

**BAY AREA WATER SUPPLY AND CONSERVATION AGENCY
BOARD POLICY COMMITTEE MEETING**

April 10, 2019

Correspondence and media coverage of interest between March 22 and April 3, 2019

Correspondence

Date: March 27, 2019
From: San Francisco Public Utilities Commission
Subject: **Press Release:** SFPUC Commission: Keep Working Toward Comprehensive Plan for the Tuolumne River and the Bay Delta Watershed

Date: March 26, 2019
From: Nicole Sandkulla, CEO/General Manager, BAWSCA
To: The Hon. Chris Holden, Assembly Member
Subject: AB 533 (Holden) Income Tax Exemption for Water Rebates - Support

Media Coverage

Water Supply Condition:

Date: April 3, 2019
Source: SF Gate
Article: This year's Sierra Nevada snowpack is gargantuan: These numbers prove it

Date: April 2, 2019
Source: Mercury News
Article: Sierra Nevada snowpack at 161 percent of normal

Date: April 2, 2019
Source: Department of Water Resources
Article: Snow Survey Boosts Runoff Predictions

Date: March 27, 2019
Source: Yale Climate Connections
Article: Atmospheric rivers: California could experience more intense rains in the future

Bay Delta:

Date: April 3, 2019
Source: Oakdale Leader
Article: Districts Applaud Bureau Of Reclamation Lawsuit

Date: March 29, 2019
Source: The Union Democrat
Article: Feds sue state water board over controversial Delta plan

Date: April 2, 2019
Source: CalMatters
Commentary: California can't save fish by diverting more water from rivers

Date: March 19, 2019
Source: CalMatters
Commentary: Finally, a new path toward managing water, rivers and the Delta

Water Policy:

Date: March 29, 2019
Source: Los Angeles Times
Article: How California is defying Trump's environmental rollbacks

Date: March 22, 2019
Source: SF Gate
Article: Details of Newsom's drinking water tax plan revealed



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The following press release has been updated to include specific language from the resolution passed Tuesday.

NEWS RELEASE

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FOR IMMEDIATE RELEASE

March 27, 2019

SFPUC Commission: Keep Working Toward Comprehensive Plan for the Tuolumne River and the Bay Delta Watershed

San Francisco, CA—A resolution to support on-going participation in voluntary settlement agreement negotiations that will improve the ecosystem on the Tuolumne River and the larger Bay-Delta watershed, was unanimously approved by the San Francisco Public Utilities Commission this week.

[The resolution](#) specifically supports the early implementation of a proposed agreement for the Tuolumne River. The current [proposed agreement](#) for the Tuolumne River includes detailed plans to protect young fish from predators, regulate floodplain and water flow levels for positive environmental results, and explore opportunities for additional water storage during wet years. The Commission also urged the SFPUC to develop and include an adaptive management plan and subject the proposed agreement for the Tuolumne River to independent scientific review. It's all part of a comprehensive approach to the management of habitat, flow, and other factors in the Bay-Delta watershed that is required to protect native fish and wildlife species while concurrently protecting water supply reliability.

The agreement process for the Tuolumne River is a collaborative partnership between the SFPUC, the Turlock and Modesto Irrigation Districts, and the California Department of Fish and Wildlife. The SFPUC has [voiced concerns with the Bay Delta Plan](#), as it would dramatically reduce the agency's water supply, leaving it subject to significant rationing in droughts and potentially unprepared to deal with more extreme weather conditions brought on by climate change.

"We have always said that we are committed to a plan that not only improves the environment and protects the fish, but also ensures water reliability for our 2.7 million customers" said SFPUC General Manager Harlan L. Kelly, Jr. "I want to thank the SFPUC Commission for urging us to keep working together for the best plan possible and for supporting a vision that is a win-win for the environment and for the people who rely on us for drinking water."

Over the past three months, the commission has worked with SFPUC staff and other interested parties to make sure that the resolution and agreement reflect four principles: early implementation of flow and non-flow measures, inclusion of an adaptive management plan with specific benchmarks, defining specific recovery goals leading to self-sustaining fish populations, and an independent scientific review of the proposed agreement for the Tuolumne River.

While the State Water Board approved the Bay-Delta Plan, it specifically acknowledged the progress of SFPUC and its partners for restoration and management plans for the Tuolumne River. State agencies, other water suppliers and environmental groups will continue to meet with the SFPUC and its irrigation district partners through the Spring to discuss further development and potential implementation of these and other voluntary agreements.

The SFPUC and its irrigation district partners have offered \$76 million in funding for the various habitat restoration projects outlined in the agreement, some of which can be planned and implemented immediately.

The Commission has also expressed support for the on-going process of negotiating a broader, Bay Delta-wide agreement to provide flow and non-flow measures above and beyond existing obligations. The Commission expressed a sense of urgency in reaching such an agreement, urged the State Water Resources Control Board to develop achievable and sustainable biological goals for the Delta and its tributaries, and directed staff to coordinate with the Bay Area Water Supply and Conservation Agency and other stakeholders.

