

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

December 6, 2019

Correspondence and media coverage of interest between November 21, 2019 and December 5, 2019

Media Coverage

Water Supply Conditions:

Date: December 5, 2019
Source: The Weather Channel
Article: California Storm Parade Continues Friday With More Rain, Feet of Sierra Snow Through the Weekend

Bay Delta:

Date: December 4, 2019
Source: Maven's Notebook
Article: Felicia Marcus: One Delta, one estuary-Connecting California through water

Date: November 26, 2019
Source: ACWA
Article: State Releases Draft EIR, Announces Intent to Pursue Litigation Over Federal BiOps

Water Policy:

Date: December 2, 2019
Source: Courthouse News Service
Article: Conservation Groups Sue Feds Over California Water Project Opinions

Date: November 29, 2019
Source: The Press
Article: State, Governor Newsom send mixed signals on Delta policy

Date: November 22, 2019
Source: San Francisco Chronicle
Article: Trump's EPA fires new round in water pollution fight with SF

Water Supply Management:

Date: December 4, 2019
Source: California Water News Daily
Article: California Department of Water Resources Announces Initial State Water Project Allocation

Date: December 3, 2019
Source: San Francisco Chronicle
Article: Fishing groups sue federal agencies over latest water plan for California

Date: December 3, 2019
Source: Sierra Sun Times
Article: First State Water Project Allocation at 10 Percent for the 2020 Calendar Year, California Department of Water Resources Announces

Water Supply Management, cont'd.:

Date: December 2, 2019
Source: Department of Water Resources
Article: First State Water Project Allocation at 10 Percent

Date: December 1, 2019
Source: RecordNet.com
Article: Water in the bank: Coalition of agencies develops 'historic' sustainable groundwater plan

Date: November 27, 2019
Source: Maven's Notebook
Article: CA WATER COMMISSION: Department of Water Resources' new Division of Multi-Benefit Projects

Date: November 29, 2019
Source: Restore the Delta
Article: Deep Dive: California Water Policy Challenges in 2020

Date: November 21, 2019
Source: Sacramento Bee
Article: Newsom says California will sue Trump over Delta water, endangered fish

California Storm Parade Continues Friday With More Rain, Feet of Sierra Snow Through the Weekend

The Weather Channel | December 5, 2019 | Jonathan Erdman

Wednesday's storm dumped about an inch of rain in downtown L.A. and San Diego, with locally higher amounts over the mountains.

This triggered mainly minor flooding of some streets and freeways, as well as a few rock and mudslides in Southern California primarily from Orange and the Inland Empire to San Diego County.

While rainfall amounts Wednesday were generally a bit lighter in Northern California, thunderstorms dumped heavy rain on ground saturated from last weekend's soaking storm and triggered serious flash flooding in the Salinas Valley.

Five to 10 homes were flooded in Chualar, about 55 miles south-southeast of San Jose, according to Monterey County Emergency Management. Three to four feet of water prompted a shutdown of U.S. 101 between Gonzalez and Chualar, according to the California Highway Patrol.

Flooding also prompted an evacuation of a nursing home in Hollister, Wednesday, KSBW-TV reported.

Another Weekend Soaking

California will get a one-day timeout before the next storm arrives in Northern California Friday.



Rain and Sierra snow will continue Saturday, and showers will linger in parts of the state into Sunday.

Unlike Wednesday's system, the heaviest rainfall from this storm is expected in Northern California, where several inches of additional rain is expected, particularly north of Interstate 80 in the coastal ranges and Sierra foothills below snow level. This could lead to flash flooding and debris flows, especially in recent burn areas.

Several feet of snow is expected in the Sierra, with snow expected above 6,500 feet elevation Friday, and above 5,500 feet elevation this weekend. This could hamper travel over the Sierra passes this weekend.

Once this storm leaves California, a much drier pattern will set up over the state next week, with only a few chances of light rain in far Northern California.

This is quite a stunning reversal of fortune after a dry start to the rainy season.

Parts of Northern California saw their driest start to the rainy season in 60 years through much of November.

Beginning the Tuesday before Thanksgiving, downtown San Francisco picked up measurable rain nine straight days through Wednesday. Santa Rosa, California, nearly wiped out its season rainfall deficit in that same nine-day stretch.

San Diego narrowly missed a top-10-wettest November, despite not receiving any measurable rain until Nov. 19.

This is also good news for the state's water supply.

Sierra snowpack is running well above average for this time of year, according to the California-Nevada River Forecast Center. Snowmelt in the spring and summer supplies about 30% of the state's water demand, according to the California Department of Water Resources.

As of Tuesday, most state reservoir levels were running higher than average for early December.

#

FELICIA MARCUS: One Delta, one estuary—Connecting California through water
Maven's Notebook | December 4, 2019 | Maven Conferences and Seminars



In her address to the State of the Estuary conference, Felicia Marcus spoke about the connections of the Delta to all Californians and the importance of working together and more broadly to solve the challenging problems before us.

Felicia Marcus has had a long history of involvement on water issues in the Delta as well as across the state. Last year, she finished up her term as the Chair of the State Water Resources Control Board; prior to that, she served as the regional administrator for Region 9 for the US EPA and worked with other agencies and a number of NGOs, including the Natural Resources Defense Council and the Trust for Public Lands. In her keynote address at the 2019 State of the Estuary conference, she spoke about the connections of the Delta to all Californians and the importance of working together and more broadly to solve the challenging problems before us.

In her own words, here's what Felicia Marcus had to say.

"Turning to our topic, one of the most enduringly fascinating and beautiful things about estuaries is their role in connections. Connecting across fresh water and salt water, connecting across species life cycles, connecting people across vast distances who share in the relationship to the waters and species that cross their varied landscapes.

In the case of the San Francisco Bay Delta Estuary, it connects a lot more. From the rim of the northern Sierra to the Pacific Ocean, it's sheer scale is massive. If you factor in water diversions above and throughout the Delta, diversions that have a direct impact on the natural functioning of the estuary, the estuary connects nearly the entire population of the state of California, yet few



Californians understand those connections, let alone their own connection to, dependence on, and impact on this mighty estuary.

Angelenos, oddly enough, may understand it better than San Franciscans, and as a result, focused attention on this remarkable ecosystem as a whole is hard to maintain outside this room and even at times inside this room over the years. Even among those who engage in the public policy efforts and discourse around the Delta, conversations tend to be Balkanized, perhaps because of the enormity of the scale and complexity of the estuary, and perhaps because of convenience or design.

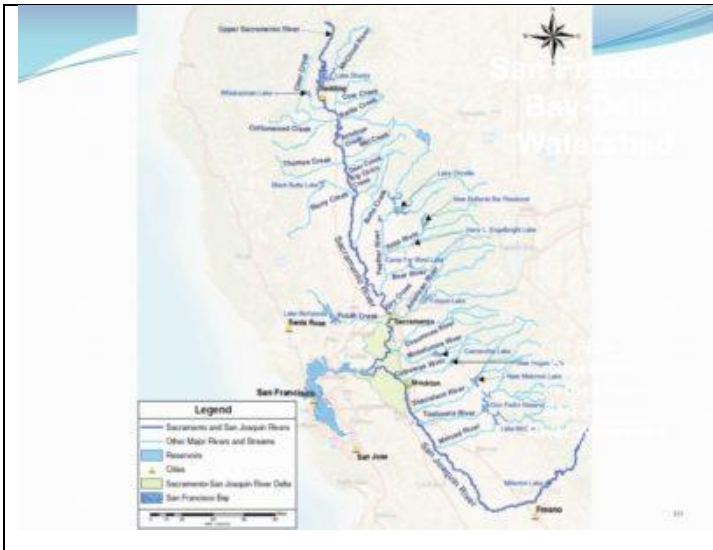
How do we break through to gain the broader engagement we need to implement the complex and effective adaptive management we really do need? Not by doubling down and talking about the Delta louder and slower, but by talking about one water for all Californians to make the connections beyond the inner circle by celebrating what connects us rather than what divides us, including our natural heritage, our vibrant agriculture, our treasured rural centers, and our energetic urban centers, by using modern data, technology, and transparency to lay a foundation for a fact-based discussion and monitoring and a lot more.

This is how most people approach our conversation about the Bay Delta, in part because there are a lot of folks who work on it, talk about it, this way precisely so that fewer people will engage. But in fact, it's actually quite definable, knowable, and fixable, or at least improvable. We just need to apply the right tools, and my message for today is that we need to spend a little time in addition to the great science and policy work represented here today on communicating the wonder of this estuary, all of our connections to it as Californians, and our opportunity to build a greater connection to each other through tending to it.

To do that, we need to broaden our vision, widen our tents, elevate our human voices, and celebrate each other's knowledge, achievements, and connections.

Discussions around the Delta at least recently rarely invoke the Bay itself and its need for flows, let alone the needs of the ecosystem along the way because the Delta itself is ground zero for so many different Clashes of the Titans and for so many issues, whether tunnels, HABs, fisheries, legacy communities ... And then some folks think of the Bay Delta estuary and they see intakes for massive pumps in three dimensions with everything else, a conceptual obstacle, and oft with good intentions.

Here's a less pretty but useful frame (lower, left) that I use a lot, just to help show people how vast the watershed and how many contributors there are to its demise or its resurrection, depending on how we look at time. It's all in how you look at it, and it's all in how we decide to do things about it.



I also think you have to zoom out to the entire infrastructure of the state of California. (above, right) There are just a couple points to make about this. You have the purple and the orange state and federal projects which bring water through the hub of the Delta and down to many players. You also have some of these green lines, and there are two stories to tell about that.

