

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

**May 15, 2020**

Correspondence and media coverage of interest between February 25, 2020 and May 12, 2020

**Correspondence**

From: San Francisco Public Utilities Commission  
Date: May 12, 2020  
Press Release: SFPUC Launches Emergency Community Assistance Program to Help Residential Customers Pay Water, Sewer and Hetch Hetchy Power Bills

From: San Francisco Public Utilities Commission  
To: Nicole Sandkulla, BAWSCA CEO/General Manager  
Date: May 8, 2020  
Subject: Wholesale Water Rates, Effective Fiscal Year 2020-21

From: San Francisco Public Utilities Commission  
Date: May 7, 2020  
Press Release: SFPUC Releases 2019 Water Quality Report Annual Document Details Exceptional Steps Agency Takes to Make Water Safe and Healthy for Residents and Businesses

**Media Coverage**

**COVID-19:**

Date: May 12, 2020  
Source: ACWA  
Article: Unprecedented Coalition of Water Stakeholders Urges Congress to Fund Critical Water Needs Amid COVID-19 Pandemic

**Water Supply Conditions:**

Date: April 30, 2020  
Source: California Department of Water Resources  
Article: Spring Storms Not Enough to Offset Dry Winter: California Enters Summer with Precipitation And Snowpack Below Average

Date: April 30, 2020  
Source: SF Gate  
Article: Sierra snow pack is 3% of May average: Here's what that means

**Water Policy:**

Date: May 12, 2020  
Source: Maven's Notebook  
Article: Attorney General Becerra Secures Preliminary Injunction in Lawsuit Challenging Trump Administration Over Failure to Protect California's Ecosystem

**Water Policy, cont'd.:**

Date: May 12, 2020  
Source: Courthouse News Service  
Article: Federal Judge's Order Protects California Trout

Date: May 12, 2020  
Source: Associated Press  
Article: Judge temporarily blocks Trump's California water plan

Date: May 12, 2020  
Source: AgNet West  
Article: Ag Groups Call for More Certainty for California's Water Supply

Date: May 5, 2020  
Source: Comstock's Magazine  
Article: Delta Blues. The battle over water has been fought to a standstill...

Date: May 3, 2020  
Source: CalMatters  
Article: Why State Water Contractors Sued Over Restrictions on Water Deliveries

Date: April 29, 2020  
Source: Bloomberg Law  
Article: California Water Wars Heat Up With Suits From State Contractors

Date: April 29, 2020  
Source: Courthouse News Service  
Article: California State Water Project Draws Ire of Environmentalists

Date: April 27, 2020  
Source: E&E News  
Article: Trump opens floodgates, and acrimony swamps Calif.

Date: February 25, 2020  
Source: Modesto Bee  
Article: Don't be fooled, Modesto farmers – Trump's California water plan doesn't help you



525 Golden Gate Avenue, 12th Floor  
San Francisco, CA 94102  
T 415.554.3289  
[communications@sfgwater.org](mailto:communications@sfgwater.org)

## NEWS RELEASE

### SFPUC Contact:

Will Reisman  
415-551-4346  
[wreisman@sfgwater.org](mailto:wreisman@sfgwater.org)

## FOR IMMEDIATE RELEASE

May 12, 2020

### **SFPUC Launches Emergency Community Assistance Program to Help Residential Customers Pay Water, Sewer and Hetch Hetchy Power Bills**

Initiative will provide discounts of up to 35 percent for residential customers impacted by COVID-19 pandemic

San Francisco, CA –The San Francisco Public Utilities Commission (SFPUC) today announced an emergency community assistance program to help residential customers struggling to pay their water, sewer and Hetch Hetchy power bills during the COVID-19 pandemic.

“Each week brings a devastating new update to our country’s unemployment figures and creates economic hardships that we cannot ignore,” said SFPUC General Manager Harlan L. Kelly, Jr. “By providing discounts on the critical services provided by the SFPUC, we can offer some form of economic relief for the thousands of local residential customers impacted by this terrible global outbreak. Our customers should not have to worry about making tradeoffs between paying their utility bills or buying groceries.”

Residential customers who have been financially impacted as a result of COVID-19 or the shelter-in-place order and have a maximum household income under 200 percent of the San Francisco Area Median Income will be eligible to apply.

The following reduced rates will be available:

- 35 percent off sewer bills;
- 30 percent off Hetch Hetchy power bills; and
- 15 percent off water bills

This temporary program will be applied retroactively, dating back effectively to March 4. To enroll in the program, eligible customers can complete an online application form [here](#). The program will expire on September 4.

To qualify for the program, residential customers must demonstrate the following:

- Be a residential customer seeking a discount for your primary residence, with an SFPUC account serving only your dwelling unit under your own name; and
- Have experienced a loss of income related to COVID-19 or the shelter-in-place order and be experiencing financial hardship and difficulty paying your water and sewer and/or Hetch Hetchy power bills.

The SFPUC already offers discounted rates to customers whose income makes them eligible under federal guidelines through its Community Assistance Program (CAP). The agency is working to proactively reach out to customers who may qualify for this longer-term savings program. Customers in those programs will continue to receive benefits following the expiration of the emergency CAP expansion.

In addition to launching the temporary customer assistance program, the SFPUC suspended water and power shutoffs due to late payments, an initiative that has recently been extended. The agency has also postponed liens and collections, waived late fees and provided rental payment deferrals for tenants of our facilities.

#### 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, residential customers, and businesses. Our mission is to provide our 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](http://www.sfwater.org).

###



May 8, 2020

Ms. Nicole Sandkulla  
CEO/General Manager  
Bay Area Water Supply & Conservation Agency  
155 Bovet Road, Suite 650  
San Mateo, CA 94402

Re: Wholesale Water Rates, Effective Fiscal Year 2020-21

Dear Ms. Sandkulla,

The San Francisco Public Utilities Commission (SFPUC) has determined that the Fiscal Year 2020-21 Wholesale Water Rates will remain unchanged at \$4.10 per CCF. Because the rate is not changing, there will not be a Commission hearing on the rate notice, and none is required by WSA Section 6.03.A. We are nonetheless providing you with this notice for your records and to provide our most updated forecast of future rate projections.

### **Fiscal Year 2020-21 Billing**

As in prior years, the following charges, unrelated to the Wholesale Revenue Requirement, will also be reflected in the Wholesale Customer bill effective July 1, 2020:

- **BAWSCA Bond Surcharge:** Resulting from the February 2013 prepayment of the Pre-2009 Assets a surcharge representing repayment of BAWSCA issued bonds is included in the monthly bill. The amounts of the surcharge are proportionate to water consumption and have been adjusted accordingly. The SFPUC bills and collects the surcharge on BAWSCA's behalf, and remits these amounts to the trustee to pay debt service. Please refer to the attached letter dated May 1, 2020 regarding the BAWSCA Fiscal Year 2020-21 Bond Surcharge Schedule for further details.
- **Late Fees:** As part of the response to the current pandemic and shelter-in-place order, the SFPUC will not assess late fees on past due balances from now through July 11, 2020. After this time, late payment penalties as specified in Schedule W-44 will begin being assessed. The SFPUC encourages Wholesale customers to sign up for electronic billing and payment services to facilitate timely payment of bills and to avoid late fees. To receive and pay your water bill online, please sign up with our SFPUC BillPay service by logging onto

**London N. Breed**  
Mayor

**Ann Moller Caen**  
President

**Francesca Vietor**  
Vice President

**Anson Moran**  
Commissioner

**Sophie Maxwell**  
Commissioner

**Tim Paulson**  
Commissioner

**Harlan L. Kelly, Jr.**  
General Manager



[myaccount.sfwater.org](http://myaccount.sfwater.org). If you have any questions or concerns regarding bill payment, please contact our customer assistance team at (415) 551-3000.

### **Untreated Wholesale Water Rate Discount Factor**

The Fiscal Year 2020-21 Untreated Wholesale Water Rate Discount Factor for customers receiving untreated water is \$0.39 per CCF, representing no change from the current discount rate. The discount factor is equal to the total projected unit cost for the Harry Tracy Water Treatment Plan (HTWTP). The untreated water discount factor is calculated by dividing the relevant cost by total wholesale water deliveries.

### **Enclosures**

Per WSA Section 6.03.A, supporting documents are required only in the event of an increase in the rate. While the rate is not changing, we are attaching a subset of the typical supporting documents for the Fiscal Year 2020-21 rate to assist in your financial planning:

- Attachment N-1: Balancing Account/Rate Setting Calculation: A table illustrating the change in the Wholesale Revenue Requirement and how the wholesale rate was calculated
- Attachment N-3: Schedule of Projected Water Sales, Wholesale Revenue Requirements and Wholesale Rates: A schedule showing projected Wholesale Customer water sales and rates for the proposed rate year and the following four fiscal years
- Schedule W-25: Wholesale Use with Long-Term Contract – Proposed Fiscal Year 2020-21 Wholesale Customer water rates
- Fiscal Year 2020-21 BAWSCA Bond Surcharge letter and schedule showing the bond surcharge for each member agency

If you have any questions, please contact me at 415-487-5227.

Sincerely,



Erin Franks  
Rates Administrator

Enclosures

cc: Harlan L. Kelly, Jr., SFPUC  
Michael Carlin, SFPUC  
Steve Ritchie, SFPUC  
Eric Sandler, SFPUC  
Charles Perl, SFPUC  
Kristina Alagar Cordero, SFPUC  
Catherine Malina, SF City Attorney

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**Balancing Account / Rate-Setting Calculation**  
**Reference Section 6.03.A.3**  
**Fiscal Year 2020-21**

**Schedule N-1**

**1. Actual Changes to Balancing Account for FY 2018-19**

A. Balancing Account as of June 30, 2018 (unaudited)	\$ (59,781,812)
B. Interest on Balancing Account and Coverage Reserve	\$ (1,900,650)
C. Wholesale Revenues for Fiscal Year	\$ (250,454,444)
D. Wholesale Revenue Requirement for Fiscal Year	\$ 251,162,196
E. Settlement Credits or Other Adjustments	\$ (2,944,639)
<b>F. Balancing Account as of June 30, 2019 (unaudited)</b>	<b>\$ (63,919,350)</b>

**2. Projected Changes to Balancing Account for FY 2019-20**

A. Balancing Account as of June 30, 2019	\$ (63,919,350)
B. Interest on Balancing Account and Coverage Reserve	\$ (2,525,187)
C. Wholesale Revenues for Fiscal Year	\$ (266,480,372)
D. Wholesale Revenue Requirement for Fiscal Year	\$ 259,307,111
E. Settlement Credits or Other Adjustments	\$ 805,000
F. Balancing Account as of June 30, 2020	\$ (72,812,798)
G. Net Change in Wholesale Revenue Coverage	\$ (4,358,973)
<b>H. Total Revenue Deficiency or (Surplus)</b>	<b>\$ (77,171,771)</b>

**3. Projected Changes to Balancing Account for FY 2020-21**

A. Balancing Account as of June 30, 2020	\$ (77,171,771)
B. Interest on Balancing Account and Coverage Reserve	\$ (2,863,953)
C. Wholesale Revenues for Fiscal Year	\$ (260,534,366)
D. Wholesale Revenue Requirement for Fiscal Year	\$ 272,224,181
E. Settlement Credits or Other Adjustments	\$ -
F. Balancing Account as of June 30, 2021	\$ (68,345,909)
G. Net Change in Wholesale Revenue Coverage	\$ 2,431,211
<b>H. Total Revenue Deficiency or (Surplus)</b>	<b>\$ (65,914,698)</b>
I. Projected Water Sales in CCF	62,500,333
J. Deficiency or (Surplus) \$/CCF	\$ (1.05)
K. Deficiency or (Surplus) CCF as a Percentage of Revenues	-24.0%

Schedule of Projected Water Sales, Wholesale Revenue Requirements, and Wholesale Rates

Schedule N-3

Reference Section 6.03.A.3

Fiscal Year 2020-21

	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25
<b>Water Enterprise</b>					
<b>Operations &amp; Maintenance Expenses</b>					
Source of Supply	\$ 12,067,395	\$ 12,250,543	\$ 12,496,768	\$ 12,824,011	\$ 13,286,364
Pumping	\$ -	\$ -	\$ -	\$ -	\$ -
Treatment	\$ 34,194,644	\$ 34,713,620	\$ 35,411,332	\$ 36,338,622	\$ 37,648,763
Transmission & Distribution	\$ 21,340,006	\$ 21,663,886	\$ 22,099,310	\$ 22,678,008	\$ 23,495,634
Customer Services	\$ 235,483	\$ 239,057	\$ 243,862	\$ 250,248	\$ 259,270
<b>Total Operations &amp; Maintenance Expenses</b>	<b>\$ 67,837,528</b>	<b>\$ 68,867,105</b>	<b>\$ 70,251,272</b>	<b>\$ 72,090,889</b>	<b>\$ 74,690,031</b>
<b>Administrative &amp; General Expenses</b>					
Countywide Cost Allocation Plan (COWCAP)	\$ 1,787,544	\$ 1,814,673	\$ 1,851,147	\$ 1,899,621	\$ 1,968,109
SFPUC Bureaus	\$ 14,290,334	\$ 14,507,220	\$ 14,798,802	\$ 15,186,327	\$ 15,733,850
Compliance Audit	\$ 107,063	\$ 108,688	\$ 110,872	\$ 113,776	\$ 117,878
Other Administrative & General	\$ 7,971,951	\$ 8,092,942	\$ 8,255,603	\$ 8,471,786	\$ 8,777,225
<b>Total Administrative &amp; General Expenses</b>	<b>\$ 24,156,891</b>	<b>\$ 24,523,523</b>	<b>\$ 25,016,424</b>	<b>\$ 25,671,510</b>	<b>\$ 26,597,062</b>
<b>Property Taxes</b>	<b>\$ 1,405,072</b>	<b>\$ 1,426,397</b>	<b>\$ 1,455,066</b>	<b>\$ 1,493,169</b>	<b>\$ 1,547,003</b>
<b>Capital Cost Recovery</b>					
Pre-2009 Assets (K-1 to K-4)	\$ -	\$ -	\$ -	\$ -	\$ -
Pre-2009 Assets (K-5)	\$ 804,106	\$ 804,106	\$ 804,106	\$ 804,106	\$ -
Debt Service on New Assets	\$ 150,552,409	\$ 156,924,356	\$ 167,898,442	\$ 178,722,811	\$ 191,140,921
Revenue Credit for BABs Subsidy	\$ (14,026,892)	\$ (13,894,808)	\$ (13,687,925)	\$ (13,405,327)	\$ (13,108,602)
Revenue Funded Capital	\$ 13,318,000	\$ 13,314,000	\$ 16,642,500	\$ 16,642,500	\$ 16,642,500
<b>Total Capital Cost Recovery</b>	<b>\$ 150,647,624</b>	<b>\$ 157,147,654</b>	<b>\$ 171,657,123</b>	<b>\$ 182,764,090</b>	<b>\$ 194,674,819</b>
<b>Hetch Hetchy Water &amp; Power</b>					
<b>Operations &amp; Maintenance Expenses</b>	<b>\$ 20,040,527</b>	<b>\$ 20,344,684</b>	<b>\$ 20,753,595</b>	<b>\$ 21,297,053</b>	<b>\$ 22,064,890</b>
<b>Administrative &amp; General Expenses</b>					
Countywide Cost Allocation Plan (COWCAP)	\$ 504,739	\$ 512,400	\$ 522,698	\$ 536,386	\$ 555,725
SFPUC Bureaus	\$ 2,853,519	\$ 2,896,828	\$ 2,955,051	\$ 3,032,433	\$ 3,141,763
Other Administrative & General	\$ 4,225,410	\$ 4,289,539	\$ 4,375,755	\$ 4,490,340	\$ 4,652,233
<b>Total Administrative &amp; General Expenses</b>	<b>\$ 7,583,668</b>	<b>\$ 7,698,766</b>	<b>\$ 7,853,505</b>	<b>\$ 8,059,158</b>	<b>\$ 8,349,721</b>

