

**BAY AREA WATER SUPPLY AND CONSERVATION AGENCY
BOARD OF DIRECTORS MEETING**

November 9, 2018

Correspondence and media coverage of interest between October 19, 2018 and November 6, 2018

Correspondence

Date: November 6, 2018
To: Felicia Marcus, Chairwoman, State Water Resources Control Board
From: Governor Edmund G. Brown, Jr., Lieutenant Governor Gavin Newsom
Subject: Request to postpone the Board's action on the Bay Delta Water Quality Control Plan

Date: November 6, 2018
To: The Hon. London Breed, Mayor, City and County of San Francisco
From: Al Mendall, Chair, BAWSCA Board of Directors
Subject: Veto of San Francisco Board of Supervisors Resolution Favoring the Bay Delta Plan

Date: November 2, 2018
To: President Malia Cohen, San Francisco Board of Supervisors
From: The Hon. London Breed, Mayor, City and County of San Francisco
Subject: Veto of File No. 181014, Resolution Urging Adoption of State Water Board Proposed Updates to the 2006 Bay-Delta Plan and Subsequent Voluntary Agreements
- *With attachment of Press Release on Mayor Breed's veto*

Date: November 1, 2018
To: President Cohen and Honorable Supervisors
From: Harlan L. Kelly, Jr.
Subject: Clarification of SFPUC's position on the Resolution regarding the State Water Resources Control Board's proposed update to the Bay Delta Plan

Date: November 1, 2018
To: The Honorable Senator Jerry Hill
From: Eileen Sobock, Executive Director, State Water Resources Control Board
Subject: Response to August 20, 2018 letter from Senator Hill requesting delay of Board action
- *Copy of August 20th letter attached*

Date: November 1, 2018
To: The Hon. Edmund G. Brown, Jr. Governor, State of California
From: The Hon. Bill Quirk, Assembly Member
Subject: Voluntary negotiated settlement to the Final Bay Delta Plan Update

Date: October 26, 2018
To: The Hon. Edmund G. Brown, Jr., Governor, State of California
From: The Hon. Jerry Hill, Senator, 13th Senate District
The Hon. Kevin Mullin, Assembly Speaker pro Tempore, 22nd Assembly District
Subject: Voluntary negotiated settlement, Bay Delta Plan Update, SWRCB

Media Coverage

Bay-Delta Plan:

Date: November 7, 2018
Source: Modesto Bee
Article: Board agrees to Newsom-Brown request to delay decision on water plan

Date: November 6, 2018
Source: Wall Street Journal
Article: San Francisco's Trump Water Strike

Date: November 5, 2018
Source: California Ag Today
Article: EPA Blasts State's Water Grab (*Copy of letter sent to SWRCB attached*)

Date: November 5, 2018
Source: Sacramento Bee
Article: San Joaquin water plan is good for the Delta and Valley

Date: November 4, 2018
Source: Modesto Bee
Article: State Water Board Member D'Adamo: We must find a better approach

Date: November 2, 2018
Source: San Francisco Chronicle
Article: SF Mayor Breed vetoes supervisors' resolution that supported state river plan

Date: November 1, 2018
Source: Modesto Bee
Article: How next week's expected State Water Board vote could trigger a flood of lawsuits

Date: November 1, 2018
Source: Breitbart
Article: Republic of Thirst, Part 1: Bay-Delta Plan Pits Fish Against Farmers – and San Francisco

Date: October 31, 2018
Source: Breitbart
Article: San Francisco Votes to Starve Itself of Water to Spite Trump; Backs Bay-Delta Plan

Date: October 30, 2018
Source: Sacramento Bee
Article: San Francisco leaders hate Trump enough they voted to limit the city's water rather than do this

Date: October 30, 2018
Source: San Francisco Chronicle
Article: SF supes urge backing off alliance with farmers, Trump on reviving rivers

Date: October 22, 2018
Source: Chronicle Editorial Board
Editorial: San Francisco and its PUC need to innovate on water use

Infrastructure:

Date: November 7, 2018
Source: San Francisco Chronicle
Article: Prop 3: California water projects bond measure goes down to defeat

Date: November 6, 2018
Source: Press Democrat
Article: \$9 billion California water bond trailing in early returns

Date: November 2, 2018
Source: Pacific Standard
Article: If Proposition 3 Passes, 2018 could Become California's Highest-Funded Year for Water Projects in Decades

Date: October 30, 2018
Source: Water Deeply
Article: Massive California Water tunnel Project Forges Ahead on Several Fronts

Date: October 31, 2018
Source: Sierra Sun Times
Article: New Survey Finds Majority Of San Joaquin Valley Voters Support Water Bond Proposition

Date: October 30, 2018
Source: Public Policy Institute of California
Article: Groundwater Management is Key to Adapting to Climate Change

Date: October 29, 2018
Source: Water Deeply
Article: Untangling the Complexities of California's Proposition 3 Water Bond

Date: October 19, 2018
Source: Wall Street Journal
Article: Trump's California Water Relief

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EDMUND G. BROWN JR.
GOVERNOR



GAVIN NEWSOM
LIEUTENANT GOVERNOR

Chairwoman Felicia Marcus
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

November 6, 2018

Dear Chairwoman Marcus:

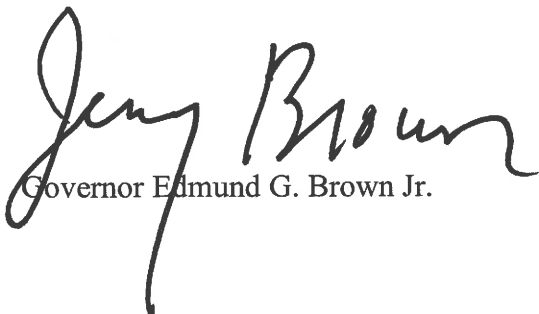
The Board is scheduled to take action tomorrow on a proposal to amend the Bay Delta Water Quality Control Plan, including changes to the minimum flow standards for the Lower San Joaquin River.

We respectfully request a postponement of this item until December 12, 2018.

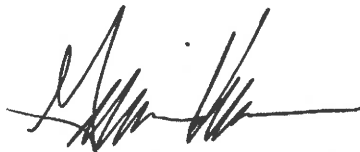
For many months, state agencies, water districts and others have been working hard to achieve voluntary agreements that would meet the requirements of the amendment set for adoption. Significantly, these agreements would obligate water rights holders to improve stream flows and restore habitat.

A short extension will allow these negotiations to progress and could result in a faster, less contentious and more durable outcome. Voluntary agreements are preferable to a lengthy administrative process and the inevitable ensuing lawsuits. During this time, we pledge to actively and meaningfully engage to bring this vital matter to a successful closure.

We agree that the need to improve our aquatic ecosystems is urgent. A lasting and well-thought-out solution will benefit all Californians and our environment.



Governor Edmund G. Brown Jr.



Lieutenant Governor Gavin Newsom

cc: Vice Chair Steven Moore, Board Member Tam M. Doduc, Board Member Dorene D'Adamo and Board Member Joaquin Esquivel

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November 6, 2018

The Hon. London Breed, Mayor
City and County of San Francisco
City Hall, Room 200
1 Dr. Carlton B. Goodlett Place,
San Francisco, CA, 94102

Dear Mayor Breed:

As Chair and on behalf of the Bay Area Water Supply and Conservation Agency's Board of Directors and its 26-member agencies in Alameda, San Mateo and Santa Clara counties, thank you for your forceful letter vetoing File No. 191014, the resolution recently passed by the Board of Supervisors favoring the "State Water Board Proposed Updates to the 2006 Bay Delta Plan."

Also, we appreciate your support for "continuing negotiations to create a solution" that will "ensure a solid future for the Bay Area's water supply."

BAWSCA represents 1.8 million residents, 40,000 businesses, and thousands of community agencies, which get almost all of their water from the San Francisco Regional (Hetch Hetchy) Water System. We agree with you that the best solution for the Bay Delta issue is a negotiated settlement.

The negotiated settlement could result in good public policy. We support the alternative to the State Board Plan developed and supported by the San Francisco Public Utilities Commission and other water agencies.

Your leadership on this matter was very timely and helpful.

Respectfully,

A handwritten signature in blue ink, appearing to read "Al P. Mendall", is written over the typed name "Al Mendall".

Al Mendall

cc: Commissioners of the San Francisco Public Utilities Commission (SFPUC)
Harlan L. Kelly, Jr., General Manager, SFPUC
BAWSCA Board of Directors
Allison Schutte, Hanson Bridgett, LLP

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November 2, 2018

President Malia Cohen
Members, Board of Supervisors
San Francisco City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Dear President Cohen & Members of the Board of Supervisors,

This letter communicates my veto of File No. 181014, a resolution Urging Adoption of State Water Board Proposed Updates to the 2006 Bay-Delta Plan and Subsequent Voluntary Agreements.

We all desire a healthy ecosystem for the Bay-Delta that supports fish and wildlife and provides reliable water delivery to San Francisco and the region. I want to be clear that the health of our environment and adequate water for people does not need to be an either/or alternative. Last minute amendments to this resolution, while intended to bring compromise, failed to ensure that the interests of the people of San Francisco are best protected. In a letter submitted yesterday to members of the Board of Supervisors, the San Francisco Public Utilities Commission clarified this point, and I am convinced that the resolution as passed will impair San Francisco's ability to protect our water supply. As cities plan for increasingly unpredictable rain patterns and longer droughts due to climate change, I cannot put at risk a basic critical resource that 2.7 million people in the Bay Area depend on to live every day.

I remain strongly committed to continuing negotiations to create a solution that will improve the Bay Delta's ecosystem and ensure a solid future for the Bay Area's water supply.

Sincerely,

A handwritten signature in blue ink, reading "London Breed", written over a horizontal line.

London N. Breed
Mayor, City & County of San Francisco

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FOR IMMEDIATE RELEASE:

Friday, November 2, 2018

Contact: Mayor's Office of Communications, 415-554-6131

***** STATEMENT *****
**MAYOR LONDON BREED ON VETO OF BOARD OF
SUPERVISORS RESOLUTION REGARDING CALIFORNIA'S
BAY-DELTA PLAN**

San Francisco, CA—Today, Mayor London N. Breed issued the following statement after she vetoed a resolution passed by the San Francisco Board of Supervisors in support of the State Water Resources Control Board's update of the Bay-Delta Plan.

"We all want the same outcome for the Bay-Delta—a healthy ecosystem that both supports fish and wildlife and provides reliable water delivery to San Francisco and the region. The San Francisco Public Utilities Commission is actively engaged in Governor Brown's settlement discussions to achieve these goals. But while these negotiations continue, it is imperative that we not prematurely limit our options. Upon further review, I believe that the resolution passed by the Board of Supervisors could significantly impair San Francisco's ability to protect our interests on the critical issue of water supply management. We must keep every alternative available, including legal options to protect the City's interests in the event that the negotiations fail.

It is deeply irresponsible for San Francisco to take a position that would jeopardize our water supply, and new analysis by the San Francisco Public Utilities Commission supports this conclusion. As cities plan for increasingly unpredictable rain patterns and longer droughts due to climate change, I cannot put at risk a basic critical resource that 2.7 million people in the Bay Area need to live every day. That is why I am vetoing the Board of Supervisors' resolution to support the State Water Resource Control Board's Proposed Updates to the 2006 Bay-Delta Plan, while continuing to support the SFPUC in the negotiation process."

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Thursday, November 01, 2018

Dear President Cohen and Honorable Supervisors,

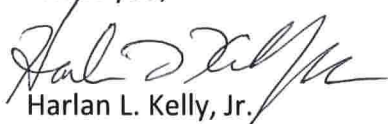
I am writing to clarify the San Francisco Public Utilities Commission (SFPUC)'s position on the Resolution regarding the State Water Resources Control Board's proposed update to the Bay-Delta Plan (Board of Supervisors File No. 181014).

Over the past week, I worked closely with the sponsor of the Resolution, Supervisor Peskin, to draft amendments to the Resolution urging the State to allow key stakeholders, including SFPUC, to continue important voluntary settlement negotiations regarding the substance of the Bay-Delta Plan update. However, after further review, it is clear that the language in this Resolution is counterproductive to our on-going settlement negotiations and does not accurately reflect SFPUC's position on the Plan update.

As we have said all along, the SFPUC agrees with the State's goal of promoting and protecting the salmonid population on the Tuolumne River. While the SFPUC supports the language in the Resolution urging the State Water Board to "allow SFPUC, other water agencies, and environmental and fishing groups to enter into voluntary agreements in a timely manner for consideration by the State Water Board," we do not support adoption of the Bay-Delta Plan update in its current form. Specifically, we cannot support the plan's 40% unimpaired flow requirement because our drought modeling shows it would cause severe water shortages for our 2.7 million Bay Area customers during droughts while providing uncertain benefits to the salmonid population. Rather, SFPUC supports giving key stakeholders more time to negotiate key changes to the Plan update before the State Water Board acts.

Based on our site-specific science, we know that there is a smarter way to achieve better results for both the fish and the people that rely on the Bay-Delta ecosystem. Settlement negotiations are happening now and we are committed to continuing negotiations to create a solution that will improve the Bay Delta's ecosystem and ensure a solid future for the Bay Area's water supply.

Thank you,


Harlan L. Kelly, Jr.

London N. Breed
Mayor

Vince Courtney
President

Ann Moller Caen
Vice President

Francesca Vietor
Commissioner

Anson Moran
Commissioner

Ike Kwon
Commissioner

Harlan L. Kelly, Jr.
General Manager



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State Water Resources Control Board

NOV 01 2018

The Honorable Jerry Hill
California State Senate
State Capitol, Room 5035
Sacramento, CA 95814

Dear Senator Hill:

Thank you for your August 20, 2018 letter to State Water Resources Control Board (State Water Board) Chair Felicia Marcus regarding the State Water Board's proposed amendments to the Bay-Delta Water Quality Control Plan (Bay-Delta Plan) for the Lower San Joaquin River and Southern Delta. Your letter requests the State Water Board to delay action on the staff draft Bay-Delta Plan amendments to allow additional time for affected parties to develop voluntary negotiated settlements. Chair Marcus asked that I respond on her behalf.

As you may know, the Bay-Delta Plan is being updated in two separate efforts or "plan amendments". The first amendment is focused on Lower San Joaquin River flow objectives and salinity requirements in the southern Delta. The second amendment is focused on the Sacramento River and its tributaries, Delta eastside tributaries (including the Calaveras, Cosumnes, and Mokelumne rivers), Delta outflows, and interior Delta flows. The last comprehensive update to the Bay-Delta Plan occurred in 1995. Since that time, there has been a catastrophic decline in fisheries throughout the Bay-Delta system. The proposed Bay-Delta Plan amendments would require maintaining inflow conditions from the salmon-bearing tributaries to the Bay-Delta sufficient to support and maintain viable native fish populations migrating through the Delta. The Board has worked toward these updates since 2009, and we arrive at this point after careful review of all of the comments, information and alternatives that have been presented.

In response to your letter and many other similar letters, the State Water Board deferred taking action at its August 22, 2018, meeting on the proposed Lower San Joaquin River and southern Delta amendments to the Bay-Delta Plan in order to provide stakeholders with additional time to conclude voluntary settlement negotiations and also to provide the Board with additional time to consider information provided at its August 22nd meeting. The Board plans to reconvene on November 7, 2018, to consider adopting the proposed amendments and accompanying environmental analysis.

