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State Water Resources Control Board

## NOTICE OF PUBLIC WORKSHOP

### Temporary Modifications to State Water Project and Central Valley Project Water Right Requirements Related to Delta Flows and Water Quality In Response to Drought Conditions

**Tuesday, May 6, 2014 – 9:00 a.m.**

Joe Serna Jr. - Cal/EPA Headquarters Building  
Coastal Hearing Room  
1001 I Street, Second Floor  
Sacramento, CA 95814

**NOTICE IS HEREBY GIVEN** that the State Water Resources Control Board (State Water Board or Board) will hold a workshop at the time and location noted above to receive public input on a Temporary Urgency Change Petition (TUCP) filed by the California Department of Water Resources and United States Bureau of Reclamation (collectively referred to as Petitioners) to modify water right requirements of the State Water Project and Central Valley Project (Projects) to meet flow and water quality objectives included in the Water Quality Control Plan for the San Francisco Bay-Sacramento/San Joaquin Delta Estuary (Bay-Delta Plan) and the Executive Director's Order approving the TUCP, including the various modifications to each.

This will be an informational workshop only. A quorum of the State Water Board may be present; however, no Board action will be taken.

#### BACKGROUND

On January 29, 2014, the Petitioners filed a TUCP with the State Water Board, Division of Water Rights (Division) requesting approval of a change pursuant to California Water Code section 1435 et seq. and California Code of Regulations, title 23, section 791, subdivision (e). The Petitioners requested temporary modification of their permit and license<sup>1</sup> terms for the Projects included in State Water Board [Decision 1641](#) (D-1641) requiring the Projects to meet specified flow and water quality objectives included in the Bay-Delta Plan. In the January 29 TUCP, the Petitioners generally requested modifications to Delta flow and water quality

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<sup>1</sup> The petition was filed for Permits 16478, 16479, 16481, 16482 and 16483 (Applications 5630, 14443, 14445A, 17512 and 17514A, respectively) of the Department of Water Resources' State Water Project and License 1986 and Permits 11315, 11316, 11885, 11886, 11887, 11967, 11968, 11969, 11970, 11971, 11972, 11973, 12364, 12721, 12722, 12723, 12725, 12726, 12727, 12860, 15735, 16597, 20245, and 16600 (Applications 23, 234, 1465, 5638, 13370, 13371, 5628, 15374, 15375, 15376, 16767, 16768, 17374, 17376, 5626, 9363, 9364, 9366, 9367, 9368, 15764, 22316, 14858A, 14858B, and 19304, respectively) of the United States Bureau of Reclamation's Central Valley Project.

requirements during the season to address critically dry conditions associated with California's ongoing drought, with a specific request to modify Delta Outflows and Exports during February and Delta Cross Channel Gate Closure requirements through May 20.

The State Water Board's Executive Director conditionally approved the January 29, 2014 TUCP on January 31, 2014, and indicated that further modifications to the Order may be made based on public input or changed circumstances. As the result of changed circumstances and subsequent requests from the Petitioners, the Executive Director modified the TUCP Order on February 7, February 28, March 18, April 9, April 11, and April 18, 2014, to extend and change the conditions of the Order. The April 9, April 11, and April 18 modifications addressed some of the proposed changes included in the Petitioners' [April 8, 2014 Drought Operations Plan](#) (DOP) needed through April. The DOP was developed in consultation with the Real-Time Drought Operations Management Team (RTDOMT) established to coordinate Project operations pursuant to the Order, and lays out the Petitioners' proposed range of coordinated operations from April through mid-November. The DOP also identifies proposed changes to the TUCP Order and various Endangered Species Act requirements.

The State Water Board's Executive Director intends to issue an order on or about May 1, 2014, addressing other changes included in the DOP not addressed in the above modifications, as well as objections and protests to the Order received to date. The Order is also planned to be responsive to the issues raised in the petitions for reconsideration that have been received. Those who have filed petitions for reconsideration on past versions of the Order are asked to notify the Board in writing whether the issues raised in their petitions for reconsideration have been resolved based on the updated Order, or if their petitions still should be considered pending.

Additional information concerning the TUCP can be found on the State Water Board's website at: [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/drought/tucp.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/tucp.shtml). Additional information concerning the State Water Board's drought activities can be found on the State Water Board's website at: [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/drought/index.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/index.shtml).

## **MATTERS FOR DISCUSSION**

At the workshop, the State Water Board will receive public input on the Executive Director's upcoming Order and any changes that should be made to it, including whether the Order adequately addresses issues raised in previously submitted objections and petitions for reconsideration.

The State Water Board exercises continuing supervision over temporary urgency change orders and may modify or revoke temporary urgency change orders at any time. The public will have an opportunity to provide input on: 1) the urgent need for the changes; 2) whether the changes may be made without injury to any other lawful user of water; 3) whether the changes may be made without unreasonable effect upon fish, wildlife, or other instream beneficial uses; and 4) whether the changes are in the public interest. The Board will also seek feedback and suggested modifications to the Order to better protect the public interest, health and safety, and beneficial uses of water and prevent the waste and unreasonable use of water.

Following the workshop, the State Water Board may reconsider the Order on its own motion based on information received at the workshop or in response to petitions for reconsideration.

## PROCEDURAL MATTERS

A quorum of the members of the State Water Board may be present at the workshop, however, this will be an informational workshop only and the State Water Board will take no action at the workshop. There will be no sworn testimony or cross-examination of participants, but the State Water Board and its staff may ask clarifying questions. The workshop is an opportunity for interested persons to provide input to the State Water Board. To ensure a productive and efficient workshop, oral comments may be limited to **five (5) minutes** or otherwise at the discretion of the Board Chair. Written comments on the upcoming Order that the State Water Board's Executive Director intends to issue on or about May 1, 2014, should be submitted in conformance with the instructions provided when the Order is released.

## QUESTIONS REGARDING THE WORKSHOP

Questions concerning this notice may be directed to Jean McCue, Water Resource Control Engineer, at (916) 341-5351 or by email at [Jean.McCue@waterboards.ca.gov](mailto:Jean.McCue@waterboards.ca.gov) or Michael Buckman, Chief of the Hearings Unit, at (916) 341-5448 or by email at [Michael.Buckman@waterboards.ca.gov](mailto:Michael.Buckman@waterboards.ca.gov).

## WEBCAST OF WORKSHOP

A broadcast of the May 6, 2014 State Water Board meeting, which will include this Workshop, will be available via the Internet and can be accessed at: <http://www.calepa.ca.gov/broadcast/>.

## PARKING, ACCESSIBILITY AND SECURITY

The Cal/EPA Building is accessible to people with disabilities. Individuals who require special accommodations at the Cal/EPA Building are requested to contact Tanya Cole, Equal Employment Opportunity Office, at (916) 341-5880.

A map to the Joe Serna Jr.-Cal/EPA Building and parking information are available at <http://www.calepa.ca.gov/EPABldg/location.htm>. Due to enhanced security precautions at the Cal/EPA Building, all visitors are required to register with security staff prior to attending any meeting. To sign in and receive a visitor's badge, visitors must go to the Visitor and Environmental Services Center, located just inside and to the left of the building's public entrance. Depending on their destination and the building's security level, visitors may be asked to show valid picture identification. Valid picture identification can take the form of a current driver's license, military identification card, or state or federal identification card. Depending on the size and number of meetings scheduled on any given day, the security check-in could take up to fifteen minutes. Please allow adequate time to sign in before being directed to the hearing.

April 25, 2014  
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Date

  
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Jeanine Townsend  
Clerk to the Board