

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

June 8, 2018

Correspondence and media coverage of interest between May 30, 2018 and June 6, 2018

Correspondence

Date: May 31, 2018
To: The Hon. Brenda Burman, Commissioner of Reclamation
From: Local Urban and Agricultural Water Districts currently participating in and providing funding for the planning phase of the Phase 2 Los Vaqueros Reservoir Expansion Project.
Subject: Support letter on Los Vaqueros Expansion Project FY 2019 Water Infrastructure for Improvements to the Nation (WIIN) Act.

Media Coverage

Water Conservation:

Date: June 1, 2018
Source: Sacramento Bee
Article: Gov. Brown makes water conservation rules permanent

Date: June 1, 2018
Source: LA Times
Article: California will have water consumption limits for the first time after “landmark” legislation passed

Date: May 31, 2018
Source: Mercury News
Article: Drought or no drought: Jerry Brown sets permanent water conservation rules for Californians

Date: May 31, 2018
Source: Maven's Notebook
Article: Governor Brown Signs Legislation Establishing Statewide Water Efficiency Goals.

Water Infrastructure:

Date: June 6, 2018
Source: Sun Gazette
Article: Assembly, Senate budget committees approve versions of SB 623, Safe and Affordable Drinking Water Fund

Date: June 6, 2018
Source: The Press
Article: California WaterFix developments continue

Date: June 1, 2018
Source: Water Deeply
Article: Costly Infrastructure Project That Won't Be on the California Ballot

Water Infrastructure, cont'd.:

Date: May 30, 2018
Source: San Francisco Chronicle
Article: The battle over Hetch Hetchy Reservoir in judges' hands

Date: May 30, 2018
Source: San Jose Mercury News
Article: Hetch Hetchy Reservoir in Yosemite National Park

Date: May 30, 2018
Source: KQED
Article: Century-Old Campaign to Take Hetch Hetchy from San Francisco Still Going

Date: May 30, 2018
Source: KFSN TV-Fresno
Article: Hetch Hetchy restoration argued before Fresno appeals court

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May 31, 2018

The Honorable Brenda Burman
Commissioner of Reclamation
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

Dear Commissioner Burman:

We, the undersigned agency managers, represent the local urban and agricultural water districts that are currently participating in and providing funding for the planning phase of the Phase 2 Los Vaqueros Reservoir Expansion Project (LVE Project). We are writing to request that you include \$10 million in FY19 Water Infrastructure for Improvements to the Nation (WIIN) Act work plan funding for the Phase 2 LVE Project. This funding is necessary to accomplish two equally important goals: 1) \$5 million for critical pre-construction, engineering and design activities; and 2) \$5 million for an initial demonstration of how the Los Vaqueros Reservoir can deliver water to South-of-Delta wildlife refuges now and once the Phase 2 LVE Project is completed. These funds are necessary to enable our partnership to begin construction of critical elements of the expansion project as early as 2020.

As you know, the LVE Project has already received substantial CALFED storage appropriations from the Bureau of Reclamation. The prior federal investment in this project has totaled approximately \$19 million which helped to accomplish the Phase 1 expansion in 2012 and funded the completion of the Draft Federal Feasibility Report for the Phase 2 expansion. In

February of this year, the Draft Federal Feasibility Report for the Phase 2 LVE Project was completed and recommended implementation of the project. Since CALFED did not authorize any funding for construction activities, the project must rely on WIIN Act funding to continue on schedule. The first \$5 million we are requesting for critical pre-construction activities is needed to follow the planned completion of the Final Federal Feasibility Report at the end of this year.

Section 4007 of the WIIN Act specifically authorizes federal investments in state-led water storage projects if they can be linked to federal benefits “including water supplies dedicated to specific purposes such as environmental enhancement and wildlife refuges.” Since 1992, federal law has required Reclamation to work with the U.S. Fish and Wildlife Service to secure “Level 4” refuge water supplies to meet the needs of numerous federal, state and privately managed refuges and wetland areas, and the Phase 2 LVE Project will be a major step forward in meeting that continuing goal. This in turn will provide substantial benefits to migratory birds of the Pacific Flyway, to other species that rely on our national, state and local refuge areas, and to numerous hunters and other stakeholders who use and benefit from this last remaining Central Valley wetland habitat. Given the importance of providing the water supply benefits to our refuge areas, especially after the recent prolonged drought, we believe it is important to secure this funding as soon as possible. The second \$5 million we are requesting will help secure necessary refuge-water delivery rights through the constructed LVE conveyance facilities and can demonstrate future federal benefits from the expanded reservoir once completed. This funding will accelerate the delivery of water from the project to the refuges as allowed for under the WIIN Act.

In May, the LVE Project received positive support from the California Water Commission (CWC), proposing \$459 million in eligible State (Proposition 1) funding. Our agencies submitted letters in support of State funding to the CWC in recognition of the state-wide need for more storage to prepare for drought and flood emergencies. The Phase 2 LVE Project will improve water supply reliability by operating in a unique way for regional, environmental, municipal and agricultural benefits. LVE received additional letters of support from a bi-partisan group of local, state and federal elected officials, as well as a diverse array of stakeholders including additional local agencies, business groups, waterfowl organizations, and national conservation groups.

Thank you for considering our request. Please contact Jerry Brown, General Manager of the Contra Costa Water District, at (925) 688-8034 or jbrown@ccwater.com if you have any questions or if you need additional information.

