conduct a hearing on this matter this week. The Alliance provided input to Committee staff as this legislation was being crafted.

The legislation would make clear that NEPA forces agen-

cies to consider the environmental impact of projects but doesn't dictate results. It would also limit the scope of reviews. That includes requiring agencies to only consider environmental impacts within the head agency's jurisdiction and control. The plan would also place restrictions on new scientific research, according to a fact sheet.

Among other things, the bill attempts to raise the threshold for triggering NEPA reviews by specifying that a project getting federal funds is not enough to trigger a "major federal action." When it comes to litigation, only people and groups who participated in the comment process would be allowed to challenge a permit. Complaints would have to be related to those comments. And, lawsuits challenging categorical exclusions would be barred.

"This ensures that only pertinent information is considered, reducing unnecessary delays and making the process more predictable," the fact sheet says.

Committee Holds California Field Hearing on Water Issues and Challenges *Witnesses included three with Family Farm Alliance ties*

Western Republicans from the U.S. House of Representatives Natural Resources Committee last month conducted a field hearing titled, "Water Abundance: Opportunities and Challenges in California."

"Specifically, this hearing focused on the regulatory and other challenges facing water supply deliveries for farms and communities, the impact this is having on them, and the opportunities to increase water supply and reliability in the Central Valley and across California," said Cannon Michael, who represents San Joaquin Valley farmers and ranchers on the board of directors for the Family Farm Alliance.

Subcommittee on Water, Wildlife and Fisheries Chairman Cliff Bentz (R-OREGON) and U.S. Rep. John Duarte (R-CALIFORNIA) hosted the hearing, which examined California's water supply, including the challenges faced through federal regulations, and connection to our nation's food security.

"Our Central Valley is the backbone of our nation's food supply, yet unreliable water allocations and overreaching regulations continue to hurt our farmers," said Rep. Duarte. "We can do better and we must do better. During the field hearing, we focused on finding common-sense solutions to ensure water abundance and a stable future for our Valley."

Joining Reps. Bentz and Duarte were California GOP Reps. Vince Fong, Doug LaMalfa, Tom McClintock and David Valadao.

Rep. Fong prior to the hearing penned an opinion piece, which explained how essential waterways across California's Central Valley are facing severe subsidence and caving, impeding their ability to effectively transport water, and malforming water conveyance infrastructure.

"In addition, burdensome regulations and government overreach exacerbate these problems, restricting water supply and complicating farmers' efforts to grow the food that sustains our nation and much of the world", Rep Fong wrote.

This field hearing was held at the Hotel Mission De Oro Santa Nella on September 6.

The hearing came just two days after a dozen Republican Members of Congress from California sent a letter detailing concerns regarding the approach taken by the Bureau of Reclamation (Reclamation) and federal fisheries agencies regarding long-term operations of the Central Valley Project (CVP) and State Water Project (SWP).

"We believe that the current approach to Endangered Species Act consultation inappropriately prioritizes environmental goals unrelated to Endangered Species Act compliance at the expense of municipal and agricultural water supplies to support California's people and economy," the Members wrote.

Six witnesses from California's water and agriculture sectors testified at the field hearing, including William Bourdeau, who serves on the Alliance board of directors. Jason Phillips (CEO of Friant Water Authority) and Allison Febbo (General Manager, Westlands Water District) – both Alliance Advisory Committee members – also testified.

"The scarcity of water caused by mismanagement is not just a problem for farmers—it's a problem for everyone," said Mr. Bourdeau. "When farms cannot produce at full capacity, the supply of domestically grown food decreases, leading to higher food prices for all Americans."

Senior level officials

from Interior Department agencies prepared written testimony for the hearing but did not appear in person.

Camille Touton, Commissioner of Reclamation discussed managing the CVP and SWP amidst growing water supply challenges. Fish and Wildlife Service Director Martha Williams discussed the collaborative management of the CVP, SWP and the Klamath Project to benefit agricultural and public water supply, while maintaining habitat for fish.