“The SFPUC has consistently stated that it is searching for the best environmental outcomes for the Tuolumne River,” said SFPUC Commission President Ann Moller Caen. “By approving this resolution in unanimous fashion, our Commission is showing our strong backing for a process that best supports the health and wellbeing of the Tuolumne River and the Bay Delta watershed. We hope that the State Water Board reviews this unanimous resolution when considering the proposed agreement for the Tuolumne River and an eventual Voluntary Settlement Agreement for the whole Bay Delta watershed.”

About the San Francisco Public Utilities Commission

The San Francisco Public Utilities Commission (SFPUC) is a department of the City and County of San Francisco. It delivers drinking water to 2.7 million people in the San Francisco Bay Area, collects and treats wastewater for the City and County of San Francisco, and generates clean power for municipal buildings, residents, and businesses. The SFPUC’s mission is to provide customers with high quality, efficient and reliable water, power, and sewer services in a manner that values environmental and community interests and sustains the resources entrusted to our care. Learn more at www.sfwater.org.

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March 26, 2019

The Honorable Chris Holden
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0041

Subject: AB 533 (Holden) Income Tax Exemption for Water Rebates - **SUPPORT**

Dear Assembly Member Holden:

BAWSCA is a state-authorized agency that represents the interests of the 26 water suppliers who purchase two-thirds of the water produced by the San Francisco Regional (Hetch Hetchy) Water System (System), which is operated by the San Francisco Public Utilities Commission (SFPUC). As part of BAWSCA's water conservation services, the agency offers a variety of rebates and programs to help Bay Area water users become more water efficient. BAWSCA is providing this letter to express its support for AB 533.

BAWSCA has first-hand awareness that utility-sponsored financial incentives, including consumer rebates, are among the most effective tools available to local water providers to achieve their water use efficiency objectives. Rebates encourage turf replacement, use of water efficient irrigation controllers, and homeowner installation of water-saving appliances. However, over a certain dollar amount, rebate funds that individuals and businesses receive may be deemed to be taxable under state law, which presents an implementation barrier.

If AB 533 is passed, the law would exclude from gross income, under personal income and corporation tax laws, amounts received as a rebate, voucher, or other financial incentive issued by a local water agency for participation in water efficiency or storm water runoff improvement programs. In this way, AB 533 will remove a barrier to homeowners and businesses for making important investments in water conservation and storm water capture projects to protect our critical water resources.

BAWSCA applauds your leadership in introducing legislation that, if passed, will ensure that rebates, vouchers, and other incentives for turf replacement and storm water programs are exempt from state income and corporate tax. Thank you for your consideration of our views on this issue.

Sincerely,

A handwritten signature in blue ink that reads "Nicole M. Sandkulla". The signature is fluid and cursive, written over the printed name.

Nicole M. Sandkulla
Chief Executive Officer/General Manager

cc: Members of the Assembly Revenue and Taxation Committee
M. David Ruff, Consultant, Assembly Revenue and Taxation Committee
Julia King, Policy Consultant, Assembly Republican Caucus
BAWSCA Board of Directors

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This year's Sierra Nevada snowpack is gargantuan: These numbers prove it

SF Gate | April 3, 2019 | Amy Graff

A nonstop parade of storms barreled across the Sierra Nevada mountain range in 2019, and on Tuesday California state officials trudged through the snow for an annual survey at Echo Summit to assess the snowpack.

The April results are a key indicator for the state's water supply over the rest of the year; as the snow melts in spring and summer, the runoff replenishes reservoirs.

Measurements are taken in the same location at Phillips Station near Sierra-at-Tahoe, and this year the California Department of Water Resources measured a snow depth of 106.5 inches, with a snow-water equivalent of 51 inches. The result marked the fifth-highest snow water content ever recorded at that location since 1941. (Snow water equivalent is the depth of water that theoretically would result if the snow melted.)

These numbers sound impressive, but might not be enough for you to wrap your head around just how much snow is piled up in those mountains. Below we offer up some more of the numbers capturing this year's insane snow dump:

The Sierra Nevada snowpack is 162 percent of average statewide, more than triple what the number was at the same time last year.

- In many areas of the Sierra, the amount of snow is twice as much as is normal for this time of year.
- Statewide snow water equivalent has nearly tripled since February 1.
- More than 30 atmospheric rivers — storms pulling columns of moisture from the tropics — have helped build up the massive snowpack.
- If the snowpack melted all at once it would cover the Sierra in nearly 4 feet of water, according to the San Francisco Chronicle.
- This year's snowpack is different from the massive one from two years ago. Twenty percent of the snow making up the snowpack was below 8,000 feet in 2017. This year, 40 percent is below 8,000 feet. That's because the storms in 2017 were warmer and didn't deliver as much lower-elevation snowfall, while in 2019 a series of cold systems from the north dropped snow levels. Also, this year's snowpack has a higher snow-water equivalent.
- The snow is well distributed across the mountain range, with the two-thirds at about 165 percent of average and the southern areas at 153 percent of average.

