

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

February 7, 2020

Correspondence and media coverage of interest between January 27, 2020 and February 6, 2020

Correspondence

To: Press Release
From: TID, MID, and SFPUC
Date: February 5, 2020
Subject: Tuolumne agencies' statement on voluntary agreements

Media Coverage

Water Supply Conditions:

Date: February 7, 2020
Source: FoxNews.com
Article: What does atmospheric river mean? How the "Pineapple Express impacts the West Coast

Date: February 3, 2020
Source: KJZZ 91.5 FM
Article: Some Droughts Are "Perfect." Here's Why

Date: February 3, 2020
Source: Mountain Democrat
Article: Sierra snowpack dwindling after dry January

Water Policy:

Date: February 6, 2020
Source: Daily Journal
Article: Bay funding gets House approval

Date: February 6, 2020
Source: San Francisco Chronicle
Article: Top EPA official in California says firing water "100% personal"

Date: February 5, 2020
Source: Fish Sniffer
Article: Voluntary Settlement Are Disastrous for Fish and the Ecosystem – and Are Not New

Date: February 5, 2020
Source: Los Angeles Times
Article: Newsom administration trying again for a river flow deal

Date: February 5, 2020
Source: Maven's Notebook
Article: Metropolitan Bay Delta Committee: Delta Conveyance Update, Plus a Brief Update on the Voluntary Agreements

Water Policy, cont'd.:

Date: February 5, 2020
Source: Sacramento Bee
Article: Newsom seeks peace with Trump in California water wars. Enviro's are ready to fight

Date: February 4, 2020
Source: Cal Matters
Article: Gov. Newsom: California must get past differences on water. Voluntary agreements are the path forward.

Water Management:

Date: February 6, 2020
Source: Water Education Foundation
Article: Meet the Veteran Insider Who's Shepherding Gov. Newsom's Plan to Bring Climate Resilience to California Water

Date: February 5, 2020
Source: Monterey Herald
Article: Pure Water Monterey gets final state OK

Date: February 1, 2020
Source: Lake County News
Article: California moves forward with next steps in groundwater management

Date: January 30, 2020
Source: Environmental Defense Fund
Article: Groundwater plans are due in California, but the hard work is just getting started

Date: January 29, 2020
Source: California Water News Daily
Article: Alliance for Water Efficiency Releases Drought Response and Water Demands Study

Date: January 29, 2020
Source: The Sun-Gazette
Article: Program preps communities for next drought

Date: January 28, 2020
Source: Sacramento Bee
Article: California's water department must face the reality of climate change and diverse needs

Date: January 20, 2020
Source: Mountain Democrat
Article: State water project allocation increased

Date: January 27, 2020
Source: Action News Now
Article: North State Lawmakers Introduce New Legislation to Help Save Paradise Water

Water Infrastructure:

Date: February 3, 2010
Source: US Bureau of Reclamation
Article: Press Release: US Army Corps of Engineers and Bureau of Reclamation: A Joint Commitment to the Nation's Water Infrastructure

Date: February 2, 2020
Source: San Francisco Chronicle
Article: Even after Oroville near-disaster, California dams remain potentially hazardous

Date: January 30, 2020
Source: Courthouse News Service
Article: Creaky, Leaky Dams Among Biggest Risks to California: Audit

Water Quality:

Date: February 4, 2020
Source: California Water News Daily
Article: Climate Report Prompts Proposed Policy Changes to Protect San Francisco Bay and Outlying Areas

Date: January 29, 2020
Source: AgAlert
Article: Farmers welcome new federal rule on water quality

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FOR IMMEDIATE RELEASE

February 5, 2020

Tuolumne agencies' statement on voluntary agreements

Following Governor Newsom's February 4, 2020 Cal Matters editorial "California must get past differences on water. Voluntary agreements are the path forward," Turlock Irrigation District, Modesto Irrigation District and the San Francisco Public Utilities Commission submit the following joint statement.

Governor Newsom hasn't wavered from his commitment to, and confidence in, the ongoing voluntary agreement process. The Governor and his Administration have brought a newfound sense of urgency and recognition of the need for collaborative water management.

The Tuolumne River Voluntary Agreement is an explicit example in this revolutionary approach as it seeks to balance water supplies to support thriving communities and fisheries, while striving to break the current paradigm of management through regulation and litigation.

Science remains the cornerstone of the Tuolumne River Voluntary Agreement. We've invested heavily in studying and truly understanding the Tuolumne River, the species and industries that depend on it and developed a realistic and sustainable plan. We are encouraged that the Voluntary Agreement we submitted over a year ago, based on Tuolumne River specific science, has held up to the public and scientific examination.

While we're analyzing the State's recent update on the voluntary agreements framework and associated potential impacts to our communities, we remain active participants in the process.

We look forward to continuing momentum toward the successful advancement of these historic agreements.

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What does atmospheric river mean? How the 'Pineapple Express' impacts the West Coast

By Travis Fedschun

Published February 04, 2020

[Fox News](#)

Throughout the year, a [weather system](#) known as an "[atmospheric river](#)" can impact the [West Coast](#) of the U.S., causing [flooding](#), heavy snow and possible [mudslides](#).

The [National Oceanic and Atmospheric Administration](#) defines an atmospheric river as a huge plume of subtropical moisture that moves with the weather, carrying water roughly equivalent to the average flow at the mouth of the Mississippi River.

"Atmospheric rivers are relatively long, narrow regions in the atmosphere – like rivers in the sky – that transport most of the water vapor outside of the tropics," the NOAA states. "When the atmospheric rivers make landfall, they often release this water vapor in the form of rain or snow."

[LAKE EFFECT SNOW: HERE'S HOW IT IMPACTS THE GREAT LAKES](#)

The name "atmospheric river" came from research published in the 1990s by scientists Yong Zhu and Reginald E. Newell of the Massachusetts Institute of Technology.

Atmospheric rivers are typically 250 to 375 miles in width but can come in "many shapes and sizes," according to the NOAA, which adds that those with the largest amounts of water vapor and strongest winds may create extreme rainfall and floods.

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Some Droughts Are 'Perfect.' Here's Why
KJZZ 91.5 | February 3, 2020 | Bret Jaspers



The Imperial Dam on the California-Arizona border diverts Colorado River water to irrigate farms in California's Imperial and Coachella valleys. Courtesy photo/ Luke Runyon, KUNC

A "perfect drought" happens when major sources of water all experience drought at the same time. It was behind California's dry spell early last decade, and a new study shows they go back centuries.

Connie Woodhouse and David Meko, professors at the University of Arizona's Laboratory of Tree Ring Research, found the most recent span of 100 years, when five perfect droughts hit California, was not unusual compared to past centuries.

One perfect drought in the 12th century even lasted nine years, much longer than recent instances.

"These things occurred in the past. There's no reason that they couldn't occur in the future, without even talking about climate change," Woodhouse said in an interview.

The study warns that the potential for longer perfect droughts, coupled with increasing temperatures in the future, could increase the negative effects of a lack of water.

The 2012 to 2015 California drought affected three important water sources for the state: the Colorado River, the Sacramento River and the rainier western portion of Southern California.

Woodhouse said perfect droughts accompany a high pressure air system off the coast of the Pacific Northwest, which keeps storms away from those areas.