"In both the Klamath Basin and Central Valley, hydrology is expected to trend drier, which will impact and complicate consultation, restoration, and other long-term planning efforts," Director Williams wrote. "These challenges to our environment and communities must be addressed through collaborative partnerships and transparent processes among a wide variety of stakeholders who work together to develop holistic solutions."



Witness who testified at the September 6 field hearing in Santa Nella (CALIFORNIA) included (from L to R) Jason Phillips (Friant Water Authority), Allison Febbo (Westlands Water District), Rhonda Lucas (Lucas Law), William Bourdeau (Bourdeau Farms LLC), John Herrick (South Delta Water Agency) and Josh Weimer (Turlock Irrigation District).

“Waters of the U.S.” Update

WOTUS Focus on Capitol Hill and in Courtrooms Across the Country

On May 25, 2023, the U.S. Supreme Court issued its landmark decision regarding the definition of “waters of the United States” (“WOTUS”) under the Clean Water Act (CWA) in *Sackett v. Environmental Protection Agency*, 598 U.S. 651 (2023).

The Court expressly rejected the “significant nexus” test employed by the Ninth Circuit Court of Appeals and held that the CWA’s use of “waters” refers only to “geographical features that are described in ordinary parlance as ‘streams, oceans, river, and lakes’” and to adjacent wetlands that are “indistinguishable” from those bodies of water due to a continuous surface connection.

“This significantly narrowed the definition of WOTUS utilized by EPA and the U.S. Army Corps of Engineers,” said Norm Semanko (IDAHO), general counsel for the Family Farm Alliance.

Following the Supreme Court’s decision, EPA and the Army Corps issued a final rule, which became effective on September 8, 2023, amending the agencies’ “Revised Definition of ‘Waters of the United States’” to “conform” the regulations to the *Sackett* decision.

“The Alliance has been tracking the WOTUS ping pong game for the past 16-plus years, as CWA implementation changes with every new occupant in the White House,” said Alliance Executive Director Dan Keppen (OREGON).

The Alliance was also part of an “agriculture” amicus brief in support of the *Sacketts* that was submitted to the Supreme Court in 2022.

Mr. Semanko and Todd Ungerecht (IDAHO), the Alliance’s policy advisor, have been tracking recent WOTUS litigation and Congressional hearings associated with WOTUS implementation by federal agencies in the post-*Sackett* era.

T&I Hearing on Post-Sackett WOTUS Implementation

Todd Ungerecht reports that the U.S. House Transportation and Infrastructure Committee’s Subcommittee on Water Resources and Environment on September 11 heard testimony raising concerns regarding the Biden Administration’s implementation of the WOTUS regulations and guidance, following the U.S. Supreme Court’s ruling in *Sackett v. EPA*.

In his opening statement, Chairman David Rouzer (R-NC) noted the lack of transparency and consistency in federal implementation of regulations following the *Sackett* ruling.

“The Clean Water Act was never envisioned for the federal government to have control over every ditch and mud puddle,” the chairman noted. “The Supreme Court’s ruling in *Sackett v. EPA* last year provided a decisive win for America’s farmers, small businesses, and property owners. Yet, despite the Court’s clarity, there remains a distinct incongruence in the ruling and the latest definition of the WOTUS from this Administration, which has led to a new round of legal challenges and additional confusion.”

Chairman Rouzer introduced into the record letters from a variety of mining, contractors, and 24 states’ attorney generals, requesting a federal court to vacate the EPA and Army Corps’ post-*Sackett* amended WOTUS rule, stating the rule violated the Administrative Procedures Act and does not properly follow the Supreme Court ruling.

The hearing featured testimony from states and stakeholders representing agriculture and home builders, each of whom raised concerns about the lack of transparency and lack of guidance on the Army Corps’ and EPA’s interpretation and implementation of the Supreme Court’s ruling, their revised rule and field guidance, and the resulting delays, costs, and uncertainty to stakeholders.

Emma Pokon, representing the State of Alaska’s Department of Environmental Conservation testified that states are better situated to make judgment calls about the level of regulatory protection most appropriate for each state’s citizens, but that federal agencies aren’t deferential to states.