The State Water Board has consistently indicated its strong support for voluntary settlement agreements because they can provide a faster, more durable solution to reasonably protect beneficial uses in the Lower San Joaquin River and its tributaries. While the Board has authority to set flow requirements to protect native fish populations, the settlement agreements can include a much broader range of actions to help fish and wildlife through efforts like habitat restoration, predation suppression, and the tactical use of flows that can do more at less water

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

cost. Since the State Water Board began the process of updating the Bay-Delta Plan in 2009, the Board and its staff have provided considerable opportunities for such negotiations and for public input and have encouraged such voluntary settlements. The draft plan recognizes that other "non-flow" factors, such as habitat loss, predation, and pollution affect survival rates of fish and other species. As a result, the draft plan has been designed with flexibility to allow for lower river flows if voluntary agreements come to fruition, regardless of whether this occurs before or after Board adoption of the plan. It's important to recognize that the proposed plan update only provides the framework for achieving reasonable protection of fish and wildlife beneficial uses; implementation would occur in the future through water right or water quality proceedings. The State Water Board remains hopeful that there will be a successful and timely conclusion to the negotiations on voluntary settlements.

Please feel free to contact me at (916) 341-5615 or State Water Board Legislative Director Rob Egel at (916) 341-5255, if you have further questions or concerns.

Sincerely,



Eileen Sobeck
Executive Director

cc: Ms. Camille Wagner
Legislative Secretary
Office of the Governor
State Capitol
Sacramento, CA 95814

Christine Hironaka
Deputy Secretary for Legislative Affairs
California Environmental Protection Agency
1001 I Street, 25th Floor
Sacramento, CA 95814

Ms. Felicia Marcus, Chair
State Water Resources Control Board
1001 I Street, 25th Floor
Sacramento, CA 95814

Mr. Robert Egel
Legislative Director
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

California State Senate

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SENATOR
JERRY HILL

THIRTEENTH SENATE DISTRICT



COMMITTEES
BUSINESS, PROFESSIONS &
ECONOMIC DEVELOPMENT
CHAIR
APPROPRIATIONS
ENERGY, UTILITIES &
COMMUNICATIONS
ENVIRONMENTAL QUALITY
GOVERNMENTAL ORGANIZATION

August 20, 2018

Ms. Felicia Marcus, Chair
State Water Resources Control Board
P. O. Box 100
Sacramento, CA 95812

Re: Bay Delta Water Quality Control Plan

Dear Chair Marcus:

I have followed with great interest the State Water Resources Control Board's Bay Delta Water Quality Control Plan (Plan) discussions. The overwhelming majority of constituents and businesses within my district are served by water from the Tuolumne River. All are concerned with issues of supply and flow of the Tuolumne.

I have been approached by interested parties who have expressed concerns with the implementation of the Plan.

I note that Governor Brown has stated his hope for a negotiated voluntary agreement. Your July 6, 2018 comments, as made concurrent with the SWRCB's release of the Draft Final Plan, encouraging people to come together with a voluntary settlement as a way to successfully resolve this critical issue, is sincerely appreciated.

I respectfully urge you to delay any action on the Plan until January 1, 2019 with the expressed purpose of providing a specific time-window for reaching a successful settlement through voluntary, negotiated agreements.

As a state legislator, I am ready to assist the interested parties reach a successful voluntary negotiated settlement agreement on this very important Tuolumne River water supply issue for people and fish. Please let me know how I can be of assistance to you and the State Board on this critical matter.

Very truly yours,


JERRY HILL
Senator, 13th District

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STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0020
(916) 319-2020
FAX (916) 319-2120

DISTRICT OFFICE
22320 FOOTHILL BOULEVARD, SUITE 540
HAYWARD, CA 94541
(510) 583-8818
FAX (510) 583-8800

Assembly California Legislature



BILL QUIRK
ASSEMBLYMEMBER, TWENTIETH DISTRICT

COMMITTEES
CHAIR: ENVIRONMENTAL SAFETY
AND TOXIC MATERIALS
AGRICULTURE
PUBLIC SAFETY
REVENUE AND TAXATION
UTILITIES AND ENERGY

November 1, 2018

The Edmund G. Brown Jr
Governor, State of California
State Capitol, First Floor
Sacramento, California 95814

Dear Governor Brown:

I represent communities in Alameda County, that are served by water from the Tuolumne River delivered under long-term contracts with the San Francisco Public Utilities Commission (SFPCU) to 26 wholesale water agencies which are members of the Bay Area Water Supply and Conservation Agency (BAWSCA), a state-authorized public agency.

I am in support of your administration's efforts to obtain a voluntary negotiated settlement to the final Bay Delta Plan Update (Plan) proposed by the State Water Resources Control Board. Such a settlement is the best way to resolve concerns about some of the proposals that have been part of the Plan thus far.

I share these concerns about the Plan due to its potential to damage to the 1.8 million residents, 40,000 businesses, and thousands of community organizations in the three counties served by BAWSCA members. Over the past two years I have heard from constituents, businesses, and others who have been closely following the ongoing development of the Plan because they depend on the supply and flow from the Tuolumne. These conversations have made clear to me the decisive moment we are in.

It was heartening when you and Secretary Laird have stated your hope for a negotiated voluntary agreement. Your July 6, 2018 comments, as made concurrent with the SWRCB's release of the Draft Final Plan, encouraging people to come together with a voluntary settlement as a way to successfully resolve this critical issue is sincerely appreciated. That is exactly the leadership needed now as the Water Board prepares to act.

The Water Board is scheduled to approve their Plan this coming Wednesday, November 7. I hope that through the continuing efforts of your administration and likewise contributions from others involved that we can bring this Plan to a successful voluntarily negotiated conclusion.

Respectfully,

A handwritten signature in blue ink that reads "Bill Quirk".

BILL QUIRK
Assemblymember, 20th District

bq:nl

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CALIFORNIA LEGISLATURE

STATE CAPITOL
SACRAMENTO, CALIFORNIA
95814

October 26, 2018

Honorable Edmund G. Brown, Jr.
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814

RE: Voluntary negotiated settlement, Bay Delta Plan Update, SWRB

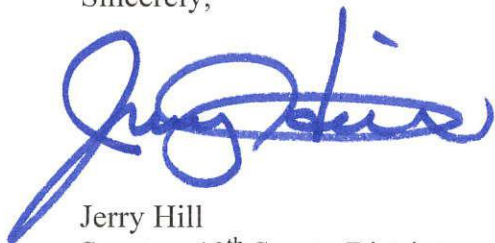
Dear Governor Brown:

We support your Administration's estimable efforts to obtain a voluntary, negotiated settlement to the final Bay Delta Plan Update proposed by the State Water Resources Control Board. We firmly believe that this is the best way to resolve this very significant use of natural resources.

Over the course of the past two years, we have heard from and met with constituents, businesses and other stakeholders, and have closely followed the discussions concerning the Bay Delta Plan Update. The great majority of constituents and businesses within our districts are served by water from the Tuolumne River. They are naturally concerned by the supply and flow of the Tuolumne for fish, residents and businesses.

We are hopeful that the continuing efforts of your Administration, along with the contributions of everyone involved in the negotiations, can bring this very important plan to a successful, voluntarily negotiated conclusion that will redound to the benefit of all.

Sincerely,



Jerry Hill
Senator, 13th Senate District



Kevin Mullin
Assembly Speaker pro Tempore,
22nd Assembly District

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Board agrees to Newsom-Brown request to delay decision on water plan

Modesto Bee | November 7, 2018 | Ken Carlson

The State Water Resources Control Board honored a request by Gov. Jerry Brown and Governor-elect Gavin Newsom for 34 days to work out voluntary settlements with irrigation districts in the Northern San Joaquin Valley, which are under pressure to divert less water so salmon populations can rebound in rivers.

Wednesday, the state board voted 3-0 to postpone approval of a water quality control update for the Sacramento-San Joaquin delta that's fiercely opposed by water districts, agricultural interests and communities that rely on water from the Tuolumne, Stanislaus and Merced rivers.

The governor and Newsom asked for the one-time extension Tuesday in what some called an historic letter, which would allow current negotiations to progress and "result in a faster, less contentious and more durable outcome."

Brown has continued to push for his delta tunnels project in the final weeks of his storied political career, though it's unclear exactly how the water board plan for the San Joaquin River and its tributaries serves the tunnels project.

Delta protection and environmental groups have cast aspersions on voluntary settlement agreements as "backroom deals" that, in their view, have historically allowed water districts and their agribusiness customers to evade water quality or environmental objectives.

Water Board Chairwoman Felicia Marcus agreed to support the request from the state's top elected official and his successor, though she preferred to see more parties involved in the negotiations.

"There are folks who won't be in this room and a lot of skepticism on the part of people who don't know what's going on in there," Marcus said, adding later. "I am willing and welcome the attempt of the governor to try and get us a little closer to (agreements) in a way that only (Gov. Brown) can."

Michael Franz, a Turlock Irrigation District board member, said after the meeting that lawsuits likely would have been triggered if the state board had approved the controversial Bay-Delta plan this week. And the talks would have ended.

"I am grateful the water board heeded the governor's request," Franz said. "We look forward to continuing with the good faith process at the negotiating table."

Franz explained that a board vote to adopt the Bay-Delta plan would have forced the districts into court based on legal advice. The legal theory is that water districts must comply with the details of water quality control plans rather than side agreements that are negotiated after the regulatory plans are adopted.

Michael Carlin, chief operating officer of the San Francisco Public Utilities Commission, which diverts Tuolumne River water for residential and business customers in the Bay Area, said the talks have been fruitful in the past two months but more work is needed on the agreement, which includes floodplain restoration and functional river flows to support young salmon. In addition, a revenue structure is needed for funding improvements.

“We are working diligently,” Carlin said. “We think we can get there in the next 35 days.”

Doug Obegi, director of river restoration for the Natural Resources Defense Council, urged the board to approve the Bay-Delta plan and let the parties continue with negotiations.

“I would love to see a settlement that requires less flow,” Obegi said. “But I have never seen any credible science showing that is possible. If there’s a voluntary settlement that achieves a (salmon) doubling objective then bring it back and let all of us evaluate it.”

Chuck Bonham, director of the state Department of Fish and Wildlife, and Department of Water Resources Director Karla Nemeth told the water board that the voluntary settlements are a path to implementing measures needed to save the imperiled ecosystems in the delta.

Bonham said the governor has promised to seek no additional delays after Dec. 12. “The governor and governor-elect are the right leaders, at the right time. They are bold. They know how to accomplish bold things. They agree with the need to improve aquatic ecosystems and that it’s an urgent need,” Bonham said.

Board Member Steven Moore, who will soon leave the board, said it’s important that settlement proposals include a water budget for the environment and that the governor recognized the importance of that in a phone conversation. The Bay-Delta plan would establish river flow objectives of 40 percent of natural flow, within a range of 30 to 50 percent, to double salmon populations in the rivers. In wetter-than-normal years, the districts could store extra water in reservoirs for supporting the fish in dry years, when aquatic life has suffered from limited flows.

Local irrigation districts and elected officials in Stanislaus County predict the flow requirements will result in severe cuts to water deliveries to agriculture and would devastate the economy.

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San Francisco's Trump Water Strike

The city supervisors vote to ration H₂O to spite the President.

Wall Street Journal | November 6, 2018 | Editorial Board

Some progressives will do anything to oppose Donald Trump, and in the resistance capital known as San Francisco this obsession now includes a willingness even to reduce the city's water supply.

The California State Water Resources Control Board on Wednesday will consider a plan to reduce water deliveries from the San Joaquin River and its tributaries to farmers in the San Joaquin Valley as well as Bay Area denizens who derive their supply from the Hetch Hetchy Reservoir in Yosemite.

Environmentalists say water diversions from the river for human use have caused the Chinook salmon population to plummet. State regulators have thus proposed restricting water diversions to reduce river temperatures and provide a more hospitable habitat for migrating salmon. The federal government tried to increase cold water flows for salmon during the last drought, but thousands of fish died anyway while tens of thousands of acres of farmland were left fallow. "It just seems to defy common sense and logic," said Democratic Rep. Jim Costa.

The state's proposed water cutbacks would disproportionately harm low-income communities in the San Joaquin Valley that would have to tap brackish groundwater. Bay Area citizens would also have to make significant lifestyle changes. According to the Hetch Hetchy Regional Water System, the state plan would require San Francisco residents to reduce their consumption to 15 gallons per day during a drought from 42. The statewide average is 84.

In a presentation to the San Francisco Board of Supervisors, the Hetch Hetchy water system warned of "immediate and substantial rate increases" and a potential construction moratorium "until more water supply is secured." The mayor of East Palo Alto, which is nearly two-thirds Hispanic, worried that the state plan could "jeopardize our affordable housing and equitable economic development goals."

Yet San Francisco's Board of Supervisors, who pride themselves on defying common sense, unanimously voted last week to support the cutbacks. Their logic: "President Trump and his administration have overtly politicized matters better addressed through peer-reviewed, relevant science and innovative solutions to regional water use."

The supervisors are themselves defying science, and they're spurning an innovative solution developed by the San Francisco Public Utilities Commission and agricultural irrigation districts that would curb predatory species, restore salmon habitat and time water releases into the Tuolumne River to match migrating fish. Mr. Trump's sin, in the eyes of the San Francisco board, is that he recently issued an executive order to make more water that flows into the Sacramento-San Joaquin River Delta available for human consumption.

The progressives who govern San Francisco loathe Donald Trump so much that they will limit water to their own constituents to spite him. Is a city-wide hunger strike next?

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EPA Blasts State's Water Grab

EPA's Acting Secretary Andrew Wheeler Visits The Valley With Congressman Denham
California Ag Today | November 5, 2018 | Patrick Cavanaugh

Following his recent visit to the Valley, U.S. Environmental Protection Agency (EPA) Acting Administrator Andrew Wheeler sent a letter to the State Water Resources Control Board (SWRCB) in Sacramento, expressing concern over several aspects of the proposed Bay-Delta plan. A copy of the letter is attached.

In the letter, Wheeler questions the effectiveness of drastically increasing flows to improve native fish species when studies show several additional factors contribute to their dwindling populations—including predation from non-native species, which the Bay-Delta plan does not address.

"I'm pulling every available resource to stop the state's dangerous water grab," said U.S. Representative Jeff Denham (R-Turlock). "Both the Department of Interior and EPA have now directly weighed in against Sacramento's plan to steal our water."

Oakdale Irrigation District General Manager Steve Knell said: "Finally, EPA Administrator Wheeler's letter has put common sense back on the table in addressing the State's draconian Water Plan. Thank you Congressman Denham for your efforts in bringing Mr. Wheeler to our area to hear our concerns."

"This State Water Plan will devastate water storage in our dams, drive river temperatures to lethal levels and destroy the very fish species we at the local level are trying to protect. Our rivers deserve better. We have the science to show this, we have provided it to the State, and they have ignored it. We continued to advocate that sending more water down the river and not addressing other stressors is not an answer, and the State has ignored that too."

South San Joaquin Irrigation District General Manager Peter Rietkerk said: "On behalf of the South San Joaquin Irrigation District, I would like to thank you and your staff for bringing Acting EPA Administrator Andrew Wheeler to our region on October 11, 2018. The meeting was a success, and our message was clearly heard, evidenced by today's letter from the EPA to the State Water Board. We've continued to lament the devastating impacts of State's plan to local drinking and irrigation water supplies, and to protected fish species within our rivers, and it is great to know that the EPA has listened and will be looking for balance and accountability from the State Water Board if they choose to approve this outrageous plan."

At Denham's request, several key administration officials have visited the Central Valley and have been actively engaged in policies to fight Sacramento's water grab and increase water storage for our farmers and residents. This is the latest result of many such actions.