Schedule of Projected Water Sales, Wholesale Revenue Requirements, and Wholesale Rates

Schedule N-3

Reference Section 6.03.A.3

Fiscal Year 2020-21

	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25
<b>Property Taxes</b>	\$ 197,718	\$ 200,719	\$ 204,753	\$ 210,115	\$ 217,690
<b>Capital Cost Recovery</b>					
Pre-2009 Assets (K-1 to K-4)	\$ -	\$ -	\$ -	\$ -	\$ -
Pre-2009 Assets (K-5)	\$ 355,152	\$ 355,152	\$ 355,152	\$ 355,152	\$ -
Debt Service on New Assets	\$ -	\$ -	\$ -	\$ -	\$ -
Revenue Funded Capital	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Capital Cost Recovery</b>	\$ 355,152	\$ 355,152	\$ 355,152	\$ 355,152	\$ -
<b>Wholesale Revenue Requirement</b>	\$ 272,224,181	\$ 280,564,001	\$ 297,546,890	\$ 311,941,137	\$ 328,141,216
Balancing Account as of June 30 (Beginning of Year)	\$ (77,171,771)	\$ (65,914,698)	\$ (49,382,320)	\$ (13,063,797)	\$ 176,448
Balancing Account Deferral	\$ 65,914,698	\$ 49,382,320	\$ 13,063,797		
Interest on Balancing Account and Coverage Reserve	\$ (2,863,953)	\$ (2,527,729)	\$ (2,169,078)	\$ (1,336,300)	\$ (996,445)
Settlement Credits and Other Adjustments	\$ -	\$ -	\$ -	\$ -	\$ -
Wholesale Debt Service Coverage Reserve	\$ 2,431,211	\$ 1,592,987	\$ 2,743,522	\$ 2,706,092	\$ 3,104,527
<b>Wholesale Revenues Before Rate Change</b>					
Volumetric Charges	\$ (256,251,366)	\$ (258,813,880)	\$ (257,519,810)	\$ (256,934,217)	\$ (293,504,624)
Excess Use Charges / Minimum Purchase	\$ -	\$ -	\$ -	\$ -	\$ -
Service Charges	\$ (4,283,000)	\$ (4,283,000)	\$ (4,283,000)	\$ (4,283,000)	\$ (4,283,000)
<b>Total Wholesale Deficiency or (Credit)</b>	\$ -	\$ -	\$ -	\$ 39,029,915	\$ 32,638,123
<i>Wholesale Deficiency or (Credit) as a Percent of Volumetric Charges</i>	0.0%	0.0%	0.0%	15.2%	11.1%
Projected Water Sales (MGD)	128.1 MGD	129.4 MGD	128.7 MGD	128.4 MGD	127.4 MGD
Projected Water Sales (CCF)	62,500,333	63,125,337	62,809,710	62,666,882	62,183,183
Wholesale Deficiency or Credit (\$/CCF)	\$0.00	\$0.00	\$0.00	\$0.62	\$0.52
<b>Projected Wholesale Rate Unit Cost (\$/CCF)</b>	<b>\$4.10</b>	<b>\$4.10</b>	<b>\$4.10</b>	<b>\$4.72</b>	<b>\$5.24</b>
Projected Service Charge Revenues	\$ 4,283,000	\$ 4,283,000	\$ 4,283,000	\$ 4,283,000	\$ 4,283,000
Projected Volume Charge Revenues	\$ 256,251,366	\$ 258,813,880	\$ 257,519,810	\$ 295,787,685	\$ 325,839,879
<b>Total Wholesale Revenues After Rate Change</b>	\$ 260,534,366	\$ 263,096,880	\$ 261,802,810	\$ 300,070,685	\$ 330,122,879

**SCHEDULE W-25 WHOLESALE USE WITH LONG TERM CONTRACT**

For service to municipalities, water districts and others who, under long-term contracts, purchase water for resale:

**FIRST:** A MONTHLY SERVICE CHARGE base on the type and size of the meter:

<b>METER SIZE</b>	<b>DISC/COMPOUND METERS</b>	<b>CREST METERS</b>	<b>MAGNETIC METERS</b>	<b>TURBINE METERS</b>
5/8 in	\$ 11.00	\$ -	\$ -	\$ -
3/4 in	18.00	-	-	-
1 in	30.00	-	-	-
1 1/2 in	43.00	-	-	-
2 in	79.00	-	-	-
3 in	158.00	-	-	-
4 in	318.00	353.00	-	577.00
6 in	476.00	685.00	-	1,256.00
8 in	635.00	1,335.00	2,265.00	1,875.00
10 in	793.00	1,732.00	-	3,391.00
12 in	953.00	1,840.00	5,159.00	-
16 in	1,270.00	5,628.00	-	7,215.00
18 in	-	6,133.00	-	-
20 in	-	6,349.00	-	-

The service charge for a battery of meters installed on one service in lieu of one meter or for a special type of meter shall be based on the size of single or multiple standard type meters of equivalent capacity.

**SECOND:** A CHARGE FOR WATER DELIVERED based on one-month's meter readings:

\$1,785.96 per acre-foot                      or                      \$4.10 per 100 cu. ft.

**THIRD** AN UNTREATED WHOLESALE WATER RATE DISCOUNT FACTOR for Wholesale Customers receiving untreated water, based on one-month's meter readings:

(\$169.88) per acre-foot                      or                      (\$0.39) per 100 cu. ft.



May 1, 2020

Mrs. Kristina Cordero, Director of Financial Planning  
San Francisco Public Utilities Commission  
525 Golden Gate Avenue, 4th Floor  
San Francisco, CA 94102

**Subject: BAWSCA FY 2020-21 Bond Surcharge Schedule**

Dear Kristina:

Pursuant to Section 3.01 (a) of the Prepayment and Collection Agreement between the Bay Area Water Supply and Conservation Agency (BAWSCA) and the City and County of San Francisco (San Francisco), dated January 1, 2013 (Agreement), BAWSCA shall deliver a written schedule to San Francisco at least 45 days prior to the beginning of each fiscal year showing the amount of the surcharge that BAWSCA seeks to impose for such fiscal year.

Attached is BAWSCA's proposed FY2020-21 annual and monthly bond surcharge for each member agency that will be considered for approval by the BAWSCA Board on May 21, 2020. A follow-up email will be provided to you upon the Board action in a timely manner.

Pursuant to Section 3.02 (a) of the Agreement, San Francisco shall include the identified monthly surcharge in the first wholesale water bill for the largest amount delivered to BAWSCA's member agencies each month, effective July 1, 2020. If you have any questions about the billing of BAWSCA's surcharges, please contact me at (650) 349-3000.

Sincerely,

A handwritten signature in black ink that reads "Christina Tang". The signature is fluid and cursive, with the first name "Christina" and last name "Tang" clearly distinguishable.

Christina Tang  
Finance Manager

Attachment: BAWSCA Proposed FY 2020-21 Bond Surcharges

cc: Eric Sandler, SFPUC  
Charles Perl, SFPUC  
Erin Franks, SFPUC  
Nicole Sandkulla, BAWSCA  
Allison Schutte, BAWSCA Legal Counsel

## Attachment

### BAWSCA Proposed FY 2020-21 Bond Surcharges\*

Agency	Annual Bond Surcharge	Monthly Bond Surcharge	Agency	Annual Bond Surcharge	Monthly Bond Surcharge
Alameda County WD	\$1,701,072	\$141,756	Mid Pen WD	\$488,544	\$40,712
Brisbane Water	\$87,432	\$7,286	Millbrae	\$366,312	\$30,526
Burlingame	\$683,964	\$56,997	Milpitas	\$993,732	\$82,811
Coastside County WD	\$226,620	\$18,885	Mountain View	\$1,397,748	\$116,479
CWS - Bear Gulch	\$1,942,128	\$161,844	North Coast WD	\$431,172	\$35,931
CWS - Mid Peninsula	\$2,350,524	\$195,877	Palo Alto	\$1,806,144	\$150,512
CWS - South SF	\$902,328	\$75,194	Purissima Hills WD	\$335,376	\$27,948
Daly City	\$604,716	\$50,393	Redwood City	\$1,545,972	\$128,831
East Palo Alto WD	\$280,200	\$23,350	San Bruno	\$180,408	\$15,034
Estero Municipal ID	\$773,712	\$64,476	San Jose (North)	\$820,416	\$68,368
Guadalupe Valley	\$54,288	\$4,524	Santa Clara	\$762,384	\$63,532
Hayward	\$2,772,684	\$231,057	Stanford University	\$260,100	\$21,675
Hillsborough	\$418,020	\$34,835	Sunnyvale	\$1,729,776	\$144,148
Menlo Park	\$612,396	\$51,033	Westborough WD	\$156,948	\$13,079
<b>Total</b>				<b>\$24,685,116</b>	<b>\$2,057,093</b>

\*BAWSCA will present the proposed FY 2020-21 bond surcharges to the Board for its consideration of approval on May 21, 2020. The proposed surcharges were originally scheduled to be presented at BAWSCA's March Board meeting, which was cancelled due to the Regional shelter-in-place orders.

May 7, 2020

**SFPUC Releases 2019 Water Quality Report  
Annual Document Details Exceptional Steps Agency Takes to Make Water Safe and  
Healthy for Residents and Businesses**

San Francisco, CA– The San Francisco Public Utilities Commission (SFPUC) has released its 2019 Water Quality Report, which details the efforts the agency has taken to ensure safe and healthy water for the 2.7 million customers it serves in the Bay Area.

“We are in the midst of a global pandemic and with that, comes a lot of misinformation, which is why it is important for our residents and businesses to understand just how safe our drinking water is,” said SFPUC General Manager Harlan L. Kelly, Jr. “Our 2019 Water Quality Report highlights in extensive details the steps we undergo to maintain our rigorous standards for drinking water. Our customers can rest assured that the water they drink will always be safe, fresh and of the highest quality.”

The agency's drinking water comes from a variety of protected sources carefully managed by the SFPUC. These sources include surface water stored in reservoirs located in the Sierra Nevada, Alameda County and San Mateo County, and groundwater supplies stored in a deep aquifer located in San Francisco and San Mateo counties.

SFPUC employs a multi-step treatment process that removes and kills viruses, including coronaviruses such as COVID-19, as well as bacteria and other pathogens. All finished SFPUC drinking water has a residual disinfectant, chloramine, to provide additional treatment and protection to your tap. In fact the SFPUC's treatment processes provide 10 to 60 times the required level of treatment to remove viruses, including the novel coronavirus.

To meet drinking water standards for consumption, the SFPUC's water undergoes extensive treatments before it is delivered to customers. Water from the Hetch Hetchy Reservoir is exempt from state and federal filtration requirements but receives ultraviolet light and chlorine disinfection. Operators include other safety measures such as adjustments for optimum corrosion control and fluoridation for dental health.

Water from local Bay Area reservoirs in Alameda County and San Mateo County is delivered to Sunol Valley Water Treatment Plant and Harry Tracy Water Treatment Plant, respectively, for filtration, disinfection, fluoridation, and optimal corrosion control prior to delivery to customers.

In 2019, the SFPUC conducted more than 100,000 drinking water tests in the source, transmission, and distribution system. These samples are tested daily at one of four water quality laboratories operated by our staff.

Additionally, the 2019 Water Quality Report highlights the agency's efforts to test, monitor and treat for lead, contaminants, chemical compounds such as quinoline, and per- and polyfluoroalkyl substances (PFAS) in the agency's drinking water.

The full 2019 Water Quality Report can be found at [www.sfwater.org/qualitymatters](http://www.sfwater.org/qualitymatters).

# # #

#### About the San Francisco Public Utilities Commission

The 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. Our mission is to provide our 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](http://www.sfwater.org).



## **Unprecedented Coalition of Water Stakeholders Urges Congress to Fund Critical Water Needs Amid COVID-19 Pandemic**

*Measures will protect access to a critically important tool in fighting the spread of COVID-19: washing your hands*

ACWA | May 12, 2020

May 12, 2020 12:51 ET | Source: Association of California Water Agencies  
SACRAMENTO, Calif., May 12, 2020 (GLOBE NEWSWIRE) -- In a letter to congressional leaders, a diverse coalition of water advocates today called on Congress to fund critical water needs that are impacting Californians amid the COVID-19 pandemic.

The letter was addressed to Speaker of the House Nancy Pelosi, Minority Leader Kevin McCarthy, and U.S. Senators Diane Feinstein and Kamala Harris.

The coalition of 59 broad-based organizations, which collectively represents both California frontline communities as well as more than 450 California water agencies and multiple other water and environmental stakeholders, is urging the California Congressional Delegation to include funding for urgent water infrastructure and water affordability needs as part of the next federal stimulus package or other pending Congressional actions.