The California Department of Water Resources funded the study, as they wanted to know how often perfect droughts happened throughout history.

“They are very interested in understanding the record of the past, to use it as an additional tool in planning for the future,” Woodhouse said.

Water managers in the Colorado River basin have also come to her, wanting to know if a given drought has some echo in the past.

“The question is, ‘oh, is this a climate change drought, or is this the kind of drought that occurred in the past but we just don’t have records long enough to be able to say?’” she said.

#

Sierra snowpack dwindling after dry January

Mountain Democrat | February 3, 2020 | By Dawn Hodson



Sean de Guzman, chief of the California Department of Water Resources, Snow Surveys and Water Supply Forecasting Section, measures snow depth and density at Phillips Station Thursday, Jan. 30. Photo by by Ken James/California Department of Water Resources

A patch of bare ground is visible at the base of a tree near the snow survey site. Photo by Kelly M. Grow/California Department of Water Resources Photo by Kelly M. Grow/California Department of Water Resources

“After a good start in December, January saw dry conditions that added little to the Sierra snowpack.” — Karla Nemeth, director of the Department of Water Resources

- Measurements statewide are 72% of average

While last month’s snow survey by the Department of Water Resources was promising, the second survey of 2020, conducted Jan. 30 at Phillips Station near Echo Summit, showed below average results.

The manual survey recorded 40.5 inches of snow depth and a snow water equivalent of 14.5 inches, which is 79 percent of average for that location.

The snow water equivalent measures the amount of water contained in the snowpack, which provides a forecast of spring runoff.

Last month the results were better when the agency's staff recorded a snow depth of 33.5 inches and a snow water equivalent of 11 inches, which was 97 percent of average.

"After a good start in December, January saw dry conditions that added little to the Sierra snowpack," said DWR Director Karla Nemeth.

"As climate change continues to impact California's snowpack, we look to actions described in the recently released California Water Resilience Portfolio to meet the challenges brought by weather variability to California's water supply."

In addition to the manual surveys, DWR collects readings from 130 electronic snow sensors scattered throughout the state. Measurements indicate that statewide, the snowpack's water equivalent is 12 inches, or 72 percent of the Jan. 30 average.

"The foundation of California's water supply forecasting system remains the manual snow surveys," said Sean de Guzman, chief of DWR's Snow Surveys and Water Supply Forecasting Section.

"The data gathered from these surveys are used to create seasonal runoff forecasts and define how wet or dry a year is based on the total precipitation, including both rain and snow, and runoff."

This snow survey data and forecasts are used by:

- Operators of flood control projects to determine how much water can safely be stored in a reservoir while reserving space for predicted inflows. This includes the State Water Project, U.S. Bureau of Reclamation for the Central Valley Project and local reservoir operators.
- Other state agencies, including the Office of Emergency Services and the State Water Resources Control Board, to develop responses to drought or flood emergencies.
- Public and private utilities to determine what percentage of their electric energy generation will be hydropower.
- Water districts to manage surface and groundwater storage, allocate the available supply, plan water deliveries and coordinate conjunctive use operations.
- Agricultural interests to determine crop planting patterns, groundwater pumping needs, and irrigation schedules.
- Researchers to improve snow melt runoff forecasting methods and perform climate change analyses.

DWR conducts five media-oriented snow surveys at Phillips Station each winter in January, February, March, April and, if necessary, May.

On average the snowpack supplies about 30 percent of California's water needs as it melts in the spring and early summer.

#

Bay funding gets House approval

Jackie Speier's Bay Restoration Act would provide \$25M annually for restoration

Daily Journal | February 6, 2020 | Zachary Clark



The Burlingame Bayfront is a popular place for people to run, walk or just simply enjoy the scenery. Pia Yoon/Daily Journal

A bill that would provide \$25 million in federal funding annually for the restoration of the San Francisco Bay reached a milestone Wednesday.

Authored by U.S. Rep Jackie Speier, D-San Mateo, the San Francisco Bay Restoration Act, also known as H.R. 1132, passed the House of Representatives by voice vote and now heads to the Senate for consideration. If it becomes law, the bill would be in effect for five years from 2021 to 2025, bringing in a total of \$125 million to revive Bay Area wetlands, improve water quality and protect coastal communities from sea level rise.

"We have made some progress in restoring this national treasure to its former glory, but so much more must be done," Speier said in a press release. "With the passage of H.R. 1132, the Bay Area is finally on the right track to get desperately needed federal dollars."

The bill is an amendment to the Federal Water Pollution Control Act to establish a grant program to support Bay conservation and restoration projects. The funds would be distributed by the Environmental Protection Agency and would match the \$25 million that local Measure AA

is expected to raise annually for Bay restoration. Measure AA is a parcel tax passed by Bay Area voters in 2016 that's projected to raise \$500 million over its 18-year lifespan.

In the release, Speier claimed 90% of the Bay Area's wetlands have been destroyed by human activity over the past 200 years — damage that will be irreversible by 2030.

She also claimed the San Francisco Bay has "consistently received less funding than watersheds that are smaller and less populated in the past" and cited a report by the U.S. Government Accountability Office that found "the lack of sufficient federal funding is one of the biggest risks to long-term restoration efforts needed for the survival of numerous species, including more than 100 endangered species."

"This is beyond a wakeup call; we are now in a fight for life and without radical environmental action and federal support, the future of this delicate but critically-relied upon region is in grave danger," she said in the release.

David Lewis, executive director of nonprofit Save the Bay, also said time is of the essence when it comes to funding for the Bay because of sea level rise.

"We're in a race against time with sea level rise so one big case for investing more sooner is getting more marsh restoration started ahead of sea level rise so the marshes can adjust and keep up with the changes in sea level," he said. "The longer we wait to get that going the harder it is for the marshes to keep up."

Lewis is hopeful the Senate will approve the bill because of the bipartisan support it received from the House, though he anticipates the road to approval, if that happens, will not be straightforward.

"What happens more often is bills get stapled together and passed as one big comprehensive package at the end of the year," he said. "That's happening more frequently so that could be a way that this bill could move forward."

#

Top EPA official in California says firing was '100% personal'

San Francisco Chronicle | February 6, 2020 | Peter Fimrite



Mike Stoker, administrator of the EPA's Pacific Southwest region, says no one gave him a reason for his removal. Photo: Gary Kazanjian / Associated Press 2018

The call demanding Mike Stoker's resignation came as a complete shock to the Environmental Protection Agency's top official in California. When he refused, he was fired and, he says, nobody will tell him why.

The reason for the sudden dismissal Wednesday of the EPA's Pacific Southwest region administrator is unknown, but Stoker speculated that his friendly relationships with some Democrats and a personality clash with a top Washington administrator may have been reasons. Politics within the Trump administration also may have played a role.

"I have no clue. It doesn't make sense," Stoker said Thursday in a telephone interview with The Chronicle. "I asked for the reason why, and they said, 'We're not going to give any reasons. I assure you it's nothing personal.'"

"Frankly, I have a gut feeling it is and was 100% personal," he said.

EPA Administrator Andrew Wheeler announced the dismissal in a memo to Stoker's colleagues in Region 9, which covers California, Nevada, Arizona, Hawaii, the Pacific islands and land owned by 148 Native American tribes. Its headquarters is in San Francisco.