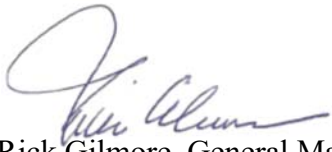
Sincerely,



Robert Shaver, General Manager
Alameda County Water District



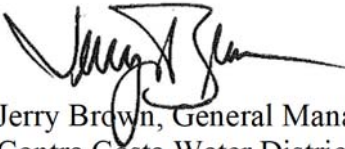
Nicole Sankulla, CEO / General Manager
Bay Area Water Supply and Conservation Agency



Rick Gilmore, General Manager
Byron Bethany Irrigation District



Gustavo "Gus" Vina, City Manager
City of Brentwood




Jerry Brown, General Manager
Contra Costa Water District



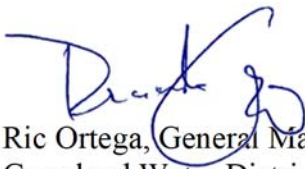
Anthea G. Hansen, General Manager
Del Puerto Water District



Alexander R. Coate, General Manager
East Bay Municipal Utility District



Patricia A. Corey, General Manager
East Contra Costa Irrigation District



Ric Ortega, General Manager
Grassland Water District



Michael Carlin, Deputy General Manager
San Francisco Public Utilities Commission



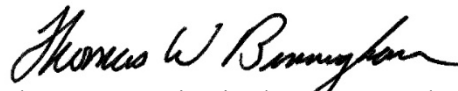
Frances Mizuno, Interim Executive Director
San Luis & Delta-Mendota Water Authority



Lon Martin, General Manager
San Luis Water District



Norma Camacho, Chief Executive Officer
Santa Clara Valley Water District



Thomas W. Birmingham, General Manager
Westlands Water District



Valerie Pryor, General Manager
Zone 7 Water Agency

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Gov. Brown makes water conservation rules permanent

Laws will limit daily residential use to 55 gallons per person by 2022

Sacramento Bee | June 1, 2018 | Taryn Luna and Alexei Koseff

The drought may be over, but California residents should prepare themselves for new and more permanent restrictions on water use.

Gov. Jerry Brown signed a pair of bills Thursday to set permanent overall targets for indoor and outdoor water consumption.

Assembly Bill 1668 by Assemblywoman Laura Friedman, D-Glendale, and Senate Bill 606 from state Sen. Bob Hertzberg, D-Los Angeles, give water districts more flexibility than the strict cuts mandated under Brown's emergency drought order and will eventually allow state regulators to assess thousands of dollars in fines against jurisdictions that do not meet the goals.

"In preparation for the next drought and our changing environment, we must use our precious resources wisely," Brown said in a statement. "We have efficiency goals for energy and cars – and now we have them for water."

The laws set an initial limit for indoor water use of 55 gallons per-person per-day in 2022, which gradually drops to 50 gallons per person by 2030.

Just how consumers will be required to meet the goals remains unknown.

The Department of Water Resources and State Water Resources Control Board will conduct studies and recommend standards for outdoor use by October 2021.

State regulators will consult with local districts, recognizing differences in climate, water availability and demand across the state, to establish outdoor targets.

Water districts that have already taken steps, such as recycling, to broaden their water supply could get more leeway even in dry conditions.

California residents used an average of 90 gallons of indoor and outdoor water per day in 2017, down from 109 gallons in 2013, according to the State Water Resources Control Board.

Water consumption typically climbs in the summer months and falls in the winter. Residents used an average of 65 anything like this."

After 17 months in the White House, Trump's "America First" program has landed the U.S. in increasingly bitter standoffs with customers and suppliers that account for nearly two-thirds of the nation's \$3.9 trillion annual merchandise trade.

Businesses granted government protection, such as the steel industry, have added jobs at blast furnaces in Illinois and mills in Ohio. But chemical manufacturers, brewers, footwear makers and auto companies warned that Trump's tariffs will cost several jobs elsewhere in the economy for each job saved or created in a metals producer.

Some prominent Republicans attacked the tariffs as wrongheaded.

“This is dumb. Europe, Canada, and Mexico are not China, and you don’t treat allies the same way you treat opponents,” said Sen. Ben Sasse, R-Neb. “We’ve been down this road before—blanket protectionism is a big part of why America had a Great Depression. ‘Make America Great Again’ shouldn’t mean ‘Make America 1929 Again.’ ”

Thursday’s action was driven by the president’s conviction that allies and adversaries routinely take advantage of the United States and that efforts to resolve trade disputes are doomed unless he wields a big tariff stick.

Recent talks with the three U.S. trading partners made insufficient progress for him to resist his inclination to order new import taxes. “He is impatient. He wants to see action,” said one senior administration official, who asked for anonymity to describe internal discussions.

To recover lost factories and manufacturing jobs, Trump has embraced tariffs with an enthusiasm not seen since the 19th century. The Commerce Department boasts that it has launched 78 per cent more trade enforcement investigations than during the Obama administration. The president has levied tariffs on solar panels, washing machines, threatened to impose them on Chinese imports and foreign-made cars and now treated some of America’s closest friends as economic enemies.

In response to Thursday’s announcement, the EU said it would impose duties “on a number of imports from the United States,” referring to a 10-page list of targets for retaliation it published in March, which included bourbon and Harley-Davidson motorcycles. European leaders also vowed to proceed with a complaint to the World Trade Organization.

“This is protectionism, pure and simple,” said Jean-Claude Juncker, president of the European Commission.

The Mexican government said it would levy import taxes on U.S. exports of pork bellies, apples, cranberries, grapes, certain cheeses, and various types of steel.

And Canada slapped a surtax on \$16.6 billion of American steel, aluminum, coffee, candy, pizza and quiche. Trudeau pronounced Trump’s claim to be protecting national security an “affront” to Canadians who fought alongside American GIs from World War II to Afghanistan.

The root of the current trade mess lies in a surplus of global steel, which most analysts blame on excess Chinese investment in production facilities. Steelmakers worldwide produce 700 million tons of steel more than customers need, or seven times total U.S. production, Commerce says.

That flood of steel has depressed prices, making it difficult for many American steelmakers to compete.

Last year, Commerce Secretary Wilbur Ross negotiated voluntary reductions in global capacity. But Trump rejected the deal.