One is a story of LA and their LA Aqueduct, which everyone thinks that if they have seen Chinatown, they know everything they need to know about LA. But the thing to know about LA is that they gave up a whole bunch of the water they were getting to save Mono Lake, a lake that was hundreds of miles away from them and that most of them will never see and it led to a renaissance of conservation, recycling, stormwater capture that is even being accelerated today so the art of the possible is there.

Also, there are the two Bay Area diversions on the Mokelumne for East Bay MUD and the Hetch Hetchy for San Francisco, just to make the point that the Bay Area also diverts water from the Delta and has a role in saving the Delta; it's just that it doesn't go through those inconvenient pumps.



So we are all in this together, you'll hear that again and again.

There are a variety of places in this state that are dependent on waters from the Delta, whether through the pumps or diverted from up above and the same is true of even more, if you count the entire tributaries.

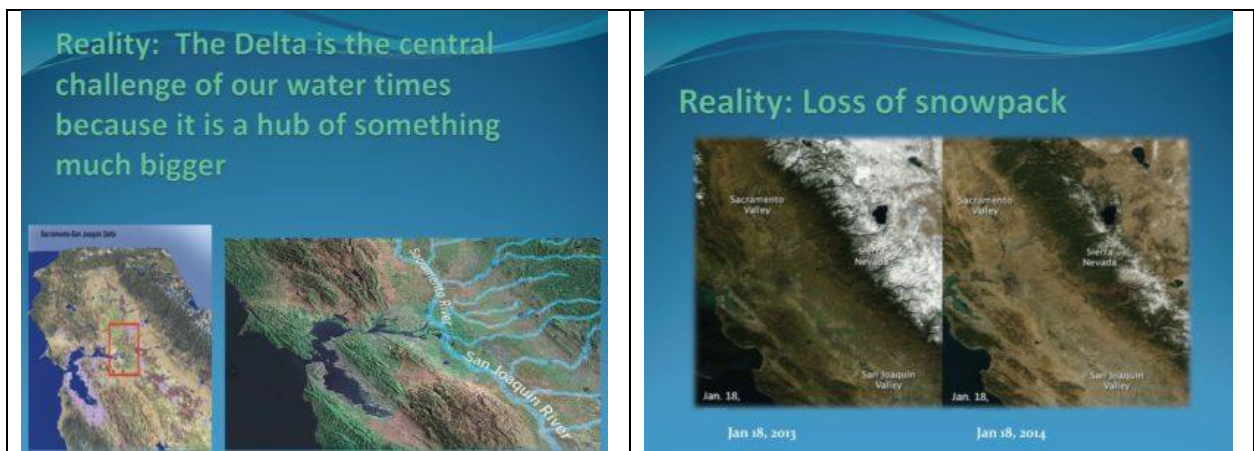
In the upper headwaters, the forest and land management up above, there is a lot of encouraging work and

conversation going on there because of wildfire work primarily, but there has been good work on figuring out how to do forest management in a way that will allow more snow to fall through the tree canopy and to stay shaded long enough to provide more water for the ecosystem and for water users.

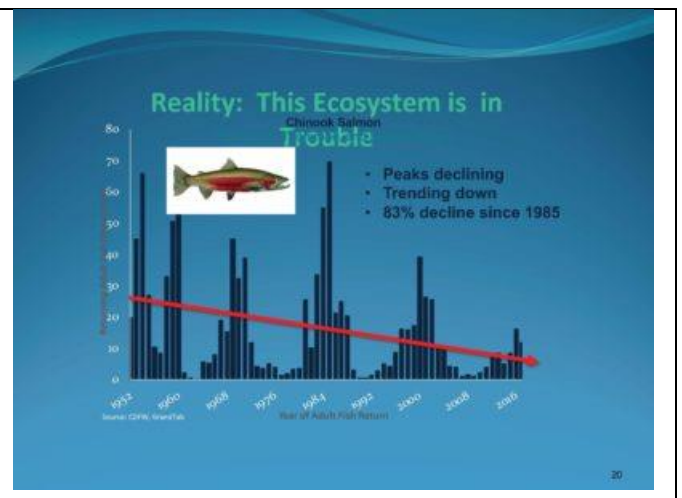


And finally and not necessarily least, there is the connection to the ocean and ocean processes.

The hub is something really critical here, not just as a hub for fish migration or a hub for water supply, but it's also a hub for something great, if we can get there and rise to that occasion, but to do that, we have to deal with reality.



Here's our reality – loss of snowpack. It's going to hit us like a ton of bricks. This is an opportunity to rise to an occasion with a bigger vision as opposed to doubling down and looking down at what we're doing. Similarly, sea level rise can be a call for every man or woman for themselves or let's come together and figure out a smarter way to deal with this.



Similarly, the ecosystem is in trouble, and I pick salmon because it's a recognizable and heroic symbol of tenacity and heart, not just a tasty treat, but the basis for a great story that's told but not told enough.

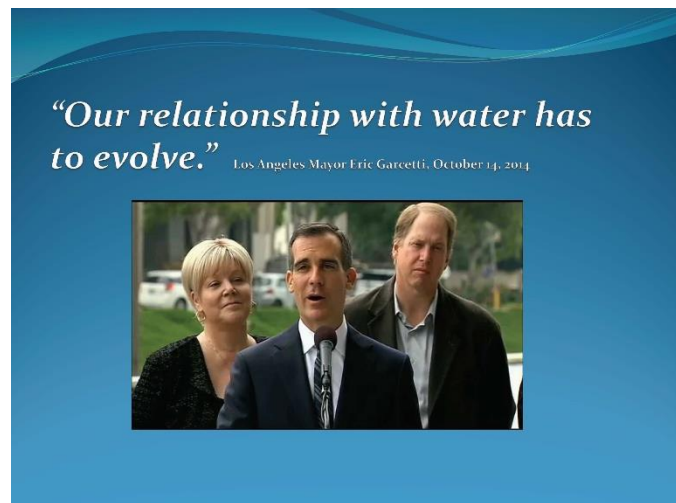
Then of course, the wisdom of Yogi Berra, which is 'In theory there's no difference between theory and practice. In practice, there is.'

I know you're all here at the State of the Estuary conference because you care in practice about what happens, you care about the Bay Delta estuary, and you are more aware of it and its connections and 99.9% of Californians. You may care about it because you find it intellectually fascinating and that's why you do the work you do. You may care about it because you love to raft, fish, and experience rivers, rapids, the Delta, the Bay or the ocean. Some of you may feel grateful for the life giving force that the river is, whether to fish and wildlife, to the communities along the river, to you who drink, bathe, and frolic in the river's waters after they are transported and treated through pipelines and treatment plants around the way, and yes, even those of you who use it to water your lawn – sparingly I hope.



Some of you are in this because of the importance of saving ecosystems generally and want to be on the side of humanity that understands we have a relationship between the earth, its life giving waters, and ourselves that we can't totally pinpoint but that we know is real. It's something of a test of who we are. I think history and future generations will judge us for whether we could turn the tide and figure out how to restore at least some of what we lost and how we can live in greater harmony with nature.

As a boomer, I know we failed in many ways on climate change, on river restoration and on the massive amount of garbage we produce including plastics that are befouling the planet, but I've seen signs of progress and hope, whether the Upper San Joaquin River restoration, Klamath dam removal, or myriad of efforts of urban and rural water management.



Are we going to be the generation that loses salmon? Let alone Delta smelt? Are we going to be the generation that sucks our rivers dry, even as the signs were telling us we were doing that? Will we look at the tributaries of the Delta with regret and longing as so many in Central Asia mourn the passing of the Aral Sea? Will we look at fishermen and women whose livelihood is being snuffed out more and more each year and sigh with sorrow?

Or will we be the generation that figures out how to deal with facts rather than

fancy and do something about it. And do it not by turning our backs on the good men and women who farm or grow communities with the precious waters of the rivers in our system, but by figuring out a way to break through and grapple with the reality that we've simply taken too much out of this estuary for it to survive. It's not about good and evil; it's about competing goods that we have to figure out collectively how to balance and honor.

Can we rise above the talking point wars and build a vision of restoring this great ecosystem with a combination of more flows left in it to do what flows can do and have done for generations, and great projects to enhance habitat for fish and wildlife. Can we give native fish a fighting chance? Can we be the generation that learns to restore nature and live in harmony with it – A complex task requiring engagement over years of effort. I don't know. But we're at a precipice where it's going to be one or the other, and because of people like you, I remain hopeful and energized. It's also a better way to live.

This is how we talk about it most of the time when we're talking Bay Delta. Our problem is how we talk about it or how we don't talk about it; we talk past each other rather than trying to find connections. I'm not saying we've got to be the Dalai Lama here, nobody can be the Dalai Lama, nobody can do it all the time, but I think it requires working to remind yourself every day in every meeting in every interaction, as often as you can, to be thinking about connection and to be thinking about broadening the conversation.



For me, it's about compassion for others and it's about trying to find the way forward. As many of you know, I've added more and more tinkling bracelets and Virgins of Guadalupe to my wrist through the Bay Delta hearing that I can practically lift to remind me to bring compassion. I've put post-it notes on the bathroom mirror that say, listen, compassion, we're all in this together. But if we do that, we can do that.