It did not include an explanation for the dismissal. A spokesman at EPA headquarters in Washington, D.C., said only that “Mike Stoker is no longer with the agency.”

In less than two years as Region 9 administrator, Stoker had been widely criticized for trying to manage the San Francisco office from Los Angeles. He had been investigated by the EPA’s inspector general for allegedly taking an “excessive number of trips.”

He was also no favorite of environmentalists, who expressed optimism Thursday after Deborah Jordan, a 30-year EPA employee and expert on pollution and toxic cleanup, was named acting regional administrator.

But his conservative credentials, including his questioning of climate change and work on behalf of the oil industry, appeared to mesh well with the Trump administration. At the same time, he was friendly with some California Democratic politicians and said Speaker Nancy Pelosi had commended him in a letter for restoring confidence in the agency.

Those relationships, Stoker said, may have been what did him in.

“Just three weeks ago I was told by someone in HQ, whose identity will remain anonymous, that it wasn’t going unnoticed how many Democrat members in Congress were commending me for the job I was doing,” Stoker wrote in a note addressed to “career staff” after his termination that he shared with The Chronicle.

The news was delivered by Douglas Benevento, the EPA’s associate deputy administrator, and Ryan Jackson, Wheeler’s chief of staff. Stoker said he and Benevento didn’t always get along.

“Generally speaking, I will say I believe too many clashes between myself and leadership in HQ over policy and non-policy items ... ultimately played a significant role in the call,” he wrote to his staff. “There are a lot of specific situations that someday I will reveal but that day will not occur while the president is still in office.”

Stoker’s tenure was far from smooth. He petitioned to have his duty station changed to Los Angeles after his appointment in 2018 so he could work closer to his home in Carpinteria (Santa Barbara County). The request was granted despite criticism from Sen. Dianne Feinstein, D-Calif., and employees in the San Francisco office, where 93% of the region’s 663 employees work.

In March 2019, the EPA’s Office of the Inspector General investigated a “hotline complaint” about how much time Stoker was spending away from San Francisco and “his excessive number of trips,” according to the office’s report.

The inspector general documented that he had spent \$43,875 in taxpayer funds on 35 separate trips between May 2018 and February 2019, including two trips to Hawaii, one to Japan and another to Saipan. The report, which did not reach any conclusions about the propriety of his travel, said he spent only 30 out of 145 workdays in San Francisco.

But Stoker said the administration told him when he was hired that he was expected to travel a lot and knew about every trip.

“At the end of the day, a good regional administrator is not an office person,” he said. “Travel definitely was not the situation.”

One senior former EPA official said his problems may have begun when Stoker didn’t immediately take action after President Trump declared on Sept. 18 that his administration would issue a notice of violation to San Francisco for allegedly dumping needles and human waste into the ocean through its sewer system.

The former official, citing several San Francisco EPA employees, said Stoker tried to back out of issuing the notice after members of his staff informed him it would be highly irregular. He eventually issued the notice, but left out Trump’s debunked September claim that the pollution was tied to the city’s homeless population and that street detritus was washing out to sea.

The former official spoke on the condition of anonymity, which The Chronicle granted in accordance with its anonymous sources policy.

Stoker denied that any problems arose as a result of that incident, saying he signed the notice and agreed from the beginning that San Francisco had a problem it needed to address. He told staff, though, that his most frustrating times on the job “always had something to do with HQ over matters I had no control or input” over.

Before coming to the EPA, Stoker was an attorney and Santa Barbara County supervisor who worked for farmers and the fossil fuel industry and led “lock her up” chants in opposition to Hillary Clinton. He once worked at a fuel company that was prosecuted by the EPA for a series of oil spills.

Local conservationists and environmental regulators were far from upset that Stoker was removed. That’s largely because of Jordan, who is said to be highly regarded in the regional office.

“She’s really, really smart and really conscientious and people trust her,” said Jared Blumenfeld, the former regional administrator who stepped down in May 2016. “She’s a calming influence and will be giving good direction to the staff.”

“My feeling is she won’t be there very long,” he continued. “Unfortunately, this administration still has its anti-environmental agenda, so I don’t think you are going to see major policy shifts just because Mike Stoker is gone.”

California and the Trump administration have long been at odds.

State Attorney General Xavier Becerra has sued the federal government more than 60 times since Trump took office, including a suit accusing Trump of eliminating Obama-era protections for wetlands and streams across the country. The EPA has, in turn, charged California with violating federal water and air quality regulations and rescinded rules meant to protect citizens.

Meanwhile, budget cuts, reductions in personnel and the steady easing of regulations by the Trump presidency have caused many EPA employees to retire or resign.

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Voluntary Settlements Are Disastrous for Fish and the Ecosystem – and Are Not New

Fish Sniffer | February 5, 2020 | Dan Bacher



Sacramento-San Joaquin River Delta photo courtesy of U.S. Fish and Wildlife Service.

Yesterday Governor Gavin Newsom unveiled what he describes as a “comprehensive solution for the Sacramento-San Joaquin Bay Delta” through a series of voluntary agreements in an opinion piece at Cal Matters, “Gov. Newsom: California must get past differences on water. Voluntary agreements are the path forward.”

In the tradition of the failed CalFed, Delta Vision, Bay Delta Conservation Plan and California Water Fix processes, Newsom presents a “new path forward” that supposedly engages an array of stakeholders to supposedly resolve their differences, seek common ground and work for the coequal goals of water supply supply reliability and ecosystem restoration as they move past “the old water binaries.” Newsom writes:

“Historically, disputes over water, or what some call ‘water wars,’ have pitted stakeholders against one another: urban vs. rural; agriculture vs. conservation; North vs. South.

Today, my administration is proposing a path forward, one that will move past the old water binaries and set us up for a secure and prosperous water future.

Guided by science, this new framework will provide the foundation for binding voluntary agreements between government agencies and water users with partnership and oversight from environmental groups.

These agreements will require adaptive, holistic management of enhanced water flows and habitats to protect, restore, and enhance California's largest rivers and the Delta."

Newsom claimed that the voluntary agreements "will significantly increase the required amount of water flowing through rivers and the Delta." He also touted a "historic addition of 60,000 acres of critical habitat and provide certainty to strengthen the health of our economy and our environment."

However, scientists and salmon and Delta advocates say the agreements would be disastrous for fish and wildlife – and are really nothing new.

In a tweet, Dr. Jon Rosenfield, senior scientist for the San Francisco Baykeeper, criticized the "framework" for being developed without input from river ecologists.

"Today, a new VA 'framework' was released (developed without input from river ecologists) that would treat ALL the Delta's environmental flows as an annual block. Water quality, endangered species. All flexible; no underpinning of natural hydrology + evolutionary history," said Rosenfield.

"This is a bear hug of the Trump administration extinction plan by the Newsom administration," Rosenfield told the Sacramento Bee, referring to the Trump water plan to maximize water exports to San Joaquin Valley contractors at great expense devastate Central Valley and Bay-Delta fish populations.

In his apparent lack of knowledge of both the failure of previous voluntary agreements and the California Fish and Game Code, Governor Newsom proudly proclaimed in his piece, "Today, I am committing to achieving a doubling of California's salmon population by 2050. These agreements will be foundational to meeting that goal."