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Sierra Nevada snowpack at 161 percent of normal

Mercury News | April 2, 2019 | Mark Gomez

The most important snowpack survey of the season in the Sierra Nevada was recorded Tuesday at 161 percent of the historic average, the fourth best reading in 40 years and good news for the entire state.

California's water supply for the next year is almost in ideal shape, and the rainy season isn't over, with yet another atmospheric river storm forecast to arrive Friday.

"With full reservoirs and a dense snowpack, this year is practically a California water-supply dream," Department of Water Resources Director Karla Nemeth said in a statement. "However, we know our long-term water supply reliability cannot rely on annual snowpack alone. It will take an all-of-the-above approach to build resiliency for the future."

State water officials consider the annual April 1 snowpack reading in the Sierra Nevada to be the most important of the year for planning summer water supplies across California. The April survey typically takes place when the snowpack is at its deepest and the water content, a key indicator for water supply, is at its highest for the season, according to the DWR.

After more rain in the Bay Area and snow in the Sierra Nevada mountains Tuesday, Wednesday is expected to be dry. Thursday, a weak system is forecast to move through the region, just ahead of a weak atmospheric river on Friday that is expected to deliver a good soaking across the Bay Area.

Estimated rainfall totals from the 'atmospheric river' range from 1 to 1.5 inches in the North Bay, a half-inch to 1 inch around San Francisco, and one-quarter to three-quarters of an inch in the South Bay, according to Matt Mehle, a meteorologist with the weather service.

Since the start of the water year Oct. 1, San Francisco has received 23.27 inches of rain, just shy of its annual average of 23.65 inches. San Jose has received 14.82 inches (annual average is 14.90) and Oakland 18.57 inches (20.81 average).

Tuesday's snowpack measurement at the Phillips Station in El Dorado County off Highway 50 was done in front of journalists and broadcast live on the DWR Facebook page. Officials measured 106.5 inches of snow depth; the snow water equivalent, meaning the amount of water in any given area if the snow was all melted, was 51 inches.

"Our April survey is very significant because this is typically when we see the deepest snowpack with the most water content," said Chris Orrock, a dwr spokesman. "Our water managers use that to judge what type of melt off we're going to get as we get into the warmer, drier summer months."

Since 1980, the statewide snowpack through April 1 has measured 160 percent of normal or higher just four times, according to data from the DWR, which conducted Tuesday's measurement. The largest snowpack over the last nearly 40 years was 1983 at 227 percent; in 2017, the snowpack measured 159 percent of average.

The snowpack is an important factor in determining how the DWR manages California's water supply. The Sierra snowpack supplies about 30 percent of California's water needs as it melts in the spring and early summer to meet water demands in the summer and fall.

Every winter, around the start of each month, state water officials and other scientists from more than 50 local, state and federal agencies collect data from more than 300 locations throughout California.

State water officials said this year's snowpack was fueled by more than 30 "atmospheric river" storms, including six in February that blanketed the Sierra Nevada with as much as 25 feet of snow.

In some years, California only sees six such storms, according to Kristopher Tjernell, the deputy director for integrated watershed management.

"These heavily water-laden storms combined with below average temperatures" have this winter's robust snowpack, Tjernell said.

However, Tjernell offered a reminder that California is just four years removed from the driest April 1 snowpack on record, just 5 percent of the historic average in 2015.

"These highs and lows are anticipated to be even more extreme as climate change increasingly affects our communities," Tjernell said.

Tuesday, the state's largest six reservoirs currently were at between 81 percent (Oroville and Don Pedro) and 132 percent (Melones) of their historical average capacities for this date.

Lake Shasta, California's largest surface reservoir, was 89 percent full, or 112 percent of its historical average.

Tuesday, state water managers for the first time opened the doors of the newly rebuilt main spillway on the Oroville Dam, which failed two years ago and caused the evacuation of 188,000 people in Butte County.

Lake Oroville, which is nine miles long and a key water supply for California cities and farms, was 81 percent full Tuesday (106 percent of normal for this time of year) and rising. With a series of storms this week, including a weak atmospheric river, state water managers released water to keep space in the lake for additional rainfall and melting Sierra snows later this spring.

Just before 11 a.m., water from Oroville reservoir was released down the main spillway at an estimated rate of about 8,300 cubic feet per second.

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Staff writer Paul Rogers contributed to this report.

Snow Survey Boosts Runoff Predictions

Department of Water Resources | April 2, 2019 | Chris Orrock

SACRAMENTO, Calif. – The Department of Water Resources (DWR) today conducted the fourth Phillips Station snow survey of 2019. The manual survey recorded 106.5 inches of snow depth and a snow water equivalent (SWE) of 51 inches, which is 200 percent of average for this location.