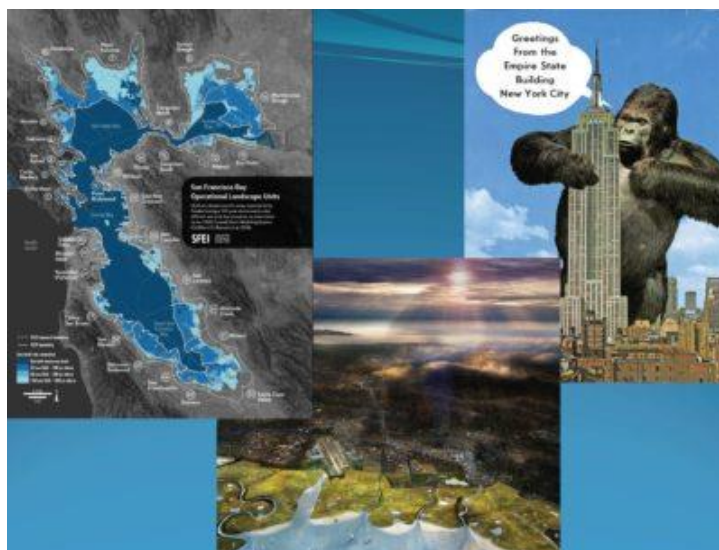


We can do it if we keep the theme that we're all in this together. During the drought, you saw how people rose to the occasion, a message punched through to all Californians. It is a longer story than that but we were able to achieve what some thought impossible. There were Californians getting rid of their lawns as soon as they could get any money – over half a billion dollars. There are folks in LA who have been for squaring imported water with grand goals of 100% recycling of water in LA by 2035, and reducing their dependence on imported water by 70%. They were 88% dependent on it. Watch

that space for cutting edge efficiency, stormwater, conservation, recycling. Prop W got the whole county voting to do stormwater projects, \$300 million a year.

Here you have these amazing projects with the adaptation atlas and all the work you have together, and you saw some other pictures and why is it King Kong instead of Godzilla ... It's 20 of those that are going to have to fill the Bay now in the way folks are looking at it, and there are more projects than I could possibly talk about.

We have to add these stories and broaden the view of who we are to inspire others. It's all those myriad decisions we make every day in every way in just the way we can. I'm not asking you to not study what your studying and not focus as that science is critical, but also think about the ways in which you can broaden your messages, make your work accessible, and connect with people across a broader scale and start that story going. We need that story to rise to this historic occasion or we'll regret it. We totally have the ability to do it, and it's sitting in this room today.



Thank you very much.

(This page was intentionally left blank)

State Releases Draft EIR, Announces Intent To Pursue Litigation Over Federal BiOps

ACWA | November 26, 2019 | Will Holbert

The California Natural Resources Agency and California Environmental Protection Agency on Nov. 21 released a Draft Environmental Impact Report that acknowledges Voluntary Agreements as a potential path forward in the Sacramento-San Joaquin Bay-Delta. Prepared by the Department of Water Resources (DWR), the draft EIR is the first step in an environmental review of long-term operations of the State Water Project (SWP).

Unfortunately, however, the state also announced that it intends to sue federal agencies that recently released biological opinions, or BiOps, regarding the coordinated long-term operation of the Central Valley Project and SWP. A news release from the state asserts that the federal BiOps “are not scientifically adequate and fall short of protecting species and the state’s interests.”

“The draft EIR released by DWR expressed encouraging support for Voluntary Agreements as the best path forward for securing the health of the Sacramento-San Joaquin Bay-Delta,” said ACWA Executive Director Dave Eggerton. “However, we are very disappointed by the state’s announcing its intention to litigate over proposed operations of the state and federal projects.”

“The threat of litigation could cancel out years of dedicated efforts by many diverse stakeholders to forge a new and collaborative approach that can work for the environment, our economy and all Californians,” Eggerton said. “Voluntary Agreements must remain the highest priority and represent a necessary alternative to years of litigation that will benefit neither fish nor communities.”

According to DWR, its draft proposal differs from the federal BiOps in several primary ways, besides not seeking an increase in SWP exports:

- Gives the California Department of Fish and Wildlife (CDFW) authority to stop SWP operational changes if it determines they will violate California Endangered Species Act (CESA) standards, instead of relying on federal Endangered Species Act standards.
- Includes multiple alternatives that provide a block of environmental water that can be used to offset pumping impacts in the Bay-Delta, with adjustments made over time as new scientific information is learned.
- Provides clear direction on when Bay-Delta pumping can be increased during storm events and caps the amount that exports can be increased in those events.
- Includes updated modeling and quantitative analyses to support habitat actions in summer and fall to benefit Delta smelt.
- Includes specific protections for longfin smelt, a protected species under CESA, and a commitment to implementing a longfin smelt science plan.

DWR's draft EIR will be available for public comment through Jan. 6, 2020. DWR anticipates completing a final document in early 2020, with a permit from CDFW expected to follow.

#

Conservation Groups Sue Feds Over California Water Project Opinions

Courthouse News Service | December 2, 2019 | Carson McCullough

(CN) – Several fishing and conservation organizations brought a federal complaint Monday over the harm they expect to befall an already threatened species of fish from the Trump administration's efforts to set new rules for the operation of major California water projects.

Led by the Pacific Coast Federation of Fishermen's Associations, the groups claim that the government's biological assessments of the Central Valley Project and State Water Project were politically motivated and failed to consider proper environmental protection standards. They filed their suit in U.S. District Court for the Northern District of California.

The complaint says the Trump administration did not fully consider scientific facts or logic, and arbitrarily concluded that the projects would not have a damaging effect on endangered fish species, including salmon and steelheads.

Reported to be two of the largest in the U.S., the projects at issue divert water from the Sacramento and San Joaquin Rivers to the San Francisco Bay/Sacramento-San Joaquin River Delta, primarily for agricultural and municipal uses.

The suit claims that implementation of the opinions on these projects, which were released in October, puts several endangered fish species at an increased risk for extinction and threatens their natural habitats.

Rachel Zwillinger, a California water policy adviser for the nonprofit Defenders of Wildlife, one of the plaintiff groups, says that these opinions could potentially prove fatal to fish species in the Bay-Delta area.

"These biological opinions are essentially a death sentence for endangered salmon, Delta smelt and other iconic species that rely on the Bay-Delta. This illegal move by the Trump administration strips Endangered Species Act protections from these fish and will have enormous impacts on the long-term health of the largest estuary on the West Coast," Zwillinger said in a statement Monday. "We are going to court to restore protections for salmon and other endangered fish and to make sure the Trump administration doesn't get away with violating our most important wildlife-protection law."

The suit claims that while biologists and scientific experts determined that a new operating plan for these water projects could put certain endangered species in jeopardy, political appointees at the Interior Department reversed these findings for political expediency.

"If implemented, these new biological opinions will have grave impacts for wildlife we all cherish, including endangered orca whales and many other creatures that depend on a healthy Bay-Delta," Zwillinger said in the statement. "These opinions are yet another example of the Trump administration's assault against science and we will continue to fight these decisions in court."

In November, California environmental officials had suggested that legal action may be required to protect California's endangered species against the Trump's administration's water project plans.

"We value our partnerships with federal agencies on water management, including our work together to achieve the voluntary agreements," Jared Blumenfeld, California secretary for environmental protection, said in November. "At the same time, we also need to take legal action to protect the state's interest and our environment."

The complaint requests that the judge toss the opinions as unlawful until more scientifically sound opinions drafted in full accordance with environmental regulations are issues in their place.

Representatives for the U.S. Fish and Wildlife Service did not immediately respond to a request for comment Monday.

#

State, Gov. Newsom send mixed signals on Delta policy

The Press | November 29, 2019 | Tony Kukulich

A pair of simultaneous and seemingly contradictory actions announced by Gov. Gavin Newsom's administration last week has sent mixed signals regarding the state's intentions for managing the Delta.

Newsom announced plans to sue the Trump administration after the October release of a biological opinion completed by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. The opinion stated, in essence, that the U.S. Bureau of Reclamation's Central Valley Project (CVP) can increase the volume of water drawn from the South Delta without any negative impact to native fish like Delta smelt and Chinook salmon, a position the state disputes.

"We value our partnerships with federal agencies on water management, including our work together to achieve the voluntary agreements," said Jared Blumenfeld, California secretary for environmental protection. "At the same time, we also need to take legal action to protect the state's interest and our environment."

Nearly 90% of the 5.6 million acre-feet of water drawn by the CVP annually is distributed for agricultural use in the Central Valley. Reclamation's plan calls for increasing the volume of water taken by 300,000 to 500,000 acre-feet a year over current volumes. (There are approximately 326,000 gallons in an acre-foot of water.)

Reclamation immediately pushed back against the Newsom administration's position.

"Today's announcement by Governor Newsom is disappointing in his preference to have judges dictate these important projects instead of the career professionals at the federal and state levels who have developed a plan based on the best science and significant input from the public," said Brenda Burman, Bureau of Reclamation commissioner. "If that's their choice, we'll see them in court."

A key point among those who oppose the new biological opinions is Reclamation's claim that the best available science was used in the development of the opinions. It has been widely reported that the first draft of the opinion was critical of Reclamation's planned changes to the operation of the CVP, and the Trump administration had the scientists responsible reassigned and replaced.

"The new biological opinions finalized by the U.S. Fish and Wildlife Service are more than 400 pages, and I am awaiting further analysis from our Delta partners," said Assemblymember Jim Frazier, D-Discovery Bay, when the opinions were released in October. "However, one fact is clear. Less than three months after Federal scientists completed a first draft criticizing the proposed operations, the Trump administration has manipulated the science in favor of wealthy Central Valley business and declared the changes perfectly safe. Delta stakeholders need a complete picture of how and why these dramatic deviations from established science occurred. We have seen this far too many times from unscrupulous South-of-Delta water users to blindly accept another flawed proposal backed by untested theories."