Actually, there is nothing "new" about this commitment to "achieving a doubling of California's salmon population by 2050.

In reality, the Governor, Legislature, Fish and Game Commission and Department of Fish and Wildlife 32 YEARS AGO formally committed to doubling California's salmon numbers by 1999, as written in Fish and Game Code Section 6902. In addition, the doubling of naturally spawning salmon and other anadromous species by 2002 was required under federal law, the Central Valley Project Improvement Act.

Of course, we all know what happened; Central Valley Chinook salmon numbers collapsed in 2008-2009 and have never fully recovered, due to massive water exports of water to corporate agribusiness interests on the westside of the San Joaquin Valley and Southern California water agencies, combined with the mismanagement of Central Valley dam operations by the state and federal governments and other factors including ocean conditions. Meanwhile, the Delta smelt, an indicator species that demonstrates the health of the San Francisco Bay-Delta, moves closer and closer to extinction every year.

"The state's rationale for its new framework yesterday demonstrates that they have no intention of satisfying legal requirements to protect fish, wildlife and water quality in San Francisco Bay," explained Rosenfield. "There is a state and federal requirement for the doubling of naturally spawned salmon populations. This voluntary agreements plan won't achieve its goals for 30 years, which means that they will never be achieved."

“State officials said that the flows and habitat in the framework were intended to produce a 10 percent improvement in fish populations in the estuary, but a 10 percent improvement won’t come anywhere close to even what the populations of those fish were when they were listed under the state and federal Endangered Species Acts,” he concluded.

Deirdre Des Jardins of California Water Research said the framework “will likely decimate Fall run Chinook populations and the West Coast salmon fishery, because fall run typically outmigrate in April, May, and June, which is peak irrigation season for rice crops in the Sacramento Valley.”

“This is a rice doubling plan, not a salmon doubling plan,” she observed.

On the other hand, Jeffrey Kightlinger, general manager of the Metropolitan Water District of Southern California, lauded the agreements, claiming they would “resolve a pending update” of the Bay Delta Water Quality Control Plan before the State Water Resources Control Board.

“This is a promising step that will result in additional water for the environment, habitat restoration and improved science, preparing California for a sustainable water future. While more work lies ahead, Metropolitan is committed to finding a workable solution,” said Kightlinger. “A shared, voluntary approach to balancing the beneficial uses of water from the Sierra is far better for California’s people and environment than years of litigation.

Last year, Patrick Porgans of Planetary Solutionaries called Newsom’s voluntary agreements the “Munich Agreement on California Water” in his piece on the Daily Kos website: <https://www.dailykos.com/stories/2019/9/16/1885850/-The-Munich-Agreement-on-California-Water>.

In his article, he exposes the “disastrous track record” of voluntary agreements. He points out that the voluntary agreements all have one thing in common: “they find that restrictions on Delta export pumping to protect fish aren’t needed.” Porgans writes:

“We’ve been here before – Voluntary Settlement Agreements in California water are not new. They have a disastrous track record. The 1994 Bay-Delta Accord, signed 25 years ago, espoused the same hoopla that collaboration and habitat restoration and voluntary efforts to increase flows in the Delta would restore fisheries and increase reliability of water supplies.”

Over \$8.4 billion in taxpayer borrowed money (\$13.5 billion with interest) was spent under the CalFed program, while fish populations in the Delta crashed. Adaptive management under CalFed also failed. Joe Grindstaff, former director of CalFed acknowledged: ‘Fundamentally, the system we devised didn’t work’ Felicia Marcus, former chair, State Water Resources Control Board stated in 2018 that ‘Some native fish species have been pushed to the edge of extinction in an ecosystem on the verge of collapse.’

Recommendations by independent and agency biologists to increase flows to restore fish populations have been blocked for decades by the water export contractors’ opposition, effectively delaying the Water Board actions. On the eve of the Water Board’s finally taking long needed regulatory actions, the Voluntary Settlement Agreements were championed by the Brown administration and supported by the Newsom administration.

Instead of being based on the Water Board’s independent 2017 Scientific and Technical Basis report, the Voluntary Settlement Agreements are based on studies paid for by the water export

contractors. Such studies are not new. The water contractors have been producing them for decades. The studies all have one thing in common: they find that restrictions on Delta export pumping to protect fish are not needed. The studies are also contrary to decades of scientific consensus by fish agency and independent biologists that water exports are a major contributing factor to the decline of pelagic and anadromous fish populations in the Delta.”

It’s very clear that the “voluntary agreements” are designed by the water contractors to serve the water contractors, not fish, the ecosystem or the people of California. Yet In all of the media reports I’ve seen on the voluntary agreements, there is sadly no mention of the apparent reason WHY the Governor is pushing the voluntary agreements, as well as the Delta Tunnel and Sites Reservoir: the big campaign contributions that Newsom has received from agribusiness.

Governor Newsom received a total of \$755,198 in donations from agribusiness in 2018, based on the latest data from www.followthemoney.org. That figure includes \$116,800 from Beverly Hills agribusiness tycoons Stewart and Lynda Resnick, the largest orchard fruit growers in the world and the sponsors of the Coalition for a Sustainable Delta.

By supporting the voluntary water agreements, vetoing SB 1, backing the Delta Tunnel, hiring grower William Lyons as a special “agriculture liaison” to the Governor’s Office, overseeing the issuing of a new draft EIR that increases water exports for the state and federal projects rather than reducing them, and releasing a controversial water portfolio that includes fast tracking the Sites Reservoir, Newsom is apparently bending to the will of his agribusiness donors.

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Newsom administration trying again for a river flow deal

Los Angeles Times | February 5, 2020 | Bettina Boxall



The Sacramento-San Joaquin River Delta near the town of Rio Vista. (Luis Sinco / Los Angeles Times)

The Newsom administration Tuesday floated a proposal to avert a protracted legal battle over new state standards that would make some of California's biggest water users cut their river diversions to help struggling fish populations.

State officials see a settlement as the linchpin of administration water policies that have been bogged down in the perennial conflicts over the Sacramento-San Joaquin Delta, a source of water for much of California and home to some of its most threatened native fish.

"These agreements ... will significantly increase the required amount of water flowing through rivers and the delta," Gov. Gavin Newsom said in a Cal Matters op-ed published Tuesday afternoon. "They require a historic addition of 60,000 acres of critical habitat."

He added: "My administration is proposing a path forward, one that will move past the old water binaries and set us up for a secure and prosperous water future."

It was unclear if key water players would follow the path.

The plan expands on an earlier settlement blueprint that was roundly denounced by environmental and fishing groups. At least some of them remained unimpressed with the latest version. Most of the big farm districts that have sued to block the new state flow requirements were silent.

Jeffrey Kightlinger, general manager of the Metropolitan Water District of Southern California — the biggest urban user of delta supplies — called it “a promising step,” adding that “more work lies ahead.”

Looming in the background is the fight over the Trump administration rollbacks of federal endangered species protections for imperiled delta fish. The Newsom administration announced last fall that it would sue to block the rollbacks but has yet to do so.

“While we are committed to collaborating with the federal government where we can ... we will continue to utilize every tool at our disposal — including legal action — to ensure the federal government fulfills its obligation” to protect the environment, Newsom said.

The new proposal provides more fish flows than the first draft, but the volume is still less than required under new state rules adopted at the end of the Brown administration.