Together they are calling for the following steps as part of the next federal stimulus package or other pending water or infrastructure-related Congressional actions:

- \$100 billion in new funding over five years for Clean Water and Drinking Water State Revolving Funds, with at least 20 percent of the new funding distributed to disadvantaged communities as additional subsidization (grants) rather than loans and eligibility for the new funding for all water systems, regardless of their organizational structure.
- \$4 billion in immediate funding to the Environmental Protection Agency for grants to the states for a Low Income Households Drinking Water and Wastewater Assistance/Affordability Program to help struggling households pay for essential water and wastewater service.
- Emergency funding for affected water utilities, particularly serving disadvantaged or hard-hit communities, to help offset lost revenue, the costs associated with moratoriums on shutoffs, and the essential public health protections being put in place by water utilities.
- Shutoff moratorium/safe reconnection provision that ensures every American has access to water in their homes now and through the duration of the COVID-19 crisis and that allows for relief to vulnerable customers for a time afterwards to regain their financial footing while also providing needed fiscal support to water systems.

Taken together, these measures represent meaningful and necessary steps to meet both immediate and long-term drinking water needs for Californians. They will also help boost the economy and protect access to a fundamental tool in fighting the spread of COVID-19: washing your hands.

# # #

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## **Spring Storms Not Enough to Offset Dry Winter: California Enters Summer with Precipitation and Snowpack Below Average**

California Department of Water Resources | April 30, 2020

SACRAMENTO, Calif. – The season's final manual snow survey at Phillips Station was conducted today by the Department of Water Resources (DWR). The survey recorded 1.5 inches of snow depth and a snow water equivalent (SWE) of 0.5 inches, which is 3 percent of the May average for this location. The SWE measures the amount of water contained in the snowpack, providing a more accurate forecast of spring runoff than snow depth alone.

Measurements from the 130 electronic snow sensors scattered throughout the state indicate that the statewide snowpack's water equivalent is 8.4 inches, or 37 percent of the May average. Today's readings will help hydrologists forecast spring and summer snowmelt runoff into rivers and reservoirs.

"March and April storms brought needed snow to the Sierras, with the snowpack reaching its peak on April 9, however those gains were not nearly enough to offset a very dry January and February," said Sean de Guzman, chief of DWR's Snow Survey and Water Supply Forecast Section. "The last two weeks have seen increased temperatures leading to a rapid reduction of the snowpack. Snowmelt runoff into the reservoirs is forecasted to be below average."

California's weather variability has been on full display this water year. Dry conditions in October and November were followed by precipitation in December that measured 120 percent of average. Very dry conditions returned to much of the state in January and February, with March and April storms leading to the snowpack peaking at just 66 percent of average on April 9.

In normal years, the snowpack supplies about 30 percent of California's water needs as it melts in the spring and early summer. The greater the snow water equivalent the greater the likelihood California's reservoirs will receive ample runoff to meet the state's water demand in the summer and fall.

The state's six largest reservoirs currently hold between 83 percent (San Luis) and 126 percent (Melones) of their historical averages for this date. Lake Shasta, California's largest surface reservoir, is 94 percent of its historical average and sits at 81 percent of capacity.

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## Sierra snow pack is 3% of May average: Here's what that means

SF Gate | April 30, 2020 | Amy Graff



2019 vs. 2020

*Left: The California Department of Water Resources snow survey of the 2019 season at Phillips Station in the Sierra Nevada Mountains on May 2, 2019. The survey recorded 47 inches of snow, which is 188% of average at this site.*

*Right: Sean de Guzman, chief of California Department of Water Resources (DWR), Snow Surveys and Water Supply Forecasting Section, conducts the final snow survey of the 2020 season at Phillips Station on April 30, 2020. The survey recorded 1.5 inches of snow, which is 3% of average at this site. Photo: DWR*

State surveyors traveled into the Sierra Nevada mountain range Thursday to conduct the final snow survey of the season and assess the state of the snowpack before it melts into the state's rivers and reservoirs.

At Phillips Station off U.S. 50 near Sierra-at-Tahoe, they found the snow was 3% of its average for the date. The finding is yet another indicator of this year's dry winter. In contrast, the measurement taken at this spot at this time in 2019 was 188% of average.

"It's a good example of the extreme variability we have in California," said Chris Orrock, a spokesperson for the California Department of Water Resources.

The state has conducted snow surveys at Philips Station since 1941. It's where former Gov. Jerry Brown attended a survey in April 2015 that found a field barren of any measurable snow. Brown later ordered Californians to use less water.

The state also monitors daily readings from stations across the entire length of the Sierra and as of Thursday, these show the statewide snowpack is 37% of average, compared to 144% last year. These numbers may sound a little more promising, but, "Obviously it was a dry year," Orrock said.

The Sierra snowpack is one of California's most important water sources, with its spring and summer runoff feeding rivers and reservoirs, watering crops, and filling bathtubs and water glasses. Mountain snowpack provides about 30% of the yearly fresh water supply for California.

The good news is that while this year's snowpack is meager, the state's reservoirs are still full, with water levels near or above normal, due to last year's storm-filled winter. The state's largest reservoir, Shasta, is at 94% of normal for this time of year.

"Last year was the fifth-highest snowpack in California history, and that's really helping out because our reservoirs are well-equipped," he said.

While the rainy season got off to a late start this year, December saw above-average precipitation, but then January saw few storms, and February was among the driest Februarys in recorded history.

Due to Californians water conservation efforts in recent years and the plentiful reservoir supply, California is not experiencing widespread drought, but Orrock said that will change if next year is also marked by more sunny days than stormy ones. "If we get into another dry year like this, then we have to look into adding conservation measures into the fold," he said.

# # #

## **Attorney General Becerra Secures Preliminary Injunction in Lawsuit Challenging Trump Administration Over Failure to Protect California's Ecosystems**

Maven's Notebook | May 12, 2020 | From the Office of the Attorney General:

California Attorney General Xavier Becerra today issued the following statement in response to a decision by the U.S. District Court for the Eastern District of California to grant a preliminary injunction in the State's lawsuit challenging the Trump Administration's unlawful expansion of water export operations in the Central Valley.

"We applaud the court for hitting pause on the Trump Administration's reckless attempt to expand water export operations at the expense of California's wildlife and habitats," said Attorney General Becerra. "Today's victory is critical, but the fight is not over. We have the facts, science, and the law behind us, and we look forward to making our case in court."

Attorney General Becerra, the California Natural Resources Agency, and the California Environmental Protection Agency, filed a lawsuit on February 20, 2020, challenging the Trump Administration's decision to adopt scientifically deficient biological opinions that enable additional water exports from the San Joaquin Delta without providing adequate safeguards for endangered species. On April 21, 2020, Attorney General Becerra amended the complaint and filed a motion for a preliminary injunction, arguing that export operations would cause imminent and irreparable harm to species protected under the California Endangered Species Act and the federal Endangered Species Act.

A copy of the decision can be found [here](#).

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## Federal Judge's Order Protects California Trout

Courthouse News Service | May 12, 2020 | Nick Cahill

*Citing the “extremely precarious situation” for steelhead trout in the California Delta, the judge halted a water grab from the Trump administration and downstream farmers.*



*Male and female steelhead trout. (NOAA)*

FRESNO, Calif. (CN) — To protect the spring migration of threatened California trout species, a federal judge Monday halted the Trump administration’s bid to supply farmers with extra water from the West Coast’s largest estuary.

Citing the “extremely precarious situation” of juvenile steelhead trout in the Sacramento-San Joaquin River Delta, U.S. District Judge Dale Drozd ordered the federal government to reinstate stricter pumping limits for May, established under the Obama administration. Drozd poked at inconsistencies in the feds’ own environmental review and said it was not clear whether the new rules were strong enough to protect a species devastated by decades of increased demand for Delta water.

“Given that it appears to be undisputed that California Central Valley steelhead are declining, the court has serious concerns as to whether this reasoning satisfies the National Marine Fisheries Service’s obligations under the Endangered Species Act to evaluate whether the [rules] would jeopardize the species or destroy or adversely modify crucial habitat,” Drozd wrote late Monday

Drozd is presiding over a framework governing how much water the Bureau of Reclamation can take from the Delta for its Central Valley Project during specific periods of the year. The federal government recently adopted a new biological opinion and operating procedures for the project, one of the largest water conveyance operations in the country, consisting of 20 dams and more than 500 miles of canals.

The Trump administration claims the rules are a critical update that will inject more flexibility into a system formulated in 1933 and allow it to deliver additional water to Central Valley farmers without crashing salmon and trout populations.

California officials, however, say the rules were preordained to help President Trump back up a campaign promise to cut environmental regulations and “open up the water” to California farms at the expense of wildlife. Both the state and environmentalists such as the Natural Resources Defense Council are fighting the rules before Drozd in the Eastern District of California.

California Attorney General Xavier Becerra cast Monday’s ruling as “critical” but acknowledged the fight over Trump’s water grab was far from over.

“We applaud the court for hitting pause on the Trump administration’s reckless attempt to expand water export operations at the expense of California’s wildlife and habitats,” Becerra said in a statement. “We have the facts, science and the law behind us, and we look forward to making our case in court.”

Drozd’s decision to grant the plaintiffs’ preliminary relief forces the feds to return to the 2009 status quo within 24 hours. The order comes four days after a marathon session conducted via Zoom and telephonic appearances where Drozd noted the complex nature of the cases involving the major players in California’s multifaceted water world.

“Based upon the amount of briefing and evidence and information that’s already been presented to the court, I have to say that I feel you have all overestimated my abilities,” Drozd said on May 7.

In a 36-page order, Drozd said that while the proposed excess pumping may not cause immediate “extinction-level harms,” the long-term impacts could nonetheless be severe on the anadromous fish. He scoffed at the feds’ attempt to justify the new rules by comparing the accepted number of fish killed by Delta pumps to the Obama-era rules, which did little if anything to boost struggling populations.

“The court has questioned above how a ‘similar’ amount of loss could be justified with respect to a species that the fisheries service concedes has already been in decline,” Drozd wrote. “How can these loss limits effectively function to avoid irreparable harm to a declining steelhead population if those loss limits are ‘expected to’ do no more than ‘limit loss to levels similar to what has been observed over the past 10 years?’”

Barbara Barrigan-Parrilla, executive director of Restore the Delta, applauded the temporary relief for California’s “vanishing” salmon and trout runs.

“While this course of litigation is on the right track, it is still in process,” Barrigan-Parrilla said in a statement. “Despite claims by industrial agricultural growers and the Trump administration that environmental flows are ‘wasted water,’ in federal court, science, facts, and rational truth still matter for the health of the San Francisco Bay-Delta.”

Drozd, appointed by President Obama in 2015, has now given each side a temporary victory in the budding water war: In April he denied the environmentalists’ request for emergency relief and allowed the feds to exceed the 2009 pumping limits for a brief stretch that month.

Displeased with the feds’ water rules, California is forging ahead with new operational rules for its own Delta-fed State Water Project. The state claims its pumping rules are stricter and will protect salmon by ensuring enough water is in the river systems during critical spawning times, but have nonetheless drawn the ire of environmentalists and water suppliers.

Meanwhile, in a separate federal lawsuit filed late Monday, a collection of conservationists and Delta water agencies sued the Trump administration over a plan that would allow farmers north of the Delta to sell excess water downstream to parched Central Valley growers. Critics say the water transfer program could degrade Delta water quality and strain groundwater supplies.

The north-south water deals are common during dry years and are a longstanding piece of California’s water chessboard. In 2018 a federal judge forced the Bureau of Reclamation back to the drawing board, but environmentalists insist the latest version is still flawed.

“The bureau and the San Luis & Delta-Mendota Water Authority have failed to provide an accurate description of the project, made nakedly unenforceable promises about operation of the project, failed to account for a plethora of new information and changed circumstances that have come about since environmental review for the ten-year transfer program was evaluated, and doubled down prior analytical deficiencies,” claims the lawsuit filed by lead plaintiff Aqualliance.

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## **Judge temporarily blocks Trump's California water plan**

Associated Press | May 12, 2020

FRESNO, Calif. (AP) — A federal court on Monday temporarily blocked the Trump administration's efforts to pump more water to the agricultural Central Valley, which critics said would threaten endangered species and salmon runs.

A judge issued a preliminary injunction in two lawsuits brought against the administration by California's Natural Resources Agency and Environmental Protection Agency and by a half-dozen environmental groups.

The order bars the U.S. Bureau of Reclamation until May 31 from going ahead with expanding the amount of water it pumps from the San Joaquin Delta through the federal Central Valley Project.

The suits argued that the exports would cause irreparable harm to species protected by state and federal law.

President Donald Trump has denounced rules meant to ensure that enough fresh water stayed in rivers and the San Francisco Bay to sustain more than a dozen endangered fish and other native species, which are struggling as agriculture and development diverts more water and land from wildlife.

But especially in the wake of a long drought, farmers in the Central Valley — a Republican enclave in a Democrat-controlled state — are thirsty for more water. The valley is the heartland for the state's \$50 billion agricultural industry.

The administration says its proposed changes will allow for more flexibility in water deliveries. In California's heavily engineered water system, giant state and federal water projects made up of hundreds of miles of pipes, canals, pumps and dams, carry runoff from rain and Sierra Nevada snow melt from north to south — and serve as the field of battle for lawsuits and regional political fights over competing demands for water.

"Today's victory is critical, but the fight is not over," state Attorney General Xavier Becerra said in a statement. "We have the facts, science, and the law behind us, and we look forward to making our case in court."

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## **Ag Groups Call for More Certainty for California's Water Supply**

AgNet West | May 12, 2020 | Brian German

A group of more than 70 agricultural organizations is asking Governor Gavin Newsom to bring about more certainty for California's water supply. The coalition is urging the Newsom Administration to reconsider how the water system is being managed both in terms of regulatory restraint and litigation related to the federal biological opinions.

asking Governor Gavin Newsom to bring about more certainty for California's water supply  
"I think there are two primary areas of focus of the letter. One is encouraging the Newsom Administration to work cooperatively with the federal government and work on water management and find some agreement and common ground when it comes to solving problems," said Mike Wade, Executive Director of the California Farm Water Coalition (CFWC). "The other major issue deals with our infrastructure. We have not invested well in our infrastructure for decades and repairing and improving some of our water conveyance infrastructure is important."

The signatories of the letter include the California Farm Bureau Federation, Milk Producers Council, Western Agricultural Processors Association, Central Valley Project Water Association, and the Ag Council of California. The letter itself states that "where possible, rules that limit farm water supplies should be suspended, modified, or postponed during this critical time." The coalition is hopeful that the spirit of cooperation among local, state, and federal authorities cultivated in the collaborative approach to address COVID-19 concerns can translate into the development of a better working relationship when it comes to California's water supply.