“Federal agencies are reluctant to trust states; instead, they continue to grope for complete authority over all waters,” she stated.

Post-*Sackett*, Pokon noted, “nothing has changed,” with regard to federal implementation, and that the federal agencies aren’t clear about whether they are looking for surface water or looking to flow of water to indicate connectivity of water between wetlands and federal jurisdictional water.

Courtney Briggs, Chairman of the Waters Advocacy Coalition (WAC) of the American Farm Bureau, testified that the federal agencies’ failure to clarify the meaning of “relatively permanent” and “continuous surface connection,”—two crucial terms for defining the scope of federal jurisdiction—put farmers and rural businesses at risk of being held criminally liable for honest mistakes, facing as much as \$64,000 per day for every day of noncompliance or jail time.

“To put it simply, WAC members are tired of playing agencies’ never-ending guessing games,” she said.

Ms. Briggs further pointed out the agencies’ development of “secret” rule implementation guidance with strict instructions they do not share it publicly. Her membership, through Freedom of Information Act (FOIA) requests, obtained 1,123 pages of documents that the agencies heavily redacted stating the text was “deliberative.”

“The agencies implementation improv is a flagrant abuse of power and a blatant disregard for public transparency,” she said. “They are relying on memos haphazardly placed on websites without public notice, each giving a small snippet on how they’re implementing this rule, thus leaving stakeholders to play “connect-the-dots” with their livelihoods on the line.”

In response to a question from Congressman Doug LaMalfa (R-CALIFORNIA) as to the ability of California farmers to operate with CWA exemptions, Briggs responded, “the ag exemptions are only as good as how well they’re written. . . There’s always an asterisk associated with ag exemptions—

Continued on Page 9

T&I Hearing on “WOTUS” (Cont’d from Pg. 8)

they can be taken away any time the federal agencies deem appropriate.”

Congressman John Duarte (R-CALIFORNIA) noted the status of Army Corps’ slow pace of permit processing and that they are not even doing delineation verification mapping of wetlands.

Ms. Briggs responded that according to many of her members, issuance of “approved jurisdictional determinations (“AJDs”) are not happening,” and that the Army Corps is often prioritizing AJDs that are connected to a permit.

“What this is effectively doing is pushing landowners into PJD’s,” conceding everything is under federal CWA jurisdiction, she said.

A PJD is “preliminary” in the sense that a recipient of a PJD can later request and obtain an AJD if that becomes necessary or appropriate during the permit process or during the administrative appeal process.

Nicole Rowan, director of the Colorado Water Quality Control Division, offered the perspective of the first state enact stiffer wetlands protections in response to *Sackett*. While the program has the support from industry groups and the conservation community, it has not been inexpensive.

“We had to put state dollars together to fund this program and be able to issue timely permits in the ways that our regulated community deserves and desire,” Ms. Rowan said. “We’ve been really focused on filling the gap that *Sackett* left behind.”

Vince Messerly, on behalf of the National Association of Home Builders, testified that the federal agencies’ WOTUS implementation is also driving up the costs to build homes, and that the delays and costs for permits were extraordinarily expensive.

“A basic permit is \$70,000 for mitigation, consulting fees, attorneys’ fees, easily puts it over \$100,000 for just a general permit,” he testified.

WOTUS Litigation Update

The Biden Administration’s revised WOTUS implementation rule was immediately met with several legal challenges, which claimed that the new rule falls short of complying with the Supreme Court’s ruling. Other post-*Sackett* lawsuits have involved as-applied challenges, questioning EPA’s authority over certain wetlands.

Here is a summary of some of the key cases, prepared by general counsel Norm Semanko.