On July 27, Bureau of Reclamation Commissioner Brenda Burman submitted a strongly worded comment expressing serious legal concerns with the latest Bay-Delta amendment. The comment followed a visit by U.S. Department of Interior (DOI) Secretary Ryan Zinke to our impacted reservoirs at request of Denham on July 20. Additionally, Zinke sent an internal memo to DOI agencies on August 17 requesting all Central Valley Project authorities be provided to him for disposal to combat the state's plan.

Following Denham's September 28 letter requesting executive action, the President signed a memorandum to bring more storage to the Valley and address hydroelectric relicensing at Don Pedro, requiring agencies to consider local plans like the Tuolumne River Management Plan developed by Modesto and Turlock Irrigation Districts. Denham previously released an animated video on NMFS Sacramento's dangerous water grab.

As a follow-up to the presidential memorandum, Denham recently hosted a call with senior administration officials from the Bureau of Reclamation to discuss the details of the memorandum, next steps in the process, and allow irrigation districts and farm bureaus an opportunity to ask questions.

The president's order supplements legislation authored by Denham to support innovative financing opportunities for water projects throughout the western United States. Denham's New WATER Act (H.R. 434) passed and was signed into law as part of America's Water Infrastructure Act of 2018 (WRDA). Eligible projects include new reservoirs, below ground storage projects, recycling and desalination projects. This legislation supports large projects like enlargement of Shasta Dam, construction of Sites Reservoir and Temperance Flat Dam, and expanding Los Vaqueros Reservoir.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

October 31, 2018

OFFICE OF
THE ADMINISTRATOR

Ms. Felicia Marcus
Chair
State Water Resources Control Board
P.O. Box 100
1001 I Street
Sacramento, California 95814

Re: Final Draft Bay-Delta Plan Update for the Lower San Joaquin River and Southern Delta

Dear Ms. Marcus:

In December 2016, the U.S. Environmental Protection Agency submitted comments on the Draft Phase 1 of the Bay-Delta Water Quality Control Plan (the Bay-Delta Plan). At that time, the EPA expressed support for the State Water Resources Control Board's efforts to update the Bay-Delta Plan. We understand the U.S. Department of the Interior recently submitted public comments identifying a number of new concerns with the board's proposal, including potentially significant legal issues and operational challenges that federal stakeholders may face if the board finalizes the Bay-Delta Plan in its current form. The DOI also raised questions regarding the scientific basis for the proposal that the EPA believes warrant further consideration.

For example, the EPA is aware of recent scientific analyses suggesting that the volume of flow in the Bay-Delta most likely will not overcome other limitations within the system, such that the proposed Bay-Delta Plan may not achieve the board's fish population goals. These analyses also suggest that native fisheries in the lower San Joaquin River, its tributaries and the California Bay-Delta experience numerous stressors, including predation, temperature, interactions with hatchery fish, lack of spawning and rearing habitat, ocean conditions, pollutants and other issues related to the food web. Although the EPA has not evaluated these studies in detail, the agency believes that the studies warrant careful consideration by the board. What degree of confidence does the board have regarding the extent to which the proposed unimpaired flow objectives, if implemented fully, will improve the status of native fish species and reduce mortality mechanisms notwithstanding the other stressors identified in these recent scientific studies?

The EPA noted in its December 2016 comment letter that the proposed Bay-Delta Plan defers significant resource management decisions until implementation. The EPA remains concerned that this deferral creates substantial uncertainty for water users in the Bay-Delta. The EPA encourages the state to continue pursuing voluntary agreements with stakeholders and water



users, as these agreements are more likely to provide certainty for water users than the Bay-Delta Plan in its current form.

The EPA supports the appropriate exercise of state discretion in matters relating to the protection of state water resources. However, the breadth and complexity of the Bay-Delta Plan and the potential of the plan to conflict with federal law calls for a careful federal review of any Bay-Delta Plan that California finalizes. It is a top priority of this Administration that we coordinate with our federal partners. As the EPA reviews any Bay-Delta Plan finalized by California pursuant to its statutory authorities, the EPA will coordinate with the DOI and other federal partners.

The EPA recognizes the public comment period for the proposed Bay-Delta Plan has closed, but given the significant federal interests that are potentially affected by the proposal, we request the State Water Resources Control Board consider these comments and those submitted by the DOI prior to taking final action on the Bay-Delta Plan.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew R. Wheeler", with a long horizontal flourish extending to the right.

Andrew R. Wheeler
Acting Administrator

San Joaquin water plan is good for the Delta and Valley

Special to the Sacramento Bee | November 5, 2018 | Peter Drekmeier

It's fitting that the Bay Area was named after Saint Francis, the patron saint of animals and the environment. After all, the San Francisco Bay Delta was historically one of the most biologically productive ecosystems on Earth.

Sadly, the estuary is now on the brink of ecological collapse. Starved of fresh water flow from rivers that feed the Bay, the salt balance has been altered dramatically, affecting everything from plankton to marine mammals and leading to toxic algae blooms that can make people sick and kill pets and wildlife. Problems extend up into the rivers that flow into the Delta.

The Bay Delta Water Quality Control Plan – which goes before the State Water Resources Control Board on Wednesday – offers our last best hope to revive the estuary that defines our region.

While a state study determined that 60 percent of the San Joaquin River's natural flow between February and June would be necessary to protect fish, the plan proposes a modest 40 percent. This amounts to a mere 14 percent increase in flow in the Tuolumne River over the course of a year, but it's a start.

The Tuolumne once hosted more than 100,000 salmon, but in recent years, the population has plummeted to a few thousand or even hundreds due to dams and diversions. Regrettably, only 21 percent of the Tuolumne's natural flow is released from its dams. A once fast-moving, cold river has been transformed into a slow-moving, warm stream, creating ideal conditions for non-native bass and other species, which are a symptom of the problem.

California's Fish and Game Code is clear: "The owner of any dam shall allow sufficient water at all times to pass over, around, or through the dam, to keep in good condition any fish that may be planted or exist below the dam." Water agencies have clearly failed to comply with that law. Conditions were so miserable in 2008 and 2009 that the commercial salmon fishing seasons had to be canceled.

Fortunately, we can have a healthy environment and a vibrant economy by using water wisely. Tremendous opportunities exist in agricultural regions. A recent pilot project found that replacing open canals with pressurized pipes can increase crop yields by 30 percent, while decreasing water use by 30 percent. Over-drafted aquifers could be recharged in wet years for use during dry years. With these tools, we can maintain a strong farm economy while leaving more water in our rivers.

The Bay Area is not at risk of running out of water. Modeling has demonstrated that the region could manage a repeat of the record six-year drought with a modest average of 10 percent rationing, even with the revised Bay Delta Plan in effect.

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Peter Drekmeier is policy director at the Tuolumne River Trust. He can be contacted at peter@tuolumne.org.

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State Water Board Member D'Adamo: We must find a better approach

Modesto Bee | November 4, 2018 | Dorene D'Adamo

Protecting California's fish is an important duty of the State Water Resources Control Board. But it is not our board's only duty.

I am one of five members on the board, and the only one who lives in the San Joaquin Valley. Our board is required to provide for the reasonable protection of all beneficial uses of water. This calls for balancing the needs of fish with the needs of cities and the people who live in them – people whose lives and jobs are dependent on that water. We must also consider the needs of agriculture, and the beneficial use of water to grow crops.

On Nov. 7, the State Water Resources Control Board is considering the adoption of a controversial and divisive plan that would require 40 percent of flows in the Stanislaus, Tuolumne and Merced rivers to remain in the rivers to benefit native fish. That is almost twice as much as currently is dedicated to environmental use, and could mean a 25 percent reduction in agricultural water supplies during normal years; more in dry years.

It is clear that in successive dry years our staff's proposal will result in major reductions in surface water supplies in 23 Bay Area cities and zero to near zero supplies for agriculture. This in turn will redirect impacts to already oversubscribed groundwater aquifers, devastate rural communities, and result in water rationing for residents, businesses and industries in the Bay Area.

Unfortunately, the high flow proposal before our board is unlikely to result in an increase in fish populations. There are other approaches that show greater promise. These alternative approaches would at the same time reduce the serious impacts to cities, agriculture and industry.

It is obvious that fish need water, but they also need usable habitat to spawn, feed and rear. Because each of these rivers have suffered severe degradation from historic mining and dredging, fish biologists point to the essential need for river restoration in these highly altered systems.

Water agencies throughout the Central Valley have partnered with fish agencies and environmental organizations on habitat restoration projects in these highly altered stream river systems. The early results from these projects show promise for improving fish populations.

Additionally, we need to restructure and rearrange flows to better maximize this interaction between flow and habitat. All of California needs to effectively and efficiently use water, including in-stream flows for fish. All water uses – environmental, agricultural and urban – should be provided reasonable protection under our plan, and each of these sectors should use water in the most efficient and responsible manner possible.

We must base these crucial decisions on the most current science. Unfortunately, the proposal before our board relies on outdated science, which assumes high flows will automatically create habitat, rid the rivers of predators, and result in improved water temperature conditions.

Our scientific understanding has evolved over the past decade, and the leading scientists are pointing toward more targeted "functional" flows, targeted at environmental restoration.

Functional flows tie water to restored lands, timing of flow for life cycle, food production and water temperature. Leading scientists also stress the need to control non-native predators.

This kind of approach is essential, particularly in the highly altered and managed water systems we have in the Central Valley.

Gov. Jerry Brown has encouraged the California Natural Resources Agency to work with water suppliers and others to develop voluntary agreements that encompass flow and non-flow measures, saying these agreements can offer more durable and longer lasting solutions.

The State Water Board has applauded the Governor for his leadership and has also encouraged parties to present us with these types of voluntary agreements.

However, if we do not receive agreements by Nov. 7, the State Water Board is positioned to adopt the flow-centric plan. Adoption of the high-flow plan will result in 10-15 years of litigation, uncertainty for water users, and no improvement for the fish in the meantime.

If we are confronted with this lose-lose scenario, I intend to propose an alternative that includes targeted increased flows, habitat improvements, predation control and other measures as part of a comprehensive package.

We can do better than staff's extremely divisive proposal. Our communities, our rivers, and our environment deserve fair and balanced solutions.

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Dorene D'Adamo was appointed by Governor Brown in 2013 to the State Water Resources Control Board. She resides in the San Joaquin Valley.

SF Mayor Breed vetoes supervisors' resolution that supported state river plan

San Francisco Chronicle | November 2, 2018 | Kurtis Alexander

San Francisco Mayor London Breed broke her silence on California's latest water war Friday, saying she wouldn't support a state river restoration plan that would mean giving up some of the city's pristine Hetch Hetchy water.

In addition to her unexpected announcement, Breed vetoed a resolution passed unanimously by the Board of Supervisors earlier this week that offered the city's blessing for the little-known, but far-reaching state initiative.

The city's now-conflicting positions on the matter, which are unlikely to be resolved before the State Water Board takes up its plan to protect degraded rivers and threatened salmon, underscores the emerging divide at City Hall over how much environmental concerns should interfere with Bay Area water supplies.

The Bay-Delta Plan calls for limiting the draws of cities and farms from California's waterways to prevent what the state sees as an impending collapse of the Sacramento-San Joaquin River Delta. The estuary is the hub of the state's river flows and an ecological hot spot. The State Water Resources Control Board is scheduled to vote on the plan Wednesday.

"We all want the same outcome for the Bay-Delta — a healthy ecosystem that both supports fish and wildlife and provides reliable water delivery," Breed said in a statement. But "it is deeply irresponsible for San Francisco to take a position that would jeopardize our water supply."

Supervisor Aaron Peskin authored the now-vetoed resolution in support of the Bay-Delta Plan amid worries by environmental groups that the city's Water Department was impeding efforts to revive California's river system.

The San Francisco Public Utilities Commission has aligned with Central Valley farm groups and their allies in the Trump administration to create a powerful bloc in opposition to the plan.

While state leaders, environmentalists and fishing groups contend that cities and farms need to make sacrifices to save California's rivers, opponents of the restoration effort say the proposal by the State Water Resources Control Board goes too far.

The SFPUC, which relies on the Tuolumne River high in the mountains of Yosemite National Park for most of its water, claims that the Bay-Delta Plan would necessitate water rationing of up to 40 percent during dry spells. Officials also expect higher rates for customers as the agency invests money into developing new water sources, like desalination.

The impacts would go beyond the city to the more than two dozen Bay Area communities that buy their water from San Francisco, officials say.

On Thursday, SFPUC General Manager Harlan Kelly wrote a letter to the Board of Supervisors, calling the board's resolution "counterproductive" to efforts by his agency to protect city water in closed-door talks with the state.

Breed agreed with Kelly, saying the Public Utilities Commission should not be handicapped by environmental concerns.

“We must keep every alternative available, including legal options to protect the city’s interests in the event that the negotiations fail,” she said in her statement.

Several supervisors said Friday that they were reconsidering their position on this week’s resolution after hearing from the Public Utilities Commission.

Peskin, however, remained convinced that supporting the state’s restoration effort was the right thing to do.

“Frankly, vetoing this resolution just makes San Francisco look like its house is not in order and, quite frankly, makes the city look a little goofy,” he said. “Besides, I think we’ve already sent our message to the State Water Board.”

San Francisco’s position on the Bay-Delta Plan has been watched closely by those on all sides of the debate, but it’s likely to play a limited role in the state’s final decision.

While State Water Board officials have said they would like to have city support for their plan and they continue to work behind the scenes to get it, they also have said they intend to take action next week.

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How next week's expected State Water Board vote could trigger a flood of lawsuits

Modesto Bee | November 1, 2018 | Ken Carlson

Most signs point to the State Water Board approving a much-disputed river flow plan next week that will mean less water for farms and cities in the Northern San Joaquin Valley.

The board, also known as the State Water Resources Control Board, is set to vote Wednesday to require irrigation districts to leave more water in the Tuolumne, Stanislaus and Merced rivers in an effort to restore salmon.

Local irrigation districts and county and city leaders have promised a prolonged battle over the water board's final plan released in July, saying it will devastate the region's economy and won't help the fish.

The San Joaquin Tributaries Authority, including Modesto, Turlock and Oakdale irrigation districts, has drafted a lawsuit that will be filed within days of next week's decision.

Water districts on the tributaries have held regular talks since September with state Department of Fish and Wildlife director Charlton "Chuck" Bonham and former Interior Secretary Bruce Babbitt on possible settlement agreements. It's conceivable that Bonham and Department of Water Resources director Karla Nemeth could decide enough progress has been made to postpone the hearing and work on more details of settlements.

But no one is betting that will happen.

"We don't know as we sit here today what they are telling the state board if anything," said attorney Tim O'Laughlin, who represents the tributary association. O'Laughlin, MID and TID officials met with The Modesto Bee editorial board Wednesday.

State representatives have been flexible on some elements of the Bay Delta update, such as the proposal for 40 percent natural flow in rivers from February through June, O'Laughlin said. Because of a confidentiality pact, the attorney said he could not share more details of possible agreements.

Wednesday's decision also is expected to trigger lawsuits from environmental groups demanding larger water releases from Sierra Nevada dams to support fish in the Sacramento-San Joaquin river delta.

A San Francisco Board of Supervisors decision this week, to support the state plan, struck at the alliance between the city's public utilities commission and MID and TID. San Francisco's utilities agency has rights to Tuolumne River water in Hetch Hetchy reservoir, which supplies 85 percent of water for customers in the city and 26 other communities in the Bay Area.

"We are disappointed in the supervisors' support for the State Water Board plan," said Michelle Reimers, assistant general manager of external affairs for TID. Reimers said a Tuolumne River management plan backed by the irrigation districts and PUC is a better alternative for boosting salmon in the river.