And the state rules in turn require significantly lower flows than scientists have said is necessary to partially restore salmon runs that have all but vanished on many rivers in Central and Northern California.

Those rules, adopted by the State Water Resources Control Board in late 2018, were seen as the beginning of a historic attempt to make cities and farms take less water from the heavily tapped river systems that feed the delta, as well as the delta itself.

Not only would leaving more water in rivers improve water quality and help struggling fish populations, it would also send more flow through the delta, which is part of the West Coast’s largest estuary.

The state board made it known that it was open to a settlement with water users to avoid years of court battles. The Brown administration began settlement talks months before the board vote, crafting a proposal that the Newsom administration has now revised.

The changes have not mollified critics.

“From what we can tell, this deal is built on quicksand instead of credible science,” said Rachel Zwillinger, water policy adviser of Defenders of Wildlife, an environmental group that took part in earlier settlement talks.

“When negotiating a deal, an essential ingredient of any successful compromise is that it meets existing environmental protection laws,” she said. “This deal will not and therefore will fail.”

Zwillinger complained that the proposal appeared to let delta pumpers largely off the hook for greater flows, clearing the way for the increased exports that the Trump rollbacks would allow.

Two conservation groups, American Rivers and the Environmental Defense Fund, said they were encouraged by the state proposal but stopped short of fully endorsing it.

Department of Water Resources Director Karla Nemeth said delta exports by the State Water Project, which supplies the Metropolitan Water District, would be the same or less as they are now.

The settlement would over many years increase flows in delta tributaries and the estuary by 800,000 to 900,000 acre feet compared to current average conditions, state officials said.

That would be achieved through a variety of measures. Some diversions would be cut. A new fee on water users, as well as state money, would be used to fund water purchases for the environment. New projects, such as groundwater recharge, would also be funded to free up surface water supplies.

All told, the deal calls for more than \$5 billion in spending on habitat improvements, water purchases and land fallowing over a 15-year period. State taxpayers would provide 42% of that, water users 44% and the federal government 14%.

While the flows are less than those mandated by the state board, the deal calls for more habitat restoration, officials noted.

"We are confident that this is scientifically adequate," Natural Resources Secretary Wade Crowfoot said.

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Metropolitan Bay Delta Committee: Delta Conveyance Update, Plus a Brief Update on the Voluntary Agreements

Maven's Notebook | February 5, 2020

Status of the negotiations for the State Water Project contract amendment for Delta Conveyance also discussed

At the January meeting of Metropolitan's Special Committee on the Bay-Delta, an update on the Delta conveyance was at the top of the agenda. But first, General Manager Jeff Kightlinger provided an update on the voluntary agreements.

Mr. Kightlinger began by noting that they were waiting for the State Board staff to work through the modeling of the proposal in the voluntary agreements; that modeling has now been completed.

"The modeling had some interesting results," said Mr. Kightlinger. "It showed that the habitat on the tributaries performed extremely well, and so it's very promising that it showed that the habitat performed much better for fisheries than anything that would have come out of an unimpaired flows approach that the State Board had been looking at."

"However, in the Delta the habitat doesn't perform as strongly as it does on the tributaries, and a lot of that makes sense, considering the Delta being such a manmade structure that including habitat around the edges is not likely to have the same biological response that you're going to have on the upstream tributaries."

The next issue is flow; with the unimpaired flow approach, it's going to create much more Delta outflow, Mr. Kightlinger said. "The difference between the generation of flow and the biological response is where there's significant debate among the parties about what the models mean. So there's a hard look being taken at the determination of the State Board and the state on the adequacy of the proposal. They have not come out with specific numbers on what they would determine adequacy, but while there is going to be some continuing work on habitat, there seems to be pretty good agreement that habitat on the tributaries performs quite well. Now we're looking at what are the main issues associated with unimpaired flow coming out of the Delta and is there more needed than is in the proposal that has been made."

Mr. Kightlinger said he expects things to be worked through in relatively short order as there are some outside factors driving the need to get to agreement. One is that the biological opinion issued by the federal government has completed the 30-day notice and comment period, and the next step is the Department of the Interior to issue a Record of Decision. He reminded that the State of California has said they are not satisfied with the biological opinions as currently drafted and they are contemplating filing legal action challenging that, which the Record of Decision would trigger that possibility.

There is also the need to get a state permit from the Department of Fish and Wildlife for the State Project for its operations so that they can be in sync with the federal operations. The Department of Fish and Wildlife expects to have that by March 1st.

“That may trigger reactions by us if it’s as currently drafted because we’re not entirely in agreement with how that is structured,” Mr. Kightlinger said. “So the approach we’ve always had is hopefully the voluntary agreements would address those differences in opinion and make it all available to move forward, both on the state and federal, so our is need to complete those is now.”

Director Russell Lefevre (Torrance) asks about Westlands threat to leave the process if the Governor sues. Jeff Kightlinger said that all of the Central Valley Project contractors have said they would withdraw from the voluntary discussion if there is legal action on the biological permits and their permits to operate the CVP.

“They’ve all said that they’re not going to go forward with voluntary discussions while lawsuits are taking place,” he said. “Nothing has happened yet because no actions have been filed but that is likely to change in the next 30 days.”

NOTICE OF PREPARATION FOR THE DELTA CONVEYANCE PROJECT

Next, Steve Arakawa updated the committee on where things stand with Delta conveyance.

A presentation slide titled "Delta Conveyance Notice of Preparation" in yellow text on a dark blue background. The slide lists key dates and events: Released January 15, Comments due March 20, and Public Scoping Meetings. A table of scoping meetings is shown with dates and locations, where "Feb 5 Los Angeles" is highlighted in yellow. A bullet point states that Metropolitan is coordinating with member agencies to support public input. An aerial photograph of a river delta is on the right. At the bottom, it says "Special Committee on Bay-Delta Item 3a Slide 5 January 26, 2020".

Date	Location
Feb 3	Sacramento
Feb 5	Los Angeles
Feb 10	Walnut Grove
Feb 12	San Jose
Feb 13	Stockton
Feb 19	Clarksburg
Feb 20	Brentwood

The Department of Water Resources released the Notice of Preparation for the Delta conveyance project on January the 15th; comments are due by March 20. A series of scoping meetings have been scheduled for February; many of them in the Delta area, as well as one in Los Angeles and another in San Jose.

The Notice of Preparation is proposing a single tunnel conveyance facility up to 6000 cfs; but a range of alternatives from 3000 cfs up to 7500 cfs will

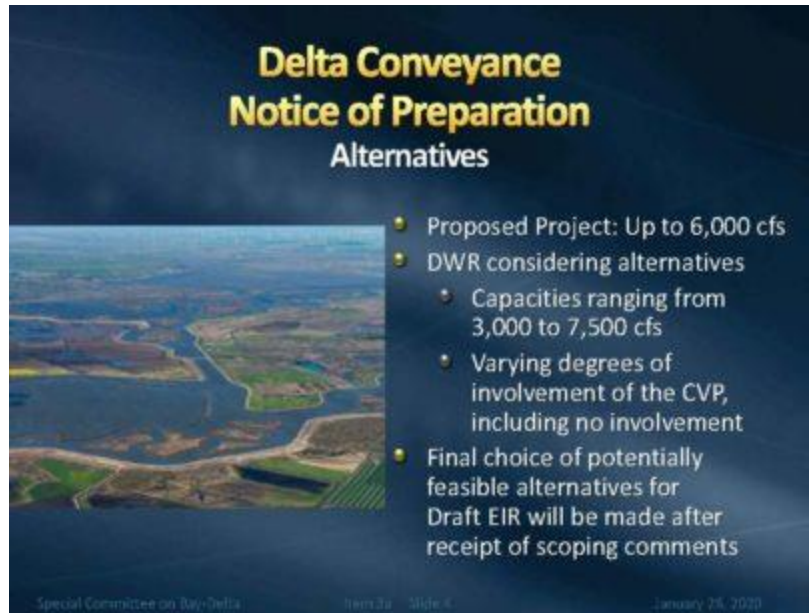
be evaluated. They are also considering whether there would potentially be participation from the federal Central Valley Project contractors.