"There seems to be a lot of willingness to work together to solve some of the current crises that we're facing in day to day life and we hope that that does transition to other parts of the business world and the economy and a huge part of that for agriculture, of course, is water," Wade noted. "Having adequate, dependable water supplies provides certainty for farmers and it provides certainty to consumers who trust that the foods that they want for their families are being planted for the coming fall and winter seasons."

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## Delta Blues

*The battle over water has been fought to a standstill, but there's hope that science and technology will make voluntary agreements by all sides possible*

Comstock's Magazine | May 5, 2020 |



*Water that more than 25 million Californians rely on flows into and through the Sacramento-San Joaquin Delta, the largest estuary on the West Coast and a central focus of the state's ongoing fish-versus-farms fight. (Photo by Paul Hames/California Department of Water Resources)*

The state had been wrestling with the problem for 15 years, and there were hopes it was about to get pinned to the mat. A decade and a half of meetings, lawyerly and political negotiations, and massive public input had led the State Water Resources Control Board to the brink of a momentous decision: California must leave a lot more water in its rivers and streams in order to save the Sacramento-San Joaquin Delta and San Francisco Bay.

Steve Rothert, California director of the nonprofit American Rivers, has spent the past five years working on the issue and says board action was urgent. "Most scientists would agree that nearly all the key indices of ecosystem and native fishery health are in decline — in many cases, at catastrophic levels," he says. "And there are 8,000 water-rights holders, a \$47 billion per year agricultural industry, and 25 million people who rely on water that flows into and through the Delta."

On Nov. 8, 2018, representatives of constituencies who've been engaged in the fight over Delta water for years — in some cases decades — gathered in the main conference room of the California Environmental Protection Agency headquarters in Sacramento. The board was scheduled to vote on an update to the Bay-Delta Water Quality Control Plan, something that is supposed to happen every three years but has not been done since 2004. The proposed update decreed that the tributaries that feed the San Joaquin River maintain up to 50 percent "unimpeded flow."

In some years, that would mean state and federal dam operators on the Stanislaus, Tuolumne and Merced rivers would be required to release as much as 30 percent more water than currently mandated. Instead of being stored in reservoirs for future use by farms and cities, that water would go back into the rivers for the purpose of protecting fisheries. A related process dealing with the Sacramento River Basin had yet to get underway.

The meeting had been moved into the main conference room to accommodate hundreds of stakeholders, nearly every one of whom saw the vote as a matter of life or death — of the king salmon, the Delta, their industry, their farm community. On the eve of the historic meeting, however, a curveball had arrived in the form of a letter, signed by Gov. Jerry Brown and the incoming governor, Gavin Newsom, asking the board to postpone its vote.

The letter said state agencies, water districts and others involved in a process Brown had instituted early in his administration — a framework of “voluntary agreements” — were close to a deal. Brown believed these voluntary agreements were necessary, since regulation would result in endless lawsuits.

Allowing the negotiations to progress without a vote to strictly regulate surface-water usage “would result in a faster, less contentious and more durable outcome,” the letter stated. During the month’s pause the lawmakers requested, the letter concluded, “we pledge to actively and meaningfully engage to bring this final matter to successful closure.”

The following morning, the board received an unscheduled visit from Chuck Bonham, director of the California Department of Fish and Wildlife, and Karla Nemeth, director of the California Department of Water Resources. Both pleaded with the board to give them the month to complete the voluntary agreement process they and their teams had been working on for years. After seven hours of public testimony, the board agreed.

Thirty-four days later, on Dec. 12, 2018, the board reconvened, and virtually everyone who had been at the November meeting was present — with the exception of Bonham and Nemeth. No one in the room was surprised that a problem that had been intractable for years was not solved in a month.

Over the next six hours, a parade of witnesses — suited lawyers, fleece-clad environmentalists, fishermen and farmers in jeans and flannel — walked up to the microphone to take three minutes to make their case one more time.

The board discussed the matter for another half hour. Water Board chair Felicia Marcus, after decrying the “warring narrative” that had marked the process, indicated she would cast a yes vote in favor of the Bay-Delta Water Quality Control Plan update. “It’s time for the talkers to get out of the way of the people on the ground,” she said in closing.

And then, in apparent defiance of the current governor and incoming governor, the board voted 4-1 to take action. For the first time, water users in the state of California would be forced to share a meaningful portion with the creatures that inhabit its waterways.

Within weeks, as predicted, the state was sued by attorneys representing the agriculture industry, municipalities including the City of San Francisco and several environmental groups. Consequently, there has been no move to enforce the standards that the board had mandated. On the ground, it's almost as though the historic vote had never happened.

### Fish out of Water?

California's great rivers, the Sacramento, San Joaquin and American, are not rivers in the original sense of the word. Their flow is artificially controlled through one of the world's most extensive series of dams, reservoirs and canals. From the moment they arrive in the Central Valley, all three flow through channels cut by the Army Corps of Engineers.

If not for all of this plumbing, these rivers would be broadly meandering streams and marshlands in winter and spring, and trickling creeks most summers. Instead, they resemble large canals flowing through what had been their main channels — although they have resurrected some of their wildness over the decades. This vast system of damming and channeling, for flood control and irrigation, is the foundation upon which Californian civilization is built.

This massive triumph of science and engineering, which helped build the world's fifth largest economy, also wiped out 95 percent of the riparian habitat California's native wildlife relied on for survival, according to the UC Davis Center for Watershed Sciences. Now, the Sacramento-San Joaquin Delta — the largest estuary on the West Coast — is in ecological crisis. According to many studies, including one by the American Fisheries Society, the Delta's once-abundant fishery is in the midst of a decades-long collapse.

A 2008 Center for Watershed Sciences study showed that the iconic chinook salmon was teetering on the edge of extinction, and the steelhead trout was in danger of vanishing from the state's rivers and streams. Recent studies show the dire situation in the Delta has gotten worse. As a result, California's once-thriving fishing industry has been in steep decline. And now, folks on both sides of the fish-versus-farms fight are hoping a bold new scientific and engineering effort similar to the state's great water projects can undo the damage.

For decades, the California water debate revolved around one metric: unimpeded flow, which is the amount of water in the river and streams. The fish-versus-farms fight is a conflict over that one commodity, with the advocates for the fish arguing that the state's agriculture industry is largely responsible for a coming extinction. At the Water Board meetings in 2018, countless conservationists attacked the very idea of sending this scarce resource to the southern San Joaquin Valley so farmers could grow crops for the global market.

While flow is still without doubt the key issue, it is no longer the only one. When the Water Board voted to regulate and restrict water use by farms and cities, it also directed staff to continue the voluntary agreements discussion, which brings other considerations to the table. This includes \$2.8 billion for habitat restoration, science and adaptive management, and another \$2.2 billion for further environmental improvements, according to the voluntary agreements framework.

Kevin O'Brien, a partner at the Sacramento law firm Downey Brand who has litigated water cases and represented water users before the board for 35 years, says expanding the scope of the argument to include factors other than unimpeded flow is the key to its resolution. He applauds Newsom for his "willingness to find a middle path based on sound science."

"We can't solve the fish problem by throwing water at it," he says. "Flow is important, but not as important as habitat restoration and getting these fish ready for the ocean."

Kim Delfino, the California program director of Defenders of Wildlife, who has worked on Delta issues from the other side of the bargaining table from O'Brien for 15 years, does not disagree. "It's not as simple as, 'Let's just cut agriculture off and retire a bunch of farmland,'" she says. "There may be points in time when it's appropriate to take large amounts of water and move it south. But there are also times where it's not appropriate. Mother Nature is more complicated than we knew."

The framework of voluntary agreements — the version the Brown administration oversaw as well as the version released in February by Newsom's team — addresses habitat restoration as well as science and adaptive management. It proposes to restore 60,000-plus acres of new habitat, including large-scale restoration in the Sacramento Valley, and creates a "collaborative science hub" to study restoration of the fishery and climate change adaptation.

The wetlands, riparian forests and free-flowing streams that once supported the fishery that included millions of salmon are now mostly farms. Conservation groups, including California Trout and the Audubon California, are working with farmers to create or re-create some of the habitat that has been lost.

Meghan Hertel, director of land and water conservation at Audubon California, oversees that organization's Working Lands Program. She says rice farms throughout the Sacramento Valley and northern San Joaquin County have become "surrogate habitat" for the millions of birds that migrate along the Pacific Flyway. She and others are hoping to replicate that success story for fish.

The story begins with a happy tale of unintended consequences. In the 1990s, the California Air Resources Board forced rice farmers throughout the state to cease burning their fields at the end of the growing season — a practice that got rid of unwanted straw but clogged Central Valley skies with pollution. The farmers began flooding their fields instead, and they started noticing birds returning by the thousands, and then by the millions.

"When those rice growers started to flood their fields," Hertel says, "it mimicked and replicated much of the wetlands that had been lost. It created surrogate habitat. And the waterfowl responded very, very quickly."

Audubon members had also noticed the rebirth of the migratory bird route known as the Pacific Flyway, which stretches from Alaska to Patagonia. Audubon started meeting with rice growers and the California Rice Commission. They explained that different species require different depths of water on the landscape at different times of year, and the growers developed new management practices. Audubon was able to get language in the Farm Bill to put up half the

money for the program, and the farms covered the rest. Over the past 10 years, \$23 million has been spent, and almost 500,000 acres of habitat has been created for shorebirds.



*The Sacramento-San Joaquin Delta is in ecological crisis, according to the American Fisheries Society and other environmental groups. (Photo by Kelly M. Grow/California Department of Water Resources)*

California Trout is now at work on a very similar program for salmon and trout. Again working with rice farmers, the organization is flooding fields to create surrogate habitat. Hertel says the effort is likely to succeed. “Birds and fish evolved at the same time in the Valley, so, in theory, they should need the same types of things at the same time.”

In ecosystem management, timing is everything. Just as sandhill cranes need a certain depth of water when they arrive in the fields near the confluence of the Cosumnes and San Joaquin rivers in the fall and different depths later in the year, chinook have specific needs that vary from season to season and month to month. The life cycle of the California chinook — which are born in mountain streams and spend 2-6 years at sea before returning to their spawning grounds — is complex, and the two chinook runs each year in the Sacramento River Basin require specific conditions at different times.

At the Water Board meetings in late 2018, it was clear that it is not just fishermen and environmentalists working to figure out the science and technology that can restore the once-great fishery. Many municipal water districts up and down the state, as well as farmers big and small, appear to have decided it is in their best

interest to save the Delta too. Stakeholders working within the voluntary agreements framework are hoping interventions such as habitat restoration projects will take pressure off threatened fish populations — and decrease the need for severe water restrictions.

## Fish on Rice

Roger Cornwell, manager of River Garden Farms in Knights Ferry, stands on a levee in early March surveying 120 acres of flooded fields that were recently home to thousands of salmon small fry. Cornwell, who has partnered seven years with Audubon California, is working on the Nigiri Project, a collaboration of the UC Davis Center for Watershed Sciences, the California Department of Water Resources and California Trout, and named for the Japanese fish-on-rice delicacy. This scenario, involving a large agricultural operator, a major conservation group and state agencies, is precisely the kind of thing Gov. Newsom is hoping will result from the voluntary agreements process.

The Nigiri Project reimagines California’s rice farms as de facto refuges, where fish can feed, just as their ancestors fed in the floodplains and wetlands that were here before the land was given over to agriculture. Cornwell built the levee he’s standing on, which encloses a pond that

a week earlier contained fish in pens and some free-swimmers. In a dozen or so fish baskets, the small fry fattened up on what Cornwell calls “zoop” — zooplankton — which, in turn, feed off rice stalks. Another 50 or so now-empty baskets line an irrigation canal that runs alongside the flooded field. The fish that lived in those baskets are on their way to the ocean.

When they were introduced to the pond, they were about a quarter-inch long, “just out of the gravel,” he says. Six weeks later, when they were pulled, they were 3 inches. Studies show that fish in the Sacramento River show nothing like that kind of growth over the same period of time.

If the Nigiri Project experiment at River Garden Farms proves as successful as it promises to be, farms with access to the nearby Tule Canal will be able to fatten up juvenile fish and release them into the canal, which empties into the Yolo Bypass under the causeway between Sacramento and Davis. River Garden doesn’t have access to that canal, and the U.S. does not yet have the pump technology that would allow Cornwell to pipe the fish to the river, a few hundred yards away. That’s why he is hosting another experiment that would allow him to get food to the fish.

A couple miles from the Nigiri Project site, Cornwell pulls his pickup truck onto another levee to check out another flooded field. This one, within view of the big River Garden farmhouse that has stood here since 1915, consists of nine ponds of three sizes. California Trout is using the ponds to measure how long its biologists need to leave water on the ground to produce optimal bug density. The ponds are filled and drained at various intervals, and the California Trout scientists measure zooplankton, phytoplankton, planktonic crustaceans and other critters.

“This is fish food,” Cornwell says. “We are reactivating the floodplain.” He foresees pumping the “zoop soup” into the river that runs along 15 miles of his 15,000-acre farm. “This whole section of the river is a food desert,” he says, explaining his hope that rice farmers in the Central Valley might help bring California’s rivers back to life. “In my opinion, this is reconciliation ecology.”

Up and down the state, similar initiatives are poised to launch — if and when Newsom’s voluntary agreements framework yields results, pumping millions of dollars into the nascent fish-technology ecosystem.

### Whiskey’s for Drinking, Water’s for Compromising

A couple weeks after his inauguration in January 2019, Gov. Newsom removed Felicia Marcus as Water Board chair and replaced her with Joaquin Esquivel. Although the move was seen as a kind of course correction, Esquivel, a board member since 2017, had voted with Marcus and the 4-1 majority to send more water to the environment.

The voluntary agreements process continued with increased vigor, according to all reports, under new Natural Resources Secretary Wade Crowfoot and new CalEPA chief Jared Blumenfeld. Until they fell apart.

On Feb. 19, President Donald Trump traveled to Bakersfield to tell cheering supporters he was delivering on a campaign promise. Days earlier, his administration’s Bureau of Reclamation changed its rules, sending more water to farmers in the southern San Joaquin Valley — in direct

opposition to California's initiative. Newsom responded with a lawsuit, and the voluntary agreements process that had proceeded through 2019 and into 2020 stalled immediately.