San Francisco's liberal supervisors wanted to break free from an alliance with President Donald Trump, who has intervened on behalf of Central Valley water users who oppose what they call the "water grab." The board's support for the Bay Delta update could weaken the PUC's ability to challenge the water board proposal in court.

More frequent water shortages and higher water rates are predicted if less river water is diverted for the cities. Before the decision Tuesday, cities and water agencies in the Bay Area

urged San Francisco to postpone the pro-Delta plan vote due to the ongoing settlement talks with the state.

In an email to the San Francisco board, Santa Clara Mayor Lisa Gillmor agreed with Gov. Jerry Brown's support for negotiated settlements with cities.

"The city believes a balance between environmental preservation and protection of water supply for our residents and businesses can be achieved," Gillmor wrote. "This is a critical issue for our city, and we believe that a negotiated settlement is the best way to provide an adequate and reliable water supply from the Tuolumne River, a vital part of the Bay Delta."

Supporting the decision to back the state plan were the Natural Resources Defense Council, Trout Unlimited, the Sierra Club and Tuolumne River Trust. Those groups have claimed that 50 to 60 percent river flows are needed to revive species in the delta, amounts that would drain reservoirs in consecutive dry years, according to the Valley irrigation districts.

In written comments and at hearings, critics of the water board's proposal say it contains vague goals for salmon restoration and lacks cohesive science, despite millions spent on studies in the delta. Scientists have suggested the delta, with its severely altered waterways, no longer operates as an estuary, creating conditions that favor nonnative bass, which eradicate young salmon before they can reach the ocean.

The state is aiming for a goal of doubling salmon populations in the three rivers, though experts say few natural-born salmon return to San Joaquin tributaries.

Peter Moyle, associate director of the Center for Watershed Sciences at UC Davis, wrote in the California WaterBlog in August that "the fall run Chinook salmon population in the San Joaquin basin are being sustained by straying hatchery fish from the Sacramento River system."

Local irrigation districts, along with the San Francisco PUC, have wanted assurance that increased flows in the San Joaquin tributaries will stream through the delta to improve outflows. It's known that water originating from the San Joaquin basin is soon exported by the Tracy pumps to water users in the southern San Joaquin Valley.

The Bay Delta issues have coincided with hearings on Gov. Brown's delta tunnels project to improve the conveyance of Northern California water to agribusiness in the San Joaquin Valley and urban users in Southern California.

Courts are expected to see a flurry of lawsuits in the months following next week's water board decision. The plan requires a signoff from the federal Environmental Protection Agency, which could approve or reject it in April.

Brenda Burman, a Bureau of Reclamation commissioner, has suggested a federal lawsuit could be filed if the Stanislaus flow requirements are not consistent with congressional directives for New Melones reservoir.

Despite all the talk of lawsuits, everyone from the governor to Central Valley farmers would prefer voluntary settlements they can live with.

"If there is an opportunity for an extension on that vote, that would be advantageous to us," said John Davids, MID's assistant general manager of water operations.

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Republic of Thirst, Part 1: Bay-Delta Plan Pits Fish Against Farmers — and San Francisco
Breitbart | November 1, 2018 | Rich Pedroncelli, Associated Press

Note: This is the first in a series of three in-depth articles on water policy and water politics in California, supported graciously by the Robert Novak Journalism Alumni Fund Fellowship, a project of The Fund for American Studies (TFAS).

The sun dips low over a seemingly improbable landscape, less than an hour east of Oakland. Dense rows of corn, ready for the harvest; an array of yellowing grapevines heavy with sweet, ripe fruit. The cool, blue waters of the Sacramento River meander through the lush plain, the coastal hills looming on the horizon in the evening light.

This is the Sacramento-San Joaquin Bay Delta Estuary, also known simply as the “California Delta.” It is inland, an inversion: whereas most big rivers extend fingers of sediment into the ocean, the waters of this estuary seem to fan out into the interior.

Like so much else in California, what seems natural here is really a joint effort of God and man. The farmland was “reclaimed” from the marshes in the 19th century using dikes and canals, through a mix of public projects and private initiative. And what seems serene is really a system in motion: millions of acre-feet of fresh water are being pumped from the lush Delta, southwards, to slake the thirst of Southern California. Far greater volumes flow through it to the Pacific Ocean, as does at least half of the state’s overall water.

The state’s challenge remains today what it has been for a century: how to move water from the north, where it is plentiful and the population is relatively sparse, to the dry south, where the majority of California’s people actually live.

And in recent decades, a new challenge has emerged: to balance the needs of the environment — and the ideas of environmentalists — with the practical needs of farmers, factories, and communities that rely on water to survive.

The media theme of fish-versus-farmers is by now a familiar one, supposedly dividing Californians by left and right, urban and rural.

The real picture is far more nuanced and complex, and almost impossible to comprehend.

California’s water system seems almost to have been designed to be too complicated to manage, or to explain. There are layers upon layers of water rights — riparian rights, pre-1914 rights, and others — and a maze of laws, agencies, and contractors.

Water policy is such a Gordian knot in California that the quickest way to cut through, as one farmer told me cynically, is to steal it. California’s water history can be told as a story of large-scale thefts.

Then there are the various stakeholders involved, who are much more diverse than the news headlines might suggest.

Farmers, for example, are an extraordinarily diverse group. They all rely on water, and want more of it, but their views on any particular water policy or project often depend on where they draw their water — and, in some case, whether they can sell it.

A plan that is a “water grab” to some farmers may be a welcome public works project to others.

Moreover, California's coastal cities are infamously liberal. Hippies in San Francisco and Hollywood stars in Los Angeles cultivated the modern environmentalist movement.

And yet both urban areas, which dominate the state's politics, depend on imported water and irrigated crops.

While "green" activists may dream of seeing the O'Shaughnessy Dam demolished, and the Hetch Hetchy Valley restored, even San Francisco Bay Area politicians have fought the idea.

There are growing fears that water will become more scarce in the future. Proponents of the theory of climate change, for example, note that the state is becoming drier, even as its population grows. Even without climate change, there is not enough rain, snowmelt, or groundwater in dry years to fulfill the wilderness dreams of environmentalists and the needs of farmers and urban planners.

Hence, an endless conflict.

In this three-part project, I set out to explore the issue of water in California, through three lenses.

First — the allocation of water, dealing with the question of how water is to be distributed among the state's users.

Second — the storage of water, which theoretically could make more of the state's water available for use.

Third — the creation of water, the possible use of desalinization technology to relieve pressure on scarce resources.

As I began work on this first article, a perfect example of a debate over allocation arose: the fight over the Bay-Delta plan, a policy administered by the State Water Resources Control Board (SWRCB) for the watershed that drains from the Sierra Nevada into the Delta.

The plan, created in the 1990s, governs two major river systems: to the north, the Sacramento River and its tributaries; to the south, the San Joaquin River and the rivers that flow into it.

The plan was updated in 2006, and the SWRCB will vote on new proposed changes November 7 — conveniently, the day after the 2018 midterm elections.

The proposed changes purport to address the problem of dwindling native fish populations. Environmental groups; commercial fishing and sport fishing interests, Native American tribes, and sporting associations argue that diversions of water from the San Joaquin system for agricultural and household use threaten the survival of these species by lowering the flow of rivers and, consequently, raising the water temperature to levels fish cannot tolerate or that hinder their migration to and from their spawning grounds..

Agricultural interests, as well as the rural communities that depend on farming and on the rivers themselves, argue that increasing the amount of water in the rivers — which can only be done by decreasing the amount of water available for irrigation, households, and industry — threatens the local economy and public services. They also argue that the real challenge to native fish is the arrival of alien predator species, and not the flow of the rivers.

This is a classic environmental policy problem of the type described a quarter-century ago by Kai Lee in *Compass and Gyroscope: Integrating Science And Politics For The Environment* — a primary textbook when I studied environmental science at Harvard in the mid-1990s.

The various parties in the dispute have two broad areas of disagreement. First, they disagree about the science itself — i.e. what is actually happening; second, they disagree about what should be done — i.e. what policies are best.

But the controversy over the new amendments to the Bay-Delta plan has an even broader context. This is not the first time that farmers have been asked to give up water for fish.

For the past ten years, the U.S. Fish and Wildlife Service has restricted the amount of water that can be pumped out of the Delta because of the danger to the Delta smelt, a small endangered native fish. The judges of the infamously liberal Ninth Circuit have upheld that policy. Farmers feel they have continuously given up water, and worry about the erosion of water rights, as well as the overuse of groundwater. The latter has led to the subsidence of land in the Central Valley, which is slowly making some areas unsuitable for farming.

In addition, California Governor Jerry Brown has proposed a massive infrastructure proposal called WaterFix (once known as the Twin Tunnels Project). The project — which, at a preliminary cost of \$11 billion, would be one of the largest infrastructure projects ever undertaken in the United States — would build two tunnels to carry water from the Sacramento River on the north side of the Delta directly to the pumping stations on the south side, a supposedly environmentally-friendly upgrade.

The WaterFix is highly controversial — not least among the people who live in the Delta. Some locals suspect that the true motive behind the revisions to the Bay-Delta plan is not to save the fish populations, but rather to provide the Delta with more fresh water to be pumped southwards without making the waters even more saline than it already is — one of the many conditions that is said to threaten the smelt and other fragile native species.

The details of the revisions to the Bay-Delta plan are complex. Essentially, the changes require the San Joaquin River and its tributaries — the Stanislaus, Tuolumne, and Merced Rivers — to have an average of 40% of “unimpeded flow,” i.e. the rate of flow if there were no human diversions of water, from February through June. The plan allows for some regulatory discretion of between 30% and 50% of unimpeded flow.

In addition, the new Bay-Delta plan would allow for slightly higher salinity levels in the Delta itself, raising the target to 1.0 deciSiemens per meter year-round from the previous standard, which aimed to lower salinity to 0.7 deciSiemens per meter between the months of April and August.

(Salinity is measured in “deciSiemens per meter,” which is technically a measure of electrical conductivity, since salts dissolve in water into positive and negative ions, creating a mildly conductive solution.)

Much of the public debate about the Bay-Delta plan has focused on the new flow requirements. Environmental groups say that the proposed 30% to 50% range is far too low, and that the flow ought to be maintained above 60% of unimpeded flow to preserve fish populations.

Farmers and agricultural communities, in contrast, protest that even a minimum requirement of 30% of unimpeded flow — more than double the present flow for some of the rivers, especially the Tuolumne — could be devastating for current users and residents within the San Joaquin watershed. They say the economic impacts on the region's cities and communities will be far greater than the state suggests. And they argue that the biological assumptions behind the Bay-Delta plan are flawed, even unscientific.

In many ways, the political fight over the Bay-Delta plan resembles other battles over water in California. The debate about the Delta smelt, for example, pits liberal environmental groups against farmers, many of whom are staunch conservatives. In the clashes over the Bay-Delta plan, many of the same interest groups find themselves at odds once again, locked in a struggle over water that is as much cultural as political, scientific, and economic.

There is at least one crucial difference, however, that distinguishes the Bay-Delta plan fight: namely, that water officials in San Francisco itself have joined agricultural interests in opposing the proposed changes.

Under historic Gold Rush-era water rights, San Francisco obtains the bulk of its water from the same San Joaquin watershed as the farmers of the Central Valley. For nearly a century, the waters of Hetch Hetchy, on the Tuolumne River, have sustained the Bay Area. Today, San Francisco and its suburbs obtain 85 percent of their water supply from Hetch Hetchy.

The new Bay-Delta plan would thus make less water available for San Francisco and other communities near the coast, including Silicon Valley, the state's economic engine.

That does not mean there is uniform opposition to the new plan in the Bay Area. In August 2018, the city council of Palo Alto, in the heart of liberal Silicon Valley, voted to endorse the Bay-Delta Plan's changes. It did so "despite objections from the city's water suppliers and its own Utilities Department," local media reported. They were warned the plan could lead to water cuts that would, in turn, leave Palo Alto "without enough water for job growth and fully operational businesses, hospitals and public institutions."

Local officials viewed the issue through the lens of national politics — embroiled in the divisive battles between President Donald Trump and the so-called "Resistance."

Palo Alto Vice Mayor Eric Filseth, quoted by Palo Alto Online, said: "I find it unconscionable that we in our state, the bluest of blue states in the nation, would damage our environment to prop up Silicon Valley industry ... If we do that, we're no better than the federal government that is damaging the environment to prop up the fossil-fuel industry."

Still, the fact that water authorities in the "blue" cities of the Bay Area took the same dim view of the Bay-Delta plan as leaders in "red" rural areas did suggests that the debate has created some strange bedfellows.

It was with that in mind that I journeyed to the Central Valley, the Delta, and the Bay Area to speak to locals who would be directly affected by the Bay-Delta plan, and who had joined the fight to sway the views of the SWRCB members before they voted on the proposal.

For example, I contacted a member of the Stanislaus County Board of Supervisors and asked if I could meet with any local officials to discuss the Bay-Delta plan. Little did I suspect, when I

arrived in the town of Modesto in mid-September, that there would be so much interest in telling the local side of the story.

I had expected to meet with a few members of the Turlock Irrigation District, one of several governing bodies that regulates water in the Central Valley. Instead, nearly a dozen officials arrived.

They included farmers; engineers; elected officials — from both political parties; the local public school superintendent; a fisheries biologist; and even an executive at a local hospital.

It could not have been more clear how important the issue was to them. They wished to convey to me that the issue of water allocation was not merely of concern to farmers, but to everyone else in the area, including — perhaps especially — the most disadvantaged members of the community.

Michael Frantz, a member of the Turlock Irrigation District board, opened the meeting, laying out the community's concerns.

"We have been stewarding the rivers for 135 years," he said. While they recognized their use of water had some environmental impact, residents were proud of their record.

The chief complaint, he said, was there had been almost no consultation or interaction between the SWRCB and local water users about the Bay-Delta plan.

This was a theme I was to hear throughout the morning: that the state authorities had either ignored the locals, or paid them only grudging attention.

Doug Demko, the biologist, said that state authorities had ignored the results of locally sponsored scientific research — even when state agencies had participated in it. That research, he said, suggested that alien predator species, not water flow or temperature, was the chief threat to indigenous fish populations.

(A scientific paper co-authored by Demko in 2017 concluded that the SWRCB's policy of "pulse flows," releases of water from dams to help migrating fish, over a 13-year-long period, had little long-term beneficial effect on fish populations.)

The state's scientists, Demko argued further, had relied on research from the Pacific Northwest (where disputes among interest groups over the impact of dams on fisheries provided the case studies for my undergraduate training in environmental science at Harvard in the mid-1990s).

The problem, he said, was that conclusions from the cool, rainy Pacific Northwest could not be extrapolated to the Central Valley's Mediterranean climate, where Chinook salmon had adapted to warmer water.

Jake Wenger, a local walnut farmer and a board member of the Modesto Irrigation District, said the state's analysis of local needs showed little understanding of agriculture — or, indeed, of nature.

The state's plan, he pointed out, made no provision for relief during dry years, but rather applied the same flow targets, regardless. And the idea that farmers could conserve water by planting different crops ignored the economic forces farmers faced. "The market dictates the crop, not the water."

Jose Gonzales, the local school superintendent, described to me how his schools relied on independent wells for water. One of the wells had already run dry. If farmers could not draw the water they needed from the river systems, he said, they would have to tap even further into dwindling groundwater supplies. And if they did that, he said, the school's sources of water would be threatened by the falling water table, meaning that children, many of them Hispanic, would be thirsty at school.

Leslie McGowan, the CEO of Livingston Community Health, said local hospitals saw the impact of water shortages — in the rising number of indigent patients, and in the rise of opioid use and other forms of substance abuse.