Trump had announced the tariffs in March, but gave several U.S. allies temporary exemptions while they negotiated potential limits on shipments to the United States.

At the time, the nonpartisan Trade Partnership estimated that the tariffs would cost five jobs for every position saved in the steel and aluminum industries.

Ross said the president acted on national security grounds, seeing a rising tide of imports as a threat to the domestic metals industry. “Without a strong economy, you can’t have a strong national security,” Ross said.

Officials from the three trading partners – among Washington’s closest allies for decades – have dismissed the idea that their shipments to American customers endanger the United States.

The United States negotiated voluntary export limits with several other friendly nations, including South Korea, Argentina, Australia and Brazil. Ross said that he intends to continue talks with European diplomats and officials from Canada and Mexico, but those are likely to be contentious.

“We continue to be quite willing, indeed eager, to have further discussions with all of these parties,” Ross told reporters, speaking from Paris where he is attending meetings at the Organization for Economic Cooperation and Development.

The new tariffs will do nothing to improve prospects for a new North American trade deal with Mexico and Canada. Trudeau said that he had offered to visit Washington to make a last-ditch bid for a deal that would have prevented the tariffs from taking effect.

But on Tuesday, Vice President Mike Pence told him that Trudeau first had to agree that any new North American trade deal would lapse every five years unless formally renewed. The U.S. demand for such a “sunset clause” has long been unacceptable to its negotiating partners, so Trudeau refused.

“The chances of a NAFTA renegotiation were slim, and now they are slimmer because of this,” said Luis de la Calle, a former undersecretary at Mexico’s ministry of economy. “Successful negotiations require trust, and the question is whether we can trust the U.S. The answer appears to be no.”

Even before Trump’s latest action, the U.S. enforced 169 anti-dumping or counter-subsidy tariffs on various steel products.

“Our members could face having to pay double tariffs on some materials necessary to manufacture parts in the US,” said a statement from the Motor & Equipment Manufacturers Association.

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California will have water consumption limits for the first time after 'landmark' legislation passed

LA Times | June 1, 2018 | Alejandra Reyes-Velarde

For the first time in the state's history, California is setting permanent water-consumption goals to prepare for future droughts and climate change, with a local elected official involved in the historic move.

Assemblywoman Laura Friedman (D-Glendale) introduced Assembly Bill 1668, one of the bills signed into law by Gov. Jerry Brown Thursday. Her district also includes Burbank.

Brown also signed Assembly Bill 606 by Robert Herzberg (D-Van Nuys). The laws will go into effect in January.

"A lot of us have taken water for granted, but it's not something we can take for granted in Southern California," Friedman said. "Climate change, drought — we need to make sure it doesn't impact life and safety and the economic future of our state."

Together, the two bills establish an indoor, per-person water use goal of 55 gallons per day until 2025. The limit decreases to 52.5 gallons until 2030 and 50 gallons beginning in 2030. It will be the responsibility of water agencies to work with users to meet the goals.

The laws will also mandate that the state create incentives for water suppliers to recycle water and require urban and agricultural water suppliers to set annual water budgets.

The Department of Water Resources and State Water Resources Control Board will hold hearings with outdoor water agencies and recommend standards that are more flexible, since these agencies have water plans that vary greatly depending on their size and location.

California already has goals for car and energy efficiency, so it's about time the state, which is so vulnerable to drought and climate change, have water efficiency goals, Friedman said.

Friedman's passion for water efficiency began when she was an elected official in Glendale and, because the city has its own water utility, Glendale Water & Power, she became familiar with conservation issues.

Drafting this type of legislation is a challenge a lot of politicians wouldn't undertake, she said.

"Water policy is not sexy," she said. "This bill is very cerebral. It's hard to put into a sound bite. Politicians tend to shy away from that type of issue. [But] this is a seminal, landmark legislation, and I'm extremely proud to have been a part of it."

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Drought or no drought: Jerry Brown sets permanent water conservation rules for Californians

Mercury News | May 31, 2018 | Paul Rogers

Although he declared an end to California's historic five-year drought last year, Gov. Jerry Brown on Thursday signed two new laws that will require cities and water districts across the state to set permanent water conservation rules, even in non-drought years.

"In preparation for the next drought and our changing environment, we must use our precious resources wisely," Brown said in a statement. "We have efficiency goals for energy and cars – and now we have them for water."

Brown signed two bills, SB 606 by Sen. Robert Hertzberg (D-Van Nuys) and AB 1668 by Assemblywoman Laura Friedman (D-Glendale), that require cities, water districts and large agricultural water districts to set strict annual water budgets, potentially facing fines of \$1,000 per day if they don't meet them, and \$10,000 a day during drought emergencies.

Under the bills, each urban water provider will be required to come up with a target for water use by 2022. Fines for agencies failing to meet their goals can begin in 2027.

The targets must be approved by the State Water Resources Control Board between now and then, and will vary by city and county.

Standards will be based on a formula that is made up of three main factors: an allowance of 55 gallons per person per day for indoor water use — dropping to 50 gallons by 2030; a yet-to-be determined amount for residential outdoor use that will vary depending on regional climates; and a standard for water loss due to leak rates in water system pipes.

The new laws make it likely that water agencies will need to offer more rebates for home owners and business owners who replace lawns with drought-tolerant plants and who purchase water efficient appliances. The agencies could also limit the hours and days of lawn watering, even when droughts are not occurring.

The laws are a response to complaints from some water agencies that the mandatory water targets the Brown administration put in place during the drought were too inflexible and didn't take into account local water supplies, population growth and other factors. Those limits ranged from an 8 percent reduction in water use to a 36 percent reduction, based on each community's per-capita water use.

The months-long debate over the new laws split the water community, environmental groups and business groups.