Gary Bobker, director of The Bay Institute, has mixed feelings about the process being at least temporarily abandoned. Bobker, who has been involved in California water politics for more than 30 years, is among the many environmentalists who would prefer the Water Board simply enforce the standards it established in 2018.

"The authority the board has, under the federal and state Clean Water Acts, is the strongest and most far-reaching tool the state has to govern this vast ecosystem," he says, admonishing the Water Board for "elevating the voluntary agreements process over discharging its regulatory responsibilities."

The Bay Institute was one of a handful of conservation groups, including American Rivers, invited to participate in the voluntary agreements process. Bobker says he had a bit of hope at the outset but less as the year proceeded.

Nevertheless, he is supportive of the environmental restoration projects in the voluntary agreements framework. "It isn't an either-or question," he says. "To save the Delta's ecosystem, we need to systematically look at how we can better manage water supplies, we need to restore more habitat — and we need to send more water to and through the Delta."

To support that last claim, he points to a 2010 study conducted by the Water Board itself, which showed that when considering the health of the fishery in isolation, without balancing that need against other "beneficial uses" such as agriculture, the Delta would require instream flow be increased by far more than the Water Board's 2018 mandate.

American Rivers' Steve Rothert still champions the stalled voluntary agreements process. "I had a lot of hope for the new path that it could create and the benefits that could come from working together with more resources," he says. "I look forward to integrating the financial resources to fund science and habitat, and flow measures to restore conditions."

He admits nothing will happen with that process until November at the soonest, since water contractors in the southern San Joaquin Valley, with a powerful ally in the White House, have no reason to consider compromise. But he's certain the conciliatory spirit is not dead. Meanwhile, restoration initiatives like the Nigiri Project continue.

Hertel says she sees folks on both sides talking past each other when the solution is clearly somewhere in the middle.

"I think environmentalists have lost so much that we feel like we're starting from almost zero," she says, "and so compromising feels like you're letting go of the last threads you've got to hold on to. My hope is that we can put down the labels long enough to try to find solutions together. One thing this COVID-19 crisis has taught me is that a true emergency can bring people together."

# # #

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## Why State Water Contractors Sued Over Restrictions on Water Deliveries

Special to CalMatters | May 3, 2020 | Jennifer Pierre



*An aerial view of the Sacramento-San Joaquin River Delta (AP File)*

For more than a decade, the State Water Contractors have heavily invested in scientific research to learn more about the Bay-Delta ecosystem and the endangered species that call it home.

Much of this investment worked to resolve lingering questions surrounding permits issued in 2008 and 2009 for the long-term operation of the State Water Project and Federal Central Valley Project. Having spent \$50 million annually this past decade, we now better understand how water operations affect the Delta ecosystem. And with that understanding we can operate the statewide water system to achieve the co-equal goals of providing safe and reliable water supplies while protecting and restoring the environment.

For us, better science is the only path that can achieve those two important goals.

Unfortunately, as the state completed its new permitting effort at the end of March, a decade of research was largely ignored in favor of political objectives that impose unjustified restrictions on the State Water Project and offer no opportunity to manage water supplies for the benefit of the environment, 27 million people, 750,000 acres of agricultural land or the California economy.

In fact, the permit issued by the California Department of Fish and Wildlife will make it substantially more difficult to manage water resources in the face of climate change, mega droughts and new state groundwater management rules.

### **Diverse Interest Groups Came to the Table**

California needs to make foundational investments to ensure our water infrastructure is operating with the flexibility and capacity to provide the maximum benefit for our residents, farms and environment.

The March 31 Incidental Take Permit issued by the Department of Fish and Wildlife for the long-term operation of the State Water Project includes requirements that are contrary to what years of research has shown us. The permit also halts years of work to develop a Voluntary Agreement to update the Bay-Delta Water Quality Control Plan – an effort that sought to provide more water and habitat for the environment while protecting the water rights of public water agencies.

In that process, diverse interest groups came to the table to develop substantial new instream and Delta outflow criteria, a robust collaborative science program spanning the Delta watershed, funding to purchase water and construct habitat, and an ability to test hypotheses to further our understanding of how flows and landscapes interact to benefit fish.

The historic agreement would have brought together nearly all of the state's water users, some conservation groups, and the state and federal government to share in the implementation responsibilities. It represented our best hope of working together to achieve a better outcome.

Related Story: Groundwater Might Be Newest Cash Crop for Valley Farmers

The Latest Turn of Events Is Disappointing

Under the Voluntary Agreement process, costs and water supply impacts would have been shared among many parties. Instead, the Incidental Take Permit burdens only the State Water Project ratepayers with costly measures unrelated to the impacts of its operations while reducing water supplies.

The latest turn of events is disappointing, to say the least. Interrupting the Voluntary Agreement process is an unfortunate choice by the Newsom administration that pushes stakeholders away from collaboration and back toward conflict and litigation.

While the state permit fails to acknowledge the scientific advancements achieved over the past decade, we will continue supporting efforts that enhance our knowledge, create collaborative venues to test and refine hypotheses, and adjust operations and actions based on the best available science. Because the Incidental Take Permit does not represent these values, the State Water Contractors and its member agencies have been left with no choice but to challenge the state's permit.

# # #

Jennifer Pierre is the general manager of the State Water Contractors, a nonprofit association that purchases water under contract from the California State Water Project, JPierre@swc.org. She wrote this commentary for CalMatters, a public interest journalism venture committed to explaining how California's Capitol works and why it matters.

## **California Water Wars Heat Up With Suits From State Contractors**

Bloomberg Law | April 29, 2020 | Emily C. Dooley

Federal, state water delivery systems serve customers

New operations allow the state prompted lawsuits

Water contractors in California are suing the state over its new permit that authorizes water deliveries, the result of a conflict with the Trump administration's policies.

The groups suing California supply water to nearly 75% of the state's population, 4 million acres of farmland, and many hundreds of thousands acres of critical habitats.

The complaints, filed in Superior Court in Fresno County, have to do with California's complex water delivery system, which is shared between federal authorities and the state.

State Water Contractors, which represent 27 public water suppliers that get their water from state facilities, sued Wednesday, saying new state water permits impose rules that exceed California's protections for endangered species.

The rule limits water supplies based on inadequate justification, will increase costs by \$22 million annually, and causes conflicts between state and federal water management, according to the complaint.

The permit "has left us with no other choice than to file litigation that could and should have been avoided," State Water Contractors General Manager Jennifer Pierre said in a news release.

### **Shared Jurisdiction**

More than two-thirds of the state's precipitation falls in the north, and a complex series of levees, rivers, reservoirs, pumping stations, and other facilities divert water from the Sacramento-San Joaquin Delta to elsewhere in the state, including thirsty southern California.

The California Department of Water Resources and U.S. Bureau of Reclamation operate those facilities. In the past, they used to work together.

But in March, the state obtained an operations permit from the California Department of Fish and Wildlife because it no longer agreed with the Trump administration's philosophy over endangered species.

California disagreed with new water use policies implemented by the Trump administration, saying the new guidelines weren't backed by science and failed to ensure fish wouldn't be hurt by operations such as the use of pumps to draw water out of rivers.

California Natural Resources Agency spokeswoman Lisa Lien-Mager said the state couldn't comment on litigation but stands behind its permit and water management operations. Species protection is more important in light of federal opinions, she said.

“The state’s permit strikes a necessary balance by providing much-needed environmental protection while advancing smarter operations that support the water needs of California communities and agriculture,” Lien-Mager said in an email.

### **Claims Rules Aren’t Science-Based**

The water contractors’ suit claims violations of the state Environmental Quality and Endangered Species acts.

The Metropolitan Water District of Southern California, which supplies water to agencies serving 1 in 17 Americans, also sued over the state permit on Tuesday, on similar grounds.

“A lengthy legal battle will not produce a sound solution for the Delta ecosystem,” General Manager Jeffrey Kightlinger said in a statement. “We need a state permit that uses the best available science to address the environmental impact of operations and strikes a balance in providing water supply to California’s farms and cities.”

Suppliers that get their water from federal facilities also filed a lawsuit. Those suppliers include the Tehama Colusa Canal Authority, San Luis & Delta-Mendota Water Authority, Friant Water Authority, and several Sacramento River settlement contractors.

That complaint, which claims violations of the state Environmental Quality Act, said the new state permit could cause water delivery disruptions, and stall negotiations on agreements to restore habitat while protecting water resources.

All of the cases are seeking injunctions, and that the permit for state operations be set aside. Metropolitan also wants a judgment that the state breached contracts.

California has also sued the secretaries of Commerce and Interior, federal agencies in those departments, and their leadership over updated water management plans.

# # #

To contact the reporter on this story: Emily C. Dooley at [edooley@bloombergenvironment.com](mailto:edooley@bloombergenvironment.com)

## California State Water Project Draws Ire of Environmentalists

Courthouse News Service | April 29, 2020 | Matthew Renda

*Environmentalists say the State Water Project — California's complex system of pumps and aqueducts that delivers water to thirsty farms and residents in the south state — is killing endangered fish and ruining the Sacramento-San Joaquin Delta.*



*One of many bridges linking the Sacramento-San Joaquin River Delta to the outside world. (Courthouse News photo/Nick Cahill)*

SAN FRANCISCO (CN) — Four environmental groups sued California on Wednesday, claiming the complex series of dams, channels, aqueducts and pumps responsible for transferring water from north to south in the state are killing fish.

“It’s time for the state to be honest about the damage being done to the delta ecosystem and our native fish by the unsustainable water diversions of the State Water Project,” said Jeff Miller, a senior conservation advocate at the Center for Biological Diversity.

The center joined the Sierra Club, Restore the Delta and the Planning and Conservation League as plaintiffs in the lawsuit filed in San Francisco County Superior Court against the California Department of Water Resources, which manages the state’s portion of the complex water-siphoning system.

The Sacramento-San Joaquin Delta is a sprawling inland estuary and delta system at the western edge of California’s Central Valley where two of the state’s major rivers — the Sacramento and San Joaquin — meet just east of where they pour into Suisun Bay.

The area is ecologically rich with a diverse panoply of unique species that avail themselves of the unique wetlands geography to thrive. However, those species have been steadily eroded as more and more water is pumped out of the system and then siphoned to the wealth of arable

farmland in the southern reaches of California's middle that consistent rain, particularly in the dry summer months of the Mediterranean climate.

Drought has stoked concerns of the farmers who rely on water to not only put food on their own table but also on the tables of many Americans, as California functions as the breadbasket of much of the country and the world.

Environmentalists have resisted calls from farms in search of more water, arguing more pumping would hurt fish like endangered salmon and the delta smelt, which hovers on the brink of extinction.

Former California Governor Jerry Brown tried to appease both sides by trotting out the Waterfix — plans for two 40-foot large tunnels running 35 miles under the delta capable of delivering large amounts of water without relying on so many of the pumps that sweep up fish and kill them in large numbers.

When Gavin Newsom assumed the governor's seat in Sacramento, he whittled the ambitious plan to a single large tunnel capable of delivering billions of gallons of water to residents and 3 million acres of farmland.

The California Department of Water Resources now calls the project the "One-Tunnel Delta Conveyance Project" and continues to pursue the extensive environmental analysis required before any concrete plans can be hatched.

But environmentalists still oppose the project, saying it hurts the delta's unique ecosystem and injures farmers and residents who make a living in the delta.

"Salmon, delta smelt, farmers and towns all depend on the continued flow of fresh water into the delta," said Barbara Barrigan-Parrilla, executive director of Restore the Delta. "The state's long-term plan for running the State Water Project just hides its determination to close the spigot."

Specific to the lawsuit, the four organizations say California's decision to renew another long-term plan for operating the State Water Project without fully analyzing the impacts presented by the state's tunnel project falls short of the state's environmental quality laws.

"It's bad enough that the department thinks the State Water Project has no environmental consequences," said Kathryn Phillips, director of Sierra Club California. "But it's completely absurd for the agency to separate the long-term operation of the State Water Project from the tunnel project, which it's actively promoting as part of that long-term operation."

The State Water Project is only a portion of how water is siphoned from north to south. The federal government runs a similar parallel system of dams, pumps and aqueducts called the Central Valley Project, created in 1933.

The feds and the state have been embroiled in an extended fight over water deliveries as well, with President Donald Trump promising in February to deliver more water to California farmers.

His administration has pledged to make certain temporary deliveries permanent, allowing farmers to sidestep environmental reviews in the future.

The Department of Interior is also launching plans to raise Shasta Dam, prompting backlash and lawsuits.

But Wednesday's lawsuit focuses squarely on the state of California, typically an ally for environmental organizations in its fight against the Trump administration but across the fence when it comes to the preservation of the delta.

The California Department of Water Resources did not return a request for comment by press time.

# # #

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## Trump opens floodgates, and acrimony swamps Calif.

E&E News | April 27, 2020 | Jeremy P. Jacobs



*President Trump — joined by (right to left) House Minority Leader Kevin McCarthy (R-Calif.), Rep. Tom McClintock (R-Calif.), Interior Secretary David Bernhardt, Rep. Devin Nunes (R-Calif.) and Central Valley farmers — signed a record of decision on California water accessibility during an event in Bakersfield, Calif., on Feb. 19. Shealah Craighead/White House/Flickr*

On the campaign trail in 2016, President Trump swung into California's agricultural hub and vowed to deliver more water to the drought-ridden state's farmers.

"We're going to solve your water problem," he declared at a May 2016 rally in Fresno.

Three years into his administration, Trump is now opening the floodgate to deliver on that promise, setting up the most intense water war between the federal government and California in the state's history.

"There isn't precedent for this type of acrimony," said Jerry Meral, who served as a top water aide to Gov. Jerry Brown (D) during his administrations in the 1970s-1980s and 2000s.

"It's just a mess and very unfortunate," said Meral, who now works for the Natural Heritage Institute.

Trump returned to California's Central Valley in February, ceremonially finalizing an endangered species analysis that would allow more water to be pumped from the state's ecologically sensitive water hub to farmers.

His administration also converted temporary water delivery contracts with several water providers to permanent ones, a move that critics say will allow them to sidestep the environmental reviews previously required when the contracts were up for renewal.

Those included contracts with the Westlands Water District, the country's largest agricultural water provider, and former lobbying client of Interior Secretary David Bernhardt (Greenwire, March 2).