Statewide, the Sierra Nevada snowpack is 162 percent of average. California has experienced more than 30 atmospheric rivers since the start of the water year, with six in February alone, and statewide snow water equivalent has nearly tripled since February 1. Snow water equivalent is the depth of water that theoretically would result if the entire snowpack melted instantaneously. It is an important tool used by water managers across the state to estimate anticipated spring runoff.

“With full reservoirs and a dense snowpack, this year is practically a California water supply dream,” said DWR Director Karla Nemeth. “However, we know our long-term water supply reliability cannot rely on annual snowpack alone. It will take an all-of-the-above approach to build resiliency for the future.”

Snowpack is an important factor in determining how DWR manages California’s water resources each year to meet demands. On average, the Sierra snowpack supplies about 30 percent of California’s water needs as it melts into streams and reservoirs in the spring and early summer to meet water demands throughout the year. The April results are a key indicator for the rest of the year’s water supply. The snowpack’s water content typically peaks around April 1, after which the sun’s higher position in the sky begins to accelerate snow melt.

While the April 1 snowpack data is good news for water supply, state officials warn there could be flooding risks later this spring.

“With great water supply benefits comes some risk,” said Jon Ericson, DWR Chief of the Division of Flood Management. “Based on snowpack numbers, we have the potential for some minor flooding due to melting snow so we remind folks to always stay vigilant and aware.”

The state’s largest six reservoirs currently hold between 106 percent (Oroville) and 132 percent (Melones) of their historical averages for this date. Lake Shasta, California’s largest surface reservoir, is 109 percent of its historical average and sits at 89 percent of capacity.

DWR conducts up to five snow surveys each winter – near the first of January, February, March, April and, if necessary, May – at Phillips Station in the Sierra Nevada just off Highway 50 near Sierra-at-Tahoe. The Phillips snow course is one of hundreds that is surveyed manually throughout the winter. Manual measurements augment the electronic readings from about 100 snow pillows in the Sierra Nevada that provide a current snapshot of the water content in the snowpack.

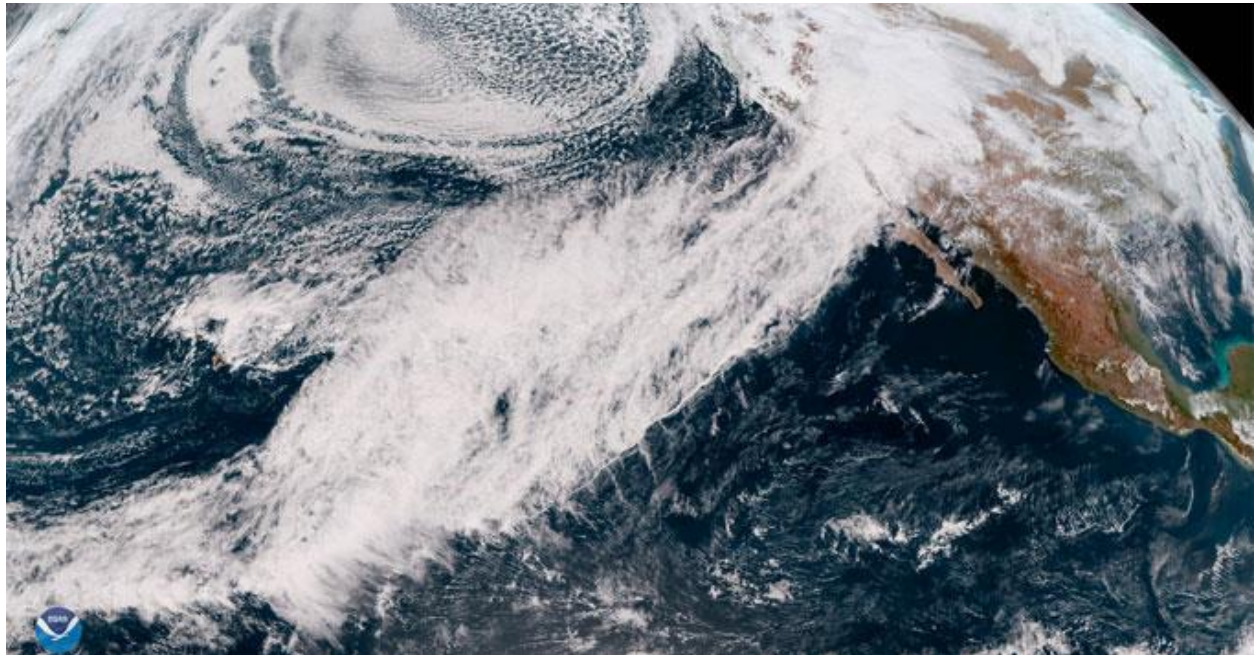
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Atmospheric rivers: California could experience more intense rains in the future

That's good for the freshwater supply, but it's a double-edged sword.

Yale Climate Connections | March 27, 2019 | Diana Madson



Imagine a river flowing through the sky – and all of its water dropping down to earth. That’s kind of what happens during many winter storms on the west coast.