While Newsom now appears to be taking steps to oppose the Trump administration's plans for the Delta, he has recently foregone opportunities to assert a clear Delta policy. In September, the state legislature passed Senate Bill 1, a bill that would have required federal environmental standards in place as of Jan. 19, 2017 remain in effect under state law, even if the Trump administration loosened standards at the federal level. Newsom vetoed the bill in a move that was widely criticized by the environmental community. At the time, he stated his support of the bill's intent, but claimed it provided him no new authority. When the biological opinion was released last month, there was little reaction from the Newsom administration other than a vague assertion of the state's commitment to "push back if it does not reflect our values." Newsom's tentative handling of the issue so far has members of the environmental community feeling only cautiously optimistic.

"To be quite honest, it's hard to know exactly what it is that the governor is proposing to do with respect to the biological opinions," said Kim Delfino, California, director of Defenders of Wildlife. "We don't know if they are challenging them as a violation of the federal Endangered Species Act. Are they going to be asserting that the Central Valley Project should be complying with the state Endangered Species Act requirements? I think we need to wait and see what the scope of the litigation is. Generally speaking, it's a good thing. We're supportive of the governor being willing to challenge and call out the federal biological opinions as being insufficient. Beyond that, the question is what would be considered sufficient."

In the same press release that announced Newsom's intent to sue the Trump administration over the proposed operation of the CVP, the release of a draft environmental impact report regarding the operation of the State Water Project (SWP) was also announced.

"This draft points to a more sophisticated and nimble way to manage the State Water Project to improve our ability to protect species and operate more flexibly," said DWR Director Karla Nemeth. "This is essential in order to capture water when it's available and leave more water when and where fish need it."

According to several sources familiar with the draft report, the state plan for pumping water from the Delta closely resembles the federal plan the state opposes.

"There are many components of that draft document, particularly what they're identifying as their preferred alternative, that are very, very similar to what's in the Trump biological opinion," said Delfino. "It also appears that they're taking more water out of the system during drought, which is clearly inconsistent with what we want."

Like the CVP, the SWP draws water from the South Delta and moves it to points south. The Department of Water Resources (DWR) manages the SWP, and they state that the project provides water for 27 million California residents.

"The part for us that is so disappointing is that the Delta Reform Act of 2009 calls for reduced reliance on the Delta," said Barbara Barrigan-Parrilla, executive director of Restore the Delta. "You cannot have reduced reliance if you're taking more water out. They will argue that it's about timing, when you take the water. But when you go through the details in the document,

they are not protective enough in the summer and fall. They're going to take more water out during the spring, which is bad for Delta smelt."

The CVP and SWP are only two components of the state's complex water system. Before the end of the year, DWR is expected to publish a document that will define the scope of the single-tunnel project currently under consideration. The Newsom administration is also negotiating voluntary agreements to manage water flowing into the Delta from its tributaries. With demands on the Delta increasing and its health diminishing, the governor will need to align these recent divergent actions into a policy with a clear direction.

"I would say that the state position is confused, at best," said Delfino. "If you look at the combination of the announcement of the lawsuit, and then you look at the issuance of the DWR's (draft) document, it feels like the state is trying to be all things to everyone. What that ultimately means is unknown. Are they really trying to put in place protective measures for the Delta? Or, are they simply using the litigation as leverage?"

#

(This page was intentionally left blank)

Trump's EPA fires new round in water pollution fight with SF
San Francisco Chronicle | November 22, 2019 | Dominic Fracassa



The San Francisco Public Utilities Commission is locked in a battle with the U.S. Environmental Protection Agency over the EPA's claims that the city is polluting the Pacific with improperly discharged wastewater. Photo: Constanza Hevia H. / Special to The Chronicle

The Environmental Protection Agency fanned the flames of an ongoing dispute with San Francisco on Thursday, reaffirming its stance that the city's water agency improperly discharges wastewater into the ocean.

In a letter to the San Francisco Public Utilities Commission, EPA officials reiterated their assessment that the city was out of step with its wastewater discharge permit, which regulates water quality standards. The letter also implied that state water regulators may have erred in issuing permits to the SFPUC. The federal government gives the state the authority to issue wastewater discharge permits under the Clean Water Act.

Federal officials wrote that they doubted the SFPUC could "demonstrate compliance" in the near term with the terms of its permits, and so they "strongly urge you to enter into ... an enforceable agreement with the EPA."

The EPA hit San Francisco with a violation notice in October, accusing the city of improperly discharging waste into the ocean. On top of alleging that the SFPUC wasn't meeting federal pollution standards for wastewater discharge, the EPA also accused the city of improperly maintaining its sewer system and failing to keep adequate records when people might have

been exposed to pollution. Thursday's letter was a rebuttal to correspondence the SFPUC sent to the EPA in October arguing it was not in violation of its permits.

City officials, including Mayor London Breed and City Attorney Dennis Herrera, previously denounced the violation notice as a politically motivated ploy by the Trump administration to stick a thumb in the eye of San Francisco and California. President Trump, citing no evidence, hinted at the violation notice in September after remarking that used needles and other pollutants were flowing into the ocean.

Despite the accusations, a few weeks after issuing its violation notice, the EPA gave the SFPUC access to a \$236 million loan for water infrastructure improvements.

The EPA also took issue with the state of California in September. A letter accused California of failing to deal with several cases of water pollution, and federal officials called out the "piles of human feces" in San Francisco.

The SFPUC, which is in the midst of a multibillion dollar upgrade of the city's century-old sewer system, maintains that San Francisco is in full compliance with the terms of its discharge permits under the Clean Water Act and there is no threat to public health or the environment.

Michael Carlin, deputy general manager of the SFPUC, said he saw some inconsistency at the heart of the EPA's threats: "Why do we need to be 'urged' if we're such an egregious discharger?" Carlin asked, rhetorically.

A history of non-compliance would likely have already prompted action by the EPA, Carlin said, rather than a plea to enter a voluntary deal. The EPA, he said, was reinterpreting the terms of the wastewater discharge permits in ways that could put the city in jeopardy of noncompliance.

"They're 'urging' us because they're not sure if they're on firm ground," Carlin said, adding that the SFPUC would continue conversations with state regulators as it prepares a response to the EPA's latest letter. The EPA could still hit the city with an enforcement action, which would escalate the dispute significantly, and could lead to a legal battle should the city decide to contest it.

"EPA's expectation ... is that San Francisco will take steps to improve their system to comply with water quality standards," a spokeswoman for the agency said.

#

Dominic Fracassa is a San Francisco Chronicle staff writer. Email: dfracassa@sfchronicle.com
Twitter: @dominicfracassa

California Department of Water Resources Announces Initial State Water Project Allocation

California Water News Daily | December 4, 2019

The initial 2020 State Water Project (SWP) allocation was announced Monday by the California Department of Water Resources (DWR). DWR's allocations are based on conservative assumptions and may change depending on rain and snow received throughout the winter. The state's initial allocation is set intentionally low so as to guard against problems occurring if precipitation in the form of both snow and water fail to continue materializing throughout the winter and early spring.

Allocations are based on several factors, including conservative dry hydrology, reservoir storage, and releases necessary to meet water supply and environmental demands. With these factors in mind the DWR's announcement on Monday was for 10 percent for the initial SWP allocations.

"We are thankful for the recent rains and the start of the new water year with above average reservoir storage, but the dry start in October and November reminds us that California's weather is extremely variable and we must prepare for various conditions," said DWR Director Karla Nemeth. "The wet weather can stop from one day to the next."

DWR's initial allocation for 2019 was not made until late February 2019 and ranged from 35 percent of their contract supply for agricultural water service contractors South-of-Delta versus 100 percent of their contract total for Eastside water service contractors (Central San Joaquin Water Conservation District and Stockton East Water District). Updates to SWP allocations were announced multiple times in the first half of 2019 ranging from the initial February announcement up until the final allocation announcement was announced in mid-June of this year.

San Luis Reservoir, the largest off-stream reservoir in the United States where water is stored for the SWP and the Central Valley Project (CVP), is at 43 percent of capacity and 72 percent of average. Lake Oroville, the SWP's largest reservoir, is currently at 54 percent of capacity and 90 percent of average for this time of year. Shasta Lake, the CVP's largest reservoir, is at 71 percent of capacity and 119 percent of average. To the far south, SWP's Castaic Lake is at 77 percent of capacity and 101 percent of average.

The season's first snow survey at Phillips Station in the Sierra Nevada will be conducted by DWR on January 2, 2020. On average, the snowpack supplies about 30 percent of California's water needs as it melts in the spring and early summer. Nearly all areas served by the SWP have other sources of water than just the SWP allocation, such as streams, groundwater, and local reservoirs. The SWP provides water to 29 SWP contractors who supply water to 750,000 acres of farmland and more than 27 million Californians.

Additional rain is predicted for both northern and southern California this week and could be heavy in certain areas. The possibility also exists for an atmospheric steam in mid-state. For additional information on current water conditions at the state's largest reservoirs and weather stations, visit the California Data Exchange Center (CDEC) at: <http://cdec.water.ca.gov/>.

(This page was intentionally left blank)

Fishing groups sue federal agencies over latest water plan for California

San Francisco Chronicle | December 3, 2019 | Peter Fimrite

A coho salmon swims in a creek running through Devil's Gulch at Samuel P. Taylor State Park where Eric Ettlinger, an aquatic biologist with the Marin Municipal Water District, monitors spawning activity on Friday, Jan. 11, 2019.