Bernhardt spoke at a "water forum" in the Central Valley the day before Trump's speech, emphasizing the administration's water efforts. That includes Interior's continued work on raising Shasta Dam in Northern California, a mammoth project that would deliver more water to federal contractors including Westlands. Reclamation recently allocated \$8 million to preconstruction work on the project.

California says it doesn't want the dam raised — and that it would violate state law. It has issued its own endangered species analysis, which clashes with the Trump administration's and would be more restrictive of water exports. And this week, it asked a court to immediately block Trump's order from going into effect.

To proponents of the moves, however, Trump's engagement is a blessing.

"President Trump has been personally involved in discussions on issues related to California water," said Westlands General Manager Tom Birmingham. "I am unaware of attention at that level by any prior administration."

For environmentalists, there is an emerging concern that with Bernhardt at Interior's helm, the administration has found its footing on California water and there is little the state can do to stop it.

And they worry that the current pace is indicative of what may come in Trump's second term if he wins reelection in November.

"The Trump administration," Doug Obegi of the Natural Resources Defense Council said, "is not good at taking 'no' for an answer."

### **The hub**



*An aerial view of the Sacramento-San Joaquin River Delta. Photo credit: formulanone/Flickr*

The key battleground is California's water hub, the Sacramento-San Joaquin River Delta east of San Francisco, and how much water is pumped out of it.

Water from the delta is shuttled south to more than 25 million people and millions of acres of farmland in the state's drier south via two complex systems of dams, canals and aqueducts: the federal Central Valley Project and California's State Water Project.

The 738,000-acre delta is ecologically sensitive; it is home to several threatened species, including the endangered delta smelt.

On his recent trip to Bakersfield, Trump emphasized that he was finalizing new biological opinions for the delta that would allow more water to be pumped south.

"[It's] going to give you a lot of water, a lot of dam, a lot of everything," Trump said. "You'll be able to farm your land, and you'll be able to do things you never thought possible" (Greenwire, Feb. 20).

California challenged those opinions in court, making good on a promise from Gov. Gavin Newsom (D).

"California won't silently spectate as the Trump Administration adopts scientifically challenged biological opinions that push species to extinction and harm our natural resources and waterways," Democratic Attorney General Xavier Becerra said in a statement.

Environmental groups including the Natural Resources Defense Council have also filed a lawsuit.

Obegi said the Trump administration "seems happy to let the delta smelt go extinct."

He added that the new biological opinions are already having an impact; they would reduce how much cold water is released from Shasta Dam in Northern California for salmon recovery.

"They are already doing damage under these new biological opinions," Obegi said.

At the end of March, a judge transferred the cases from the Northern District of California — frequently the preferred court for environmentalists — to the Eastern District of California at the Trump administration's request (Greenwire, March 23).

But California this week took the aggressive step of asking the court to immediately block the opinions. The analysis, the state said, "significantly reduced protections for the listed species and their designated critical habitat, thereby increasing the likelihood of their extinction."

The Bureau of Reclamation, which operates the Central Valley Project, sharply criticized the filing.

"At no other time in modern history has the State of California taken such ill-founded actions to directly hurt more than 25 million Californians by unnecessarily jeopardizing their water supply," Commissioner Brenda Burman said in a statement (Greenwire, April 22).

NRDC and its co-plaintiffs have also asked the court for an injunction. A ruling on those motions could come soon.

The review of the biological opinions began in August 2016, at the end of the Obama administration. Interior found then that new opinions "will increase protections for these species" and likely lead to reduced water exports.



The Newsom administration's management of the delta has also irked both environmentalists and California Republicans in Congress.

All six of them, including House Minority Leader Kevin McCarthy, sent a letter to Newsom this month criticizing a permit for the State Water Project under the state's endangered species law, applauding Trump's biological opinions and calling for the state to drop its lawsuit.

"This unprecedented action threatens to send the operations of the State Water Project ... and the Federal Central Valley Project ... into a downward spiral of conflict, confusion, and litigation," they wrote. "It also virtually eliminates the possibility of finding a lasting peace to California's never-ending water wars."

The permit has also been criticized by Obegi of NRDC and by other environmental groups as weakening previous standards.

Westlands' Birmingham argued that the new opinions are more protective of fish and wildlife.

"From my perspective, the criticisms of the new biological opinions are unfounded," he said. "The assertion that those new biological opinions were politically motivated are baseless."

He added: "What's disappointing is that this conflict ends up in court. That is not going to resolve the issues."

#### **'Voluntary agreements'**



*California Gov. Gavin Newsom (D). JD Lasica/Flickr*

Some of the players argue that despite the acrimony, there is some common ground.

Newsom, for example, has continued to push for "voluntary agreements" to address water woes.

And Birmingham said what the state is proposing is more similar to the Trump administration's opinions than what is portrayed in the media.

"When you look at the differences between the what is contained in the biological opinions and what the state of California has identified as means of addressing its concerns, there is very little difference between the Trump administration and the state of California," he said.

Sen. Dianne Feinstein (D-Calif.) and four California House Democrats sent letters to Newsom and Bernhardt with a straightforward message: Work it out.

"These issues," they wrote in their letter to Newsom, "do not need to be resolved through litigation if a framework for voluntary agreements can be reached with the necessary parties, and early implementation provides interim protections for listed fish species to the state" (Greenwire, April 16).

Meral, the adviser to former Gov. Brown, said Democratic governors have found ways to work with conservative administrations in the past, which underscores just how contentious the relationship between the Newsom and Trump administrations has now become.

Brown and President Reagan, for example, found common ground even though "they were not political soul mates," Meral joked.

But greens, however, worry that Newsom's emphasis on voluntary agreements will result in capitulating to the administration. And they say this could just be the start.

"I think there is more stuff coming from the Trump administration," Obegi said, given "the Trump administrant's general approach of thinking they are above the law."

# # #

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## **Don't be fooled, Modesto farmers — Trump's California water plan doesn't help you**

Modesto Bee | February 25, 2020 | Modesto Bee Editorial Board

President Donald Trump promised in a Central Valley visit on Wednesday that his new water edict would benefit farmers, drawing applause and adulation from a Kern County crowd. But the brash move is more likely to hurt than to help growers, whether in Bakersfield or Modesto. That's because his plan may blow up delicate negotiations among all interests receiving water from rivers flowing to the Sacramento-San Joaquin Delta, especially those here in the Northern San Joaquin Valley — the Stanislaus, Tuolumne and Merced rivers.

These on-life-support negotiations, called voluntary agreements, present our best chance at finding peace after decades of water wars. Such a truce would provide respite and certainty not only to our farmers, but also to the fish industry and environmentalists aligned with it. And, to the city of Modesto, whose water customers rely in part on treated water from the Tuolumne.

Former Governor Jerry Brown and his successor, Governor Gavin Newsom, see the value in voluntary agreements; we applauded when Newsom in September quickly vetoed misguided state legislation, Senate Bill 1, because it threatened to derail these all-important negotiations. Newsom risked severe political blowback but stuck to his guns because he knows that compromise, in the long run, is preferable to protracted court battles.

The water agencies in our area with the most at stake — the Modesto and Turlock irrigation districts — have championed the voluntary agreements. They long ago accepted that giving up some of their Tuolumne River water would be far better than the state Water Resources Control Board's much-maligned "water grab" proposal, which is anything but voluntary.

One might expect the irrigation districts and our local farmers to applaud Trump's move on Wednesday — rolling back environmental restrictions to make it easier for Delta pumps to send a lot more water to farmers in the south Valley, and potentially to Southern California cities. With typical hyperbole, Trump told the cheering crowd that they are "going to be able to do things you never thought possible."

Let's be honest: Some of the president's rationale rings absolutely true. For example, his administration's biological opinion (enabling more water to move south) is based on recent science that is head-and-shoulders above outdated data that the state Water Board relied on to propose the hated water grab. The legislation vetoed by Newsom would ignore this sound science as well.

But the country's negotiator-in-chief has zero interest in negotiating California's water wars. His only goal is a complete and crushing victory for his political base. That's why he signed the rollbacks in Kern County, which favored him by 13 percentage points over Hillary Clinton in 2016. And that explains why he was accompanied by fawning, loyalist office-holders such as U.S. Representatives Kevin McCarthy, Devin Nunes and Tom McClintock.

Also in attendance was David Bernhardt, who previously lobbied Washington legislators on behalf of the powerful Fresno-based Westlands Water District before joining Trump's cabinet as

Interior secretary. Westlands stands to gain as much or more than anyone under Trump's water management plan, shepherded by Bernhardt.

The president's Wednesday visit, coming just before the March 3 Primary, was calculated to help his cronies, not our farmers.

The next day, Thursday, California Attorney General Xavier Becerra filed a lawsuit challenging the president's plan. Westlands previously indicated that such a lawsuit could prompt it to pull out of the voluntary agreements, threatening complete collapse just as we were nearing a healthy and sustainable compromise that might have been good for all.

Had Trump not inserted himself into the issue, Becerra would not have sued and negotiations would have stayed on track.

A resolution to this mess may await the outcome of the fall presidential election.

Meanwhile, if the voluntary agreements do blow up, California's water future will be decided in courts over the next decade or so. In that case the only winners, as they say, will be the lawyers.

# # #



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

**May 20, 2020**

**Correspondence**

From: Nicole Sandkulla, BAWSCA CEO/General Manager  
To: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission  
Date: February 21, 2020  
Subject: Bay Area Water Supply and Conservation Agency's Response to Reply Comments of Tuolumne River Trust, California Sportfishing Protection Alliance, Golden West Women Flyfishers, William L. Martin, and David Warner on the Draft Environmental Impact Statement and to Responses to Comments on the Draft Environmental Impact Statement for the Don Pedro Hydroelectric Project (No. 2299-082) and La Grange Hydroelectric Project (No. 14581-002)

**Emailed Comments to the Board:**

<b>From</b>	<b>Date Received</b>
Harrison Dunning	May 19, 2020
Dr. Stephen Rosenblum	May 19, 2020
Julianne Adams Frizzell	May 20, 2020
Lesley Stanfield	May 20, 2020
Gail Sredanovic	May 20, 2020
Les Kishler	May 21, 2020

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February 21, 2020

*VIA FERC E-FILE SUBMISSION*

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
Office of Energy Projects  
888 First Street, N.E.  
Washington, D.C. 20426

**Re: Bay Area Water Supply and Conservation Agency's Response to Reply Comments of Tuolumne River Trust, California Sportfishing Protection Alliance, Golden West Women Flyfishers, William L. Martin, and David Warner on the Draft Environmental Impact Statement and to Responses to Comments on the Draft Environmental Impact Statement for the Don Pedro Hydroelectric Project (No. 2299-082) and La Grange Hydroelectric Project (No. 14581-002)**

Dear Secretary Bose:

The purpose of this letter is to aid the Federal Energy Regulatory Commission ("FERC") in its environmental impact analysis and to correct several misunderstandings raised in the Tuolumne River Trust, California Sportfishing Protection Alliance, Golden West Women Flyfishers, William L. Martin, and David Warner (collectively, "Conservation Groups") reply comments, submitted on December 30, 2019. Since many of the issues raised by Conservation Groups were fully addressed by BAWSCA in prior comments, BAWSCA points FERC staff to where in the record these issues were addressed rather than reiterating points already raised. When necessary, BAWSCA provides more detail either when addressing new issues that Conservation Groups raised or when the record needs to be clarified due to Conservation Groups' misunderstandings or mischaracterizations. BAWSCA also provides an update on a recently concluded attempt to transfer water into the BAWSCA service area from a non-Tuolumne River source.<sup>1</sup>

**I. BAWSCA's Recent Attempt at a Pilot Water Transfer Reconfirms the Difficulty of Transferring Other Water Supplies Into the Bay Area.**

Conservation Groups claim that BAWSCA has done little to reduce its dependence on the Tuolumne River.<sup>2</sup> This misrepresents and unduly underplays BAWSCA's extensive efforts to develop alternative drought water supplies. As detailed in prior comments, BAWSCA has

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<sup>1</sup> BAWSCA continues to support the Modesto Irrigation District's and Turlock Irrigation District's (collectively, the "Districts") Preferred Plan, submitted as part of the Don Pedro and La Grange Hydroelectric Project Amended Final License Applications ("AFLA"). The Districts' Preferred Plan's combination of flow and non-flow measures provides water supply and ecological benefits that are superior to the alternative proposals, including greater production of fall run Chinook salmon and *O. mykiss* juveniles, at a far lower water cost.

<sup>2</sup> Reply Comments of Tuolumne River Trust, et al. on the Draft Environmental Impact Statement and to Responses to Comments on the Draft Environmental Impact Statement, FERC eLibrary no. 20191230-5118, at 17 (Dec. 30, 2019) ("Conservation Groups Reply").

Secretary Kimberly D. Bose  
 February 21, 2020  
 Page 2

spent considerable time investing in the development of potential water supplies. Despite these efforts, the reality is that replacement water sources are simply not available at the \$3,000 per acre-foot cost—which the Draft Environmental Impact Statement (“DEIS”) suggests—either at the volume needed to address the anticipated lost supply from the RWS, or in the time frame necessary to avoid rationing and associated impacts to the Bay Area.<sup>3</sup>

After BAWSCA submitted to FERC its prior comments in this proceeding, it finalized attempts to conduct a one-time pilot water transfer to test the institutional structures and agreements that must be in place to physically move water from a non-SFPUC source (i.e., not from the Tuolumne River) into the BAWSCA service area. The one-time pilot water transfer proposed that BAWSCA would purchase up to 1,000 acre-feet of water from Amador Water Agency (“AWA”) for delivery and use within the BAWSCA service area. The goal of the pilot water transfer was to evaluate the feasibility of delivering alternative water supplies to BAWSCA Member Agencies in times of future supply interruptions or water shortages by (1) testing the viability of and impacts to the existing infrastructure and (2) identifying the necessary elements of the multiple institutional approvals and agreements required to deliver transfer water supplies. AWA would make the transfer water available to BAWSCA upstream of East Bay Municipal Utility District’s (“EBMUD”) Pardee Reservoir on the Mokelumne River, and water deliveries were to occur in Alameda, Santa Clara, and San Mateo counties (i.e., the BAWSCA service area).

BAWSCA was successful in reaching an agreement in principal for the pilot water transfer to go forward based on four individual agreements between BAWSCA and its transfer partners (i.e., AWA, EBMUD, SFPUC, and the City of Hayward) to wheel the water into the Bay Area and for the receipt, movement, and use of the transfer water within the RWS. Environmental review for the project was completed and operation plans were drafted. The pilot water transfer was tentatively scheduled to begin on January 13, 2020, during a shutdown of the Hetch Hetchy system. However, the pilot water transfer ultimately did not occur because BAWSCA was unable to obtain required property insurance to mitigate the risk of potential damage to a part of the distribution system.