Michael Lynch, a staffer for Assemblyman Adam Gray, a Democrat, said ruefully that the region was the “hidden” California — the one that politicians from the Bay Area and Los Angeles left behind. The Bay-Delta plan, he said, was a dire threat.

Lynch noted that the plan fails to take into account the fact that local water users are going to be responsible for adopting groundwater sustainability plans (GSPs) by 2020, under the new Sustainable Groundwater Management Act. The act, designed to control the overuse of groundwater, places new burdens of conservation on rural districts at the same time that the Bay-Delta Plan proposes to add to those burdens — which encourages more groundwater use.

Stanislaus County agricultural commissioner Milton O'Haire warned of the economic impacts of water cuts, especially during drought years. Terry Winthrow, a farmer and accountant who also serves on the board of supervisors, warned that water reductions could lead to impacts “greater than the Great Recession” of 2008.

Winthrow stressed that local leaders were willing to work with the state in a spirit of compromise, and was confident that a mutually beneficial arrangement could be found. But the state seemed not to be listening.

That was another repeated theme in Modesto: the SWRCB, under pressure from environmental interests, had rejected overtures for voluntary settlements, leading inexorably to future costly lawsuits.

“Extreme environmental ideology has taken control of regulation,” Wenger said.

The irony, he and others said, was that solving the problem of dwindling fish populations seemed to be the last on the state's list of priorities.

If fish were really important, they argued, the state would think about dealing with non-native predators, or invest in breeding native species. What really mattered to the state, Wenger said, was taking the water, he said — and some of the environmentalists did not think the farms should exist at all.

That is a deeply-held conviction in the Central Valley. And while environmental groups show a grudging acceptance, perhaps, that the farmers and the communities around them are not going to disappear, many want to reduce human use of the state's water to the barest minimum that is necessary. They view the farming sector as a wealthy business elite that has manipulated state and federal politics for its own enrichment.

I spoke, via telephone, with John Buckley, executive director of the Central Sierra Environmental Resource Center. Buckley, a firefighter-turned-environmentalist, was skeptical of

the role of the irrigation districts and farming interests in the debate over the Bay-Delta plan: “They know how to delay,” he said.

Buckley described the SWRCB’s proposals as a steep compromise from the 60% unimpeded flows that some scientists had recommended to save the fish populations and preserve water quality. The only compensation for dropping the requirement to 40%, he said, had been a commitment by the irrigation districts to implement “non-flow measures” to help the fish population.

“There’s a middle ground that the agricultural interests and utilities don’t want to find,” he said, warning that whatever decision the SWRCB delivered, the issue might wind up in court for “one hundred years.”

About an hour’s drive north of Modesto, in the South Delta town of Lodi, I met with John Herrick, an environmental attorney who serves as general counsel for the South Delta Water Agency. His concern was less for water flows than for the salinity of both water and soil — a result, he said, of decades of over-pumping.

His view of state water policy was cynical: “It’s a giant mess,” he told me, meeting in his office in the rural city of Lodi.

The problem, he told me, is simple: there is not currently enough water for all of the state’s needs, and no one is developing more water sources. He was blunt: the great water projects that irrigated the state had also killed the fish populations, he told me.

They did so, he said, because the great state and federal water projects had committed to delivering water that does not exist. And the regulators had ignore the permit conditions under which the giant pumps and aqueducts were supposed to operate. They had relaxed the salinity standards in the Delta, creating major problems for farmers and communities in the surrounding area.

Effectively, he noted wryly, the twin tunnels of the California WaterFix would do nothing to “fix” the problem: they purport to “save” the estuary by taking out more of its fresh water for pumping southward.

Meanwhile, he noted, the state’s existing water infrastructure was under strain. The Oroville Dam, the state water project’s most important reservoir and the highest dam in the U.S., saw its concrete spillway collapse in 2017 and nearly suffered a catastrophic collapse of its emergency spillway, leading to the evacuation of nearly 200,000 people.

The constant rule-breaking, inadequate fixes, and increased demands on the system seemed to be leading to eventual statewide disaster, he said.

The fight over the Bay-Delta plan is not just being fought at a state level, but at federal and local levels as well. In Congress, Rep. Jeff Denham (R-CA), a moderate Republican, made fighting the Bay-Delta Plan a signature issue of his 2018 re-election campaign.

Denham’s 10th district was one of seven targeted by the Democratic Party in the midterm elections because voters in each chose Hillary Clinton over Donald Trump in 2016, though they are represented by Republicans.

Denham's pro-immigration stance was popular in his Central Valley district, where there is a large population of immigrant farm workers upon whom agriculture depends. But it caused him trouble with conservatives, making his fight tougher against well-funded venture capitalist Josh Harder.

So Denham emphasized his fight for water, helping to organize a 1,500-person rally at the state capitol in Sacramento, together with other Central Valley politicians from both parties, the day before crucial SWRCB hearings in August.

In addition, Denham wrangled much of the Republican caucus in the U.S. House — which typically sides with farmers in California's water disputes — behind his position. He also lobbied the White House to take sides against the state — not a difficult task, when California prided itself on opposing many Trump administration's policies.

Denham carried out a full-court press on Trump's cabinet, too. In July 2018, Denham accompanied Secretary of the Interior Ryan Zinke on a tour of the region's reservoirs, which depend on the rivers. In August, he brought Secretary of Agriculture Sonny Perdue. And in October, Denham hosted Andrew Wheeler, acting administrator of the EPA, in the Central Valley, setting up town hall meetings with residents to discuss the impact of the Bay-Delta Plan.

As one local newspaper noted, Denham was lobbying the EPA to use its authority under the federal Clean Water Act to intervene and stop the Bay-Delta plan. Not waiting to be left behind in an election year, Democrat Rep. Jim Costa joined him in that effort, as did other representatives in the region and beyond. In the fight for water, partisan divisions were left behind — or eclipsed by even fiercer fights over the scarce resource.

Meanwhile, the city of San Francisco faced an internal battle over its own opposition to the Bay-Delta plan. As the San Francisco Chronicle noted, the city's Public Utilities Commission (PUC) — an independent board responsible for the city's water, with a separate budget and staff from the city itself — had opposed the Bay-Delta plan on the grounds that it could threaten water supplies and that the city already participated in environmental restoration on the affected rivers.

But San Francisco Board of Supervisors member Aaron Peskin, one of the board's 11 members, threatened to push for a resolution disapproving of the PUC's position on the Bay-Delta plan, and to withhold approval for PUC budgets and infrastructure projects as a means of exerting pressure.

"I'm concerned that the PUC is playing footsie with the Trump administration at the detriment of the environment," he told the Chronicle, echoing the concerns of environmentalists.

Peter Drekmeier, the policy director of the Tuolumne River Trust, accused the PUC of not representing the "values" of San Francisco residents, and expressed surprise to the Chronicle about the fact that city officials was siding with the farmers of the Central Valley over an issue where conventional left-wing opinion held the farmers were clearly wrong.

PUC officials explained that they were merely acting pursuant to their responsibilities to the city and other municipalities. Crucially, the PUC disagreed with the state about the scientific issues at stake, siding with the Turlock and Modesto irrigation districts in their claim that alternative methods would be more effective in restoring fish populations in the Delta.

Ultimately, on October 30, the San Francisco Board of Supervisors voted unanimously, 11-0, for a non-binding resolution supporting the Bay-Delta plan, despite the PUC's opposition. Like the Palo Alto city council, San Francisco's political leaders wanted to make a point about national politics, as well as the environment in general. The city's water needs were an afterthought.

But no decision about water in California can be made in a vacuum. One of the more interesting — and, to participants, frustrating — aspects of the debate over the Bay-Delta plan is the fact that the SWRCB refuses to consider it in the broader context of the California WaterFix.

At the August hearings in Sacramento on the Bay-Delta plan, SWRCB chair Felicia Marcus told members of the public that the hearing would not be able to consider the WaterFix — though Assemblyman Adam Gray brought it up anyway, to the approval of many in the audience.

The fact that the SWRCB insists on dealing with the Bay-Delta Plan in isolation only adds to local suspicion that the real reason for the plan is not environmental, but political. Marcus' SWRCB is a politically appointed board, not an elected group.

I wrote to the SWRCB, asking if Marcus could clarify “why the Bay-Delta process needs to remain separate from the Water Fix (when it seems like the two should at least take each other in to account, from a planning perspective), and also about whether Ms. Marcus takes a particular philosophical approach to environmental/water issues.”

A SWRCB spokesperson politely told Breitbart News, via email, that Marcus would not be able to answer those questions.

“She serves as a hearing officer for the WaterFix administrative hearings that are ongoing right now. So, she can't engage in any discussions (whether private or public) on the WaterFix issues before the State Water Board outside of formally noticed hearings,” the spokesperson said.

The procedural — and artificial — division of roles may serve to create an impression that there is no conflict of interest. But it is also more likely to ensure poor planning and public irritation.

Environmental science is still a young field, but one of the most important concepts drilled into students at both undergraduate and graduate levels is that the environment must be thought of in a holistic manner.

“Sustainability” does not just involve economic viability, as it might have in a pre-environmental era. It means maintaining the health of the natural environment, preserving cultural heritage, social integrity, and other intangible resources that may be at stake.

Even just within an environmental framework, there is no way to isolate one part of a natural system from another, even if we humans would find that more convenient.

It makes no sense, for instance, to talk about a plan whose goal is to increase the amount of fresh water flowing into the California Delta without talking about another plan whose goal is to remove fresh water from the same body of water. Those plans may be separate, but the bodies of water themselves are not.

The SWRCB provides answers to “Frequently Asked Questions” (FAQ) that tries to preserve the divide: “The California WaterFix is a separate project from the plan amendments ... Increased flows from the Lower San Joaquin River will reach the Delta. A small percentage of this could be

exported under current rules but most of the water that is exported [under the future WaterFix] comes from the Sacramento River watershed, not the San Joaquin River.”

The FAQ likewise attempts to explain why the Bay-Delta plan only focuses on the San Joaquin River watershed: “Both [the San Joaquin River and the Sacramento River] are critically important to the health and survival of the Bay-Delta ecosystem but they influence them in somewhat different ways ... The State Water Board is addressing the entire Delta and its contributing watersheds through two separate processes,” it says, without elaborating further.

Some observers suspect the SWRCB is tackling the San Joaquin watershed first to create political and legal precedents that it can use later for the more difficult fights to come over the Sacramento River watershed.

If the Bay-Delta plan is a necessary component of other plans, but water users along the San Joaquin tributaries cannot comment on those broader plans, it is no surprise that those who are affected by the new amendments feel they are being overlooked and their protests ignored.

It is not clear that there would be any statutory reason for the state to organize the process this way — other than to shield the SWRCB from accountability by preventing the public from addressing the underlying issues.

It may be that state authorities have concluded that there is no way to achieve anything new with regard to California’s water infrastructure through a normal legislative or regulatory process. The state’s political system is dominated by Democrats, who hold every major statewide office and enjoy intermittent supermajorities in the state legislature that allow them to pass virtually anything they want, giving the governor and his party vast power — theoretically. Felicia Marcus and the entire SWRCB board were appointed by Democratic governor Jerry Brown, with the approval of the Democrats that lead the California State Senate.

In practice, however, nothing works that way. While the political opposition is weak, the state legislature is held in check through a variety of other mechanisms.

One is the proliferation of ballot initiatives, through which voters can often enact — or repeal — legislation. Another is the recall process, through which individual legislators can be targeted to unpopular votes, as new State Sen. Josh Newman (D-Fullerton) was in 2018 for his vote to raise the gas tax in 2017.

Then, of course, there are lawsuits. It is almost inevitable that any law or regulation that actually changes something in California will be challenged in court, whether state and/or federal. The fate of the Bay-Delta Plan will almost certainly be determined in litigation.

And there is one other way to restrain the massive power of the one-party state: old-fashioned civic participation in the political process, outside of formal voting, through which major decisions are made in the state.

That is how Delta farmers Mark Pruner and Mark Wilson helped stop some of the state’s plans for the Delta itself.

Pruner, a lawyer and a farmer from Clarksburg, told me — over a mess of maps, environmental impact statements, and local newspapers — how the two neighbors organized their community to oppose a state plan to flood a significant portion of the Delta, creating new wetlands for wildlife at the expense of the community that had lived there for over a century.

Their newest obsession is the WaterFix. Though the project bills itself, in part, as an effort to restore the natural environment of the Delta, and promises to bury its twin water tunnels (or perhaps only one tunnel, due to financial constraints) underneath the Delta itself, locals are convinced that the WaterFix will be a severe disruption to their lives.

The Delta's roads are narrow; its bridges are fragile; and its fish and wildlife populations are thought to be fragile. Yet the state proposes to spend the better part of two decades — conservatively speaking — moving hundreds of massive trucks through the area on a daily basis, churning up dust, blasting noise, and straining the local infrastructure.

Area leaders oppose the WaterFix. In late October, the "Delta caucus" of the California state legislature wrote to the U.S. Environmental Protection Agency to protest against \$1.6 billion in federal loans for the project, warning: "This project poses devastating environmental consequences for the state's most important waterway while threatening the economic vitality of the entire region."

Pruner and Wilson have developed an encyclopedic knowledge of the state's water policies through patient resistance to them. They look past the rules and processes and see water policymaking, more cynically, as an ongoing Cold War, a game of musical chairs where the goal is to be the only one left who can take water with impunity.

They told me that the estimated time for completing the WaterFix meant that, in theory, an entire generation of children from the Delta communities could grow up without experiencing peace and quiet in an otherwise rural area.

They also pointed to alliances between farming interests in the north and water users in the south, who pay a premium for water. They see the WaterFix not as an effort to conserve the Delta but rather as a ploy by southern interests to access the fresher water of the Sacramento River rather than the saltier San Joaquin.

And they told me that they worry about the consolidation of power by the contractors — the municipal utilities of Southern California — to change the geography of the rest of the state.

The contractors have mobilized in recent years to increase their influence in state decision-making — a move that matches the preferences of the state government.

Gov. Brown considers environmental issues and infrastructure among his top priorities. He has embraced the state's high-speed rail project, and traveled the globe talking about climate change. The WaterFix is perhaps his most important legacy project.

Though Brown is generally seen — even by Republicans — as a successful governor, having brought the state's budget back into the black and presided over an era of economic recovery, his infrastructure projects remain unpopular, and uncertain.

The "bullet train" in particular is far more expensive than voters were first promised; will run more slowly than advertised, and is taking far longer than the state's residents were told to expect construction would be complete.

The SWRCB, critics told me, operates almost as a law unto itself. The New York Times has described Marcus, the board's chair, as California's water "czar" — "part empathetic confessor and part friendly scold" in the fight to conserve water during the state's record-breaking drought (2012-17).

Originally a scholar in East Asian studies at Harvard, she was appointed by President Bill Clinton as a regional EPA administrator before landing the SWRCB role.

She has become is a key player in a state government whose outlook on water infrastructure has changed fundamentally — from the notion, in the 1950s and 1960s, that the infrastructure existed to help agriculture and provide water to communities, to the idea that the role of government should be to preserve the environment and keep human activities within minimal boundaries, to the extent possible.

Environmentalists have been particularly pleased with her performance. Dan Jacobson, who leads the advocacy group Environment California, told the Times: “She’s been really great for us — she’s an environmentalist through and through.”

The Times praised her as a mediator, reporting that “she has kept the peace between environmentalists and agriculture.” Yet the sense is that she herself falls on the green side of the divide.

(The SWRCB would not make Marcus available for comment — see above.)

To the extent that the SWRCB was designed and filled as a means to cut through the normal political process and impose the governor’s will, it is an imperfect tool, at best.

