
State Water Resources Control Board

NOTICE OF AVAILABILITY FOR PUBLIC REVIEW AND COMMENT OF A DRAFT ORDER DENYING IN PART AND GRANTING IN PART PETITIONS FOR RECONSIDERATION OF THE EXECUTIVE DIRECTOR'S JUNE 1, 2021 ORDER CONDITIONALLY APPROVING A PETITION FOR TEMPORARY URGENCY CHANGES TO LICENSE AND PERMIT TERMS AND CONDITIONS REQUIRING COMPLIANCE WITH DELTA WATER QUALITY OBJECTIVES IN RESPONSE TO DROUGHT CONDITIONS; AND THE EXECUTIVE DIRECTOR'S JUNE 10, 2021 SACRAMENTO RIVER TEMPERATURE MANAGEMENT PLAN APPROVAL PURSUANT TO ORDER 90-5

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 draft Order Denying in Part and Granting in Part Petitions for Reconsideration of the Executive Director's June 1, 2021 Order Conditionally Approving a Petition for Temporary Urgency Changes to License and Permit Conditions Requiring Compliance with Delta Water Quality Objectives in Response to Drought Conditions; and the Executive Director's June 10, 2021 Sacramento River Temperature Management Plan Approval Pursuant to Order 90-5 (draft Order). In order to be fully considered, written comments on the draft Order must be received by **12:00 pm (noon) on Friday, January 7, 2022**.

The State Water Board will also hear oral public comments on the draft Order and a 2022 Temporary Urgency Change Petition submitted by the California Department of Water Resources (DWR) and the United States Bureau of Reclamation (Reclamation) requesting additional changes to certain conditions of the water rights for the State Water Project and the Central Valley Project that were imposed pursuant to State Water Board Decision 1641 (2022 TUCP)¹ at its regularly scheduled Board workshop on Wednesday, January 5, 2022. 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/#01-2022.

¹https://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/tucp/docs/2022/2021.12_2022_TUCP.pdf

BACKGROUND

On May 17, 2021, DWR and Reclamation jointly filed a Temporary Urgency Change Petition (2021 TUCP) to temporarily modify terms and conditions in their water right license and permits for the State Water Project and Central Valley Project that require compliance with certain water quality objectives in the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary as required by Revised Decision 1641. On June 1, 2021, the State Water Board's Executive Director issued a TUCP Order conditionally approving the requested changes. The State Water Board received five petitions for reconsideration and numerous objections to the 2021 TUCP Order, which are addressed in the draft Order.

On May 28, 2021, Reclamation submitted a Sacramento River Temperature Management Plan (TMP) for water year 2021 pursuant to Water Right Order 90-5. On June 10, 2021, the State Water Board's Executive Director conditionally approved the TMP. The State Water Board received two petitions for reconsideration of the June 10, 2021 TMP approval, which are also addressed in the draft Order.

The draft Order denies in part and grants in part the petitions for reconsideration. The draft Order determines that approvals of the 2021 TUCP Order and the Sacramento River TMP were appropriate, based on the information available at the time, and therefore the petitions for reconsideration are primarily denied. However, the draft order imposes additional conditions on DWR and Reclamation's water rights in response to substantial issues raised in the petitions to improve future planning for dry conditions.

DOCUMENT AVAILABILITY

The draft Order, written comments received regarding the draft Order, and other related information can be accessed from the State Water Board website at https://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/tucp/.

SUBMISSION OF WRITTEN COMMENTS

Interested persons may submit written comments on the draft Order to the Clerk to the State Water Board. In order to be fully considered, any written comments pertaining to the draft Order must be received by the Clerk to the State Water Board no later than **12:00 pm (noon) on Friday, January 7, 2022**. Comment letters less than 15 megabytes should be submitted electronically (via e-mail), in PDF text format, to the Clerk to the Board at commentletters@waterboards.ca.gov. Please indicate in the subject line "**Comment Letter: 2021 TUCP-TMP Reconsideration.**"

Comments on or objections to the 2022 TUCP should be submitted in accordance with the instructions in the [Notice for the 2022 TUCP](#).² Any combined comments on the draft Order and 2022 TUCP must be submitted as instructed in the [Notice of the 2022 TUCP](#)


²https://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/tucp/docs/2022/20211203-tucp-notice.pdf

and to commentletters@waterboards.ca.gov. Please indicate in the subject line "Comment Letter: 2021 TUCP-TMP Reconsideration/2022 TUCP".

CONTACT INFORMATION

For more information on this matter, please direct questions to Erin Foresman at (916) 341-5359 or Erin.Foresman@waterboards.ca.gov or Chris Carr at (916) 341-5305

December 15, 2021
Date


Jeanine Townsend
Clerk to the Board