



Statement from Nicole Sandkulla, Chief Executive Officer for the Bay Area Water Supply and Conservation Agency (BAWSCA), Regarding the recent Court Decision in the State Water Board Cases related to the State Water Resources Control Board's (State Water Board) Bay-Delta Updated Plan (Plan)

March 20, 2024

In February 2019, BAWSCA intervened in a legal action in Tuolumne County Superior Court “to protect the water interests” of its 26-member agencies in Alameda, San Mateo and Santa Clara counties against actions adopted in December 2018 by the State Water Board. As an intervenor in the State Water Board Cases, BAWSCA joined the City and County of San Francisco and other water suppliers challenging the State Water Board’s adopted Plan for the San Francisco Bay-Sacramento-San Joaquin Delta Estuary.

The Plan includes the Tuolumne River, which is the source of 85 percent of the water for the San Francisco Regional (Hetch Hetchy) Water System (System), which in turn provides two-thirds of the water used by BAWSCA’s agencies. If implemented, the Plan would significantly reduce the water supply available to the 1.8 million residents, more than 40,000 businesses, including Silicon Valley, and community organizations in the three counties that rely on water from the Hetch Hetchy System.

On March 15, 2024, the Court in the State Water Board Cases issued its decision and ruled in the State Water Board’s favor on all 116 claims by the 12 petitioners, including BAWSCA’s claims. BAWSCA is still in the process of reviewing the 162 page decision to determine next steps, if any.

But based on its initial review, BAWSCA is extremely disappointed in the decision, which makes uncertain a reliable water supply for the Hetch Hetchy System. That uncertainty has severe implications for the continued economic growth and ability to build desperately needed housing in the Bay Area.

The Court’s decision highlights the continued importance of San Francisco’s new Alternative Water Supply Program, which includes evaluation and early planning for new alternative water supplies that may be necessary, and which can take decades to implement, to ensure a reliable supply for the water customers that BAWSCA represents under State law.

BAWSCA recognizes the need for a healthy Bay Delta environment and for providing critically necessary water for all the water users it represents. BAWSCA continues to focus on the Agreements to Support Healthy Rivers and Landscapes being proposed by State, federal and local agencies, including supporting a potential voluntary agreement for the Tuolumne River, which is currently undergoing review and evaluation by the State Water Board.

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