At the August hearings, the SWRCB seemed ready to vote to adopt the new Bay-Delta plan — though perhaps not ready to deal with the political fallout.

Regardless, whatever the board decides seems destined for court.

Toward the end of October, I re-connected with some of the officials with whom I had met in Modesto and elsewhere.

President Trump had signed a slew of water-oriented measures in the weeks leading up to the midterm elections, including a memorandum designed to cut through red tape and make water infrastructure projects easier to build.

Demko, speaking to me via phone from Costa Rica, said that Trump’s actions seemed to have had an immediate affect in speeding up the permitting process in federal agencies.

But Herrick, the environmental attorney, told me that Trump’s actions would not affect the SWRCB’s decision on the Bay-Delta plan. He, like many others, expected the state to approve the plan — and its somewhat more lenient salinity standard.

That, he said, meant one thing: “We’re screwed.”

His South Delta Water Agency would likely be forced to sue the state, he said — though he was a bit hopeful about the outcome, given the argument that existing water projects were already failing to meet the salinity requirements in their permits. He planned to call on scientific experts to testify that there was increased salinity in local soils.

“There’s literally no basis for relaxing the standard,” he said. “We’ve had 20-plus years of zero enforcement.”

Farmer Jake Wenger told me by telephone, with the sounds of the walnut harvest churning in the background, that he expected the Bay-Delta plan to pass — unless the state and the local

irrigation districts could reach a last-minute deal. Negotiations had “fired back up,” he said, although the SWRCB seemed reluctant to budge from its 40% target.

“There’s been a little bit of progress. They’re not backing off their numbers, they’re just trying to make their numbers work, which isn’t really acceptable.”

Buckley, the environmental activist, defended the SWRCB’s work.

“The state water board ... painstakingly attempted to do settlement agreement negotiations. It met in large groups and small groups, and in one-to-one meetings, including with county supervisors who often just don’t understand the issue and just show up with demands and positions with no tie to reality. ”

He said the SWRBC’s proposed 40% number was the only reasonable compromise left between the various interests involved.

“I can’t see how the state water board can step away from the compromise that it put forward — that instead of doing 60% that was the real basic need, they adopted, in the spirit of compromise, 40%,” he said.

He saw agricultural interests looking after their bottom line — and perhaps negotiating in bad faith.

“It’s amazing how much dry grazing pastureland is, even now, being converted to massive new orchard plantings and other massive new water-demanding agricultural crops, over vast areas,” he observed.

Whatever the vote of the SWRCB on November 7, the ultimate decision will likely be made years hence by an unelected state or federal judge. As with many judicial decisions today, it will tainted by politics according to who appointed him or her.

It would have been better, perhaps to reach voluntary agreement — but the state and the farmers seem unable to compromise.

Theoretically, there is an alternative: an ideal of cooperative management, where both farmers and fishermen are stewards of a scarce resource; where the role of the state is to make sure that its decisions take into account all of the externalities, and that costs are fairly shared by different interest groups.

In the serene peace of the Delta, a confluence of river and sea, that potential seems real.

Unfortunately, in California, the will to cooperate seems as scarce as the water itself.

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Part II will appear in January 2019.

Joel B. Pollak is Senior Editor-at-Large at Breitbart News. He is a winner of the 2018 Robert Novak Journalism Alumni Fellowship. He is also the co-author of *How Trump Won: The Inside Story of a Revolution*, which is available from Regnery. Follow him on Twitter at @joelpollak.

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San Francisco Votes to Starve Itself of Water to Spite Trump; Backs Bay-Delta Plan

Breitbart | October 31, 2018 | Joel B. Pollak

The San Francisco Board of Supervisors voted unanimously 11-0 on Tuesday to endorse California's new Bay-Delta plan, which will restrict the city's water supply. The reason: to spite President Donald Trump's water policy.

The State Water Resources Control Board is set to vote November 7 — the day after the midterm election — on a new plan that will require the rivers in the San Joaquin watershed to maintain 40% of unimpeded flow levels from February to June, more than twice the current amount of water. That means taking more water from farmers — and from the city of San Francisco itself, which relies on water from the Hetch Hetchy reservoir on the Tuolumne River.

The San Francisco Public Utilities Commission, which is technically independent from the politicians on the Board of Supervisors, has opposed the Bay-Delta plan. Earlier this month, the San Francisco Chronicle noted earlier this month that the commission was “concerned that forfeiting water, under the state plan, would prompt mandatory water cuts and drive up water rates as the city is compelled to seek out new, pricey supplies, such as desalination.”

But then Supervisor Aaron Peskin introduced a resolution disapproving of the commission's approach, and backing the Bay-Delta plan. The resolution is non-binding, but supervisors do have leverage over the commission's budget.

The Chronicle noted Tuesday that the supervisors specifically wished to send a message to President Trump, after he issued an executive memorandum Oct. 19 that favored farmers over environmental interests in water policy:

An early version of the resolution explicitly says the city must divorce itself from the Trump administration and its congressional allies such as Rep. Jeff Denham, R-Turlock, who's branded the state plan a “water grab.” The Trump administration has vowed to sue the state if the so-called Bay-Delta plan goes forward, saying it would interfere with the operation of key reservoirs owned by the federal government in the San Joaquin Valley.

“Under the cloud of climate change denial and anti-science populism, the debate around the Bay-Delta Plan has transcended the realm of rational, environmental discourse toward a political and populist, anti-conservation rally cry, fueled by the strategic lobbying of a federal Republican administration aiming to destabilize California's status as a Democratic stronghold,” the resolution says.

The board toned down that language in the final version passed Tuesday afternoon, opting for a resolution that read in part, “President Trump and his administration have overtly politicized matters better addressed through peer-reviewed, relevant science and innovative solutions to regional water use.”

The city council of Palo Alto in Silicon Valley took a similar vote in August, defying its own water department and backing the Bay-Delta plan as a protest to the Trump administration — even though it meant losing precious water.

It is not clear that San Francisco has any plan to replace reduced water supply from Hetch Hetchy, which supplies 85% of its water needs. Environmental groups that support the Bay-

Delta plan also oppose alternatives like desalinization, which requires the intensive use of energy and its therefore seen as a contributor to climate change.

Theoretically, San Francisco Mayor London Breed could veto the resolution, but seems very unlikely to do so.

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San Francisco leaders hate Trump enough they voted to limit the city's water rather than do this

Sacramento Bee | October 30, 2018 | Ryan Sabalow and Dale Kasler

For months, San Francisco, a hotbed of anti-Donald Trump sentiment, has found itself in the awkward position of being aligned with his administration over California water policy.

On Tuesday, the city's leaders said the alliance was unbearable.

In an 11-0 vote, the San Francisco Board of Supervisors agreed in a resolution to support the State Water Resources Control Board's proposal to leave more water in the San Joaquin River and its tributaries to benefit struggling fish populations. The supervisors' vote is subject to veto by Mayor London Breed, although the board could override the veto.

The vote splits the city from the Trump administration and instead moves its support to a state plan that its utilities commission warns could lead to severe drinking water shortages for its nearly 884,000 residents.

An early version of the resolution explicitly says the city must divorce itself from the Trump administration and its congressional allies such as Rep. Jeff Denham, R-Turlock, who's branded the state plan a "water grab." The Trump administration has vowed to sue the state if the so-called Bay-Delta plan goes forward, saying it would interfere with the operation of key reservoirs owned by the federal government in the San Joaquin Valley.

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San Francisco Supervisor Aaron Peskin, who authored the resolution, said the rivers' fish are dwindling in population and added, "It is time not to act like a business enterprise but to realize that the health of our region is at stake."

At the same time, he expressed hope that some sort of compromise could be forged between all parties fighting over the San Joaquin watershed, as state officials have urged.

The state board is set to vote Nov. 7 on the plan, which would require that the "unimpaired flows" of the lower San Joaquin river and its tributaries increase substantially. That would reduce the amount of water available to farms and cities, including San Francisco, by 14 percent in a typical year and twice as much in a dry year.

The city's Public Utilities Commission has been fighting the plan and, along with farm-irrigation districts in Modesto and Turlock, has been promoting an alternative that relies more on habitat restoration to revive fish populations. The Modesto and Turlock districts issued statements Tuesday reiterating their support for their alternative plan, and the PUC pushed back on the Board of Supervisors' resolution at a committee meeting earlier this week.

“The state’s plan would require us to release 100 million gallons of water per day during dry years,” the PUC’s general manager Harlan Kelly Jr. told the committee. “That’s equal to about half of the amount of water we deliver to our customers every day.”

But the city’s Board of Supervisors, which approves the members of the five-person Public Utilities Commission, said it’s time for San Francisco to live with less water.

San Francisco and many of its suburbs get 85 percent of their water from Hetch Hetchy Reservoir, in the northwest corner of Yosemite National Park about 148 miles east of the city. The water that doesn’t get piped to the Bay Area flows through the Tuolumne River, one of the San Joaquin’s main tributaries and home to struggling salmon and steelhead populations. Some years as little as 11 percent of the Tuolumne’s flow stays in the river, and the state water board says it must increase that figure to stave off an “ecological crisis.”

Hetch Hetchy is a delicate issue for San Francisco. Congress approved the damming of the river in 1913, and environmentalists have been fighting ever since to tear it out. The group Restore Hetch Hetchy met over the summer with Ryan Zinke, Trump’s Interior secretary.

City officials say replacing Hetch Hetchy would cost billions — and they’re worried San Francisco could face severe shortages if the state’s plan to alter flows on the Tuolumne is approved.

The city’s resolution comes as California’s dispute with the Trump administration over water intensifies. On Oct. 19 the president signed a memorandum directing the Interior and Commerce departments to streamline environment regulations governing water deliveries throughout California and the Pacific Northwest.

While not directly tied to the state water board’s plan, the Trump memorandum represents an effort to pull more water out of California’s rivers and pump it to the San Joaquin Valley and Southern California. Trump scolded California officials for allowing water to flow to the ocean, bypassing the big pumping stations in the Sacramento-San Joaquin Delta.

“What’s happened there is disgraceful,” Trump said at an event in Arizona, where he was accompanied by Denham and other congressional Republicans from the Valley.

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SF supes urge backing off alliance with farmers, Trump on reviving rivers

San Francisco Chronicle | October 30, 2018 | Kurtis Alexander

The San Francisco Board of Supervisors issued a rare rebuke of the city water department Tuesday, claiming the agency is on the wrong side of a state water debate that pits California against President Trump.

The San Francisco Public Utilities Commission, which provides water to the city and more than two dozen suburbs, has fiercely opposed a far-reaching state plan to revive California's river system, including the languishing Sacramento-San Joaquin River Delta, because it means giving up precious water supplies.

The agency's bid to protect its stake on the Tuolumne River, high in the mountains of Yosemite, and prevent potential water shortages has aligned it with similarly concerned Central Valley agricultural suppliers and their allies in the Trump administration. The unlikely alliance has created a powerful bloc that has so far succeeded in sidelining the state's restoration effort.

San Francisco Supervisor Aaron Peskin put forward a resolution Tuesday, insisting that a city known for its environmental bona fides should stand up for the rivers and not partner with Washington to let them run dry. The board unanimously approved his measure, which pledges full city support for the state plan. The plan is scheduled to be taken up by state officials next week.

"It's time for a new page," Peskin said. "It is time not to act like a business enterprise, but realize the health of our region is at stake."

The mostly symbolic resolution stops short of telling the quasi-independent Public Utilities Commission what to do. But it sends a signal to the water agency about where the supervisors stand and that more severe action could follow.

Officials at the Public Utilities Commission said after Tuesday's vote that they had no intent to stop pushing for a solution that would provide more water to the city than is currently promised in the state proposal. They cited a provision in the resolution that allows for additional talks with the state.

"We support the goals of the state plan, but not the methods that they are using to get to that goal," said spokesman Tyler Gamble. "We're going to continue moving forward with the negotiations."

Peskin has threatened to use the board's budgetary powers to weaken the Public Utilities Commission if the agency puts up too much of a fight.

The initiative by the State Water Resources Control Board comes as the rivers that once poured from the Sierra Nevada run low because of relentless pumping by cities and farms. The lack of water has decimated the delta, a critical juncture for salmon and other wildlife as well as the hub of California's water supplies.

To address the impending crisis, state officials want to boost the amount of water in the San Joaquin River and its tributaries that flow to the delta by limiting draws to no more than 60 percent of a river's flow during peak runoff periods. Currently, some rivers run at just 10 percent of their natural level.

The state water board is slated to vote on the proposal next Wednesday. A similar initiative for the Sacramento River and its tributaries is expected to follow.

Environmental groups and the fishing industry, which have long supported the state's restoration effort, applauded Tuesday's action by the Board of Supervisors.

"We have renewed hope that we'll finally get a little bit more water in the rivers that is so desperately needed," said John McManus, president of the Golden Gate Salmon Association.

Largely due to insufficient river flows, the number of salmon in the San Joaquin River watershed has plummeted to a fraction of the tens of thousands that spawned there just decades ago. The decline has had a heavy toll on fishermen.

McManus speculated that without San Francisco's opposition, the state water board would be more inclined to move forward with its plan next week.

The Public Utilities Commission's unlikely alliance with agricultural water suppliers on an issue often split between urban and rural interests had given city water officials unusual clout on the matter.

For more than a year, moderators tapped by the state to work with opponents of the state plan, including former Interior Secretary Bruce Babbitt, had urged the city to back off. So had Gov. Jerry Brown.

Peskin acknowledged that the Public Utilities Commission could continue to work behind the scenes to fight the state, but he said his resolution is almost certain to prevent the agency from taking legal action.

While state officials have touted the so-called Bay Delta Plan as a compromise that will help rescue California's river system yet still leave the bulk of water for humans, several municipal water agencies and irrigation districts believe they're not getting enough.

Meeting the state's target on the San Joaquin River and its tributaries would mean drawing 7 to 23 percent less water, according to state estimates.

The San Francisco Public Utilities Commission has said the plan would necessitate immediate development of alternative water sources, like desalination plants, prompting higher water rates of as much as 17 percent over 15 years in order to fund the new infrastructure.

Water rationing may also be needed until additional supplies come on line, according to the agency.

"Our core responsibility is to deliver clean, reliable, safe drinking water," said Harlan Kelly, the Public Utilities Commission general manager, at a committee hearing Monday on Peskin's resolution. "We are prepared to put more aside, but we thought it must be done in a responsible way."

The agency has maintained that it can revive struggling salmon runs on the Tuolumne River without major water cuts to cities, though the state and independent scientists say that's not possible.

Opponents of the Bay Delta Plan have won recent support from Washington, where Interior Secretary Ryan Zinke has characterized the state's proposal as a water grab and threatened to take legal action to stop it.

President Trump has criticized California on Twitter for being "foolish" for not wanting to pump more water from the rivers.

At Monday's preliminary hearing on the San Francisco resolution, a handful of labor activists and workforce development officials also questioned the state's push to withhold supplies from people when shortages could affect businesses and jobs.

Mayor London Breed has been mum on the issue. She declined repeated attempts by The Chronicle to get her to comment on efforts to restore the rivers and the delta ecosystem.

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Editorial: San Francisco and its PUC need to innovate on water use

San Francisco Chronicle | October 22, 2018 | Chronicle Editorial Board

San Francisco has always been on the periphery of California's water wars — until last week. That's when San Francisco Supervisor Aaron Peskin introduced with three co-sponsors a resolution to the Board of Supervisors that San Francisco should help maintain river flows in the San Joaquin by reducing its take from the Tuolumne, a tributary.