“This analysis would accommodate for considering that outcome that maybe the Bureau of Reclamation and the Central Valley Project contractors might be involved in the conveyance project, and having an environmental document that provides that analysis,” Mr. Arakawa said.

A final choice on the alternative will be made after all of the scoping comments have been received. The purpose of the scoping is to receive public input on the proposed project and alternatives; that would in turn inform the approach for preparing a draft public environmental document which is expected in the next year or so, he said.

In terms of specifics, the proposal is for a single tunnel with two intakes at 3000 cfs. It's expected that the five intake locations that were studied, reviewed, and analyzed for Cal Water Fix still make the most sense to consider, so they will select the two best intake locations from those. There are two potential tunnel alignments that are being considered.

The key facilities described in the notice include intake tunnels and an intermediate forebay that would lead to a main trunk tunnel; the tunnel will follow the selected alignment to the southern Delta where there would be a pumping plant and a forebay, as well as facilities to connect with the water projects.

A presentation slide titled "Delta Conveyance Notice of Preparation Alternatives". The slide features a background image of a wetland area with water and green vegetation. On the right side, there is a bulleted list of project details. At the bottom, there is a footer with text including "Special Committee on Bay-Delta", "Item 3a", "Slide 4", and "January 26, 2020".

**Delta Conveyance
Notice of Preparation
Alternatives**

- Proposed Project: Up to 6,000 cfs
- DWR considering alternatives
 - Capacities ranging from 3,000 to 7,500 cfs
 - Varying degrees of involvement of the CVP, including no involvement
- Final choice of potentially feasible alternatives for Draft EIR will be made after receipt of scoping comments

Special Committee on Bay-Delta Item 3a Slide 4 January 26, 2020

Mr. Arakawa then presented a map showing the two proposed tunnel alignments, a central Delta alignment in gold and an eastern alignment in purple. The eastern alignment is further east of the alignment proposed for the California Water Fix; an eastern alignment could provide logistical advantages with staging, workforce, and managing the project. There are three possible intake locations proposed; they would select two of them. There would be pumping facilities and facilities to connect to the state and federal water projects located in the South Delta.

Metropolitan staff are preparing to participate in the public scoping meetings and to provide written comments before the March due date. They will keep the board updated on the process.

"The key things that goes to the environmental analysis is identifying the facilities and the footprint so that then the detailed environmental analysis can occur so that the public document can be prepared," said Mr. Arakawa.

SWP CONTRACT NEGOTIATIONS

Next, Mr. Arakawa next focused on the contract negotiations between the State Water Project contractors and the Department of Water Resources on how the cost and benefits of the Delta conveyance project would be allocated. Since the last update in December, some things have changed, he said.

For background, there are 29 contractors that have contracts for water from the State Water Project, ranging from north of Delta in Butte, Plumas, Napa, and Solano counties, as well as the Bay Area, San Joaquin Valley, and Southern California. The purpose of the negotiations is to identify a way to amend the contract to allocate the costs and benefits of the project so that those who are paying for the Delta conveyance facility can be assured they will receive the benefits that are derived from the project.

State Water Project Cost/Benefit Allocation Negotiations Agreement in Principle

- Public negotiations between State Water Contractors (PWA) and DWR
 - July-November negotiations focused on an “Opt-In” approach
 - PWAs decide whether or not to invest in and receive corresponding benefits from the DCF
 - November 15 Agreement in Principle reached
 - 17 PWAs (92% of Table A) supported
 - 12 non-participant PWAs did not support

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There were a number of negotiation sessions that occurred the latter half of 2019, which culminated in an agreement in principle on November 15th that DWR and the contractors agreed was the approach for moving forward. At that time, there were 12 non-participating contractors that did not support the agreement in principle; combined, those contractors amounted for only about 8% of the contract amount, so 92% of the SWP contract amount was supporting the agreement in principle. Since that time, DWR

has looked at how the contract and operations would work, and have come back with a different approach.

“Previously we were talking with you about the approach being an opt-in approach where individual contractors could opt-in to participate and you would opt-in based on your contract amount,” Mr. Arakawa said. “If you opted-in, you could opt-in for a greater share, but you couldn’t opt-in for something less than your contract amount. That’s what the approach was in the agreement in principle.”

“When DWR came back, they determined that having non-participants not signing a contract amendment because they didn’t support the agreement in principle was not workable, so they have come back with a sixth offer that focuses on an opt-out approach. That means that all contractors under their existing SWP contract are obligated to pay under their commitments and then they would identify and define a mechanism for opting out, so it’s different. Instead of making a decision to opt-in, you’re now in the project and you have to determine how you opt-out. Are there provisions for opting out, are there ways to transfer water? That type of thing.”

The water contractors have been reviewing this latest offer and determining how to respond to it. Mr. Arakawa said that in general, both the contractors who want to participate and those that do not want to participate have real issues in understanding how this latest offer from DWR would work.

State Water Project Cost/Benefit Allocation Negotiations Agreement in Principle

- Public negotiations between State Water Contractors and DWR
 - DWR expressed concern about operating to two contracts given 12 contractors did not support the November 15 AIP
 - DWR presented it’s 6th offer shifting the focus to an “Opt-Out” approach on December 20
 - PWA are evaluating latest proposal
 - Future negotiations

Special Committee on Bay-Delta

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January 28, 2020

“That’s mainly because in defining this approach, they really left out a good chunk of how the participants are going to be able to count on the benefits,” Mr. Arakawa said. “It’s not really outlined much in the offer and in contract language how those participating contractors know that they can count on the benefits. Similarly, the non-participants are feeling the same way that with the sixth offer, there’s not enough detail in terms of how they are going to be protected with their existing supply. So the sixth offer has raised some concerns and the water contractors are trying to work through how they want to respond to DWR in future public negotiations on that.”

Mr. Arakawa said he would keep the committee updated on how negotiations are going. “It’s important that we have an approach that is sufficient that we would be taking to the board for consideration where we could say as Metropolitan and a participant, we feel that the contract provisions will provide protections so that we know what we’re paying for.”

ACTIVITIES OF THE DELTA CONVEYANCE JPAs

Lastly, Mr. Arakawa discussed the activities of the two JPAs, the Delta Conveyance Design and Construction Authority (DCA) and the Delta Conveyance Finance Authority.

The Department of Water Resources environmental planning managers have been updating the JPA boards on the Department’s efforts on conveyance planning and leading up to the release of the Notice of Preparation.