Texas and Idaho v. EPA

U.S. Dist. Ct. for the S. Dist. of Texas

Texas and Idaho have filed a motion for summary judgment, seeking to have the Amended WOTUS Rule struck down as inconsistent with the Court’s holding in *Sackett*. They specifically pointed to the rule’s failure to define key

terms from the Court’s holding and its omission of the “indistinguishable” requirement. They also argued that the rule is due no deference following the Supreme Court’s ruling in *Loper Bright v. Raimondo*, 603 U.S. ____ (2024), which did away with the long-standing *Chevron* deference standard previously applied to agency interpretations of ambiguous statutes.

Similar arguments against the Amended WOTUS Rule have been made by 24 states in *West Virginia et al. (24 states) v. EPA* in the U.S. Dist. Ct. for the Dist. of North Dakota.

Lewis v. United States, 88 F.4th 1073 (5th Cir. 2023)

The Court of Appeals found that *Sackett* requires a wetland to be indistinguishable from a WOTUS to be jurisdictional. Because there was no evidence of such a connection, the federal government’s claims against Lewis were dismissed, even though the District Court had found in favor of the U.S. on summary judgment, pre-*Sackett*.

Glyn Envtl. Coal., Inc. v. Sea Island Acquisition

LLC, U.S. Dist. Ct. for the S. Dist. of Georgia (2024)

The District Court recognized that a wetland must be “practically indistinguishable” from a WOTUS and ruled that the amended complaint must be dismissed because it failed to plausibly allege that such facts existed. This decision is on appeal to the Eleventh Circuit Court of Appeals.

White v. EPA

U.S. Dist. Ct. for the E. Dist. of North Carolina (2024)

U.S. District Court Judge Boyle denied White’s Motion for Preliminary Injunction, concluding that he was unlikely to succeed on the merits of his claims. In doing so, the judge minimized the importance of the word “indistinguishable” in the *Sackett* decision, claiming that it was enough for there to be a continuous surface connection between the wetlands and the WOTUS. This case is on appeal to the Fifth Circuit Court of Appeals.

EPA v. Ace Black Ranches

U.S. Dist. Ct. for the Dist. of Idaho (2024)

Chief U.S. District Court Judge Nye granted Ace Black Ranches’ Motion to Dismiss the claims of the United States for failure to allege facts demonstrating a continuous surface connection between wetlands and the river. EPA was granted 30 days to amend its complaint.

“Until the government has provided more detailed allegations and information, the complaint fails to state a claim upon which relief can be granted and the court must dismiss,” Chief U.S. District Judge David Nye said.

Federal Infrastructure Announcements Continue

As election day nears, leaders in the Biden-Harris Administration continued to distribute hundreds of millions of dollars of funding provided by massive spending bills passed by Congress in 2021 and 2022. Many of these funds will benefit Western efforts to bolster drought resilience as one of the hottest records on summer recedes.

President Biden signed the Infrastructure Investment and Jobs Act (IIJA) into law in 2021, which provides a total of \$8.3 billion to the Bureau of Reclamation over five years for water infrastructure projects, including rural water, water storage, conservation and conveyance, nature-based solutions, dam safety, water purification and reuse, and desalination. Since the IIJA was signed in November 2021, Reclamation has announced more than \$4.1 billion for more than 537 projects.

Less than one year after the IIJA was signed into law, President Biden on August 16, 2022 signed the \$459 billion Inflation Reduction Act (IRA) – a massive health care, climate and tax bill – into law. The legislation provided \$4 billion of funding for Reclamation, intended to address the Western drought crisis, and another \$20 billion to the U.S. Department of Agriculture (USDA) to provide farmers and ranchers climate-smart agriculture tools they need to address the climate crisis.

The IRA also provided \$4.9 billion in additional funding available to the Forest Service to protect communities from wildfire and invest in climate smart forestry. For example, the IRA provided \$1.2 billion to reduce hazardous fuels and wildfire risk to communities, critical infrastructure, and natural resources across the country. Another \$170 million is provided to help conserve private forest lands.

Finally, the IIJA—also known as the Bipartisan Infrastructure Law - provided \$50 billion for drinking water infrastructure investments to the U.S. Environmental Protection Agency (EPA).