A so-called “atmospheric river” is a long, flowing band of water vapor – typically a few hundred miles wide – that contains vast amounts of moisture. When it moves inland over mountains, the moisture rises, causing it to cool and fall to earth as rain or snow.

Duane Waliser of NASA’s Jet Propulsion Laboratory says atmospheric rivers are often beneficial, because they provide about half of California’s fresh water supply. But strong atmospheric river systems can also be dangerous – especially when they stall, or produce rain on top of snow.

‘Virtually all the major floods that occur along the west coast of the U.S. are associated with atmospheric rivers.’

Waliser: “Virtually all the major floods that occur along the west coast of the U.S. are associated with atmospheric rivers.”

He says as the climate warms, atmospheric rivers are projected to grow wider and longer. Powerful ones are also expected to become more frequent. That could increase water supply in some places ...

Waliser: “But on the other hand, atmospheric rivers come with flood potential as well, so they’re sort of a double-edged sword, so to speak.”

Because even in places facing drought, when too much rains falls at once, it can cause more harm than good.

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Districts Applaud Bureau Of Reclamation Lawsuit

Oakdale Leader | April 3, 2019 | Staff Writer

The Oakdale and South San Joaquin Irrigation Districts applauded the lawsuits filed March 28, 2019, in state and federal court by the U.S. Department of Justice objecting to the California's water quality control plan and its direct impacts to the operations and congressional directives for New Melones Reservoir on the Stanislaus River.

"We have always believed the state water board was asserting too much control over a federal reservoir by dictating operations counter to federal intent," stated Steve Knell, OID's general manager. "Bureau of Reclamation Commissioner Brenda Burman stated as much in her letter to the water board in 2018 and we're pleased they brought suit."

New Melones Dam is owned and operated by the federal Bureau of Reclamation. The reservoir stores water from the Stanislaus River basin under permits issued by the state of California, and delivers water from storage to irrigation and water districts under contracts entered into under federal reclamation law or in satisfaction of senior water rights on the river. OID and SSJID receive water supplies from the Bureau of Reclamation as part of their pre-1914 adjudicated water rights on the river.

"SSJID appreciates the Department of Interior's decision to challenge the State Water Resources Control Board's plan," said Peter Rietkerk, SSJID's general manager.

"Environmental and human water supply needs from the Stanislaus River hinge on a sustainable operation of New Melones. Unfortunately, the state's current plan does not offer a sustainable operation, nor balance the river's complex water supply needs. The district's echo Interiors concern about the impact of the state's plan and hope a more balance solution will emerge through the state's voluntary settlement process."

The South San Joaquin Irrigation District was established in 1909 and is located in Manteca. It provides agricultural irrigation water to about 55,000 acres in Escalon, Ripon and Manteca. In 2005, the district expanded into providing domestic water service to selected cities within its territory.

The Oakdale Irrigation District was created in 1909 and provides agricultural water to about 62,000 acres in northeastern Stanislaus County and southeastern San Joaquin County.

OID and SSJID hold senior water rights on the Stanislaus River. For more than 100 years, the agencies have delivered surface water to farms in San Joaquin and Stanislaus counties, and for SSJID, thousands of homes in San Joaquin County.

Save the Stan is a public education effort by SSJID and OID to inform Californians about the threat posed by increased flows on the Stanislaus River. For more information, go to www.savethestan.org or their Facebook page.

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Feds sue state water board over controversial Delta plan

The Union Democrat | March 29, 2019 | Alex MacLean

California's water wars appear to be entering a new chapter as the U.S. Department of Justice and Department of the Interior announced a lawsuit on Thursday against the State Water Resources Control Board over a controversial plan that would divert more water from New Melones Reservoir to the Sacramento-San Joaquin Delta.

A joint press release stated that civil actions were filed in both state and federal court alleging that the board failed to comply with the California Environmental Quality Act by approving amendments on Dec. 12 to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary.

"The environmental analysis by the (board) hid the true impacts of their plan and could put substantial operational constraints on the Department of the Interior's ability to effectively operate the New Melones Dam, which plays a critical role in flood control, irrigation, and power generation in the Sacramento region," said Assistant Attorney General Jeffrey Bossert Clark, of the DOJ's Environmental and Natural Resources Division.

Part of the plan would require an average of 40 percent unimpaired flows in the three tributaries of the San Joaquin River, which are the Stanislaus, Tuolumne and Merced rivers. That would reduce the amount of water for humans by 14 percent, according to the State Water Resources Control Board.

The Department of the Interior wrote a letter to the board last year opposing the plan that stated the increased flows would also reduce the average amount of water stored in New Melones Reservoir by 315,000 acre feet per year.

The board argued the increased flows are needed to prevent an ecological crisis in the Delta, the primary source of drinking water for more than half of all residents in California and irrigation for a third of its farmland.