Photo: Paul Chinn / The Chronicle

The fracas over California's scarce water supplies will tumble into a San Francisco courtroom after a lawsuit was filed this week claiming the federal government's plan to loosen previous restrictions on water deliveries to farmers is a blueprint for wiping out fish.

Environmental and fishing groups sued the the National Marine Fisheries Service and U.S. Fish and Wildlife Service Monday for allegedly failing to protect chinook salmon, steelhead trout and delta smelt.

They believe the voluminous government proposal, known as a biological opinion, sacrifices protections for the imperiled fish without adequate justification so that Central Valley farmers and Southern California cities can have more water.

The lawsuit, filed in U.S. District Court in San Francisco, charges that the government's plan to boost agricultural deliveries from the Sacramento-San Joaquin River Delta is an arbitrary and capricious failure to uphold the Endangered Species Act.

"This legal action seeks to restore some commonsense balance and compromise to how we share water here in California," said John McManus, president of the Golden State Salmon Association, a fishing industry advocacy group. "There's plenty enough to keep our salmon and other wildlife healthy and provide for the people who live in Southern California. There isn't enough to dump it on desert ground in the western San Joaquin Valley."

The huge pumps near Tracy used by the State Water Project and federal Central Valley Project to bring delta water to 25 million Californians and irrigate 750,000 acres of cropland have been the subject of years of legal wrangling among fishing interests, environmentalists, farmers and water agencies across the state.

Environmentalists say the pumps suck up and kill endangered delta smelt, a silver-colored fish 2 to 3 inches long that is uniquely adapted to the delta's shifting currents and brackish water.

Biologists say the nearly complete absence of smelt in recent years is a sign of the overall lack of health of the ecosystem, including chinook salmon. As it is, conservationists say, not enough cold water is released from the dams to sustain endangered winter-run chinook or threatened spring-run chinook and steelhead, which spawn in tributaries of the Sacramento River.

Farmers, meanwhile, claim they are losing crops and money during dry years because regulations over the years have favored fish over food.

Federal officials said when they released the biological opinion in October that they worked diligently to protect fisheries, striking a balance between irrigation and Sacramento River flows.

Ernest Conant, regional director of the U.S Bureau of Reclamation, which manages the Central Valley Project, said the plan calls for spending \$1.5 billion over the next 10 years to protect endangered fish, including \$14 million to help winter-run chinook salmon. Part of the plan, he said, is to retain more water behind Shasta Dam in Shasta County, the Central Valley Project's largest reservoir, so that salmon would have enough cold water in the Sacramento River to survive during dry years.

He said another \$50 million would be spent on helping delta smelt.

The plaintiffs in the lawsuit — including the Pacific Coast Federation of Fishermen's Associations, Natural Resources Defense Council, Defenders of Wildlife, Bay Institute and Bay.Org — were particularly angry about a decision to redo a biological opinion submitted in July and loosen the proposed restrictions. That document determined that pumping increases would, in fact, jeopardize not only the fish in the delta but also endangered killer whales, which eat salmon.

McManus claimed the document was revised because Interior Secretary David Bernhardt, a former water lobbyist who has previously challenged fish protections, ordered government officials to maximize water deliveries to San Joaquin Valley farmers.

"We're saying, in part, 'Hey, federal government, how is it that in July you find out the water diversions are going to annihilate salmon and then in October you find out they won't harm them at all?'" McManus said. "Somebody's not being honest here, and we think the court will agree that that somebody is Interior Secretary David Bernhardt."

Fisheries Service officials have denied that Bernhardt had anything to do with the decision to redo the opinion.

#

Peter Fimrite is a San Francisco Chronicle staff writer. Email: pfimrite@sfchronicle.com. Twitter: [@pfimrite](https://twitter.com/pfimrite)

First State Water Project Allocation at 10 Percent for the 2020 Calendar Year, California Department of Water Resources Announces

Sierra Sun Times | December 3, 2019



A serpentine stretch of the California Aqueduct in Palmdale, Calif. within Los Angeles County at mile post 327.50. Source: DWR/2014

December 3, 2019 - SACRAMENTO, Calif. – On Monday, the California Department of Water Resources (DWR) announced an initial State Water Project (SWP) allocation of 10 percent for the 2020 calendar year.

The initial allocation is based on several factors, such as conservative dry hydrology, reservoir storage, and releases necessary to meet water supply and environmental demands. State allocations are based on conservative assumptions and may change depending on rain and snow received this winter.

“We are thankful for the recent rains and the start of the new water year with above average reservoir storage, but the dry start in October and November reminds us that California’s weather is extremely variable and we must prepare for various conditions,” said DWR Director Karla Nemeth. “The wet weather can stop from one day to the next.”

The 2020 initial allocation amounts to 427,167 acre-feet of water.

Lake Oroville, the SWP’s largest reservoir, is currently at 54 percent of capacity and 90 percent of average for this time of year. Shasta Lake, the Central Valley Project’s (CVP) largest reservoir, is at 71 percent of capacity and 119 percent of average. San Luis Reservoir, the largest off-stream reservoir in the United States where water is stored for the SWP and CVP, is

at 43 percent of capacity and 72 percent of average. In Southern California, SWP's Castaic Lake is at 77 percent of capacity and 101 percent of average.

Nearly all areas served by the SWP have sources of water other than the allocation, such as streams, groundwater, and local reservoirs. The SWP provides water to 29 SWP contractors who supply water to more than 27 million Californians and 750,000 acres of farmland.

DWR will conduct the season's first snow survey at Phillips Station in the Sierra Nevada on January 2, 2020. On average, the snowpack supplies about 30 percent of California's water needs as it melts in the spring and early summer.

For information on current water conditions at the state's largest reservoirs and weather stations, visit the California Data Exchange Center (CDEC).

Source: CA. DWR

#

First State Water Project Allocation at 10 Percent

DWR | December 02, 2019

SACRAMENTO, Calif. – Today, the California Department of Water Resources (DWR) announced an initial State Water Project (SWP) allocation of 10 percent for the 2020 calendar year.

The initial allocation is based on several factors, such as conservative dry hydrology, reservoir storage, and releases necessary to meet water supply and environmental demands. State allocations are based on conservative assumptions and may change depending on rain and snow received this winter.

“We are thankful for the recent rains and the start of the new water year with above average reservoir storage, but the dry start in October and November reminds us that California’s weather is extremely variable and we must prepare for various conditions,” said DWR Director Karla Nemeth. “The wet weather can stop from one day to the next.”

The 2020 initial allocation amounts to 427,167 acre-feet of water.

Lake Oroville, the SWP’s largest reservoir, is currently at 54 percent of capacity and 90 percent of average for this time of year. Shasta Lake, the Central Valley Project’s (CVP) largest reservoir, is at 71 percent of capacity and 119 percent of average. San Luis Reservoir, the largest off-stream reservoir in the United States where water is stored for the SWP and CVP, is at 43 percent of capacity and 72 percent of average. In Southern California, SWP’s Castaic Lake is at 77 percent of capacity and 101 percent of average.

Nearly all areas served by the SWP have sources of water other than the allocation, such as streams, groundwater, and local reservoirs. The SWP provides water to 29 SWP contractors who supply water to more than 27 million Californians and 750,000 acres of farmland.

DWR will conduct the season’s first snow survey at Phillips Station in the Sierra Nevada on January 2, 2020. On average, the snowpack supplies about 30 percent of California’s water needs as it melts in the spring and early summer.

For information on current water conditions at the state’s largest reservoirs and weather stations, visit the California Data Exchange Center (CDEC).

###

Contact:

Maggie Macias, Information Officer, Public Affairs, Department of Water Resources
(916) 653-8743 | maggie.macias@water.ca.gov

(This page was intentionally left blank)

Water in the bank: Coalition of agencies develops 'historic' sustainable groundwater plan
RecordNet.com | December 1, 2019 | Joe Goldeen

STOCKTON — There's progress to report in the momentous task of ensuring that San Joaquin County and surrounding communities have enough water to meet anticipated needs for the next 20 years.

Earlier this month, the Eastern San Joaquin Groundwater Authority — or ESJGWA, comprised of 16 area agencies including cities, counties and water districts — recommended that each of its member agencies adopt a mutually agreed upon Groundwater Sustainability Plan by Jan. 8.

Each Groundwater Sustainability Plan should outline how the individual agency will achieve groundwater sustainability by 2040 and include measurable objectives and milestones in five-year increments.

On Jan. 8, the ESJGWA will consider accepting those plans and authorizing a final document to be submitted to the state by the Jan. 31 deadline specified in California's Sustainable Groundwater Management Act.

"This action by ESJGWA and the historic collaboration among all of our local partners represents a new era in groundwater sustainability for our region," said Supervisor Miguel Villapudua, chairman of the San Joaquin County Board of Supervisors.

"In addition to improving groundwater conditions for residents and businesses, it will also result in long-term sustainable groundwater use for our world-class agricultural region within the next 20 years," Villapudua said.

Groundwater, according to the authority, is vital to California and supplies more than a third of its water and as much as 60 percent during times of drought. In some parts of the San Joaquin Valley, groundwater levels are reaching record lows — up to 100 feet lower than previous records.

Chronic lowering of groundwater levels has caused land subsidence, seawater intrusion, groundwater quality issues and other undesirable effects in many parts of the state. Continued groundwater over-pumping could also put nearby infrastructure such as bridges, roads, structures and pipelines at greater risk of costly damage.