The Family Farm Alliance was part of a five-organization steering committee that led over 220 water and agriculture organizations who played a critical role in securing the IIJA and IRA funding for Western water infrastructure and drought mitigation efforts. Both the IIJA and IRA laws collectively provided a once in a generation level of federal funding to support water infrastructure and drought needs in the West.

“September was marked by several IIJA and IRA funding announcements by Reclamation and IRA investments by USDA. Other important IIJA and IRA funding investments were made by USDA and Interior to address wildfire and forest health challenges in the West,” said Alliance Executive Director Dan Keppen.

Wildfire and Forest Health Funding

USDA last month announced the investment of \$100 million in 21 new projects to expand work on the USDA Forest Service’s Wildfire Crisis Strategy to reduce the threat of wildfire in high-risk areas across the country.

“The challenging wildfires of this year have underscored the urgent need to continue to protect our communities and infrastructure by restoring forest health across the country,” said USDA Secretary Vilsack. “We have already made incredible progress, but there is still much to be done. Today’s investment represents an important expansion of our Wildfire Crisis Strategy work to new areas and states.”

The new projects span 14 states and 18 national forests and are part of the \$3.2 billion investment in this comprehensive strategy. The Collaborative Wildfire Risk Reduction Program uses hazardous fuels funds from the IRA to treat additional areas of high wildfire risk where national forests and grasslands meet homes and communities (aka the Wildland-Urban Interface). The program allows national forests, in collaboration with Tribes, communities and partners in qualifying states to build local capacity for projects to reduce wildfire risk and improve forest health.

The Department of Interior (DOI) last month announced \$236 million to support wildland fire management into fiscal year 2025 across the nation. This announcement brings the total the DOI has allocated for wildland fire management from the

IIJA to nearly \$1.1 billion across the nation since it went into effect in fiscal year 2022.

Acting Interior Deputy Secretary Daniel-Davis made the announcement at Saguaro National Park in Tucson (ARIZONA). The state is receiving upwards of \$10 million in this latest allocation, bringing the total funding for wildfire mitigation and recovery in Arizona through the IIJA to more than \$60 million.

“Since the enactment of the President’s Bipartisan Infrastructure Law, the Interior Department has worked quickly to get money out the door and in the hands of states, Tribes and local communities to help combat the ever-growing threat of the climate crisis,” said Acting Deputy Secretary Daniel-Davis. “Communities in the West in particular understand this threat – with increasing temperatures and more severe fires – and the Biden-Harris administration is taking action by investing in comprehensive wildland fire management that is creating more climate-resilient lands across the nation.”



U.S. Secretary of Agriculture Tom Vilsack
Photo Source: USDA

Continued on Page 11

Page 10

ESA Modernization and Urban Canal Safety Bills Clear House Committee

The House Committee on Natural Resources on September 19th held a full committee markup and favorably reported 16 bills.

"From long-overdue reforms to the Endangered Species Act to blocking NOAA's extreme vessel speed rule, this committee is continuing to advance legislation that benefits Americans from all walks of life," said Committee Chairman Bruce Westerman (R-Ark.). "These bills protect communities from wildfires, support forest management efforts in the Lake Tahoe Basin, increase domestic mineral production and more. I'm grateful to my colleagues for their dedicated work on such a wide variety of important issues for men and women in every corner of our country."

Two bills considered by the Committee are of particular interest to Family Farm Alliance members.

H.R. 6107, the Urban Canal Modernization Act, introduced by Rep. Mike Simpson (R-IDAHO), categorizes maintenance work on urban canals of concern and allows the Bureau of Reclamation to assist in covering project costs. The Alliance supports this legislation, as well as H.R. 9533, the *Endangered Species Act (ESA) Amendments Act of 2024*, introduced by House Committee on Natural Resources Chairman Bruce Westerman (R-Ark.).

H.R. 9533 is a comprehensive modernization of the ESA generated by the joint Western Caucus- House Natural Resources Committee ESA Working Group.