According to the press release, the board didn't comply with the law that requires state and local government agencies to identify significant environmental impacts of their actions and avoid or mitigate those impacts if possible by allegedly:

- failing to provide an "accurate, stable and finite project description," because the project description and the one analyzed by the board were materially different;
- masking potential environmental impacts by including carryover targets and other reservoir controls in its analysis of impacts, and;
- inadequately analyzing certain potential impacts of the plan, specifically regarding water temperature, related water quality conditions, and supply.

The increased flows would put operational constraints on the Bureau of Reclamation, which is under the Department of the Interior and operates New Melones Dam, according to the press release.

The release further stated the plan would make it more difficult for the bureau to meet the congressionally authorized purposes of the reservoir, which include flood control, irrigation, municipal and industrial uses, power generation, and recreational opportunities.

“The plan poses an unacceptable risk to Reclamation’s water storage and power generation capabilities at the New Melones Project in California and to local recreational opportunities,” said Bureau of Reclamation Commissioner Brenda Burman in the press release.

While Tuolumne County doesn’t have any water rights in New Melones Reservoir, which straddles Tuolumne and Calaveras counties, local officials have said it’s a boon to the local economy as a draw for recreation and provides local public agencies with low-cost power.

A letter sent by the Department of the Interior to the board last year warning of potential lawsuit stated that the reservoir attracted roughly 450,000 visitors in the 2016-17 fiscal year, up from 286,842 visitors in the 2014-15 fiscal year when the water level was at a near-historic low in the midst of a five-year drought.

The state is also being sued over the plan by a number of other entities, including the Oakdale and South San Joaquin irrigation districts, who each have historic water rights that make them first in line for a portion of the water that flows into the reservoir each year.

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Contact Alex MacLean at amaclean@uniondemocrat.com or (209) 588-4530.

California can't save fish by diverting more water from rivers

CalMatters | April 2, 2019 | Guest Commentary

By John McManus, Special to CALmatters

Editor's note: This is a response to the CALmatters commentary: "Finally, a new path toward managing water, rivers and the Delta," March 19, 2019.

Recent decades have brought the slow collapse of the Sacramento-San Joaquin Delta and its salmon runs. A half dozen species face extinction. Lacking natural flushing, the Delta now suffers outbreaks of toxic algae. The salmon fishing industry suffered a shutdown in 2008 and 2009 which cost thousands of jobs.

Science points to a clear cause: inadequate flows caused by excessive diversions. In some years, 90 percent of the Tuolumne River is diverted, leaving only 10 percent for salmon and the Bay-Delta. Every Central Valley salmon river also suffers from over diversion in many years.

Recent proposals from water users fall far short of what is needed by salmon and required by the law.

We need a new approach, alright, but the State Water Contractors' solution as described by Jennifer Pierre offers potentially even less water for salmon and inadequate habitat restoration.

Current water sharing proposals fail to achieve the balance needed to restore our salmon runs. Meanwhile, additional massive increases in Delta diversions are planned by the Trump Administration under these agreements, which would make conditions for salmon even worse. This is a formula for extinctions and the end of salmon fishing in California.

There is no support for this proposal among fishermen or conservationists.

Fortunately, the State Water Board has been working since 2009 to rebalance Central Valley diversions and river flows to bring them into compliance with the law and what salmon need. The Board's first step, to reduce water diversions on the San Joaquin River, was modest. Nonetheless, most San Joaquin River water districts dug in and opposed, even though they've had a decade to develop an alternative plan of their own.

The State Water Board should be praised for its work, and should finalize comprehensive flows standards, and implement them as soon as possible.

We agree with Jennifer Pierre that restored floodplain habitat is essential to a healthy ecosystem and salmon runs. This is an area with the potential for fruitful collaboration.

But when it comes to water, here's a suggestion: Don't believe big tobacco about cancer. Don't believe big oil about climate change. And don't believe the big water users about flows needed to restore salmon and the Bay-Delta.

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John McManus is president of the Golden Gate Salmon Association, john@goldengatesalmon.org. He wrote this commentary for CALmatters.

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Finally, a new path toward managing water, rivers and the Delta

CalMatters | March 19, 2019 | Guest Commentary

By Jennifer Pierre, Special to CALmatters

For people who closely follow California water, here are headlines in the paper or tweets in your feed that you never see about water operations in the Sacramento-San Joaquin Delta:

“Pumping curtailed during next storm due to nearby migrating salmon”

Or:

“Storm opens water supply window as few fish conflicts detected”

Why?

Our rules, cobbled over time from various state water right decisions or federal biological opinions, are too rigid. Pumping rules in the Delta on Nov. 30, for example, are very different than those 24 hours later, regardless of the weather.

Things are done by an aging book.

We are not adapting our management based on testing new hypotheses collaboratively advanced by stakeholders who are willing to celebrate the results regardless of outcome.

Simply put, we are stuck in yesterday’s way of regulating things.

And deep down, I think everyone close to the matter knows that this is a recipe for failure for the environment and water supply reliability—and an outright disaster in the coming decades with climate change.