The pilot water transfer effort was two years in the making once the AWA source was identified (initial investigations of a potential transfer began 2012).<sup>4</sup> The pilot water transfer is by no means any more complicated than other schemes envisioned to transfer water from an outside source to the Bay Area. It was a one-time proposed effort to move a small amount of water that had a simplified environmental review and permitting process. It also did not require the construction of any new facilities and was met without any public objection. This pilot water transfer illustrates that significant work is needed to advance new and alternative supplies,

<sup>3</sup> BAWSCA’s Comments on the Draft Environmental Impact Statement Prepared for the Don Pedro Hydroelectric Project (No. 2299-082) and La Grange Hydroelectric Project (No. 14581-002), FERC eLibrary no. 20190412-5118, at 7-15 (Apr. 12, 2019) (“BAWSCA’s DEIS Comments”); Bay Area Water Supply and Conservation Agency’s Response to Comments on the Draft Environmental Impact Statement Prepared for the Don Pedro Hydroelectric Project (No. 2299-082) and La Grange Hydroelectric Project (No. 14581-002), FERC eLibrary no. 20191025-5192, at 5-6 (Oct. 25, 2019) (“BAWSCA’s Response Comments”).

<sup>4</sup> BAWSCA’s prior comments provided a detailed description of efforts to investigate potential water transfers since 2002 and the numerous factors that limit this alternative water source. (BAWSCA’s DEIS Comments, at 11-15.)

Secretary Kimberly D. Bose  
February 21, 2020  
Page 3

which takes years to work out the institutional requirements, permitting and environmental review, and negotiating and executing the required agreements. And throughout it all, there is the significant risk that the project may ultimately fail to be implemented. The transfer of other water sources into the RWS is not currently a reliable alternative to mitigate against lost Tuolumne River supplies to the Bay Area.

## II. Response to Conservation Groups' Comments Concerning Information Already in the Record.

CONSERVATION GROUPS' COMMENT	BAWSCA'S RESPONSE AND CITATION TO THE RECORD
<b>Section I</b>	
The Final Environmental Impact Statement ("FEIS") should evaluate a 200 mgd demand scenario for the City and County of San Francisco's ("CCSF") and BAWSCA. (Conservation Groups Reply, at 4-7.)	Conservation Groups' 200 mgd demand is based on the end of a drought and only two and a half years of ongoing drought recovery. BAWSCA's October 25, 2019, Response Comments fully address Conservation Groups' erroneous assumption that baseline demand for the RWS is less than 200 mgd. Recovery from the recent drought conditions continues through today, and no evidence suggests that the RWS demand during the drought years will persist after drought recovery has ended. <sup>5</sup> It would be irresponsible to base future water demands off knee-jerk reactions during such a limited post-drought recovery period.
"Furthermore, Conservation Groups believe that the response of Bay Area water customers to the 2013-2015 drought and their growing awareness and response to climate change mean that it is no longer valid to base future demand patterns entirely on past demand patterns." (Conservation Groups Reply, at 6.)	<p>Past demand patterns are instrumental in determining not just future demands, but also the potential impacts if those projected demands are not met.<sup>6</sup> That said, BAWSCA does not base its future demand projections entirely on past demand, but considers many factors including temporary demand reductions from events like drought or economic downturns as well as future population growth.<sup>7</sup></p> <p>Conservation Groups incorrectly claim that 2015 is the last year of the drought.<sup>8</sup> While 2015-2016 represented the height of drought restrictions, the SFPUC's request for voluntary conservation and the statewide Drought</p>

<sup>5</sup> BAWSCA's Response Comments, at 2-5.

<sup>6</sup> See *Pac. Coast Fed'n of Fishermen's Associations v. U.S. Dep't of Interior*, 929 F. Supp. 2d 1039, 1053 (E.D. Cal. 2013) (a baseline or "no action alternative" determination may reflect the "historical uses" of a resource).

<sup>7</sup> BAWSCA's Response Comments, at 3.

<sup>8</sup> Conservation Groups Reply, at 6.

Secretary Kimberly D. Bose  
February 21, 2020  
Page 4

CONSERVATION GROUPS' COMMENT	BAWSCA'S RESPONSE AND CITATION TO THE RECORD
	State of Emergency both remained in effect until April 2017. <sup>9</sup>
Conservation Groups are critical of BAWSCA and CCSF's demand planning. (Conservation Groups Reply at 7-9.)	<p>As stated throughout these proceedings, BAWSCA fully supports CCSF's water supply demand figures and the work of CCSF's expert, Dr. David Sunding, and BAWSCA joins in the February 18, 2020 Comments of the City and County of San Francisco Responding to December 30, 2019 Reply Comments of Tuolumne River Trust, Et Al.<sup>10</sup></p> <p>BAWSCA prior comments provide support for demand projections of a 238 baseline under normalized current conditions and a 265 mgd (i.e., 184 mgd plus 81 mgd) demand for the entire RWS for the life of the New Don Pedro license.<sup>11</sup> Critical to BAWSCA Member Agencies is the perpetual contractually guaranteed total collective water supply demand of 184 mgd based on supply agreements and a negotiated settlement with CCSF. For the purpose of the FERC's analysis, it should be assumed that future RWS demand should have an upper limit set at 265 mgd (i.e., 184 mgd plus 81 mgd).<sup>12</sup></p>
"[N]either BAWSCA nor CCSF give due credit to the conservation efforts of their customers, assuming that these customers will return to more spendthrift ways after a series of non-drought	This statement is incorrect as BAWSCA incorporates water use reductions from both passive and active conservation into future demand forecasts. <sup>13</sup> BAWSCA's April 12, 2019, comments on the DEIS gave a detailed description of BAWSCA Member Agencies' extensive conservation efforts, as well as the effect of

<sup>9</sup> Bay Area Water Supply and Conservation Agency, *Drought Report* (August 2017), [http://bawasca.org/uploads/userfiles/files/BAWSCA%20Drought%20Report%20FINAL\\_forPrinting\\_REVISED.pdf](http://bawasca.org/uploads/userfiles/files/BAWSCA%20Drought%20Report%20FINAL_forPrinting_REVISED.pdf), at 2-1 through 2-11.

<sup>10</sup> FERC eLibrary no. 20200218-5160 (Feb. 18, 2020).

<sup>11</sup> BAWSCA's Response Comments, at 4.

<sup>12</sup> Conservation Groups quote statements from BAWSCA's Chief Executive Officer/General Manager, Nicole Sandkulla, that she gave during a presentation to the SFPUC's Commission on November 26, 2019. (Conservation Groups Reply, at 9.) At that meeting Ms. Sandkulla discussed a number of factors that impact future water demand and indicated that, although not determined, the 184 mgd level may not be reached by 2045 in the BAWSCA Member Agency service areas. That would not, however, relieve the CCSF from the perpetual mandate to provide the BAWSCA Member Agencies with 184 mgd.

<sup>13</sup> BAWSCA Motion to Intervene and Comments on the AFLA, FERC eLibrary no. 20180130-5050, at 12-18 (Jan. 29, 2018) ("BAWSCA's Comments on AFLA").

Secretary Kimberly D. Bose  
February 21, 2020  
Page 5

CONSERVATION GROUPS' COMMENT	BAWSCA'S RESPONSE AND CITATION TO THE RECORD
years." (Conservation Groups Reply, at 7.)	demand hardening. <sup>14</sup> Further, given the BAWSCA Member Agencies' customers' current low water use and the conservation and local supply projects already existing or built into the agencies' demand projections, it is not reasonably feasible for the BAWSCA Member Agencies to further reduce their demand for RWS water. BAWSCA Member Agencies may not be able to conserve water beyond the existing levels due to (1) limited additional yield available from increased water efficiency and conservation efforts, (2) already low per capita water usage throughout the RWS service territory, and (3) the effect of demand hardening. <sup>15</sup>
<b>Section II</b>	
FERC should not rely on Dr. Sunding's analysis of the economic impacts of flow increases. (Conservation Groups Reply, at 11-14.) <sup>16</sup>	<p>BAWSCA provided a detailed description of the economic impacts to the BAWSCA Member Agencies from various water shortages.<sup>17</sup></p> <p>The economic impact analysis conducted represents the best available science and understanding of the effect that water supply limitations would have on the San Francisco Bay Region (specifically, on BAWSCA's and SFPUC's service areas). As the record indicates, Professor David L. Sunding and his team of economists are premier experts in this field, and BAWSCA has full confidence in the economic impact analysis performed. Their work is accurate and provides a compelling</p>

<sup>14</sup> BAWSCA's DEIS Comments, at 20-24.

<sup>15</sup> BAWSCA's Comments on AFLA, at 12-18.

<sup>16</sup> Conservation Groups quote a statement made by BAWSCA's General Manager in the October 9, 2016, San Francisco Chronical discussing rationing, job losses, and decreased sales in the Bay Area. (Conservation Groups Reply, at 13.) This quote is taken out of context and relates to the Bay-Delta Water Quality Control Plan that was in development by the State Water Resources Control Board ("SWRCB"). The economic analysis continued to be developed through 2017 and updated information was provided to the SWRCB in comments on the Plan as well as to FERC as part of the relicensing efforts.

<sup>17</sup> BAWSCA's Comments on AFLA at 24-26; BAWSCA Supplemental Reply Comments, FERC e-Library no. 20180522-5243, at 16-17 (May 22, 2018) ("BAWSCA Supplemental Reply Comments").



Secretary Kimberly D. Bose  
February 21, 2020  
Page 6

CONSERVATION GROUPS' COMMENT	BAWSCA'S RESPONSE AND CITATION TO THE RECORD
	narrative as to the economic risks that water supply cutbacks would pose to the Bay Area. <sup>18</sup>
<b>Section III</b>	
The FEIS should not rely on SFPUC's Design Drought to evaluate different drought scenarios. (Conservation Groups Reply, at 15-17.)	As previously stated, BAWSCA supports CCSF's eight-and-a half year Design Drought, which correctly accounts for future droughts that could be worse than droughts that have been experienced in the past. <sup>19</sup>
<b>Section IV</b>	
The FEIS should evaluate mitigations for reductions in water available for water supply due to increased flow in the lower Tuolumne River. (Conservation Groups Reply, at 18-19.)	<p>It is not only speculative but entirely unlikely that alternative supplies are available at \$3,000 per acre-foot that can mitigate reduced supplies to the Bay Area through the various suggested flow regimes. As previously raised, BAWSCA has invested considerable time and resources in developing potential water supplies. Despite that effort, replacement sources are simply not available (1) at that cost; (2) at the volume needed to address the anticipated lost supply from the RWS; or (3) in the time frame necessary to avoid rationing and associated impacts to the Bay Area.<sup>20</sup></p> <p>As BAWSCA previously pointed out, the DEIS incorrectly assumes that BAWSCA Member Agencies will simply pay SFPUC the cost for additional water and not look for alternative supplies independently. The environmental impacts and required mitigation that would result from increased reliance on the existing local water supply of the BAWSCA Member Agencies, as well as other foreseeable responses to reduced flows, must be analyzed as part of FERC's Tuolumne River flows analysis.<sup>21</sup></p>

<sup>18</sup> BAWSCA's Comments on AFLA, at 24-26; Reply Comments of the Bay Area Water Supply and Conservation Agency, FERC e-Library no. 20180315-5065, at 9-12 (March 15, 2018) ("BAWSCA Reply Comments").

<sup>19</sup> BAWSCA Reply Comments, at 12.

<sup>20</sup> BAWSCA's DEIS Comments, at 7-15.

<sup>21</sup> BAWSCA's Comments on AFLA, at 29-31; BAWSCA's DEIS Comments, at 15-20.



Secretary Kimberly D. Bose  
February 21, 2020  
Page 7

CONSERVATION GROUPS' COMMENT	BAWSCA'S RESPONSE AND CITATION TO THE RECORD
The FEIS should evaluate a public interest finding protecting Bay Area water supply, such as the "Flow Allocation Agreement License Article" requested by CCSF in its comments on the DEIS. (Conservation Groups Reply, at 19.)	BAWSCA has consistently stated throughout this proceeding that (1) BAWSCA's support of the FERC staff alternative analyzed in the DEIS is contingent upon the extension or replacement of the contract between CCSF and the Districts, known as the 1995 Side Agreement; and (2) if the 1995 Side Agreement is not extended or if the parties do not agree or replace the 1995 Side Agreement, the water supply impacts, environmental impacts, and associated socioeconomic effects to the Bay Area from the staff alternative, or other alternatives analyzed may be even more significant and irreparable than otherwise presently contemplated. <sup>22</sup>

### III. Conclusion

BAWSCA appreciates FERC's continued efforts to balance and consider, within its analysis of the projects, the water supply needs of the Bay Area. BAWSCA submits the above corrections and clarifications to ensure that FERC's comprehensive environmental review is based on accurate, expert-driven data.

Sincerely,



Nicole Sandkulla  
Chief Executive Officer/General Manager

<sup>22</sup> BAWSCA's Comments on AFLA, at 20; BAWSCA's DEIS Comments, at 2, fn 2.

Document Content(s)

Responses to Conservation Groups Reply Comments.PDF.....1-7

## Lourdes Enriquez

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**From:** Harrison Dunning <hcdunning@ucdavis.edu>  
**Sent:** Tuesday, May 19, 2020 12:32 PM  
**To:** bawscaboardofdirectors  
**Subject:** Bay Delta stance

I urge you to reconsider your stance on the Bay Delta Water Quality Control Plan, particularly as it impacts the Tuolumne River. Salmon in the river badly need augmented flows, and to wait for a voluntary agreement to achieve better flows is an exercise in futility. BAWSCA needs to do a better job on environmental issues important to your customers.

Sent from my iPhone

Professor of Law Emeritus  
UC Davis School of Law

## Lourdes Enriquez

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**From:** pol1@rosenblums.us  
**Sent:** Tuesday, May 19, 2020 8:42 PM  
**To:** bawscaboardofdirectors  
**Subject:** Public comment on non agenda items

The Bay Area Water Supply and Conservation Agency has “conservation ” in its name, but sadly, I find that the Agency pays much more attention to supply from natural sources than it does to conservation of natural sources. I am mystified as to why you have joined the lawsuit of the SF Public Utilities Commission against the State plan to guarantee minimum flows on the Tuolumne River to preserve and protect the natural environment. The Agency could do a much better job of ensuring supply by encouraging its customer agencies to engage in tertiary water treatment and re-using most of their waste water. BAWSCA should not be facilitating the wasteful water practices of Westlands agribusiness users at the expense of fish and birds. As an end user of BAWSCA water, I urge you to lean much more heavily towards “conservation” in the future.