Organizations who supported the new laws say it makes sense to reduce demand as the state's population grows, and allow each local area the flexibility for devising their own plan while California continues to develop new supplies, from recycled water to storm water capture to new reservoirs.

Supporters included business groups such as the Bay Area Council and the Silicon Valley Leadership Group, along with water agencies like the Contra Costa Water District, East Bay Municipal Utility District, the Santa Clara Valley Water District, and the Metropolitan Water District of Southern California. Environmentalists supporting the laws included the Audubon Society, the Nature Conservancy and the Natural Resources Defense Council.

“They are definitely a step in the right direction,” said Tracy Quinn, water conservation director for the Natural Resources Defense Council, of the new laws. “The framework strikes the right balance between local control and necessary state oversight.”

Quinn said that most cities and water districts in California already are close to, or under, a standard of 55 gallons per person per day for indoor use.

Last year, urban Californians used an average of 90 gallons of water per person per day for indoor and outdoor use combined, down from 109 gallons in 2013, according to the state water board. Most communities using more were located in hot places in Southern California and the Sacramento area, while cities with smaller yards and coastal areas with cooler climates used less. In the summer at least half of residential water use in most communities goes to watering lawns and landscaping.

Environmentalists like Sierra Club California said the rules didn’t go far enough. Of particular concern was a compromise inserted in the bill that allowed cities and water districts to get 15 percent credit on their water use totals if they produce certain types of recycled water.

“All water should be valued,” said Sara Aminzadeh, executive director of the California Coastkeeper Alliance, which opposed the bills. “With energy we wouldn’t want to offer incentives for the wasteful use of solar or wind energy. Likewise, we want to make sure all water is used efficiently.”

Some of the state’s major water agencies also opposed it, many on the general argument that Sacramento shouldn’t be telling local government what to do. Among the opponents were the Alameda County Water District, Kern County Water Agency, San Diego County Water Authority, and the Zone 7 Water Agency in Livermore.

“Every local water agency supports conservation and has a responsibility to make sure its water users use water efficiently,” said Tim Quinn, executive director of the Association of California Water Agencies, which opposed the bill. “This was never about whether we should be pursuing conservation. It was about how.”

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Governor Brown Signs Legislation Establishing Statewide Water Efficiency Goals

Maven's Notebook | May 31, 2018 | From the Office of the Governor:

Governor Edmund G. Brown Jr. today signed SB 606 by Senator Robert Hertzberg (D-Van Nuys) and AB 1668 by Assemblymember Laura Friedman (D-Glendale) to help the state better prepare for droughts and climate change by establishing statewide water efficiency standards.

"In preparation for the next drought and our changing environment, we must use our precious resources wisely. We have efficiency goals for energy and cars – and now we have them for water," said Governor Brown.

SB 606 and AB 1668 establish guidelines for efficient water use and a framework for the implementation and oversight of the new standards, which must be in place by 2022. The two bills strengthen the state's water resiliency in the face of future droughts with provisions that include:

Establishing an indoor, per person water use goal of 55 gallons per day until 2025, 52.5 gallons from 2025 to 2030 and 50 gallons beginning in 2030.

Creating incentives for water suppliers to recycle water.

Requiring both urban and agricultural water suppliers to set annual water budgets and prepare for drought.

"This is another important step in the Legislature's focused effort to reengineer water policy away from crisis management and toward a 21st century approach. I want to thank the Governor and his staff for their creative vision, and my colleagues in both houses for their hard work to bring this across the finish line," said Senator Hertzberg.

"Governor Brown challenged every Californian to embrace water efficiency during the drought, and with his signature on AB 1668, we'll have the state working collaboratively with local governments and urban water suppliers to put in place water efficiency standards that will help every community focus on sustainability. It's a balanced approach that puts efficiency first and gives water agencies the flexibility to embrace innovation and tailor their policies to meet the unique needs of their community," said Assemblymember Friedman.

Today's legislative action builds on Governor Brown's ongoing efforts to make water conservation a way of life in California. The state responded to the most recent drought with emergency actions and investments and the advancement of the California Water Action Plan, the Administration's five-year blueprint for more reliable, resilient water systems to prepare for climate change and population growth.

For full text of the bills signed today, visit <http://leginfo.legislature.ca.gov>

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Assembly, Senate budget committees approve versions of SB 623, Safe and Affordable Drinking Water Fund

Sun Gazette | June 6, 2018 | Reggie Ellis

SACRAMENTO – A state fund to fix contaminated water systems did not make it out of the legislature last fall but is being considered as part of the Governor's 2018-19 budget.

Last month, the Assembly Budget Subcommittee adopted Governor Brown's proposal for a one-time loan of \$4.7 million from the State Treasury to establish the Safe and Affordable Clean Drinking Water Fund as a budget trailer bill. The bill is based on Senate Bill 623, which was introduced by Senator William Monning (D-Santa Cruz) last year.

In the Senate, the budget subcommittee adopted an alternative to the Governor's proposal that would also allocate funds from the State treasury for clean drinking water projects. The committee did not adopt the Governor's proposed trailer bill language, however, the Chair, Senator Bob Wieckowski (D-Fremont), told Exeter-based California Citrus Mutual, which supported SB 623, that the change was intended to be in addition to the Safe and Affordable Drinking Water Fund bill that "will be discussed at a later date."

CCM said that because each house adopted differing amounts and language, the bill will go to the budget conference committee where it will require a two-thirds vote to pass meaning Democrat and Republican support is needed. "With an election looming in November, passing a new 'tax' will be an uphill battle," stated CCM, an advocacy group representing citrus growers throughout the state.

SB 623 creates an ongoing source of funding to ensure all Californians have access to safe and affordable drinking water, particularly disadvantaged communities and individual domestic wells with contamination levels that exceed drinking water standards.