But there is an opportunity to begin to change our ways. Perhaps the most important opportunity on the horizon is the ongoing review of the rules that govern the Delta and our river watersheds by the State Water Resources Control Board and a voluntary way to improve the use of resources for the environment.

The fundamental question, as this pivotal chapter unfolds, is this:

Will we merely tinker with the rules? Or will we have the courage to explore a more fundamental reset so that future management is based more on adaptation and collaboration?

Here is a case for a reset.

The current system has us all in silos. Absent any process that has us collectively studying, testing and resolving anything, we have our stables of scientists. We have our own legions of lawyers. And being in our own silos, over time, we have developed wildly different baseline perspectives of what is wrong with the Delta and how to make things right.

People managing other treasured ecosystems have managed to break out of these silos:

- I marvel when I hear that on the Missouri River, as one example, there is a remarkable, programmatic approach to management embraced by dozens of stakeholders in even a large number of states.

- Another example is on the Platte River in the heart of the Midwest. There, groundwater management is the norm after a years-long struggle and surface water management evolves with new knowledge about conditions.

Our best chance to mimic the success of others rests with a proposal by the Newsom Administration with a coalition of federal agencies, water districts and some environmental groups.

To resolve the state Water Board's review of Northern California water uses, the administration is proposing a block of water for the environment—750,000 acre-feet. That's more than the annual water use in the city of Los Angeles. This water and new restoration efforts would be collaboratively managed and studied for 15 years.

It would be among the largest adaptive management effort of its kind in the nation.

Embracing an adaptive way of managing our water does not mean renouncing one's beliefs that the water for the environment is vitally important. Or that the water to grow our food or sustain our communities is important. Rather, we share in a victory that comes from managing our precious water supply by structuring how we share and learn together.

We who are part of the California water community and who work every day from one perspective or another are paralyzed and in our respective bunkers.

It will take nothing short of a leap of faith from each of us to admit that the current rigid rules fail all of our missions. And that only together can we do a better job managing our water resources going forward.

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Jennifer Pierre is the general manager of the State Water Contractors, an association of 27 public water agencies that receive supplies from the State Water Project, Jpierre@swc.org. She wrote this commentary for CALmatters.

How California is defying Trump's environmental rollbacks

Los Angeles Times | March 29, 2019 | Bettina Boxall



California agencies say they won't grant the federal government permits to raise Shasta Dam because the project would drown state-protected portions of the McCloud River. (Allen J. Schaben / Los Angeles Times)

California is building walls at its borders — they're just not the kind President Trump has in mind.

As the Trump administration continues its assault on environmental regulation, state officials are throwing up legal barriers to some high-stakes attacks.

They are preparing to strengthen safeguards for waterways that are about to lose federal protections in a major rollback of the Clean Water Act.

They are refusing to issue permits the federal government needs to build a controversial dam project that would drown portions of a Northern California river renowned for its wild trout fishery.

And they can use state water quality standards to limit Washington's ability to boost irrigation supplies for Central Valley agriculture by relaxing federal safeguards for endangered fish.

"The state can stand up against the federal government on every single one of those issues," said Noah Oppenheim, executive director of the Pacific Coast Federation of Fishermen's Assns.

Armed with some of the strongest environmental laws in the nation, California has been a leader in the resistance to the Trump administration.

Trump administration unveils major Clean Water Act rollback »

As governor, Jerry Brown repeatedly clashed with the White House over Trump's policies on climate change and vehicle fuel economy standards. Since taking office in January, Gov. Gavin Newsom has continued the fight.

That became clear one week after Newsom's inauguration, when representatives of three state agencies reiterated that the dam project is illegal under California law.

The \$1.3-billion proposal would raise the 602-foot-tall Shasta Dam near Redding another 18½ feet. Doing so would increase the storage capacity of Shasta Lake, California's largest reservoir, by roughly 14%.

But it would inundate a stretch of the McCloud River, which is protected under California's Wild and Scenic Rivers Act.

"We are prohibited by state law" from permitting the Shasta project, said Andrew Sawyer, assistant chief counsel of the State Water Resources Control Board. The water board, the California Department of Fish and Wildlife and the State Lands Commission outlined their objections Jan. 14 in letters to the Westlands Water District in Fresno, the state's largest irrigation district and primary backer of the proposal.

Westlands did not respond to a request for comment.

California authorities say the Shasta plan is clearly subject to a section of the 1902 Reclamation Act that requires federal irrigation projects in the West to comply with state laws that relate "to the control, appropriation, use, or distribution of water used in irrigation." Exceptions can be made only if Congress directly exempts a project from that mandate.

In 2017, the GOP-dominated House approved legislation that attempted to do that for operations managed by the federal Central Valley Project, including Shasta Dam.

But concern for states' rights killed the bill in the Senate, where the proposal never got out of committee. And with Democrats now in control of the House, any similar efforts in the new Congress are all but doomed.

Trump's pick for a top Interior post has sued the agency on behalf of powerful California water interests »

On another front, the state water board is expected to vote Tuesday on a package of rules that would counter Trump administration plans to cut wetlands protections.