To address this statewide problem, the Sustainable Groundwater Management Act was enacted in 2014, California's first-ever comprehensive groundwater management legislation. It requires groundwater sustainability agencies to develop specific plans that result in sustainable groundwater use within 20 years for groundwater basins designated by the state as medium- or high-priority.

Successful implementation of the act would protect water quality and supplies for agricultural, municipal, environmental and other beneficial uses, according to the statement issued by ESJGWA.

“Overdraft is not sustainable in the long term, and if local groundwater users are unable to figure out a way to sustainably manage our basin, the state has the ability under (the act) to take over management of our groundwater,” San Joaquin County Public Works Director Kris Balaji said.

“We should instead do everything in our power to manage our own destiny,” Balaji said.

The 2-year-old ESJGWA consists of about 1,200 square miles including the portion of San Joaquin County east of the San Joaquin River and smaller portions of Calaveras and Stanislaus counties.

Its final plan will define projects to bring the basin into balance, including using increased surface water supplies, groundwater recharge, intra-basin water transfers, conservation, water recycling and stormwater reuse.

The ESJGWA prepared a draft Groundwater Sustainability Plan in July in order to receive public comment and has considered many of those comments in creating its final plan.

“Developing a groundwater sustainability plan for a 780,000-acre basin with approximately 20,000 wells and a large number of potential Groundwater Sustainability Agencies on such a short timeline was a daunting challenge,” San Joaquin County Supervisor Chuck Winn said.

“But our diverse group of agencies joined together to build consensus around realistic and common-sense solutions. This effort by such a wide-ranging group of agencies committed to a common goal of sustainability will serve as a model both statewide and nationally. Now we need to confront the next challenge and secure funding to make this plan a reality,” Winn said.

Information on scheduled public hearing dates for individual Groundwater Sustainability Agencies to consider adopting their plans, along with a mapping tool that shows agency boundaries and allows the public to determine which agency a particular property is in can be viewed on the ESJGWA website at esjgroundwater.org.

The ESJGWA includes the following 16 Groundwater Sustainability Agencies: Central Delta Water Agency; Central San Joaquin Water Conservation District; city of Lodi; city of Manteca; city of Stockton; Eastside San Joaquin GSA (composed of Calaveras County Water District, Stanislaus County and Rock Creek Water District); Linden County Water District; Lockeford Community Services District; North San Joaquin Water Conservation District; Oakdale Irrigation District; San Joaquin County/No. 1; San Joaquin County/No. 2 (with participation from California Water Service Co. Stockton District; South Delta Water Agency; South San Joaquin GSA (composed of South San Joaquin Irrigation District including Woodward Reservoir, city of Ripon and city of Escalon); Stockton East Water District; and Woodbridge Irrigation District.

#

CA WATER COMMISSION: Department of Water Resources' new Division of Multi-Benefit Projects

Maven's Notebook | November 27, 2019



A drone provides a bird's-eye view of the Dutch Slough Tidal Marsh Restoration Project. Photo taken December 03, 2018, by Ken James, DWR

The Department of Water Resources (DWR) has been undergoing reorganization for several reasons, one of those being to create an institutional structure to support landscape level planning and implementation of multi-benefit projects that focuses on the Delta and the Central Valley. Another purpose is to better align planning for flood protection, water management, and habitat projects across state agencies.

At the November meeting of the California Water Commission, Kristopher Tjernell, DWR's Deputy Director for the Integrated Water Management Program, briefed the Commission on the purpose, structure, and activities of the new Multi-Benefit Initiatives Division.

Multi-benefit projects are a priority for the California Water Commission; in its recommendations on the contents of the Portfolio, the Commission recommended supporting the development of multi-benefit projects to achieve statewide and regional goals. The Commission also recommended an assessment of whether the State has the right tools to promote multi-benefit projects.

One of the things that came out of the strategic plan was the question and commitment to pursuing innovation project planning and project delivery, began Mr. Tjernell. It goes by lots of different words: integrated planning, integrated projects, multi-benefit projects – but it is a true commitment to institutionalizing the direction the Department has been going for a long time. So to address that, the position of Deputy Director of Integrated Watershed Management was created, and under that, a new Division of Multi-benefit Initiatives.

Mr. Tjernell noted that although there is a new Division of Multi-benefit initiatives, it is not the only place in the Department where multi-benefit initiatives are being pursued. The term 'multi-benefit' is a bit of a loaded term, he acknowledged, but there is real value in institutionalizing cultural shifts that are already happening. There is a need to move towards more multi-benefit

projects because more value needs to be drawn from the landscape with the limited funds available, whether it is for drinking water, groundwater protection for disadvantaged communities, flood protection, or species conservation.

“One purpose of the new Division of Multi-benefits is to embed into the actual structure of an organization that commitment and develop the teams within that structure to really get that work done so it’s not just a bumper sticker anymore, it’s not just a platitude, but it’s actually how we do business,” he said.

INTEGRATED WATER MANAGEMENT PROGRAM: DIVISION OF PLANNING

Under the Integrated Water Management Program, there are three divisions: the Division of Planning, the Division of Regional Assistance, and the newly-created Division of Multi-Benefit Initiatives.

The Division of Planning is where the big thinking is done, Mr. Tjernell said. This division houses the California Water Plan which per statute is the master plan for water resources management statewide; it’s also where ideas like Flood MAR originate.

“What’s next on the horizon? What is new towards the innovative water supply, flood management, integrated projects are out there, and how do we support those so they become not just ideas but real tools that can be used by local agencies and others,” he said.

INTEGRATED WATER MANAGEMENT PROGRAM: DIVISION OF REGIONAL ASSISTANCE

The Division of Regional Assistance helps local agencies do their work and identifies priorities that also takes into account state planning priorities that are developed by the Division of Planning. This division includes the Financial Assistance branch led by Carmel Brown who oversees the Integrated Watershed Management Program, arguably the flagship DWR local assistance program designed from the beginning to make integrated and multi-benefit projects happen that wouldn’t otherwise happen but for this program, he said.

This division also includes Special Restoration Initiatives led by Ted Frink which oversees Salton Sea restoration and instream and urban stream projects across the state with a significant focus in the San Joaquin Basin. It also includes the Water Use Efficiency branch which provides technical assistance to local agencies to implement the requirements of recently-passed water conservation legislation.

Mr. Tjernell acknowledged that while they had big picture planning and support for local agencies, what was the Department itself doing to deliver landscape level multi-benefit projects in the flood space, in the water supply space, and in the ecosystem restoration space? And how do we create the right teams around that objective?

“It is an appropriate role for us, so I really like to see these three pieces under my watch working very well together and certainly being complementary,” he said.

INTEGRATED WATER MANAGEMENT PROGRAM: THE NEW DIVISION OF MULTI-BENEFIT INITIATIVES

The new Division of Multi-Benefit Initiatives was established July 1 of 2019. It has three branches:

Statewide Multi-benefit Initiatives

System-wide project management and engineering support is the delivery arm for landscape-level multi-benefit flood and ecosystem restoration projects in the Central Valley, as well as the interface area between the Delta and the Central Valley. It includes hardcore engineering which is building capacity at the state to deliver these sorts of projects, Mr. Tjernell said.

The system-wide environmental support group will have an equal expertise on the environmental support side.

The third group is handles the Central Valley Flood Protection Plan and is responsible for updating the plan every five years on addressing flood risk reduction in the Central Valley and partial areas of the Delta itself. It includes a strong mix of environmental work, engineering, and planning, said Mr. Tjernell.

Delta Levee System Integrity and Delta Habitat Restoration

This is a hardcore engineering group that largely oversees the Delta subventions and special projects programs which pursues habitat restoration projects in the Delta that are not associated with any biological opinions in place for the long-term operations of the State Water Project and Central Valley Project.

These projects can be considered to be more voluntary in nature, such as Dutch Slough, McCormick-Williamson Tract, and Twitchell Island.

“We plan and implement those to be complementary of and part of that larger landscape restoration that’s being pursued by multiple parts of the Department and other state agencies,” Mr. Tjernell said.

Eco-Restore

The Eco Restore group is led by Bill Harrell, which Mr. Tjernell described as the group that deals with the complicated project delivery and project management activities where a single project requires multiple parts of the Department and multiple funding sources to be involved.

EXAMPLES OF MULTI-BENEFIT PROJECTS

Mr. Tjernell then discussed three projects that the Department is working on.

Lookout Slough Tidal Habitat and Flood Risk Reduction Project

The existing system of flood bypasses, the Yolo Bypass in particular, represent the best opportunities for expanding floodways to prepare for the large precipitation events that are expected in the future with climate change. The map on the left is of the Yolo Bypass which

shows the places that where the state has identified that levees could be moved back to expand the capacity of the bypass.

The Lookout Slough project is in the southern portion of the Yolo Bypass at a natural constriction point. It is a 3000-acre multi-benefit project that will provide flood risk reduction benefits and ecosystem restoration benefits. The project will satisfy 3,000 acres of the 8000-acre tidal marsh restoration obligation under the biological opinions. As part of the project, the levee is going to be moved back to increase capacity of the bypass. The \$120 million dollar price tag is being funded with \$100 million coming from the State Water Project and the last \$20 million is coming from flood funding sources.

Subsidence reversal projects

In the western Delta, Sherman and Twitchell Islands are part of the complex of deeply subsided islands in the Delta, largely due to agricultural practices on the Delta's peat soils which can cause 1-2" of soil loss per year.

"If you go for a drive out in the Delta, you can have the Sacramento River or the San Joaquin River 10 feet down on one side and a pear orchard or a corn field 20 or 30 feet down on the other side," said Mr. Tjernell. "It creates tremendous hydraulic pressure between the two, massive flood risk, and it adds to the overall specter of unsustainability of much of the Delta that we hear about a lot."