The California State Water Board (SWB) has identified roughly 300 public water systems currently out of compliance. And since other sources of funding such as bond funding or the Safe Drinking Water State Revolving Fund do not qualify for operations and maintenance costs, there is a constant lack of adequate available funding for those things. Without that funding there is little rural communities can do to treat nitrates and other harmful chemicals out of their drinking water.

SB 623 received a broad base of support in a rare alliance between agriculture and environmental justice advocacy groups, as well as local officials representing disadvantaged communities and residents living in communities without access to clean water. Those groups gathered in front of the Tulare County Board of Supervisors Chambers on Sept. 6, 2017 to announce their support for the bill.

Specifically, the bill creates the Safe and Affordable Drinking Water Fund and authorizes a fee of \$0.95 per month for water service (up to \$10 per month for industrial connections) on all ratepayers statewide, except people with incomes 200% below the poverty level; a fertilizer mill fee of no more than \$.0006 on all fertilizer sales; and a per-facility fee on dairies and livestock operations. In total, the ratepayer fee will generate up to \$110 million per year and the agricultural portion collectively would raise up to \$30 million per year. The fund would be managed by the State Water Resources Control Board and be appropriated for clean drinking water projects.

In exchange for paying the fee, agricultural operations will receive certainty and protection from the regional board and/or state board initiated enforcement actions for violation of nitrate water quality objectives and/or for causing nitrate contamination of the groundwater.

“Without the liability protection granted by SB 623, it is very likely that the State Water Board Office of Enforcement will more aggressively issue enforcement letters to individual landowners,” stated CCM.

Portions of California’s immense Central Valley have salt or nitrate accumulations in the groundwater and soil from both historic and ongoing discharges from legal and accepted agriculture, municipal, and industrial activities. The high nitrate concentrations impact drinking water quality and, in some communities, water supply systems and domestic wells do not meet safe drinking water standards. Salt accumulations have followed 250,000 acres and impaired over 1.5 million acres, according to a 123-page draft Central Valley Salt and Nitrate Control Program (CV-SALTS) released by the State Water Board earlier this year.

CCM said nitrates are a “legacy issue” meaning that in some cases it is the result of farming practices and in other cases it is naturally occurring. Either way, the burden and cost falls on landowners to prove that he/she was not the cause of contamination. CCM argues that landowners who receive letters are forced into a position of having to settle with the Water Board and provide replacement water to impacted communities. Growers in Tulare County, as well as Monterey and San Luis Obispo Counties have already received these letters. The Office of Enforcement has made it clear additional letters are forthcoming unless a statewide solution, such as SB 623, is achieved.

“CCM remains in full support of SB 623/budget trailer bill because it provides certainty to growers that for the next 15 years, until the CV-SALTS regulatory program is fully implemented, against enforcement actions by the regional or state water board.”

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California WaterFix developments continue

The Press | June 6, 2018 | Tony Kukulich

Over the last few weeks, several significant developments related to the California WaterFix project have occurred, not the least of which was the formal creation of the Delta Conveyance and Design Construction Authority (DCA).

A joint exercise of powers agreement between the Department of Water Resources (DWR) and the DCA gives the the DCA responsibility to staff, design, contract, construct and finance the California WaterFix project. The DCA is comprised of three water agencies; the Metropolitan Water District of Southern California (MWD), the Santa Clara Valley Water District (SCVWD), which is also from Southern California, and the Zone 7 Water Agency, a Bay Area water agency serving 220,000 people in Pleasanton, Dublin and Livermore.

“This agreement signals a key step toward implementation of WaterFix, and this partnership represents a true collaboration in the best interests of California,” said DWR Director Karla Nemeth in a DWR press release. “We look forward to working with the DCA to finalize permitting and design and to safely and efficiently build WaterFix.”

According to a DWR statement, the DCA will pool the expertise and resources available from DWR, public water agencies and consultants to safely and transparently design, construct and deliver the project on time and budget, in accordance with approved DWR specifications.

“The formation of the DCA represents a milestone in years of collaboration and begins the process of ensuring that Santa Clara County will be able to get a clean and safe water supply while protecting the environment,” said Tony Estremera, SCVWD director and newly named president of the DCA board, in a released statement. “Further, the Santa Clara Valley Water District will lead the charge as we move ahead with the important work of improving water supply reliability for our county and the state. I look forward to the challenge of implementing this project, as the Santa Clara Valley Water District and our partners commit to continuing this work through transparent public processes.”

Throughout the planning and construction of WaterFix, DCA’s work will be overseen by another agency with the DWR – the Delta Conveyance Office (DCO). Through the DCO, the State of California will retain authority and oversight of WaterFix regulatory obligations, environmental mitigation and quality assurance. Should the project ever be completed and operational, the responsibility for the day-to-day operation will revert to the DWR.

If Estremera had a honeymoon phase in his new role as president of the DCA board, it didn’t last long. During the group’s first meeting in Sacramento on May 17, the board was criticized for failing to provide proper notice of the meeting time and location.

“The DCA is off to a start we could have predicted,” said Restore the Delta policy analyst Tim Strohane. “Your project has a regional scale of effects, yet you failed completely to notify the affected public in the Delta region that you are meeting here today. Restore the Delta let its members know through our usual email, website and social-media channels. You’re welcome.”

Additionally five county supervisors who make up the Delta Counties Coalition – Contra Costa, San Joaquin, Sacramento, Solano and Yolo counties – took the opportunity to lambast the Waterfix project for reasons including its \$17 billion cost, the failure of the project to provide any

new water and the likely disruption to the Delta communities during the multiyear construction phase.

“Some have called the WaterFix a diabolical plan, bold and presumptuous,” said Contra Costa County Supervisor Diane Burgis. “The Delta is a special and unique place. It is the largest estuary west of the Mississippi river and home to many historical legacy communities and towns, a thriving agricultural economy, diverse geography and many natural resources. Those of us who are directly impacted are being locked out.”