In December, the U.S. Environmental Protection Agency gave notice that it is dropping Obama-era regulations that broadened the Clean Water Act's coverage of wetlands and seasonal streams, which are common in California and the arid West.

The law allows states to adopt regulations that are more stringent than the federal standards. California's water board has been considering tougher wetlands protections for more than a decade, ever since the U.S. Supreme Court issued a set of decisions that left authorities confused about which waters were covered under the act.

The board's efforts have taken on a new urgency in the wake of the EPA's move.

“The threat of the Trump administration rollback has really amplified interest and concern about a need for developing state-level protection,” said Julia Stein, a supervising attorney at UCLA’s environmental law clinic.

The Sacramento-San Joaquin Delta, the center of California’s water system, is another Trump-California battleground.

Westlands and other San Joaquin Valley irrigation districts have long fought protections for endangered fish that limit water exports from the delta. Under Trump, they have a major ally at the Interior Department: acting Secretary David Bernhardt, a former lobbyist for Westlands who is in line to succeed Ryan Zinke in the agency’s top post.

Last month, the U.S. Bureau of Reclamation released documents that justified loosening the restrictions on the grounds that habitat restoration and other measures would help imperiled populations of delta smelt and migrating salmon.

Federal fish and wildlife biologists have until this summer to issue a new set of delta export rules. If the regulations are weakened, environmentalists will almost certainly mount a challenge in the courts, which blocked a similar effort by the George W. Bush administration.

California has its own endangered species law, but it is unclear whether those protections fit into the category of state laws that the federal reclamation bureau must adhere to.

Still, state standards for salinity levels in the delta and for the volume of water that flows through delta habitats to the ocean will restrict the Trump administration’s ability to boost exports, said Holly Doremus, an environmental law expert at UC Berkeley.

Another leverage point lies in the linkage of state and federal water operations in the delta. The California Department of Water Resources can, for example, refuse to let federal water managers use the state-owned California Aqueduct to convey delta supplies if the state believes the water shipments would hurt protected fish.

“The state retains primary regulatory authority over its water, period,” Doremus said. “It has always been bluster for the feds to run around saying ... that they are going to make California do whatever.”

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Details of Newsom's drinking water tax plan revealed

SFGate | March 22, 2019 | Filipa Ioannou

California Gov. Gavin Newsom revealed new details of his plans to charge water customers in the state a new tax to fund safe drinking water for disadvantaged communities.

He announced Wednesday his plans to charge water customers an extra amount ranging from 95 cents to \$10 a month — money that, combined with fees on animal farmers, dairies and fertilizer sellers, he projects would raise \$140 million a year that could be put toward testing wells, aiding public water systems and treating contaminated water. The amount paid would depend on the size of one's water meter.

Newsom called the drinking water situation faced by some of the state's low-income communities "a moral disgrace and a medical emergency."

But some observers say that with limited appetite for more taxes, the plan faces an uphill battle in the state Legislature, where tax and fee increases must be approved by two-thirds of lawmakers, some of whom are wary after a vote to approve the gas tax led to the recall of a Democratic senator last year.

Democrats from agricultural districts may be hesitant to support the tax. One such senator, Anna Caballero, has introduced a competing proposal that would create a trust fund for water improvements using money from the state's existing surplus.

On social media, some were incensed at Newsom's proposal.

"We are being taxed to death," wrote Twitter user @dcibbott.

"This \$120 water tax on top of the highest gas tax, vehicle registration fees, and one of the highest state income taxes. No! Work with what you have already," wrote Pamela Adger on Twitter. "Then start undoing all those tax breaks for corporations. Maybe Nestle can pay for the cleanup."

Newsom first floated the idea of the water tax back in January when he introduced his 2019-20 budget.

He called for establishing a "safe and affordable drinking water fund" to "enable the State Water Resources Control Board to assist communities, particularly disadvantaged communities, in paying for the short-term and long-term costs of obtaining access to safe and affordable drinking water."

Six million Californians rely on water providers that have violated state standards at some point in the past six years, a McClatchy investigation found in 2018. According to the report, the majority of Californians that lack safe drinking water live in the southern San Joaquin Valley and the Mojave Desert.

Former Gov. Jerry Brown attempted a similar proposal last year, but it died in the Legislature. Under Brown's plan, residents would have been taxed a more modest sum than under the Newsom plan — 95 cents a month.

Earlier this year, Newsom took his Cabinet on a trip to the Central Valley to hear from residents who lack clean drinking water.

"We met with residents who cannot drink or bathe with the water in their homes, while paying more for it than those in Beverly Hills," Newsom tweeted.

Central Valley residents who support the tax echoed those themes at Wednesday's press conference.

"We are the poorest families," said Lucy Hernandez, a resident of Tulare County, "and we are willing to pay the tax because we spend a lot more money than the tax buying water bottles for our families."

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The AP and SFGATE staff writer Eric Ting contributed to this report.