Tules are native, annual plants and every year they grow, they take in carbon from the air, they die, and lay down; Next year, the cycle repeats. "If you do this carefully, you can actually grow the soil by as much if not more than you would be losing were you to be keeping traditional agricultural practices on that land," he said. "This is an incredibly exciting opportunity. There are few examples if any where you have both a climate mitigation strategy and an adaptation strategy. We're sequestering carbon out of the air and we are building up these peat soils one day, back to where they were and in doing so reducing the risk of flooding that is perpetuated and certainly exacerbated by sea level rise."

The Delta Conservancy has taken the lead on figuring out the economics and how to tap into the AB 32 compliance market and national voluntary carbon markets. "It's one thing for public landowners to do these sorts of efforts, but if we really want to make the landscape level change we want to see, we need to be able to tap into an economic driver or an economic equivalent and provide other incentives along the way."

Lower Elkhorn Levee Setback Project

The Lower Elkhorn Levee Setback is also in the Yolo Bypass, and while it's the same idea as Lookout Slough, the tidal influence doesn't stretch far enough to be a tidal marsh, so this project will have benefits for rearing and food production for listed salmon, sturgeon, and steelhead species. The project will move the 7-mile long levee back about 1500 feet, which will create about 1000 acres of new floodplain habitat and increasing the capacity of the Yolo Bypass.

The plan is to leave remnant pieces of the existing levee which will serve as refugia for terrestrial species and plant communities which will slow some of the water down and improve ecological value.

DISCUSSION PERIOD

During the discussion period, Chair Quintero noted that he works with the University of California, and the Wheeler Institute out of UC Berkeley is looking into what a multi-benefit program include.

“You start looking at who is making the investments and who ends up getting the benefits so as we move forward, there’s going to be the discovery of benefits and investments, and what’s interesting is that it’s already showing that for example, groundwater agencies could actually get a return by investing in watersheds to improve the water capture and the water quality, and being able to direct the benefit from better management of forests,” he said. “The thing that excites me is the continued focus on really making it so that land is used wisely and that we look at the economic benefits of the solutions that we’re implementing.”

Chair Quintero noted that the projects are creating a shock absorber for the state, both in terms of sea level rise as well as floods. “The Delta is 600,000 acres of ag and 6 million people, and so for the state to be making these kinds of investments, there’s a big delivery there for who can benefit, and as you said, this is part of the conveyance system for the California water projects, so protecting that from becoming a body of salt water because of one of these events is really huge. And it’s interesting because I’ve looked around the state through different lenses and the stuff that I’m involved in; it feels like what we’re doing is we’re reconnecting systems that we disconnected, started doing it a century and a half ago, to figure out how to do this and now we’re going hey wait a minute, there is an advantage to getting this water to onto a floodplain and sink slowly into the ground.”

#

(This page was intentionally left blank)

Deep Dive: California Water Policy Challenges in 2020

Restore the Delta | November 26, 2019 | Tim Stroshane, policy analyst, Restore the Delta

While engaging with the Newsom Administration’s “water resilience portfolio” process and the governor’s “single-tunnel option,” we at Restore the Delta kept our eyes on the bigger picture.

That picture includes a climate emergency: all bets are off on a stable climate moving forward decades and even centuries. That picture includes the health, well-being, and social and economic prospects of the Delta’s environmental justice communities.

The big picture also, sadly, includes a “single-tunnel option” for diverting water from the Delta. That proposal has new moving parts, each of which mesh into a power play by San Joaquin Valley growers and their water agencies to control California’s water future. With prospects of desiccating heat, fires, droughts, and floods, those controlling Central Valley waters, control the future.

Restore the Delta sees itself as a good-government organization whose primary organizing methods include protest, litigation, legislation, and negotiation. Our means of protest can include direct action street-level protests to lengthy fact-based comment letters and reports that get to the roots of trouble with water policy and project proposals. When timely, we lobby our state and federal legislators to enact good water policy proposals and defeat passage of the bad. When necessary, we litigate. And, as we did this summer, when public officials signal a willingness to discuss policy approaches and options openly and honestly, we are also willing to talk.

We switch tactics as necessary to advance our overall goal of a healthy, restored San Francisco Bay-Delta estuary for all of California. But our commitment to saving the Delta for our children and future generations—so that today’s youth can reclaim and celebrate their natural heritage—is stronger than ever.

This summer a time to talk opened up. For a few brief months between Governor Newsom’s February “State of the State” address signaling broad resistance to Trump administration policies to the Governor’s veto of Senate Bill 1 in September, Californians glimpsed a state administration poised to consider real alternatives to California’s 20th century water solutions (dams, canals, tunnels, pumping plants). Back in June, an assessment of these needs was expected in September. As summer turned into August, we were told October; now, maybe December. A final environmental impact report (EIR) on the new tunnel is due out in 2021.

It was briefly possible to imagine, as we wrote passionately in our August report on Climate Equity and Seismic Resilience, a water resilience portfolio process that evaluated California’s future water needs first, would decide whether a single-tunnel option was needed, and that would then allocate financial resources – to an efficient water future. We imagined Southern California and other regions achieving greater regional water self-sufficiency and drought-resistance from new investments in local storage, enhanced water-sharing, stormwater capture, and water recycling. We imagined the Delta receiving investments to boost flood protection and public safety in response to sea-level rise, and long-term protection for Stockton’s municipal water supply.

The glimpse was fleeting. Governor Newsom's May cancellation of California WaterFix (the twin tunnels project) we now understand was perhaps more of a political calculation, not courage. The governor was simply an avatar for WaterFix's die-hard supporters, shouldering in public the burden of conceding WaterFix's defeat. But its supporters—the California water industry—regrouped quickly around Newsom's single-tunnel option and his support for “voluntary agreements” among major Central Valley water-right holders. The agreements' flip-side is the continued delay by the State Water Resources Control Board of a new water quality control plan for the Bay-Delta Estuary and of a new water right decision to implement it. The California water industry is making lemonade from lemons; Governor Newsom stirs the pitcher.

The making of lemonade became necessary when the Trump Administration got the upper hand last December. Since 1986, the Bureau of Reclamation (Bureau) and California's Department of Water Resources (DWR) jointly operated their Central Valley Project (CVP) and State Water Project (SWP) systems to share Sacramento Valley water resources to mutual advantage. Their agreement is known as the Coordinated Operating Agreement (COA).

CVP water rights are senior to those of the SWP, however, and the Trump Administration announced in 2017 that the Bureau would seek to increase its share of Delta exports to CVP customers. In December 2018 a renegotiated COA benefited the CVP handsomely. Appendix B to DWR's EIR (volume 2 at the link below) is that renegotiated COA, and it shows DWR's long-term average annual SWP supplies decreasing by an average of 133,000 acre-feet; and by 202,000 acre-feet during dry and drought years (Appendix B, Table 1). DWR's loss is the Bureau's gain: Shasta Lake, owned by the Bureau, will store more water during droughts, and DWR's Lake Oroville less—especially in summer months (compare Appendix B's Figure 1 with Figure 7). CVP agricultural customers benefit at the expense of southern California's cities, who are primarily SWP customers. Lake Oroville will likely be operated to maintain water quality in the Delta, Shasta and Folsom much less so.

Then both DWR and the Bureau together seek still more water that is currently used to protect endangered fish species in the Delta and the Sacramento Valley's rivers.

On November 21, DWR released a new environmental impact report (EIR) that addresses for SWP operations in the “long-term” how listed vulnerable species like Delta smelt, winter- and spring-run Chinook salmon, longfin smelt, and green sturgeon will be treated through a new “incidental take” permit. California's Department of Fish and Wildlife's permit will determine the allowable level of killing or disturbing these species will endure under the state's endangered species act.

Delta outflow is a critical indicator of Delta health—many fish populations respond positively when Delta outflow rises and floods to the Bay. Spring and autumn Delta outflows are projected to decrease dramatically—at least 10 to 20 percent during spring and by a third or more in the fall, when Delta smelt in particular is vulnerable to starvation. (Table 9-1, Delta Outflow in Appendix C, Table 9-1 of the flow model section).

Delta outflow's loss is typically Delta exports' gain: April and May exports increase dramatically—over 120 to 130 percent in wetter years, 50 to 60 percent in drier. (Tables 4-1

[SWP Banks pumps] and 7-1 [CVP Jones pumps] in Appendix C). The estuary takes a big hit at key times and especially in dry years. Unfortunately, this story is familiar.

Trump Administration proposals called for increased Delta exports and reduced flow protections for endangered fish. Also on November 21, the Newsom Administration announced it would sue—just not yet—the Trump Administration’s own biological opinion and environmental impact statement that dealt with how the combined operations of the CVP and the SWP would move these same species closer to extinction. The EIR plan is the bird in the hand; the suit signaling Newsomian resistance is merely two in the bush.

The Newsom Administration’s suit is half-hearted at best since its own long-term SWP operations EIR also increases Delta exports at key times of year over what is presently allowed. The suit and the SWP exports plan are characterized by the Natural Resources Defense Council, and the editorial boards of the San Jose Mercury, and the East Bay Times as “Trump Lite.” Similar withering assessments ensued from the Los Angeles Times and the San Francisco Chronicle.

Earlier in November, the US Department of Interior and Westlands Water District released a proposed contract that would provide to Westlands up to 1.15 million acre-feet (MAF) of water annually in perpetuity. Secretary of the Interior, David Bernhardt, had been a key lobbyist for Westlands prior to President Trump’s election.