The arguments against the project appeared to have fallen on deaf ears.

“We look forward to a nice long, long period of construction,” said Estremera at the conclusion of the meeting.

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Costly Infrastructure Project That Won't Be on the California Ballot

California voters don't get a say about the governor's Delta tunnels plan, but that hasn't stopped organizations such as the Delta Counties Coalition from continuing to work to halt the project.

Water Deeply | June 1, 2018 | Don Nottoli, Chuck Winn

The California primary election on June 5 will give voters the opportunity to decide on candidates and critical issues that will have major state and local impacts. It's how the democratic process should work. That's not the case for Governor Jerry Brown's \$17 billion twin tunnels project, known as WaterFix, which completely bypasses a vote of the people.

WaterFix will result in sizable rate increases for tens of millions of Californians living in the Metropolitan Water District (MWD) service area. Deep-pocketed water districts that decimated the Owens Valley still have tunnel vision. When all seemed lost for the tunnels and financing could not be agreed upon, MWD, intent on locking in a huge water grab, agreed to fund most of the tunnels project, hypothesizing that it could squeeze substantial funds from other water districts when they got thirsty down the road.

Influenced by MWD, the Santa Clara Valley Water District, which unanimously declined to financially support WaterFix last fall, reversed its position and voted to contribute up to \$650 million after receiving the full \$485 million in funding from the California Water Commission for the Pacheco project that the water district had been seeking. This got Santa Clara two seats on the newly formed Joint Powers Authority that will oversee the design and construction of WaterFix. If the district thought it would have a lead role at the decision table, it won't, because MWD and others represent a majority on the Joint Powers Authority Board.

Despite this latest hurdle, the Delta Counties Coalition, an alliance of the counties of Contra Costa, Sacramento, San Joaquin, Solano and Yolo, will continue to fight against WaterFix to protect the Sacramento-San Joaquin Delta and provide all Californians with better, reliable and less costly water solutions. Californians deserve 21st-century solutions that can more effectively meet our water needs and will not harm the Delta, such as projects that promote greater regional self-reliance, levee reinforcement, desalination and above-and-below-ground storage.

There is a finite capacity to generate ratepayer dollars for investments in water system improvements. WaterFix takes from opportunities to invest in more beneficial and cost-effective projects that, unlike WaterFix, add to the state's water supply with fewer environmental impacts. Water interests in Kern County are global leaders in their ability to convey water from multiple sources, taking advantage of surface water flows in wet years to store excess water underground for use in droughts. Projects such as the Isabella Lake Dam Safety Modification Project will reduce the flood risk and protect an important water supply for the greater Bakersfield community.

While voters will not have a say about WaterFix at the ballot box next week, the Delta Counties Coalition and other statewide interests are aggressively pursuing actions to stop the tunnels. Governor Brown terms out this year and the next governor must know that you and most Californians are against it.

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

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The battle over Hetch Hetchy Reservoir in judges' hands

San Francisco Chronicle | May 30, 2018 | Kurtis Alexander

The battle to drain the reservoir in Yosemite's Hetch Hetchy Valley reignited Wednesday as critics of the historic dam told a panel of judges in Fresno that their legal case to raze it should proceed, despite an earlier decision to dismiss the suit.

In California's Fifth District Court of Appeal, attorneys for the group Restore Hetch Hetchy reiterated their longtime argument that San Francisco should not be operating a reservoir in a national park because it violates a provision of the state Constitution requiring reasonable water use.

Calling the O'Shaughnessy Dam an inappropriate and illegal diversion of water, the Berkeley group has insisted that San Francisco quench its thirst elsewhere, and not bury a pristine Sierra valley.

"In putting in that dam and operating it over the years, they absolutely have to comply with California water law," attorney Mike Lozeau told the appellate judges, who did not immediately rule on Restore Hetch Hetchy's appeal.

Wednesday's hearing came two years after a Tuolumne County Superior Court judge tossed the group's lawsuit, saying the reservoir was properly authorized. The court said San Francisco officials had received permission to move forward with the project under federal statute, which superseded state law.

The court also said that efforts to remove the dam should have begun decades ago.

The reservoir was constructed in 1923, as San Francisco sought to develop a water supply fit for the 20th century. Today, the lake anchors a sprawling water-supply system that serves 2.7 million residents and businesses in more than a dozen Bay Area communities. It also generates hydroelectric power for San Francisco municipal buildings.

City officials have said it's silly to try to turn back the clock. They cite the reservoir's importance to the growing Bay Area, especially today, amid the increasing uncertainty of water supplies in an era of climate change.

The opposition's argument on Wednesday sought to downplay the authority that San Francisco had in moving ahead with the reservoir a century ago.

According to Lozeau, the Raker Act of 1913, the federal legislation that enabled the O'Shaughnessy Dam to take shape on national park land, merely authorized a right of way. In proceeding with the project, he said, Congress expected the city to follow state statute requiring responsible water use.

"They intended that California water law would apply, even if it conflicted with the directives" of the Raker Act, Lozeau said. "The question right now is, is it a reasonable level of diversion in this day and age?"

Attorneys for San Francisco countered that the issue had been settled. They said that the Raker Act gave the city specific permission to build a reservoir, not just a right of way, and they agreed with the trial court that federal law preempted state water requirements.

The dispute over the dam began long ago, even before the city broke ground on it.

Naturalist John Muir likened the Hetchy Hetchy area, with its granite domes and towering waterfalls high above the Tuolumne River, to Yosemite Valley. He did not want to see the area used as a municipal water supply. With support of the budding Sierra Club, opponents mounted what became the nation's first major environmental fight.

That revolt, however, proved unsuccessful. San Francisco's strong lobby was able to convince Washington that the city needed a more robust water supply in the aftermath of the 1906 earthquake and subsequent fires. President Woodrow Wilson signed the Raker Act on Dec. 19, 1913.