"The ESA Amendments Act is the result of this group, and I'm proud to introduce the bill along with Chairman Westerman," said Rep. Dan Newhouse (R-WASHINGTON). "In the fifty years since its enactment the Endangered Species Act has overwhelmingly failed in its mission to recover vulnerable species. This bill will help recover species while allowing rural America to prosper."

Ranch and farming organizations across the country expressed support for the new ESA bill.

"This is a thoughtful bill that responds to farmers' and ranchers' calls for a modernized ESA that encourages voluntary conservation work and focuses on species recovery and habitat conservation in a way that respects landowners," said the American Farm Bureau's Sam Kieffer (Vice President, Public Policy).

"For too long, the Endangered Species Act (ESA) has been weaponized to list species under non-science-based criteria to the detriment of real conservation," added Mark Eisele, a Wyoming rancher and President of the National Cattlemen's Beef Association. "This bill will make the ESA a real tool for conservation, foster transparency, and accountability, and ensure that the environmental contributions from farmers and ranchers are properly recognized."

The Family Farm Alliance also supports the legislation and reviewed and provided input to the committee on earlier drafts of this legislation.

"H.R. 9533 will incentivize the recovery of listed species, promote species conservation on private and public lands, and create greater transparency and accountability in the ESA regulatory process," said Alliance Executive Director Dan Keppen.

Biden-Harris Funding Announcements (Cont'd from Pg. 10)

Reclamation IJA Funding Announcements

Reclamation last month announced the availability of up to \$43.5 million from the IJA for small water storage projects that will create new sources of water for communities in the West.

Surface water and groundwater storage are essential tools in stretching the limited water supplies worsened by a changing climate.

These projects will increase water management flexibility, making water supply more reliable and communities more resilient.

"There is growing recognition among policy makers that water supply enhancement projects must be included in the toolbox used to tackle Western water challenges," said Mr. Keppen.

The Small Storage Program, authorized by the IJA, funds projects with a water storage capacity between 200 acre-feet and 30,000 acre-feet. Please visit Reclamation's Small Storage Program website for more information.

WIFIA Funding Announcement

The U.S. Environmental Protection Agency (EPA) has announced the availability of \$7.5 billion in funding through the Water Infrastructure Finance and Innovation Act (WIFIA) program to support critical water infrastructure projects.

"Good infrastructure is the foundation for delivering clean, safe water to people across the country," said EPA Administrator Michael S. Regan. "With these resources, communities will keep building on progress to replace lead pipes, cut PFAS pollution, and protect people from climate change."

These long-term loans will help communities protect public health, improve environmental outcomes, create over 60,000 jobs, and bolster local economies.

The WIFIA program offers flexible financing options, allowing communities to accelerate projects related to lead pipe replacement, PFAS pollution reduction, and climate resilience.

The WIFIA program has already financed over \$44 billion in projects nationwide.

Reclamation Signs Five New Colorado River Conservation Agreements

The Department of the Interior last month marked major progress for the short and long-term health of the Colorado River System. In Santa Fe, New Mexico, Bureau of Reclamation Commissioner Camille Calimlim Touton joined leaders from the Imperial Irrigation District (California), Bard Water District (California), Metropolitan Water District (California) and Gila River Indian Community (Arizona) to sign five water conservation agreements that will leverage funding to help advance water conservation across the West.

Short-term agreements with the Imperial Irrigation District (IID), Bard Water District and Metropolitan Water District are expected to conserve over 717,000 acre-feet of water by 2026. The agreements with the Gila River Indian Community are the first long-term agreements to be signed and have the potential to create system conservation of over 73,000 acre-feet within the next 10 years.

"We are proud to announce these agreements that will support the long-term health of the Colorado River System by shoring up elevations," said Reclamation Commissioner Ca-

mille Calimlim Touton. "The agreements with the Imperial Irrigation District and the Bard Water District in partnership with the Metropolitan Water District will contribute a significant amount of system conservation through 2026 and the new agreements with the Gila River Indian Community are the

beginning of our long-term investments that will improve the sustainability of our river for generations to come."