Not only that: a San Joaquin Valley Water Blueprint, submitted to the Newsom Administration to address the water resilience portfolio, calls for long-term investments by state taxpayers to repair the subsiding Friant-Kern Canal, a parallel canal to restore conveyance capacity lost to excessive groundwater pumping, construction of a new reservoir above Millerton Lake and Friant Dam near Fresno called “Temperance Flat,” and increased Delta exports to provide increased supplies for irrigating more almond crops—or perhaps, more Delta exports to help Valley farmers cope with recharging their underground water supplies to comply with the 2014 Sustainable Groundwater Management Act. Water imported from the Delta can help them stave off retirement of irrigated lands throughout the Valley as long as possible.

Make no mistake: The “voluntary agreements” outcome is to make more water available from the Sacramento Valley and the Trinity River for export from the Delta to the San Joaquin Valley. The outcome of the “single-tunnel option” (proposed to have a capacity of 6,000 cubic feet per second) is to facilitate a water market by providing all parties to the voluntary agreements greater “flexibility” to undertake water trades from which water barons in the Sacramento Valley can become richer off their long-standing senior water rights while keeping San Joaquin Valley growers in business in what will be even more a desert than it is today. The outcome of the perpetual Westlands contract—which we hear is the first of more such contracts to be proposed in the months to come—will be to entrench Westlands as a water broker in the San Joaquin Valley and the rest of California—not just the largest agricultural water buyer it has been. Only the Metropolitan Water District of Southern California has a larger water service contract than Westlands, but Westlands’ contract would be forever, where Metropolitan’s faces renewal in 2085.

The outcome of the federal biological opinions and the SWP's proposed EIR for the incidental take permit is to increase Delta exports for Westlands and Metropolitan to broker water to their clients, customers, and neighbors. The outcome of all of this is to continue "business as usual" by California's water industry as far into the climate emergency as possible.

The outcomes for Delta environmental justice communities are many. "Environmental justice communities" have been rechristened by state water and regulatory agencies as "DACs" for "disadvantaged communities" to dissipate the rhetorical sting from real, historical injustices perpetrated by many of those same water agencies or their antecedents. Delta estuary waters would become saltier, so Stockton and Contra Costa Water District water treatment costs would rise, costs that will be passed on in water rates to their customers in Stockton, Antioch, Pittsburgh, and elsewhere. Stagnating, warming waters from the climate emergency feared for Delta channels already harbor numerous harmful algal blooms. The warm season would lengthen, and the blooms would become more commonplace, especially should fresh water supplies for Westlands and Metropolitan be taken by a single tunnel from north Delta waters—monopolized for their customers and deal-makers.

Westlands and Metropolitan—and their allies behind the San Joaquin Valley Water Blueprint—believe that control of water is a zero-sum game: Their goal is to get to the future first—first in time, first in right, it is said by water lawyers; use it or lose it, they add. Neither accepting nor denying the reality of climate change is required of Westlands and Metropolitan officials as motivation for their maneuverings. These water agencies and their officials have always been about controlling water, now and in the future. With Trump and Newsom in office this is their moment to secure the future. Governor Newsom's long game, we hear, is political; by favoring wealthy San Joaquin Valley farmers – he aspires to their political loyalty, and hopes that his investment now gets repaid later by the body politic when he is seen as being for everyday people first, and the environment second. Never mind which people he is really harming in the environmental justice communities by ignoring environmental destruction of Delta waterways.

It is a time in California and Delta water politics to remember what the great American unionist Joe Hill, reminded his supporters: don't mourn; organize.

Comments on the perpetual Westlands contract are due to the Bureau of Reclamation by January 8. Comments on the SWP incidental take permit EIR are due on January 6. We will keep you informed.

#

Newsom says California will sue Trump over Delta water, endangered fish

Sacramento Bee | November 21, 2019 | Ryan Sabalow and Dale Kasler

Gov. Gavin Newsom's administration said Thursday it will sue the Trump administration over its efforts to push more water through the Sacramento-San Joaquin Delta, saying the federal plan would harm the sprawling estuary and the fragile fish populations that live there.

In a 610-page environmental report, Newsom's administration sketched out its own plan for managing water flows through the Delta, while issuing a separate statement that blasted the Trump plan, which is designed to increase water supplies for San Joaquin Valley farmers, the president's political allies.

"As stewards of this state's remarkable natural resources, we must do everything in our power to protect them," Newsom said in a prepared statement.

Federal officials defended by their plan, saying the final version of the federal environmental documents incorporated input from state officials.

"Today's announcement by Governor Newsom is disappointing in his preference to have judges dictate these important projects instead of the career professionals at the federal and state levels who have developed a plan based on the best science and significant input from the public," Brenda Burman, Trump's top appointee at the U.S. Bureau of Reclamation, said in a prepared statement. "If that's their choice, we'll see them in court."

Reclamation is the agency that runs California's federal dams, canals and pumping stations.

Environmental groups welcomed Newsom's pushback on Trump's water plan, which has widespread support from powerful farm and urban water agencies that pump water from the Delta. But environmentalists argued that the state's alternative proposal for operating the Delta doesn't go nearly far enough to stave off extinction for fish and other species.

"They're not even as protective as what's in place today," said Doug Obegi, an attorney with the Natural Resources Defense Council.

California Republican leaders called Newsom's threatened lawsuit a "a direct attack on California's hardworking farmers, farmworkers, and agribusinesses.

"California Democrats should be defending those who put food on America's table, instead of continually assaulting their industry," state Senate Republican Leader Shannon Grove of Bakersfield said in a prepared statement.

WHY CALIFORNIANS FIGHT OVER THE DELTA

The Delta is the hub of California's enormously complicated north-to-south water delivery network. Dual pumping stations at the south end of the estuary — one run by the federal Central Valley Project, the other by the State Water Project — pull water from the Delta and make deliveries through canals to farms and cities in the southern half of the state. Scientists say decades of over pumping have contributed to the precipitous decline in native Delta fish populations.

The state said it will sue the federal government “protect those species and to protect the state’s interests.” Although the Newsom administration did not mention it on Thursday, one major state interest is the State Water Project and its customer, the giant Metropolitan Water District in Southern California. Newsom’s office has said that increased Delta pumping by the federal government would reduce water deliveries to the project and Metropolitan’s 19 million customers.

Metropolitan officials said there’s room for common ground between the Trump and Newsom plans.

“The state and federal governments have more in common than differences in terms of approaches to managing these projects,” said Jeff Kightlinger, the Los Angeles-based agency’s general manager. “Finding that common ground is more important today than ever, or real progress in water policy in California will be simply impossible.”

Although Newsom has sparred with Trump over everything from greenhouse gases to immigration, the governor’s sharp rebuke to Trump’s plan for the Delta — one of the largest environmental issues facing the state — wasn’t a foregone conclusion.

Newsom has tried to reach out to Valley farmers on water issues, and in September he infuriated environmentalists by vetoing Senate Bill 1, which would have used state law in an attempt to block every environmental initiative launched by the federal government since Jan. 20, 2017 — the day President Donald Trump took office.

Newsom’s rationale: SB 1 threatened to undermine a set of tentative compromises, hammered out by his predecessor Jerry Brown, over how the waters flowing through the Delta are allocated between fish and farms. Irrigation districts had threatened to scrap the compromises if SB 1 became law. Most environmental groups, meanwhile, believe the compromises don’t go nearly far enough to help endangered salmon and other fish species that ply the Sacramento and San Joaquin rivers.

Newsom’s administration on Thursday reiterated its commitment to the voluntary settlement agreements. “The effort is a potential game changer in that it combines (river) flows with a broader suite of tools,” the administration said.

WATER LOBBYIST NOW ON TRUMP TEAM

The federal plan for the Delta, unveiled a month ago by the Trump administration, is designed to push a lot more water through the Delta, fulfilling a pledge Trump made to San Joaquin Valley farmers while campaigning in Fresno three years ago. The plan, developed by the U.S. Fish and Wildlife Service and National Marine Fisheries Service, would overhaul the rules governing the Delta to allow more water to be pumped south.

Environmentalists want more water to run its natural course through the Delta and out to the ocean to support Delta smelt and other fish populations facing extinction. Trump administration officials said their plan, based on new scientific findings, allows both fish and farms to prosper.

The plan “will not jeopardize threatened or endangered species or adversely modify their critical habitat,” the administration said last month. Among other things, the feds are proposing that the

state and federal government spend a combined \$1.5 billion on expanded fish hatcheries and other projects.

In August, The Sacramento Bee and other media outlets reported that after federal scientists concluded that the plan would bring the salmon and killer whales closer to extinction, their superiors ordered them to redo their study to downplay the impact on fish.

Trump administration officials said their final version of the plan was done by “career conservation professionals” acting fairly and in the best interest of fish and water users.

Environmentalists have long been wary of Trump’s plans for the Delta.

David Bernhardt, who has been Interior secretary since April, is a former chief lobbyist for Westlands Water District, a politically influential irrigation district serving farmers across much of the west side of the San Joaquin Valley.

“The grab-all-you-can Trump/Bernhardt/Westlands approach to seizing northern California’s waters is so egregious that the state really had no choice but to challenge it,” John McManus of the Golden State Salmon Association said in an emailed statement.

In an embarrassing turn, state officials pulled their document off their website Thursday afternoon after discovering it had omitted language that would cap how much pumping can occur when there’s excess stormwater coursing through the Delta. The corrected version was posted 90 minutes later.

#