More recent efforts to take back the valley have the support of other environmental groups, former Yosemite National Park superintendents and such celebrities as Harrison Ford. But they've been slow to gain wider backing.

While supporters of the effort insist that much of the water in the reservoir can be captured in other reservoirs, including the giant Don Pedro Reservoir downstream, city officials have said such a proposal is too costly.

Six years ago, Restore Hetch Hetchy qualified an initiative for the San Francisco ballot that would have required the city to seriously explore removing the dam. The measure was defeated by city residents.

"San Francisco voters overwhelmingly rejected the idea of draining Hetch Hetchy Reservoir in 2012 because it was a terrible idea," City Attorney Dennis Herrera said in a statement. "It's still a terrible idea today."

In 2015, the group took the issue to court, but Tuolumne County Superior Court Judge Kevin Seibert dismissed the suit the following year. Restore Hetch Hetchy immediately appealed.

The Fifth District Court did not indicate when it would rule on the appeal, with one judge simply saying "shortly." Whatever the verdict, the losing side is expected to pursue the case to the state Supreme Court.

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Hetch Hetchy Reservoir in Yosemite National Park

San Jose Mercury News | May 30, 2018 | Paul Rogers

Two years after losing in court and six years after being rejected by voters, a Berkeley environmental group is continuing its long-running battle to drain Hetch Hetchy Reservoir, a linchpin of the water supply for 2.6 million Bay Area residents from San Francisco to San Jose to southern Alameda County.

The reservoir in Yosemite National Park, built in 1923, violates California's constitution, according to a lawsuit from the nonprofit group, Restore Hetch Hetchy, because the constitution requires water to be diverted in a "reasonable" way, and there are other places to store Hetch Hetchy's water that aren't in a national park.

The group will pursue its appeal Wednesday morning in the Fifth District Court of Appeal in Fresno.

"Hetch Hetchy Valley was once one of the most spectacular, iconic landscapes in California, if not the world, and once the reservoir is emptied, it will come back," said Spreck Rosekrans, executive director of Restore Hetch Hetchy. "Visitors from throughout California, across America and around the world will come back to see the valley regain its natural splendor."

But San Francisco officials, who own the Hetch Hetchy system, have fought the idea ferociously.

"San Francisco voters overwhelmingly rejected the idea of draining Hetch Hetchy Reservoir in 2012, because it was a terrible idea. It's still a terrible idea today," said San Francisco City Attorney Dennis

Herrera. "As California struggles to deal with recurring droughts and climate change, the last thing we should be doing is draining the main water supply for more than 2.6 million San Francisco Bay Area residents, which also generates clean, greenhouse-gas-free hydroelectric power."

FROM YOSEMITE TO THE BAY AREA

The Hetch Hetchy water system serves more than 2.6 million people in the Bay Area. Percentage of selected cities' water supplies from Hetch Hetchy:

San Francisco	100%
Menlo Park	100
East Palo Alto	100
Hayward	100
Palo Alto	94
Mtn. View	85
Milpitas	58
Sunnyvale	53
Fremont	18
Union City	18
Santa Clara	11
San Jose	3



Sources: Water districts, Department of Water Resources, San Francisco Public Utilities Commission Capital Improvement Program

BAY AREA NEWS GROUP

A diagram of the Hetch Hetchy Regional Water System, which provides water to Palo Alto, Hayward, San Francisco and other cities in the Bay Area. (San Francisco Public Utilities Commission)



Hetch Hetchy water serves residents in four Bay Area counties, San Francisco, San Mateo, Santa Clara and Southern Alameda. Residents drink it in 26 cities and water districts — from San Francisco to Palo Alto to north San Jose to Hayward, Fremont and Union City.

Captured in old photographs and paintings, Hetch Hetchy Valley was a scenic landscape that rivaled nearby Yosemite Valley before Congress approved construction of O'Shaughnessy Dam in 1913, submerging the valley under 300 feet of water.



View across Hetch Hetchy Valley, early 1900s, from the southwestern end, showing the Tuolumne River flowing through the lower portion of the valley prior to damming. (National Park Service)

At the time, San Francisco leaders argued they needed a more reliable water source following the fires that burned large sections of the city after the 1906 earthquake. Conservation groups battled the plan fiercely, noting that no dam had ever been built inside a national park. The fight to save the valley was the final battle of Sierra Club founder John Muir's life. And the valley's submersion has haunted many environmentalists in the century ever since.

Restore Hetch Hetchy argues that if the lake, which holds 360,000 acre feet of water — twice the capacity of Los Vaqueros Reservoir in Contra Costa County and four times the capacity of Anderson Reservoir in Santa Clara County — were drained, water could still be taken from the Tuolumne River and stored in other reservoirs instead. Among them: Don Pedro nearby, and several of the Hetch Hetchy system's reservoirs in the Bay Area.

"Hetch Hetchy is not a source of water. It is a storage tank," said Rosekrans. "And that storage tank can be moved downstream."

The movement has been endorsed by actor Harrison Ford, Patagonia founder Yvon Chouinard and four former Yosemite National Park superintendents: Bob Binnewies, B.J. Griffin, Dave Mihalic and Mike Tollefson.

But it faces a steep uphill climb. California's senior U.S. senator, Dianne Feinstein, has adamantly opposed the idea. In 1987, when Reagan administration Interior Secretary Donald Hodel raised it, she called it "the worst idea since selling arms to the Ayatollah."

In 2012, Restore Hetch Hetchy placed a measure on the San Francisco ballot that would have required the city to conduct an \$8 million study on the impacts of draining the reservoir. It lost in a landslide, 77-23 percent.

In 2015, the group filed a lawsuit arguing that the reservoir violated California's constitution. It was thrown out in 2016 by a Tuolumne County judge, who ruled that the provision requiring "reasonable" diversion of water was written in 1928 — five years after the reservoir was built — and that federal law pre-empts the state law.