IID's 2024-2026 conservation agreement represents the largest federal conservation agreement to date. Combined with a prior 2023 conservation agreement, IID's total conservation will total up to 800,000 acre-feet.

"This agreement is not only a milestone for the Colorado River system but a testament to the hard work and dedication of the Imperial Valley farming community," said Jamie Asbury, IID

General Manager. "Our farmers have made significant sacrifices, adopting sustainable farming practices that should serve as a model for water conservation efforts moving forward. Their commitment to safeguarding this vital resource inspires us all."



Photo courtesy of U.S. Bureau of Reclamation

House Subcommittee Considers Bill Blocking 'BIDEH' Wildlife Refuge Plan

The House Natural Resources Subcommittee on Water, Wildlife and Fisheries last month heard testimony on [H.R. 8632](#), from Rep. Glenn Grothman (R-WI), legislation aimed at blocking the Biden Administration's proposed "Biological Integrity, Diversity, and Environmental Health" (BIDEH) rule, which would impact wildlife refuges across 850 million acres.

The Alliance earlier this year developed detailed comments to the U.S. Fish and Wildlife Service, urging that the agency withdraw the proposed BIDEH rule.

"We were particularly concerned with how the proposed rule mischaracterizes the important relationship that exists between Western waterfowl populations and irrigated agriculture," said Alliance Executive Director Dan Keppen.

Marc Staunton, a young farmer who has many years of experience farming on the lease lands of refuges served by the Klamath Irrigation Project in northern California and southern Oregon, testified at a House oversight hearing last April, and shared his concerns.

"I strongly believe that, done correctly, conservation and agriculture go hand in hand, and that belief is based on life

experience," Mr. Staunton testified. "Any time that our goal of feeding 330 million Americans has a symbiotic relationship with the local ecosystem, I believe we are headed in the right direction."

The rule has faced opposition from other ranchers, farmers, and sportsmen who fear the loss of grazing lands and fewer hunting and fishing opportunities.

The Administration cites climate change and habitat loss as key reasons for the regulation, but critics, including some Democrats, argue that it could negatively impact land use and refuge management.

"I do understand that the Service feels that the biological integrity, diversity and environmental health policies should be updated to meet current challenges, in particular concerning climate change," Rep. Mary Peltola (D-Alaska) said at the April oversight hearing on this matter. "However, this rule doesn't align with the [2016] congressional mandate and supersedes state's management authority by prohibiting state-authorized predator control on the refuge system."

Last month's hearing also heard testimony on four other conservation-related bills.

House Passes Act to “Fix our Forests” Alliance Reps in D.C. Celebrate Passage with Bill’s Sponsor

The U.S. House of Representatives on September 24 passed H.R. 8790, the Fix Our Forests Act, sponsored by House Committee on Natural Resources Chairman Bruce Westerman (R-Ark.) and U.S. Rep. Scott Peters (D-CALIFORNIA). This bipartisan legislation seeks to spur active forest management in the U.S. and protect rural communities in the wildland-urban interface.

“Today, the House took decisive action on the bipartisan Fix Our Forests Act, which will empower local land managers and agencies with tools to enact the most vital forest management projects,” said Chairman Westerman.

“The time to fix our forests is now.”

Later that same day, Chairman Westerman joined Family Farm Alliance “farmer lobbyists” on the balcony of the House Speaker’s office for a reception that was also attended by House Agriculture Committee Chairman GT Thompson (R-Penn.) and Rep. David Valadao (R-CALIFORNIA).

In advance of the House taking up the “Fix our Forests Act” last month, the Alliance signed on to a letter in support of the legislation.

“This legislation will help address our nation’s urgent wildfire management needs and will provide lasting positive impacts on our communities, environment, and economy,” the letter stated, which was also signed on to by the American Farm Bureau Federation, American Forest Resource Council, Association of California Water Agencies (ACWA), California Farm Bureau, Federal Forest Resource Coalition and National Association of Counties.

ACWA coordinated the coalition letter in the week leading up to the House vote.