There has been a lot going on with the stakeholder engagement committee, which was formed by the DCA and is comprised largely of interests in the Delta region and other stakeholders that could help identify ways to mitigate or reduce impacts from the facilities. They are an advisory committee formed to inform the DCA board and the analysis that’s underway. He noted that it is a different process than the CEQA process; any of the parties that are involved in the stakeholder engagement committee will still have the ability to comment on the project through the CEQA process.



In November, the Stakeholder Engagement Committee talked about the committee charter, responsibilities, Brown Act, what this committee is and is not. It’s advisory. They don’t take formal votes. They don’t deal with the environmental process, the CEQA process, so any of the parties that are involved in the stakeholder engagement committee still have the ability to comment on the project through the CEQA process which DWR manages. And so they’ve talked through the CEQA process, they’ve talked about what their role is and what are some of the key drivers in looking at facilities and how to minimize impacts. In January, the reviewed the

Notice of Preparation and started talking about facilities and they will be talking further about the intake facilities.

In other updates, the Design and Construction Authority JPA has been utilizing office space in a state building, but they now have acquired office space and are in the process of preparing to move in February. They've also taken actions to support procurement of different services that are needed such as general counsel services.

The finance JPA's activities have been mainly administrative. They did have an election of Board officers at the last meeting, and appointed an Executive Committee. Mr. Arakawa said that the parties that were involved in both of those are continuing to serve so there were really no changes there. There was a report in from Katherine Mallon to the Finance JPA, Katherine Mallon being the Executive Director of the JPA on that entity's activities.

NEXT STEPS

Mr. Arakawa said they are coordinating with member agencies and other stakeholders and preparing their comments on the Notice of Preparation for the March 20 deadline. They will continue to work with the contractors to forge a solution to the latest offer from DWR on the contract amendments, so the negotiations can be completed, as that is key for moving the project forward. Staff will continue to keep the committee updated on the activities of the two Delta conveyance JPAs.

DISCUSSION HIGHLIGHTS

Director Michael Hogan (San Diego) notes that the change from opt-in to opt-out is quite significant. Is there a timeline for resolving that issue?

"Resolving the cost allocation issue and finding a way to move forward with an opt-out approach is front and center and is our key objective in the next couple months because that helps to move the project forward," Mr. Arakawa said. "With the scoping process now, the environmental analysis starts, but when we get to the timeframe of about the end of June, early July, there really is a need for a funding stream so we need to take to our boards this agreement in principle so that we can all say if we are going forward with things, and the Boards are making that decision."

Director Russell Lefevre (Torrance) asked why the state is considering an eastern tunnel. Would an eastern alignment cross any Metropolitan islands?

"The reason for considering the eastern tunnel is that logistically it may allow for a means of reducing impacts," said Mr. Arakawa. "The DCA is looking at ways to allow for transport of materials and people in and out of the Delta in a more effective way, and the eastern alignment is close to I-5, and closer to some of the industrial areas of Stockton which could be areas where materials are fabricated and can allow for an effective feed of those into the Delta."

"The central alignment does run through Bouldin Island and Bacon Island which are two of Metropolitan's islands which could be used for access, for staging, that kind of thing," continued Mr. Arakawa. "The eastern alignment is east of that, but certainly there's still a need to deal

with where the reusable tunnel material gets stored and how does it get used eventually, so there's still a lot of need to look at how Metropolitan's islands would be used to manage some of that. There's also mitigation for the project itself, so what kind of mitigation for land use is needed and how the Delta islands that we have can actually contribute towards that."

Director Larry McKenney (Orange County) notes that the State Water Project has capital projects going on all the time for repairs and improvements or major work that needs to be done on the aqueduct. Did we ever talk about opt-in or opt-out for any of those things?

"Those are all part of the SWP facilities that we have a contract for so that contract terms provide what we've all committed to pay for that, but certainly I have your point," said Mr. Arakawa. "I think DWR in the sixth offer has asserted they have the contractual ability to bill for this project and move it forward."

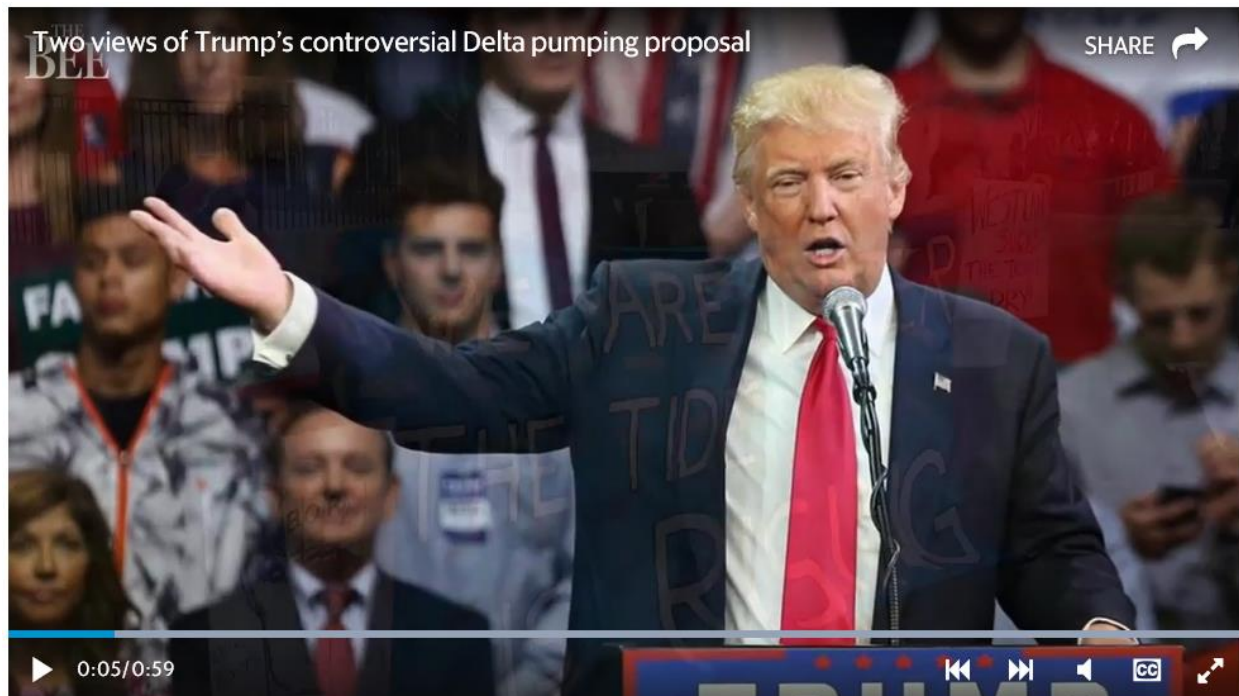
"There is an assumption that there's a way to opt out of part of the project?" asked Director McKenney.

"For this particular facility, you certainly have north of Delta contractors that don't get their water from the Delta conveyance, and there are going to be contractors south of the Delta that may not want to participate, so DWR has continued to provide that kind of mechanism. In the sixth offer, this is really an instance where they've said that the contract allows for them to bill all the contractors, so if we can agree on how the opt-out would work, that would help support that. If we can't agree, we have to see how DWR would proceed."

