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## State Water Resources Control Board

April 11, 2023

**RESPONSE REQUESTED BY MAY 26, 2023**

### **REQUEST FOR TRIBAL CONSULTATION REGARDING BAY-DELTA PLAN**

Dear Tribal Representative,

The State Water Resources Control Board (State Water Board) respectfully requests the opportunity to consult with your Tribe about the possible amendment to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan) to incorporate a Voluntary Agreement for the Tuolumne River. On April 11, 2023, the State Water Board released a Notice of Preparation (NOP) and a notice of a scoping meeting on May 18, 2023, for the possible amendment of the Bay-Delta Plan related to the Tuolumne River Voluntary Agreement. That notice is attached to this letter for reference. This consultation period is intended to facilitate feedback and engagement from California Native American tribes on the possible incorporation of the Tuolumne River Voluntary Agreement in the Bay-Delta Plan, as well as the overall processes to update and implement the Bay-Delta Plan. We request that you provide written notification of intent to consult via email to Rob McCarthy at: [Robert.McCarthy@waterboards.ca.gov](mailto:Robert.McCarthy@waterboards.ca.gov) within 45 days of receipt of this letter.

#### **Description of the Project**

The project includes possible updates to the Bay-Delta Plan to incorporate the Tuolumne River Voluntary Agreement. In November 2022, the State Water Board received a memorandum of understanding (MOU<sup>1</sup>) for a proposed Tuolumne River Voluntary Agreement. To consider the proposed voluntary agreement, the State Water Board will need to also consider modifications to the Bay-Delta Plan to support those possible changes because the Tuolumne River Voluntary Agreement does not fully conform to the current provisions of the Bay-Delta Plan. To consider changes to the Bay-Delta Plan, the Board will need to prepare a staff report, including a substitute environmental document that documents the possible environmental other impact analyses that is functionally equivalent to the requirements of the California Environmental Quality Act. Additional information regarding the Bay-Delta Plan and the Tuolumne River Voluntary Agreement can be found in the attached Notice of Preparation.

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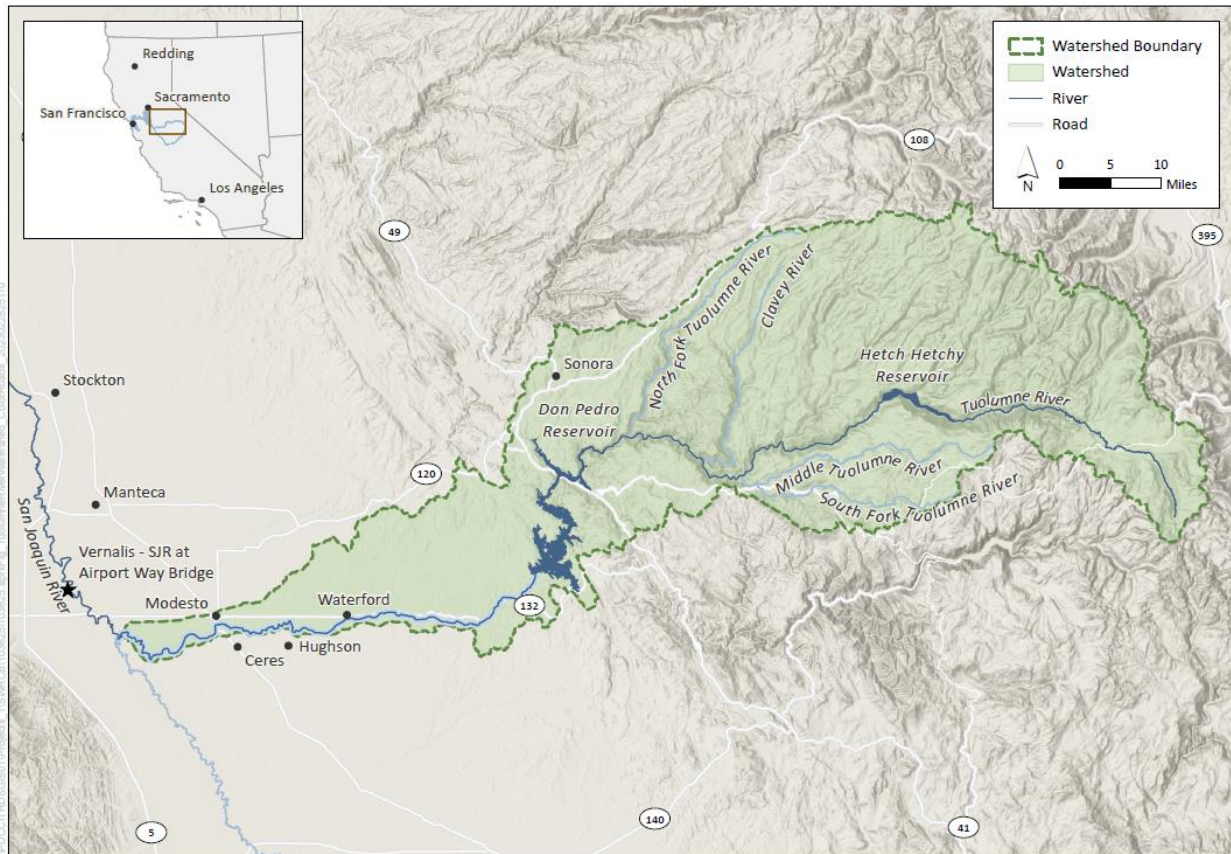
<sup>1</sup> Available at:

[https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/docs/2023/revised-va-mou-swrcb-copy.pdf](https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/docs/2023/revised-va-mou-swrcb-copy.pdf)

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

### Project Location

The possible Bay-Delta Plan amendment for the Tuolumne River Voluntary Agreement covers the Tuolumne River watershed (green area on map) as well as the Lower San Joaquin River (LSJR) and through the Bay-Delta. The project area also covers areas receiving water exported from the Tuolumne River watershed, LSJR, and Bay-Delta that could be impacted by implementation of the Tuolumne River Voluntary Agreement.



### **Consultation Request**

The State Water Board is actively requesting consultation with California Native American tribes consistent with [Executive Order B-10-11](#)<sup>2</sup>, the Board's [Tribal Consultation Policy](#)<sup>3</sup> and [Assembly Bill 2108](#)<sup>4</sup>. This consultation request is focused on the possible Bay-Delta Plan amendment for the Tuolumne River Voluntary Agreement; however, the State Water Board also welcomes ongoing feedback and discussion on the Board's overall efforts to update and implement the Bay-Delta Plan.

We request that you provide written notification of intent to consult with the State Water Board regarding the proposed project within 45 days of receipt of this letter. Written notification of the intent to consult should be provided to Rob McCarthy by email at: [Robert.McCarthy@waterboards.ca.gov](mailto:Robert.McCarthy@waterboards.ca.gov).

In addition to the subject tribal consultation and public scoping meeting, State Water Board staff held a tribal listening session on March 15, 2023, and intend to hold a tribal listening session on May 4, 2023, to continue meaningful engagement with California Native American Tribes. Additional information regarding tribal listening sessions can be found online at:

[https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/tribal\\_coordination.html](https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/tribal_coordination.html)

Additional information regarding the State Water Board's Bay-Delta planning and implementation processes can be found online at:

[https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/](https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/)

Attachment:

1. Notice of Preparation and Notice of Scoping Meeting for Possible Amendments to the Bay-Delta Water Plan to Incorporate Tuolumne River Voluntary Agreement

The MOU is not attached, but may be accessed online at:

[https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/docs/2023/revised-va-mou-swrbc-copy.pdf](https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/docs/2023/revised-va-mou-swrbc-copy.pdf)

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<sup>2</sup> Available at:

<https://www.ca.gov/archive/gov39/2011/09/19/news17223/index.html>

<sup>3</sup> Available at:

[https://www.waterboards.ca.gov/tribal\\_affairs/docs/california\\_water\\_board\\_tribal\\_consultation\\_policy.pdf](https://www.waterboards.ca.gov/tribal_affairs/docs/california_water_board_tribal_consultation_policy.pdf)

<sup>4</sup> Available at:

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB2108](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2108)

**State Water Board Point of Contact**

Rob McCarthy, Tribal Coordinator: Bay-Delta Plan Update & Implementation processes  
State Water Resources Control Board  
Division of Water Rights Mail Room, Attn: Bay Delta Section  
P.O. Box 100, Sacramento, CA 95812-2000  
916-341-5408 | [Robert.McCarthy@waterboards.ca.gov](mailto:Robert.McCarthy@waterboards.ca.gov)

Very Respectfully,



Erik Ekdahl  
Deputy Director, Division of Water Rights  
State Water Resources Control Board

ec: **State Water Resources Control Board**  
Adriana Renteria, Tribal Liaison  
[Adriana.Renteria@waterboards.ca.gov](mailto:Adriana.Renteria@waterboards.ca.gov)

**State Water Resources Control Board, Division of Water Rights**  
Erica Gonzales, Tribal Coordinator  
[Erica.Gonzales@waterboards.ca.gov](mailto:Erica.Gonzales@waterboards.ca.gov)