“Those who live in Western rural timber communities know we can restore dead and dying federal forest lands

through active forest management,” said Family Farm Alliance Executive Director Dan Keppen. “We appreciate ACWA’s leadership in putting together this coalition letter that supports

legislation that will help do this.”

This bipartisan legislation would improve forest management activities and increase wildfire resiliency by improving federal agency collaboration, authorizing targeted environmental streamlining authorities, providing litigation reform, expanding good neighbor authorities, and investing in research and technology aimed at improving forest health.

Reps. Westerman and Peters last June introduced H.R. 8790 and the bill passed the House Natural Resources Committee by voice vote later that



House Natural Resources Committee Chairman Bruce Westerman (R-Ark.) is flanked by Family Farm Alliance “farmer lobbyists” in Washington D.C., the morning after his “Fix our Forests Act” passed with bipartisan support on the House floor. Mr. Westerman also made a brief appearance the prior evening at a Family Farm Alliance reception on the balcony of the Speaker’s Office in the nation’s capitol.

month.

“Our bipartisan Fix Our Forests Act is a comprehensive approach to restore our forests and defend our communities from catastrophic wildfires,” said Rep. Peters when the bill was introduced. “Our legislation meets the enormity of this challenge, gives forest managers the tools they need to conduct their work, and promotes scientifically backed land management methods that have been practiced by Native communities for centuries.”

To date in 2024, 33,631 fires have burned 6,336,634 acres nationwide. Catastrophic fires threaten public health and safety, and adversely affect community resilience and infrastructure.

Catastrophic fires can also impact water supplies. Almost 90% of the people served by public water systems in the Western United States rely on federal forested lands for a portion of their water.

“As the wildfire season ramps up, we encourage Congress to approve and advance the Fix Our Forests Act to the President’s desk without delay,” said Travis Joseph, president, American Forest Resource Council.

CORRESPONDENCE LIST**OCTOBER 2024**

1. September 6, 2024 - Public Records Act Request received from American Transparency
2. September 13, 2024 - Notice and Agenda received from the Santa Ynez River Water Conservation District for the Regular Meeting of the Board of Directors on September 18, 2024
3. September 13, 2024 - Letter from District sent to fourteen customers regarding backflow testing requirement
4. September 15, 2024 - Notice and Agenda received from the Santa Ynez Community Services District for the Regular Board Meeting on September 18, 2024
5. September 16, 2024 - Notice of Cancellation received from Central Coast Water Authority for the September 26, 2024 Board Meeting
6. September 16, 2024 - Water Service Requirements Letter sent for APN 143-191-045
7. September 16, 2024 - Response to Public Records Act request sent from District to American Transparency
8. September 23, 2024 - Notice and Agenda received from Cachuma Operation and Maintenance Board (COMB) for the Regular Board Meeting on September 23, 2024
9. September 19, 2024 - Can and Will Serve Letter sent for APN 143-191-045
10. September 23, 2024 - Letter from District sent to one customer regarding backflow testing requirement
11. September 24, 2024 - Notice and Agenda received from the Santa Ynez River Water Conservation District for the Special Meeting of the Board of Directors for the Santa Ynez River Valley Groundwater Basin Eastern Management Area Groundwater Sustainability Agency on September 26, 2024
12. September 27, 2024 - Notice and Agenda received from the Santa Ynez Community Services District for the Special Board Meeting on October 1, 2024
13. September 27, 2024 - Notice and Agenda received from the Santa Ynez Community Services District for the Wastewater Committee Meeting on September 30, 2024
14. September 30, 2024 - Letter received from County of Santa Barbara Planning and Development regarding Notice of Pending Approval of Land Use Permit for APN 137-030-010
15. October 2, 2024 - Letter from District sent to thirty-eight customers regarding backflow testing requirement
16. October 2, 2024 - Letter from District to American Transparency regarding response to Public Records Act Request
17. October 4, 2024 - Notice and Agenda received from the Los Olivos Community Services District for the Regular Board Meeting on October 9, 2024
18. October 7, 2024 - Letter from District sent to three customers regarding past due water service accounts