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## State Water Resources Control Board

### NOTICE OF TEMPORARY URGENCY CHANGE PETITION

### AND

### ADVANCED NOTICE OF PUBLIC WORKSHOP

**NOTICE IS HEREBY GIVEN** that the State Water Resources Control Board (State Water Board or Board) is accepting written public comments on a Temporary Urgency Change Petition (TUCP) filed in response to ongoing critically dry conditions by the California Department of Water Resources and the United States Bureau of Reclamation (collectively Petitioners) requesting changes in water right license and permit terms<sup>1</sup> of the State Water Project (SWP) and the Central Valley Project (CVP) that were imposed pursuant to State Water Board Decision 1641 (D-1641).

**ADVANCED NOTICE IS ADDITIONALLY GIVEN** that the State Water Board will hold a public workshop to receive oral public comments on the TUCP at its regularly scheduled Board workshop on **Wednesday, January 5, 2022, at 9:00 a.m.** Information about participating in and viewing the Board workshop will be provided as part of the forthcoming Board meeting agenda for the January 4 and 5, 2022 Board meeting and workshop and will be posted on the State Water Board's website at least 10 days in advance at: [https://www.waterboards.ca.gov/board\\_info/calendar/#12-2021](https://www.waterboards.ca.gov/board_info/calendar/#12-2021).

#### WORKSHOP INFORMATION

At the workshop, the State Water Board will receive oral public input and comments on the December 1, 2021 TUCP, including whether and under what conditions the TUCP should be approved. The workshop will be informal and will not be an evidentiary hearing. Any comments on the TUCP will not be treated as testimony. Although there will be no sworn testimony or cross-examination of participants, the State Water Board and its staff may ask clarifying questions. A quorum of the State Water Board members may be present, but the Board will not take formal action at the workshop.

#### CHANGES REQUESTED IN THE TUCP

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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.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

On December 1, 2021, the Petitioners filed a TUCP with the State Water Board pursuant to California Water Code section 1435 et seq. in order to temporarily change the Petitioners' permit and license terms and conditions for the SWP and CVP that were imposed pursuant to D-1641 and require the Petitioners to meet specified flow and water quality objectives established in the Bay-Delta Water Quality Control Plan. Unless a shorter time period is specified, the changes sought by a TUCP may remain in effect for up to 180 days. An order approving a TUCP may be modified or revoked at the discretion of the State Water Board, and may be renewed.

As described further in the petition, the December 1, 2021 TUCP seeks modifications to D-1641 requirements during the February through April 2022 time period that, if approved, would modify: (1) required Delta outflow levels depending on conditions and forecasts; (2) allowable exports when unmodified D-1641 Delta outflow requirements are not being met; (3) required San Joaquin River flow requirements; and (4) required Delta Cross Channel (DCC) Gate closure requirements. According to the Petitioners, these changes would allow management of reservoir releases on a pattern that conserves upstream storage for fish and wildlife protection and Delta salinity control while providing critical water supply needs. The petition indicates that if sufficient precipitation were to occur to recover upstream storage, then the Petitioners would resume operating consistent with D-1641.

#### **ADDITIONAL INFORMATION**

To receive additional information related to this and future drought related TUCP requests, interested persons or entities should subscribe to the State Water Board's "Drought Updates" email subscription list which appears in the "Water Rights" section near the bottom of the page at:

[http://www.waterboards.ca.gov/resources/email\\_subscriptions/swrcb\\_subscribe.shtml#dwr](http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml#dwr).

This notice, the Petitioners' TUCP, objections, correspondence, and related information may also be viewed 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).

#### **WRITTEN COMMENTS AND OBJECTIONS**

Pursuant to California Water Code section 1438, subdivision (d), any interested person or entity may file an objection to a TUCP request. Water Code section 1438 describes the procedures for addressing an objection. In order to be fully considered before the State Water Board takes action on the TUCP, any **objections filed in response to this notice should be submitted no later than 12 noon, on Friday, January 7, 2022, to both the State Water Board and the Petitioners**. Please file objections using the petition protest form, which can be downloaded at:

[http://www.waterboards.ca.gov/waterrights/publications\\_forms/forms/docs/pet\\_protest.pdf](http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/pet_protest.pdf).

Send objections or correspondence to the following: 1) the State Water Board, via email to [Bay-Delta@waterboards.ca.gov](mailto:Bay-Delta@waterboards.ca.gov); 2) DWR, c/o James Mizell, via email to [James.Mizell@water.ca.gov](mailto:James.Mizell@water.ca.gov); 3) Reclamation, c/o Amy Aufdemberge, via email to

[Amy.Aufdemberge@sol.doi.gov](mailto:Amy.Aufdemberge@sol.doi.gov); and 4) Reclamation, c/o Kristin White, via email to [knwhite@usbr.gov](mailto:knwhite@usbr.gov).

As identified above, information about participating in and viewing the Board workshop will be provided as part of the forthcoming Board meeting agenda for the January 4 and 5, 2022 Board meeting and workshop and will be posted on the State Water Board's website at least 10 days in advance at:

[https://www.waterboards.ca.gov/board\\_info/calendar/#12-2021](https://www.waterboards.ca.gov/board_info/calendar/#12-2021). The workshop will only be conducted remotely as a result of the COVID-19 emergency and as authorized by Government Code section 11133. The video broadcast will be available at: <https://video.calepa.ca.gov/>.

**QUESTIONS REGARDING THIS NOTICE**

Questions concerning this notice may be directed to Craig Williams at [Craig.Williams@waterboards.ca.gov](mailto:Craig.Williams@waterboards.ca.gov), or to Chris Carr at [Chris.Carr@waterboards.ca.gov](mailto:Chris.Carr@waterboards.ca.gov).

DATE OF NOTICE: DECEMBER 3, 2021