Dr. Stephen Rosenblum  
Palo Alto

## Lourdes Enriquez

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**From:** julianneasla@sonic.net  
**Sent:** Wednesday, May 20, 2020 10:35 AM  
**To:** bawscaboardofdirectors  
**Subject:** CA state water board

*To the BAWSCA Board,*

*I was proud of our region when the BAWSCA was formed, and I wish I could be proud of all of your actions since the Board was formed, but I am not. I was appalled to learn that the BAWSCA had opened a law suit against the State Water Board, and that the BAWSCA continues this poorly thought out action.*

*The State Water Board worked for 10 years with leading scientists and all affected groups to come up with a plan for the Tuolumne River system and the S.F. Bay Delta, that would serve residences, businesses, farmers, fisherman and the environment. In fact the mandate to the State Board was to protect the environment. I and my friends and my clients have cut our water use significantly so that our precious California water systems and environments would be protected. It is like a kick in the gut to have BAWSCA work against good environmental policy.*

*I therefore urge you to*

- represent the environmental values of your constituents and drop your lawsuit.*
- support the resumption of work on the Bay Delta Water Quality Control Plan.*
- reduce your dependency on the Tuolumne River by ramping up water conservation efforts and recycled water projects.*

*I urge you to drop the law suit, and work for our precious Bay Area environment.*

*Sincerely,*

*Julianne Frizzell  
1175 Channing Ave  
Palo Alto 94301*

Julianne Adams Frizzell / ASLA  
650-325-0905  
julianneasla@sonic.net



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**Lourdes Enriquez**

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**From:** Lesley Stansfield <lesleys460@gmail.com>  
**Sent:** Wednesday, May 20, 2020 12:34 PM  
**To:** bawscaboardofdirectors  
**Subject:** meeting Thursday May 20

We are paying attention to your decisions and want them to reflect the Bay area values on biodiversity, water conservation and the Bay-Delta ecosystem. Water diversions are destructive to the environment and anadromous fish recovery. Do your duty for California and its environment!  
Thank you, Lesley Stansfield

## Lourdes Enriquez

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**From:** certifiedhypnotist <certifiedhypnotist@yahoo.com>  
**Sent:** Wednesday, May 20, 2020 10:37 PM  
**To:** bawscaboardofdirectors  
**Subject:** Support for Bay Delta Water Quality Control Board

As a native of San Francisco I remember how we nearly destroyed San Francisco Bay. It was saved by citizen activists. Now the Delta and the Bay ecosystem are in acute distress and the Trump administration has replaced real science with junk science to please giant agribusiness and a few powerful water districts. The toxic blooms that result from ignoring science are harmful not only to nature but to residents, many of whom have no access to clean water. Public Citizen's report, Water Heist, documents how many of the forces at work achieved power in corrupt backroom deals. We must do better.

We need you to stand for the citizen who do value our Bay and our Delta and have shown conclusively that they are willing to conserve to help the environment. I am one of them. I have upgraded appliances and eliminated my front lawn. Many of us care. Please do the right thing.

Gail Sredanovic  
2161 Ashton Ave.  
Menlo Park CA  
94025

## Lourdes Enriquez

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**From:** agroecology@aol.com  
**Sent:** Thursday, May 21, 2020 8:14 AM  
**To:** bawscaboardofdirectors  
**Subject:** Dear BAWSCA Board

Dear BAWSCA Board

It is important for the health of the Bay an Delta that your actions protect water which is a finite resource rather than look for new ways to exploit these important ecosystems. The State Water Board is trying to protect the long term health of the Bay and Delta. Is important that you support their efforts rather than oppose them !

Les Kishler

*back-packed for 40 years in the high sierra headwaters of the Tuolumne and San Joaquin rivers*

*resident and taxpayer Santa Clara County*



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

**May 27, 2020**

**Emailed Comments to the Board:**

<b>From</b>	<b>Date Received</b>
Mary Gill	May 21, 2020
Martin Gothberg	May 21, 2020
Lisa Moulton	May 21, 2020
Jeanelle Steiner	May 21, 2020
Carol Steinfeld	May 21, 2020

**From:** [Mary McVey Gill](#)  
**To:** [bawscaboardofdirectors](#)  
**Subject:** Bay-Delta ecosystem  
**Date:** Thursday, May 21, 2020 5:56:31 PM

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Please support the Bay Delta Water Quality Control Plan.

We can all do more to conserve water and protect our fragile Delta and rivers. I grew up in the Delta area, played along the river banks as a child, and am sad to see the problems it now faces. People want to improve the ecosystem in our area, not contribute to its decline.

Thank you,

Mary Gill  
734 San Rafael Place  
Stanford CA 94305  
650 857 0593

**From:** [Martin Gothberg](#)  
**To:** [bawscaboardofdirectors](#)  
**Subject:** BAWSCA (5/21/2020) Public Comment  
**Date:** Thursday, May 21, 2020 5:29:35 PM

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Dear Members and Staff,

I've been involved with efforts to improve and protect the Tuolumne River and Bay-Delta ecosystem for several years. I supported the Bay Delta Water Quality Control Plan and State Water Resources Control Board leadership

I would encourage all of you to find a way to do so, too, if you truly care about the health of California rivers and the Bay Delta including surrounding farmland. For BAWSCA and Valley Water to reflexively join the lawsuit initiated by the Irrigation Districts and SFPUC is short-sighted and does not reflect the values of a majority of your constituents.

COVID-19 has changed things. We may be seeing a local peak in population and even a slow decline for the next two years. We have made significant progress on per capita water use reduction over many years. Water conservation is still worth supporting whether there is a decline in population or drought.

But keep in mind that you will need public support for most water supply or conservation projects. Many, once they realize that NONE of the measures taken actually lead to more water down the Tuolumne where it is needed but simply gets stored behind dams or earmarked for future growth, turn against public money being spent on storage if not conservation.

The SFPUC will need to seriously revise their models which are arbitrarily conservative with their 'design drought' concept. Remember that the SFPUC has the ability to capture up to 3 times annual use which means that in a wet year, reservoirs can quickly fill. BAWSCA should show leadership and challenge their data.

An increase in flow down the Tuolumne River of at least 40% with in stream measures implemented is needed today to properly support year-round salmon and steelhead runs. We need to restore our salmon-based ecosystem of years past. We all need to be working toward the flow measures in the Bay Delta Plan.

Thank you for your time

Martin Gothberg

Santa Clara, CA

**From:** [Lisa Moulton](#)  
**To:** [bawscaboardofdirectors](#)  
**Subject:** Conserve the Tuolumne River  
**Date:** Thursday, May 21, 2020 5:18:04 PM

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Dear BAWSCA board members,

I urge you to accurately represent your constituents in your decisions tonight and in future. Please consider the that the health of the watershed is the health of everyone, all species and humans too.

Please drop the lawsuit and please, please support the resumption of work on the Bay Delta Water Quality Control Plan. This is such an opportune time to be leaders in ecosystem partnering, and protection for the health of all species and for our own. Rather than taxing the already strained Tuolumne River system, let's model recycling, restoration and conservation programs for the world to follow!

Thank you,  
Lisa Moulton  
Landscape Architect  
Redwood City, CA

## Lourdes Enriquez

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**From:** Jeanelle Steiner <jeanellesteiner@gmail.com>  
**Sent:** Thursday, May 21, 2020 7:53 PM  
**To:** bawscaboardofdirectors  
**Subject:** re: comment for BAWSCA meeting May 21

Dear BAWSCA Board Members,

First of all thank you for all your efforts on managing our water. I am writing to you as a concerned Bay Area citizen and fourth generation Californian. I have seen first hand the alarming degradation of our precious Tuolumne River and Bay Delta waterways.

I care deeply about the Tuolumne and the Bay Delta, and urge you to reflect upon what is at stake here. The Bay Delta Water system is in crisis.

If we do not allow for higher flows in the Tuolumne we may be facing ecological collapse. (This is not an exaggeration)

I am writing on behalf of future generations here... please listen to the scientists who have been clear that higher flows are essential for the survival of keystone species. Please drop the lawsuit against the State Water Board.

I encourage you to reduce the dependency on the Tuolumne and focus on conservation techniques and recycled water efforts.

Your constituents do care about protecting our ecosystems..and please let us all work together to conserve and create innovative solutions.

Thank you!  
Jeanelle Steiner

**From:** [Carol Steinfeld](#)  
**To:** [bawscaboardofdirectors](#)  
**Subject:** Please implement greater demand management and reuse  
**Date:** Thursday, May 21, 2020 6:26:46 PM

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BAWSCA board of directors:

I'm Carol Steinfeld, a resident of San Mateo.

According to the National Integrated Drought Information System, much of the Bay Area is already experiencing moderate drought conditions.

**I'm calling today to ask BAWSCA for (1) more water demand management and water reuse so we are using water better and can (2) avoid continuing drawing down water levels to a point that threatens aquatic habitat closer to our water source**

I understand the City of San Francisco has a very good water-usage rate---40 gppd--which is much less than half the usage of San Mateo County cities, for example.

**Focusing on a specific opportunity: We need BAWSCA to implement more robust water conservation (such as the programs SFPUC uses) and to promote water reuse.**

For example: Graywater systems should be standard in new buildings, not a hobby system promoted to homeowners to install mostly at their own cost.

Demand management and reuse are infrastructure. It is about sourcing more water. It can reduce the need for more expensive physical infrastructure---and reduce the need for expensive lawsuits.

**Residents in the BAWSCA service area are largely unaware that BAWSCA sued the state over the Bay Delta Water Quality Control Plan.**

I've heard the BAWSCA director say she fears that too much conservation might leave no buffer for more water-use reduction if the state mandates it during a drought. That should be negotiated with the state now.

So please broaden BAWSCA's conservation and reuse efforts. This can go a long way to increase the volume of usable water for everyone. And avoid unnecessary lawsuits.

Carol Steinfeld  
San Mateo

**From:** [Nicole Sandkulla](#)  
**To:** [BoardOfDirectors](#)  
**Cc:** [Tom Francis](#); [Andree Johnson](#); [Negin Ashoori](#); [Christina Tang](#); [Lourdes Enriquez](#); [Deborah Grimes](#); [Christiane Barth](#); [aschutte@hansonbridgett.com](mailto:aschutte@hansonbridgett.com); [Nathan A. Metcalf](#); [bud.wendell](#)  
**Subject:** Correspondence to the BAWSCA Board of Directors  
**Date:** Thursday, May 28, 2020 3:57:44 PM  
**Attachments:** [water quality bawscs TSchwertscharf.pdf](#)

---

Dear Board Members,

This email transmits a letter from Mr. Tom Schwertscharf to the BAWSCA Board of Directors.

Thank you,  
Nicole Sandkulla

Nicole M. Sandkulla  
Chief Executive Officer/General Manager  
Bay Area Water Supply and Conservation Agency  
155 Bovet Road, Suite 650  
San Mateo, CA 94402  
Ph: (650) 349-3000  
Cell: (650) 743-6688  
Email: [NSandkulla@BAWSCA.org](mailto:NSandkulla@BAWSCA.org)  
Website: [www.BAWSCA.org](http://www.BAWSCA.org)

May 21, 2020  
Hayward, CA

Bay Area Water Supply and Conservation Agency  
155 Bovet Rd # 650  
San Mateo, Ca 94402

Dear Board of Directors:

I am writing today to voice my concerns about past, present, and future policies that have harmed rivers and affect the delivery of source and treated water in the Bay Area. I am especially interested in the Tuolumne River and want to see it protected. It has been a tremendous source of happiness for three generations of my family over the past sixty years. Fishing, camping, hiking the Grand Canyon of the Tuolumne and Hetch Hetchy, and drinking the fine treated water have all contributed to our well being. Any water conservation efforts or recycling of water which will keep more water in the Tuolumne River for recreational and ecological purposes clearly has the support of the public and should be implemented.

Past practices of gold mining and dam building have caused tremendous damage to the rivers draining the Sierra Nevada mountain range resulting in reduced water quality and environmental destruction. We are now facing a third barrier to providing safe drinking water with climate change and prolonged periods of drought and less snowfall (supplying 30-40% of water storage in California). Climate change and reduced flows in our rivers have damaged the environment by concentrating pollutants like herbicides, pesticides, manure, and other chemicals of concern that are harmful to aquatic plants and animals and human beings. Harmful algal blooms, undesirable non native plant reproduction (like water hyacinth), rising water temperatures harmful to salmon and other fish populations threatened by extinction, and areas of deoxygenation due to bacterial decomposition have also become more prevalent. The newspapers are reporting more complaints from water consumers affected by taste and odor problems. The list goes on and on. With a tiny fraction of the historical flows of the Tuolumne River actually reaching the Bay/Delta (as little as 13% in drought years) it is no wonder the delta and bay have collapsed and no longer function as healthy ecosystems.



In light of these existential threats I am asking the Board to consider the following:

Every effort to restore and maintain rivers and riparian corridors to ensure high quality source water for water treatment plants should be explored and acted upon. A good recent example was placing a 37 mile stretch of the Mokelumne River into the Wild and Scenic Act thus preserving high water quality for the EBMUD. I believe that we have taken for granted the decades of good quality water (having personally worked in water treatment operations and water quality analysis) though we know that source water quality can change in a heartbeat during times of disturbance and change of water supply sources needed to provide adequate supplies of treated water.

In light of the changes in water quality in the Delta providing drinking water for 25 million Californians I am asking BAWSCA to stop opposing the Bay Delta Water Quality Control Plan effective immediately.

I believe the Board should oppose any practices that are not sustainable such as the unlimited expansion of farmlands though there is no proof that water will be available for the new acreage.

The board should also oppose further exports of water out of the Delta in the form of any type of new export tunnel or the over pumping of available water that should stay in the Bay Delta ecosystem.

In conclusion I am asking the Board to look at things through a Big Picture prism rather than just surviving for the day. One thing for sure if we continue to damage the rivers, deltas, and bay that support most life California we will continue to experience the inevitable erosion of our quality of life.

Thanks for the opportunity to address the board on these urgent matters

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