Meanwhile, the San Francisco Public Utilities Commission is working all the angles in Sacramento and with the Trump administration to keep every drop of Tuolumne River water to which it believes it is legally entitled.

It's too easy to make this a political question of "does San Francisco side with Trump or not?" This is a policy question that will determine life in California long after Trump is gone. Do Californians carve out a share of water for the environment — in good water years and drought years — or do we battle over every drop for human use while living in a dust bowl? San Francisco needs to reduce its draw from the Tuolumne and develop other water sources and reuses.

At stake is nothing less than the desirability of our state, as well as the survival of the West Coast's iconic salmon fishery and the fishing industry that depends on it.

In a proposal nearly 10 years in the making, the State Water Resources Control Board has asked that the water agencies that draw water from the San Joaquin River and its tributaries — like San Francisco — reduce their take during certain times of the year to ensure "unimpaired flows" of between 30 and 50 percent. This keeps cool water in the river for spawning fish and needed freshwater flows in the estuary for a healthy San Francisco Bay and delta.

The need is great: Drive along the San Joaquin River and you will see a wide riverbed with a tiny trickle of water, the result of many, many diversions to farms and cities. Lack of adequate river flows have California's salmon fisheries on the brink of extinction.

The state water board will vote on the proposal Nov. 7 and then move on to implementation, where the details of whatever plan is adopted will be worked out. Later in November, the board will take on the next big planning effort: a similar proposal for the state's largest river, the Sacramento.

San Francisco, relying on its Hetch Hetchy pipeline and a long relationship with the Modesto and Turlock irrigation districts, has fallen behind other counties and agencies on water innovation.

Today, we trail Orange County, San Diego County, even the East Bay Municipal Utility District, in working out cooperative agreements and adopting technologies that make efficient, responsible use of scarce water. Demand for water already is great and will only climb as the climate warms and our state's population grows.

We are leaders of innovation in information technology, biotechnology and soon automotive technology. San Francisco — both its governing board and its water commission — needs to apply our innovation know-how to water. Now.

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This commentary is from The Chronicle's editorial board. We invite you to express your views in a letter to the editor. Please submit your letter via our online form: [SFChronicle.com/letters](https://www.sfchronicle.com/letters).

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Prop. 3: California water projects bond measure goes down to defeat

San Francisco Chronicle | November 7, 2018 | Nanette Asimov

Backers mourned the loss of Proposition 3 on Wednesday, the nearly \$9 billion bond measure that would have modernized old dams, restored tainted watersheds and created desalination plants, among dozens of other water projects throughout the state.

Prop. 3 — backed by state water agencies, farming organizations, social justice advocates and environmentalists, but not the Sierra Club — lost by 52 to 48 percent, a difference of 320,000 votes out of nearly 7 million ballots cast.

“I think it’s disappointing,” said David Lewis, executive director of the nonprofit Save The Bay. “We need to do a lot of work to make sure we have clean water for people and wildlife in a time of rapid climate change. (This measure) would have gotten us a long way toward providing clean drinking water to people who don’t have it in the Central Valley.”

He said the recent drought, with the promise of more to come, exposed an urgency in California to adapt water use and water infrastructure to climate change.

The Sierra Club argued that the measure was not worth the expense, and that agricultural interests that helped fund the campaign would disproportionately gain.

Kathryn Phillips, director of the California chapter of the Sierra Club, called it a “pay-to-play measure.”

The Bay Area would have gotten at least \$250 million for water agency projects, and \$200 million to restore wetlands in San Francisco Bay. Much of the bond money would have been awarded through competitive grants, with some reserved for fixing the Friant-Kern Canal in San Joaquin Valley and the Oroville Dam.

Prop. 3 did well with Bay Area voters.

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\$9 billion California water bond trailing in early returns

Press Democrat | November 6, 2018 | Don Thompson

LOS ANGELES — Californians were leaning against borrowing \$9 billion for water projects Tuesday in a state where water scarcity often pits city dwellers, farmers, anglers and environmentalists against one another.

About 53 percent of voters opposed Proposition 3 with about 3.6 million votes counted.

The bond measure devoted money to storage and dam repairs, watershed and fisheries improvements, and habitat protection and restoration.

Much of the \$8.9 billion was earmarked for conservancies and state parks to restore and protect watersheds, and to nonprofits and local agencies for river parkways.

There also was money for improvements to meet safe drinking water standards.

The measure was backed by agricultural and water associations and groups devoted to conserving wetlands, fish and wildlife. Together, they had contributed more than \$5 million to the campaign by mid-October.

Sierra Club California and the League of Women Voters of California were among opponents who said the measure benefited special interests while siphoning money from other programs. No significant money was spent by the opposition.

Proposition 3 was the largest water bond proposal since California's nonpartisan legislative analyst began keeping track in 1970.

Less than \$500 million was tagged for surface water storage and dam repairs, including \$200 million to help repair Oroville Dam in Butte County, where damaged spillways last year caused the precautionary evacuation of nearly 200,000 people living downstream.

With the payback cost estimated at \$430 million a year for 40 years, the legislative analyst put the total cost of the measure to state taxpayers at \$17.3 billion, or about double the underlying benefit.

Local governments were projected to save about \$200 million annually for water-related projects, with some matching funds required and preference given to disadvantaged communities.

Voters previously approved nearly \$35 billion in bonds since 1970 for water and environmental projects, including \$4 billion from a ballot measure passed in June. About a third of all funding remains unspent.

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If Proposition 3 Passes, 2018 Could Become California's Highest-Funded Year for Water Projects in Decades

A quick guide to Proposition 3, among the more confusing measures on which Californians will vote on November 6th.

Pacific Standard | November 2, 2018 | Kate Wheeling



*A view of the Sacramento–San Joaquin Delta from Sacramento.
(Photo: United States Fish and Wildlife Service)*

California voters will weigh in on 11 statewide ballot propositions on November 6th—a relatively small number for a state where the record number is 45. Still, the measures cover a lot of ground: everything from gas taxes to housing to breaks for emergency workers to daylight savings time to water conservation. There was even a ballot measure (Proposition 9) that could have split California into three states, before the state Supreme Court struck it from the ballot over the summer. Some of the remaining propositions are more straightforward than others, and Proposition 3, which would authorize the state to sell \$8.9 billion in bonds to pay for water infrastructure and environmental projects, has left many voters confused.

One reason is that California voters just approved a bond sale for water projects in June: Proposition 68, which authorized the sale of \$4 billion for park and water projects. If Proposition 3 passes as well, 2018 will become the state's most-funded year for water projects in decades, second only to 1960, when Californians approved the State Water Project.

So what's different about Proposition 3?

For one thing, it didn't come from the legislature. Gerald Meral, a former water policy adviser to Governor Jerry Brown, wrote the initiative and began collecting signatures last fall to get the measure on the 2018 ballot. Most of the more than \$4.8 million raised in support of the measure came from business groups, farmers, and environmental organizations that would directly benefit from its funds. Its major backers include American Pistachio Growers, the California Waterfowl Association, and Western Growers. Critics call this a classic "pay-to-play" scenario. Roughly \$750 million is ear-marked for repairs to the federally owned Friant-Kern Canal, for example—which, according to the Sierra Club, was damaged by over-pumping groundwater. Historically, the canal beneficiaries, rather than taxpayers statewide, paid for its maintenance and repairs. "Those who pumped the water and caused the damage should pay to repair the canals," the environmental group said in its opposition statement in July.

Other environmental groups, however, donated more than \$1 million to the campaign in support of the proposition, which set aside \$940 million for habitat protection.

The proposition's supporters say the funds, which would be handed out to projects via grants, would help the state prepare for "the next inevitable drought and flood," and nearly \$1.4 billion would go toward projects that directly benefit disadvantaged communities. Everyone agrees California needs to better protect its water supply in the age of climate change, but opponents of Proposition 3 say the measure is just "throwing money at a problem," and cite concerns about a lack of transparency: Just as the bond provisions were negotiated by its beneficiaries behind closed doors, there would be no legislative oversight of the distribution of the funds—in other words, no way to ensure that the beneficiaries were living up to the promises of their water projects.

Whether or not they see any benefits, California taxpayers will have to pay back the bonds eventually, and Proposition 3 will cost taxpayers \$17.3 billion to pay them back in full, plus interest, over the next 40 years.

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Massive California Water Tunnel Project Forges Ahead on Several Fronts

Gov. Jerry Brown terms out in two months, yet the giant twin tunnel project he has shepherded will still be plodding through several permitting steps. Critics say there are better ways to meet California's long-term water needs.

Water Deeply | October 30, 2018 | Cariad Hayes Thronson



An aerial photo of one location along the Sacramento River that may be affected by construction of the WaterFix twin tunnels diversion project. Photo by Randall Benton, The Sacramento Bee

The spring and summer of 2018 saw frenzied activity around California WaterFix, the latest iteration of a decades-long, on-again-off-again effort to convey fresh water from the Sacramento River to the South Delta export pumps while bypassing the Delta itself. Governor Jerry Brown has made WaterFix a top priority, but as his administration heads into its final months, the project – one of the largest infrastructure projects in state history – still faces a raft of uncertainties.

“Going back to the 1960s, the Department of Fish and Game advised various administrations that the State Water Project had to include a conveyance around the Delta so that the prevailing flow patterns would be more natural,” says the State Water Resources Control Board’s Steve Moore. Currently, pumping from the state and federal pumps at Clifton Court Forebay draws water into a north-to-south flow pattern, rather than following the historic natural, largely east-to-west, drainage from the Sierra to the sea.

In its most recent incarnation, WaterFix – sometimes referred to as the “twin tunnels” – consists of two large, 35-mile tunnels that would divert water from the Sacramento River and carry it under the Delta to the pumps. Proponents say this will protect endangered fish, including salmon and Delta smelt, by reducing the unnatural flows that pull young fish into the pumps, and will also improve water supply reliability in the face of climate change, earthquakes and potential levee failure.

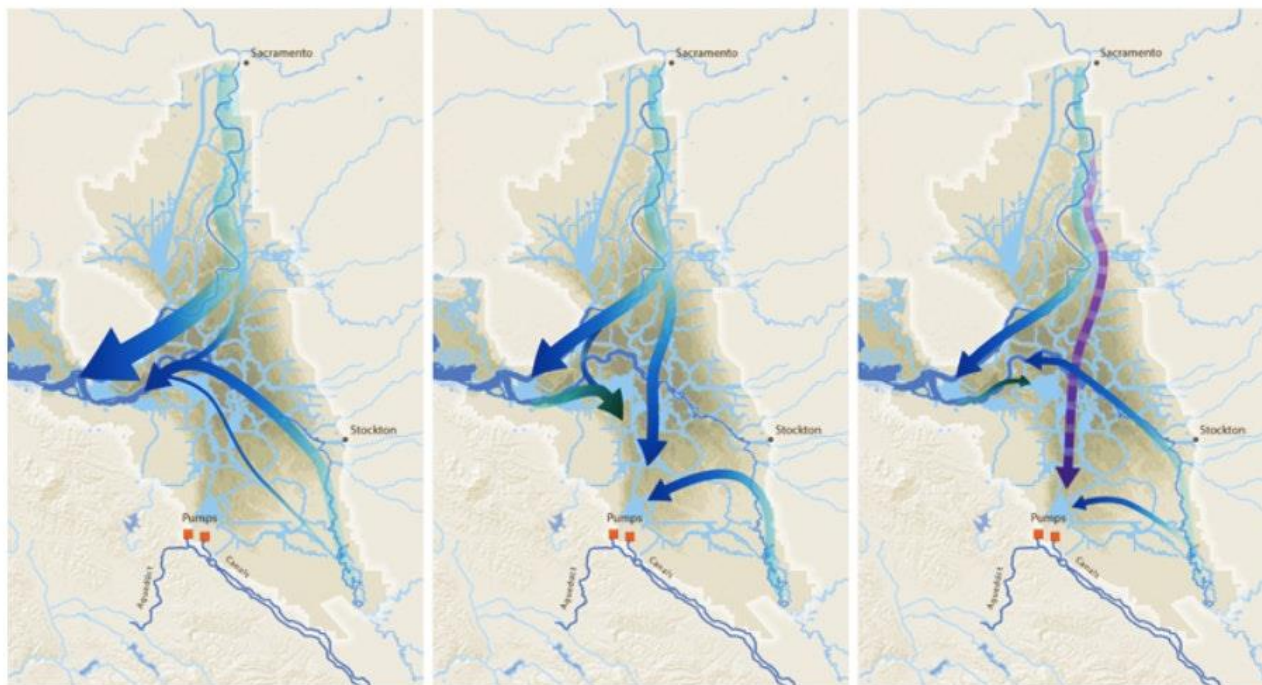
Critics counter that the proposed operation of the new intakes – which have a total capacity of 9,000 cubic feet per second – could potentially capture too much of the freshwater flows entering the Delta, to the detriment of both wildlife and Delta water users. They also worry that the benefits to fish may be

nowhere near what has been promised. “This will reduce the use of the pumps by 50 percent, which is a step in the right direction, but it’s leaving us with potential reverse flows in the North Delta, which we’ve never had before,” says Friends of the San Francisco Estuary’s Darcie Luce.

During the summer, the State Water Resources Control Board continued hearings on a critical element of WaterFix, the Department of Water Resources’ petition to add a point of diversion on the Sacramento River north of the Delta (the southern intakes would remain operational). In July, the Board also released its final environmental document for Phase 1 of its long-delayed update to the Water Quality Control Plan for the Bay and Delta, addressing flows from the San Joaquin River and its tributaries, as well as a framework for Phase 2, which will cover the Sacramento River. To many, the plans seem incompatible with WaterFix.

The framework for Phase 2 calls for an increase in Sacramento River and Delta outflow, particularly during the winter and spring months, to restore a more natural flow regime and assist salmon, Delta smelt and other endangered species. “There is a disconnect,” says Natural Resources Defense Council’s Doug Obegi. “WaterFix is proposing to reduce Delta outflows during the winter and spring months, and the Board is saying we need to increase outflows during this same time period.”

WaterFix and the water plan updates have been proceeding along parallel tracks for a decade, says Obegi, and the board has repeatedly emphasized that the updates should be completed before WaterFix was approved. “But that’s not what has happened. So the expectation is that the board will have to impose conditions on WaterFix that will increase outflow and reduce water supply. For a project that already doesn’t pencil out for many of its supposed proponents, it seems to exacerbate the economic problems with WaterFix.”



These maps provide a very generalized picture of flow patterns in the Sacramento-San Joaquin Delta: in the absence of pumping (left); when river inflows are low and pumps are operating (middle); and with tunnels built and operating (right). The patterns may look different under a variety of conditions. (Image courtesy Amber Manfree, Estuary news)

In addition to new flow objectives from the state board, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service have reinitiated consultation under the Endangered Species Act for

Delta smelt, Chinook salmon, Central Valley steelhead and green sturgeon, which could also “produce requirements that are not consistent with what the WaterFix plan describes as the operations of this facility,” says the Bay Institute’s Jon Rosenfield. “Again it’s a cart before the horse sort of thing – if you approve and rally all the money together to build a new diversion and start putting it in the ground, and then overarching regulations indicate that you can’t operate it the way you thought, then the people who invested money might be disappointed in the results that they get.”

The regulatory uncertainty seems to have spooked some potential WaterFix funders, including Westlands Water District, which decided not to invest in it. Nevertheless, Metropolitan Water District (MWD) of Southern California has gone all in on the project, committing to provide almost 65 percent of the project’s roughly \$17 billion budget. MWD is also a key participant in a new joint powers authority, the Delta Conveyance Design and Construction Authority, which was formed in May to oversee the project.