Rosekrans noted that part of the 1913 law, known as the Raker Act, says that nothing in the law shall interfere with California's ability to pass its own water laws. On that issue, his group will base its appeal Wednesday.

Regardless of the outcome, both sides are expected to appeal to the state Supreme Court. So the battle rages on.

A 2006 study by UC Davis found that the reservoir could be drained and its water stored in other reservoirs without causing water shortages in most years. But the project would cost billions in lost hydropower, charges for San Francisco to buy some water on the open market to make up shortfalls in dry years, and the need for San Francisco to begin filtering water stored in other reservoirs. The city is required under federal law to treat the water with chlorine, but not to filter it, because of its high quality, coming from Sierra snow melt.

"The Hetch Hetchy controversy is a nice parable for how California's water system and problems keep changing," said Jay Lund, director for the UC Davis Center for Watershed Sciences, "as new technologies and social objectives contend with infrastructure, which was once brilliant when it was built, but would be built differently, or not at all, today."

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“When, sometime in the perhaps distant future, San Francisco is forced to build a water filtration plant, the economics of Hetch Hetchy removal will look much more attractive than they do today.”

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Century-Old Campaign to Take Hetch Hetchy from San Francisco Still Going

KQED | May 30, 2018 | Paul Rogers

A century-old fight over a dam in Yosemite National Park is headed to a California appeals court on May 30.

The campaign to restore the once lush Hetch Hetchy Valley is among the country's oldest environmental debates, widely credited with giving birth to environmental activism in this country.

For some environmentalists, the dam is an abomination, desecrating the valley's natural beauty and wildlife, submerging it under 300 feet of water. San Francisco officials say the dam serves as a crucial water supply to millions of people in the San Francisco Bay area. U.S. Senator Dianne Feinstein, the former mayor of San Francisco, has called the reservoir the city's "birthright" and slammed efforts to remove it as "dumb, dumb, dumb."

The lawsuit, filed by nonprofit Restore Hetch Hetchy, will be heard in the 5th District Court of Appeal in Fresno. The group says the dam has been rendered obsolete by newer reservoirs and water treatment technologies. The dam, they argue, violates California's Constitutional law regulating water distribution, which prohibits any "unreasonable method of diversion."

The Birth of a Campaign

In 1914, Congress authorized the city of San Francisco to construct the dam along the Tuolumne River in Yosemite National Park.

Local legend has it that shortly after Congress approved the plan, Sierra Club co-founder John Muir died of a broken heart on Christmas Eve in 1914. Muir, in his 70s at the time, was a vociferous critic of the dam's construction and once said, "I'll be relieved when it's settled, for it's killing me."

A painting of the former Hetch Hetchy Valley by artist Albert Bierstadt. (Museum of Fine Arts/Public Domain)

Muir led the national campaign against the dam's construction and criticized the pro-dam camp as "temple destroyers, devotees of ravaging commercialism." San Francisco publications returned the favor, with at least one newspaper referring to Muir and his supporters as "hoggish and mushy esthetes."

In the decades since, the battle to drain the reservoir has ebbed and flowed, gaining traction again in recent years due to political developments and media coverage.

In 2004, former Governor Arnold Schwarzenegger asked the state's Department of Water Resources to examine the issue, ultimately finding that an alternative is feasible, but potentially costly. Also that year, the Sacramento Bee published a series of Pulitzer-winning articles that helped to revive the debate.

In 2012 a San Francisco ballot initiative to remove the dam was defeated.

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Hetch Hetchy restoration argued before Fresno appeals court

KFSN TV-Fresno | May 30, 2018 | Gene Haagenson

YOSEMITE NATIONAL PARK, Calif. (KFSN) -- The Hetch Hetchy Valley is located in the northwest corner of Yosemite National Park. It's filled with water held back by O'Shaughnessy Dam. Under the reservoir, is a deep gorge, comparable in grandeur to the Yosemite Valley 40 miles away.

The water held at Hetch Hetchy goes to San Francisco.

Sprek Rosecrans, who heads the group "Restore Hetch Hetchy" believes the dam is no longer needed, "San Francisco can get every drop of their water supply without using Hetch Hetchy Reservoir."

Rosecrans claims newer dams built downstream can hold the city's water and says the continued diversion in this scenic valley violates state law.

Restore Hetch Hetchy lost that argument in a lower court, but attorney Michael Louzeau has taken the case to the state's 5th District Court of Appeals in Fresno.

"In putting in that dam and continuing to operate it over the years they have to comply with California water law," says Louzeau.

Restore Hetch Hetchy argues that back in 1913 when Congress approved the dam, it was stipulated the diversion of the water must comply with California law. Louzeau Hetch Hetchy claims it no longer does.

"Because in this day and age, if we asked anyone can we dam up Yosemite Valley they would say you are crazy. If Hetch Hetchy Valley was currently the way it was one hundred years ago, and you asked someone should we put a dam in Yosemite National Park, they'd say no that's crazy. So whats reasonable today, might not look like anything that was reasonable 80, 90 years ago."

But San Francisco's Deputy City Attorney, Aileen McGrath argued the statute of limitations on the dam project expired in 1928, and it's not reasonable to challenge it now after the city has spent billions over the decades to build and maintain it.

"That water infrastructure serves nearly 3 million people in the Bay Area. It cannot be the case that water infrastructure is subject to constant and repeated challenges at any time."

She also questioned the state's authority over the project, "Remember the dam and reservoir is on federal property, so Congress has the authority to decide how that property is used. Congress has the ability to make that decision and state law can't call that into question."

San Francisco's argument will be tested in court. The judges in Fresno will decide if a lower court or the State Water Board should be able to revisit the case and determine the future of the Hetch Hetchy Valley.

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