MWD assistant general manager Roger Patterson notes that some of the agency’s board members did express concerns about regulatory uncertainties. The range of possibilities didn’t change MWD’s mind about the fix, however.

“We looked at our projections with and without the project and then let them ride on top of whatever regulatory scheme there may be,” he says. “Our overall conclusion was that if the state board required significantly more Delta outflow, the benefit of the project might be a little bit less but not radically less, and we took that into account when we made our decision to invest in the project.”

WaterFix is designed to make the most of big winter storms in a way that won’t interfere with flow objectives, says Patterson. “The project mostly just captures really, really big storm flows that produce way more outflow than what the regulations would require. During those events you can divert full capacity at the Delta and hardly notice it at all in the effect on outflow.”

“The idea that WaterFix will take more water out of the Delta is a common misconception,” says the state board’s Steve Moore. “I don’t think that there is automatically a conflict between changing the point of diversion and increased Delta outflows.” Moore notes that the Board has held roughly 100 days of hearings on changes to the points of diversion, as well as nine days of hearings on the proposed San Joaquin Basin flow objectives. “All of that robust process and public discussion should give folks some assurance that these two items are closely coordinated,” he says.

Beyond the activity at the state board, in July DWR filed a determination of consistency with the Delta Stewardship Council, avowing that WaterFix comports with the Delta Plan. That set off a number of appeals from environmental groups and Delta water users, including the City of Stockton, and agricultural water users north of the Delta. A hearing on the appeals was scheduled for October 24.

On another front, on September 11, the Joint Legislative Budget Committee held a hearing on a 50-year extension of the state water contracts, an essential step to selling bonds to pay for WaterFix, and one which, under the water code, could have ended legislative oversight of it. Critics had lobbied hard for a delay in the hearing, arguing that it was premature, since contract amendments between the water contractors for California WaterFix were not complete, and since a detailed public financial plan for the project, and cost-benefit analysis for two tunnels, had yet to be developed. However, at the hearing, DWR pledged that the extensions would not be used to advance bond purchases and that the agency would return to the legislature with a financial plan for WaterFix. Critics are somewhat mollified by the promise, as it seems to assure continued legislative oversight of the project. “You don’t always get what you want, but sometimes you get something useful,” says Restore the Delta’s Barbara Barrigan-Parrilla. “The ball is still in play.”

A common thread in the criticism of WaterFix is that it seems to be a 20th-century approach to 21st-century conditions, says Luce. “Maybe it’s not the best way to use the money, maybe a better way would be 21st-century solutions like advanced purified water treatment, distributed water reuse or any number of what might be locally and regionally more relevant solutions than transporting water.”

This article was originally published by Estuary News, a monthly publication of the San Francisco Estuary Partnership.

The views expressed in this article belong to the author and do not necessarily reflect the editorial policy of Water Deeply.

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Cariad Hayes Thronson covers legal and political issues for Estuary News. She has served on the staffs of several national publications, including The American Lawyer. She is a long-time contributor to Estuary News, and some years ago served as its assistant editor.

New Survey Finds Majority Of San Joaquin Valley Voters Support Water Bond Proposition

Sierra Sun Times | October 31, 2018 | Staff Writer

October 31, 2018 - According to a new survey of the San Joaquin Valley conducted by the Institute for Leadership and Public Policy at Fresno State, in cooperation with the California Water Institute at Fresno State and the Friant Water Authority, 64 percent of likely voters would vote yes on Proposition 3, the Water Supply and Water Quality Act of 2018, a statewide measure that would fund a number of water resources management projects throughout the state.

“The results clearly indicate that San Joaquin Valley voters understand that the standard of living and quality of life in the Valley relies on the availability of water to support the food production system to serve a national and global demand for food,” said Thomas Esqueda, executive director of the California Water Institute.

This is the first joint survey on Valley water attitudes released by the California Water Institute and the Friant Water Authority.

On a question about the importance of water to the future of jobs and services in their community, nine out of 10 respondents said that it is “very important.” On another question, 94 percent of respondents agreed that water is as important to the San Joaquin Valley as high technology is to Silicon Valley.

The findings are based on responses from an online panel of 486 likely voters from the San Joaquin Valley. The survey was conducted Oct. 9 through 15, and has a margin of error of plus or minus 4.4 percent.

“Just as the Silicon Valley requires people, and transportation infrastructure investment, to support a high-technology economy that produces products that are distributed around the globe, the San Joaquin Valley requires water, and water infrastructure investment, to support a food production economy that also distributes products worldwide,” said Jason Phillips, CEO of the Friant Water Authority.

The Fresno State-Friant Water Authority Valley Water Attitudes Survey is intended to be the first of an on-going collaboration between the California Water Institute and the Friant Water Authority on water-related issues facing the Valley.

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The full report of the findings of this topic can be found here on the Institute for Leadership and Public Policy website.

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Groundwater Management is Key to Adapting to Climate Change

Public Policy Institute of California | October 30, 2018 | Jeffrey Mount and Ellen Hanak

California relies heavily on groundwater for its water supply, particularly during drought. Climate change is increasing drought intensity, making groundwater—with its immense potential for low-cost storage—an ever more important water source. Sustainable groundwater management will be vital to adapting to a warmer future and should be a top policy priority for the next administration.

In non-drought years, groundwater supplies approximately one-third of urban and agricultural water use in California, but its share rises during droughts, when snow and surface water are scarce. In severe drought years, it provides more than half of urban and agricultural water use.

A recent report by the PPIC Water Policy Center and a large team of experts highlighted the impacts of climate change on water supply and ecosystem management during drought. As winter precipitation shifts from snow to rain in a warming climate, a key issue will be adapting the management of the state's water storage system. A more volatile climate and changes in precipitation could shift the use of large multipurpose reservoirs from water storage to protection against flood risk, thus reducing the water available from reservoirs in some years—and making groundwater storage even more important.

In some regions, including the San Joaquin Valley, groundwater overdraft—taking more water out of aquifers than is put back—has been going on for decades. This has increased the cost of groundwater pumping, dried up wells in many rural areas, and caused land to sink, damaging infrastructure.

But the greatest long-term impact of unsustainable groundwater use is the loss of stored water that can be economically pumped during dry periods. This makes the state increasingly vulnerable to drought in a changing climate.

The 2014 Sustainable Groundwater Management Act (SGMA) requires water users and other stakeholders to self-organize into groundwater sustainability agencies (GSAs) and prepare and implement plans to achieve sustainability in the next 20 years. Done well, these efforts will restore the capacity of the state's groundwater basins to supply water during drought.

GSAs have begun the hard work of developing their sustainability plans—due in January 2020 for critically overdrafted basins and two years later for the rest. The Department of Water Resources is providing technical and planning assistance, and the State Water Board—which has ultimate authority over these plans—is offering policy and legal guidance where it can.

Making SGMA a success will require additional action in the following four areas:

Advance planning. At the top of the list is expanding state and regional support for groundwater sustainability plans. Factoring in the predicted effects of climate change and developing robust water accounting and regional strategies for managing scarcity will be key.

Modernizing the water grid. A major priority for helping groundwater basins achieve sustainability is to upgrade and modernize the state's water “grid”—the network of reservoirs, canals, rivers, and groundwater basins that store and convey water. Improving the grid's capacity to move surface water into groundwater storage during wet periods is essential.

Updating water allocation rules. For the improved grid capacity to function well, the state will need to make it easier to recharge, trade, and bank groundwater.

Finding the money. Finding the money for groundwater sustainability programs will be crucial. The best solutions focus on expanding funding from local water bills and taxes—which currently fund roughly 85% of water management expenditures—and using state general obligation bonds to fund projects with clearly defined public benefits.

Achieving sustainable groundwater management is one of the most important things California can do to prepare for a warming climate. Getting there will require a suite of actions—including some reforms beyond those called for under SGMA. Better planning, modernizing the grid, streamlining water allocation, and finding program funding can help us manage this critical water supply.

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Untangling the Complexities of California's Proposition 3 Water Bond

The \$8.9 billion bond measure on the November 6 ballot covers a lot of ground on water issues. It also promises big money for a few projects that some experts and voters find unpalatable.

Water Deeply | October 29, 2018 | Heather Cooley, Sonali Abraham, Sarah Diringer and Cora Kammeyer



A portion of the Friant-Kern Canal, operated by the U.S. Bureau of Reclamation in California's San Joaquin Valley. Portions of the canal have subsided due to overpumping of groundwater by farmers. Proposition 3 would provide \$750 million to fix damaged sections of the canal. Opponents of the bond measure say this cost should be borne only by those water users who benefit directly from the canal. Photo by Darrell Wong, The Fresno Bee

A portion of the Friant-Kern Canal, operated by the U.S. Bureau of Reclamation in California's San Joaquin Valley. Portions of the canal have subsided due to overpumping of groundwater by farmers. Proposition 3 would provide \$750 million to fix damaged sections of the canal. Opponents of the bond measure say this cost should be borne only by those water users who benefit directly from the canal. Photo by Darrell Wong, The Fresno Bee

On November 6, California voters will decide the fate of Proposition 3 (the Water Supply and Water Quality Act of 2018), which authorizes the sale of \$8.9 billion in new general obligation bonds for water-related infrastructure and environmental projects. This includes funds – most of which would be distributed through grants – for various projects related to water supply, watershed health, flood management, groundwater, facility upgrades and fish and wildlife habitat.

Many are confused about the bond, and numerous organizations have taken positions supporting or opposing it. We at the Pacific Institute, a California-based think-tank focused on water, are taking no formal position on Proposition 3, opting instead to offer the voting public some insights into its complexities.

For context, California has authorized approximately \$60 billion (in 2018 dollars) in water-related bonds since 1960. If passed, Prop. 3 would be the fourth-largest water bond in California history. Further, the combination of Prop. 68 (approved by voters in June 2018) and Prop. 3 would make 2018 the second-highest funding year for water-related bonds in the state's history. The largest authorization was in 1960, when California voters approved construction of the State Water Project.

If Proposition 3 passes on November 6, it will make 2018 the second-biggest year for bond funding of water issues in California history. (Image courtesy The Pacific Institute)

The cost of Proposition 3 to California taxpayers will be \$17.3 billion over the next 40 years, including full repayment with interest. This money would come out of the state's general fund, which relies on personal income tax, sales tax and corporate taxes for much of its revenue. While repayment of the bond does not necessarily increase taxes, it competes with other projects and services paid for out of the general fund, such as public schools and universities, the state prison system, the Medi-Cal health insurance program, unemployment benefits, state parks and other health and social services.

Pros

Provides much-needed funding for key water needs: Prop. 3 would fund critical improvements to California's water systems, helping to improve watershed health and prepare our state for climate extremes. Nearly \$2.5 billion would be allocated to protect and restore watersheds throughout the state, including projects that would improve water supply reliability and water quality while providing additional co-benefits, such as fisheries habitat, recreational uses and wildfire resilience.

In addition, Prop. 3 allocates more than \$2.1 billion toward water conservation, water recycling, stormwater capture and other alternative water supplies. These investments are critical for ensuring safe, clean and reliable water for communities and the environment, especially considering climate change, continued growth and the need to restore freshwater ecosystems.

Supports disadvantaged communities: Prop. 3 would help alleviate water challenges in disadvantaged communities and economically distressed areas by supporting critical drinking water and wastewater system improvements. In several instances, funds are set aside or prioritized for these communities, and cost-sharing requirements may be reduced or eliminated. However, funding to support ongoing operation and maintenance costs is limited, raising questions about the long-term sustainability of these projects.

Cons

Not developed through the legislative process: Proposition 3 is a citizen's initiative ballot measure and, as such, it did not follow a typical legislative process. To gain the support needed to pass the bond, funding came from specific groups using what both the San Francisco Chronicle and the San Jose Mercury call a "pay-to-play" operation. Further, bond provisions were negotiated behind closed doors.

Supports some controversial projects: A standout concern is the \$750 million Prop. 3 proposes to fix the federal Friant, Kern and Madera canals that were damaged by groundwater overpumping. This would effectively require the use of state taxpayer money to repair a federal project that benefits private interests. We note a similar concern about funding in the bond

measure for repairing the Oroville Dam, which some argue should be provided by those who directly benefit from the dam.

Provides limited oversight: While the proposition does set forth stipulations for accountability of funds, it does not require legislative oversight. Although state agencies are responsible for distributing the funds, there is no single body that would control and monitor the distribution of funds, nor is there any single entity with the power to withhold or delay funds if the requisites delineated in the proposition are not met.

Large general obligation bonds are insufficient and unsustainable: Long-term, reliable funding streams are needed to support and maintain California's natural and built water systems. The state has a long history of using general obligation bonds for water-related projects, but while bonds provide important short-term financial resources, they are unreliable and costly. In addition, the inability of this funding source to address operations and maintenance of projects is a problem and, in some cases, may set communities up for "orphan" projects that are promising at the outset but cannot be sustained.

Like most propositions, Proposition 3 has important pros and cons that voters will need to weigh based on personal preferences and priorities. But regardless of its fate, voters should not expect these funds to be the last investment that is needed for California's water systems. Adequately addressing the state's water challenges will require leadership, commitment and a broader range of funding sources.

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Trump's California Water Relief

A much-needed review to allow more storage and less waste

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Houseboats float in the drought-lowered waters of Oroville Lake near Oroville, Calif., Oct. 30, 2014.

Photo: Rich Pedroncelli/Associated Press

Donald Trump ran as a champion of the forgotten man, and few have been forgotten more by the political class than California's parched farmers. On Friday the President made good on a campaign promise to deliver more water to more people.

California has an arid climate in the best of times. Yet tens of billions of gallons of water each year are wasted because of restrictions on pumping in the Sacramento-San Joaquin River Delta that are intended to protect fish including smelt and chinook salmon.

One problem is that California lacks storage capacity in the north to capture the abundant precipitation that falls in the mountains during wet years, such as 2017. Runoff then rushes into rivers that dump into the delta rather than flowing south or into reservoirs for storage for the dry years.

The other major problem is federal regulations, known as biological opinions, that limit the rate at which water in the delta can be pumped to the south of the state. During storm surges, most water is flushed out to San Francisco Bay. In August 59,300 acre feet of water were wasted—

enough to sustain 474,000 Californians for a year—and more than one million acre feet may flow out to sea during wet months.

These restrictions are intended to prevent smelt from getting ensnared in the pumps and to maintain a pH balance suitable for fish. Nonetheless fish populations have continued to decline, which some biologists attribute to predatory species like the striped bass and wastewater. In 2010 federal Judge Oliver Wanger scored the U.S. Fish and Wildlife Service for “sloppy science and unidirectional prescriptions that ignore California’s water needs.” The Ninth Circuit Court of Appeals largely concurred with Judge Wanger’s assessment but concluded that pumping restrictions were necessary to “counteract the uncertainties” of the government’s analysis.

Enter President Trump, who has ordered the Departments of Commerce and Interior by 2019 to review their sloppy science and revise the fish biological opinions. His Friday executive order also directs the agencies to streamline regulatory reviews for western water projects.

A major water storage and delivery project hasn’t been completed in California’s north for decades. A project to raise the height of the Shasta Dam to store more water was stuck in regulatory purgatory for three decades, but the U.S. Bureau of Reclamation has finally unclogged the regulatory pipe and plans to award a construction contract next year.

The President’s reprieve couldn’t come at a better time since California regulators this summer proposed again to sharply restrict water deliveries to farms. The state also enacted legislation making water rationing limits permanent. These include limiting indoor use to 55 gallons per day per person and restrictive rules for farm water management.

Most Californians may not like President Trump, but his water decision is another case in which his willingness to challenge political shibboleths will help average people.

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