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Newsom seeks peace with Trump in California water wars. Enviro's are ready to fight
Sacramento Bee | February 5, 2020 | Ryan Sabalow, Dale Kasler, and Sophia Bollag



In Sacramento and in Los Banos, groups presented two very different views of a Trump administration plan to pump more river water farmers to the San Joaquin Valley. By McClatchy

Two months ago, Gov. Gavin Newsom seemed poised to file yet another suit against President Donald Trump — this time, over a federal plan to pump more water to Trump’s farming allies in the San Joaquin Valley.

Instead, Newsom announced a compromise this week that aims to avoid another protracted legal battle. The Democratic governor outlined a sweeping, \$5.2 billion water-sharing agreement that Newsom’s team hopes will put an end California’s never-ending tension’s between shipping river water to farms and cities and protecting critically endangered fish species.

A year into his administration, Newsom is grappling with forces nearly every California governor has struggled to control: powerful water interests in Southern California, wealthy farmers in the Valley, entrenched environmentalists and, this time, a combative Republican administration in Washington.

The governor’s newest proposal signals Newsom may be softening his fight against Trump, but opening another battle. Newsom may have traded a court fight with Trump for a legal battle with the very environmentalists the Democratic administration has seen as allies.

“This is a bear hug of the Trump administration extinction plan by the Newsom administration,” said Jon Rosenfield, senior scientist with San Francisco Baykeeper.

Newsom, though, sees his plan as a blueprint for a new way forward in California water — something he’s been aiming for since taking office. “We have to get past the old binaries, like farmers versus environmentalists,” he said at his first State of the State address last February.

Although the state hasn't been shy about suing the Trump administration over environmental issues — notably air pollution and climate change — Newsom has made a point of reaching out to the Valley farm community and is trying to find a middle ground on water policy.

Broadly, the proposal Newsom outlined this week has something for each side. It would set aside up to 900,000 acre-feet of additional water in California's mightiest rivers each year — enough to fill Folsom Lake — for the benefit of struggling fish populations such as Chinook salmon and the Delta smelt.

It calls for state taxpayers to pay some \$2.2 billion, the federal government to pay \$740 million and state agricultural and urban water agencies to kick down an additional \$2.2 billion. The funds would go primarily to fund habitat restoration projects and to pay farmers to fallow some of their land and to buy irrigation and drinking water to be used for environmental flows, according to Newsom's proposal.

The agreements also would need to be signed by the various water agencies that would have to commit to surrendering water and spending billions on restoring habitat.

Newsom's top environmental aides insisted their new plan is based on rigorous scientific analysis and would restore fish populations through a mix of increased river flows and habitat projects — projects paid with state and federal tax dollars and money kicked in by agricultural and urban water agencies across California.

"It's very defensible, scientifically and legally," said Jared Blumenfeld, Newsom's secretary of the California Environmental Protection Agency. "There's folks who don't want a voluntary approach no matter what the scenario. No matter what we do there are people who are going to say we should just regulate. I think those folks are out of step with the realities we face today."

Wade Crowfoot, secretary of the Natural Resources Agency, said the Newsom plan still faces plenty of legal and regulatory hurdles before it can get finalized. "It's going to need to stand up to significant scientific scrutiny," he said.

Newsom vs. Trump, so far

The state has filed more than 60 lawsuits against the Trump administration over air pollution, immigration and other issues. It's been mostly successful; a tally by the website PolitiFact last fall showed the state winning 16 cases and losing two. Dozens of cases are still pending.

Water would seem to be an obvious topic for another lawsuit. Trump has pushed his administration to streamline environmental protections to deliver more supplies through the Sacramento-San Joaquin Delta — the fragile hub of the state's convoluted water network — to farms and cities in the south state. He's mocked California for letting water bypass the Delta pumping stations and flow out to the Pacific in order to protect the nearly-extinct Delta smelt and other endangered fish.

"What's happened there is disgraceful," he said in late 2018 as he signed a presidential memorandum directing an overhaul of environmental protections in California. "There's so much water, they don't know what to do with it, they send it out to sea."

Last fall, the White House unveiled its most concrete plan yet for accomplishing Trump's vision — a rewrite of environmental rules to allow more water to get pumped south through the Delta.

Newsom's administration initially vowed to sue to block the plan. That was in November. But instead of rushing to the courthouse, state officials have been talking with their federal counterparts about what the Newsom administration believes are flaws in the Trump administration's plan.

This week, top officials in Newsom's administration defended their cautious approach.

"The goal of any lawsuit would be settlement," Blumenfeld said. "Our goal is to settle these issues out. The goal isn't to have a fight with the Trump administration. ... An all-out fight with the Trump administration ... is not our intention. Our intention is to solve these issues."

The effort to find a compromise is driven in part by pressure from agricultural forces. Westlands Water District, the politically influential farm-irrigation agency in Fresno and Kings counties, threatened in December to withdraw from negotiations over Newsom's water-sharing plan if the governor sued Trump over the Delta.

"The state's threat of litigation (against Trump) places those far-reaching changes at risk," Westlands general manager Tom Birmingham said in an email to Blumenfeld and Crowfoot.

This week, Newsom's administration said it isn't backing down against Trump.

"We'll be very clear and have been very clear that we'll stand up to the federal agencies when we need to and work with them when where we can. If needed, we will file a legal complaint," Crowfoot said.

Seeking compromise on California water

Newsom's new plan expands a tentative water-sharing agreement brokered by his predecessor, Jerry Brown, in late 2018.

But Brown's plan was met with considerable skepticism from some environmentalists who said the endangered fish species need — and are legally entitled to — considerably more water as well as protection from the harms caused by Central Valley dams and the Delta water-export pumps.

So far, most environmentalists are finding fault with Newsom's plan as well.

Kim Delfino, the California program director for Defenders of Wildlife, said the voluntary agreements Newsom's administration outlined Tuesday lack the necessary teeth to ensure the environment is protected.

"An essential ingredient of any successful compromise is that the deal meets existing environmental protection laws," she said. "This deal will not and therefore will fail."

Not all environmentalists are opposed to Newsom's plan. Maurice Hall, of the Environmental Defense Fund, gave the plan tentative support.

"Additional analysis is still needed and many hurdles still must be overcome before we can support a final agreement," he said in a joint prepared statement Newsom's administration released Tuesday. "That said, we are cautiously optimistic ... EDF is willing to stay at the negotiating table for now."

When it comes to water, Newsom has shown a willingness to rile up his traditional allies in the environmental community.

Not long after his election, Newsom ousted Felicia Marcus, the longtime chairwoman of the State Water Resources Control Board. That was after the board moved ahead with regulations to allocate much more water for fish, instead of waiting for the warring factions to sign the earlier compromise plan brokered by Brown.

Newsom then vetoed a bill designed to overturn all of Trump's environmental initiatives — after key water agencies threatened to pull out of Brown's settlement plan.

At an environmental conference in Sacramento last week, while his aides continued negotiations on the expanded settlement plan that was just unveiled, Newsom reiterated his desire to find common ground with the Trump administration on water.

"Give us a chance. I don't need to be told we need to be tough against the Trump administration I know that," he said. "But give us a chance."

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Gov. Newsom: California must get past differences on water. Voluntary agreements are the path forward

CalMatters | February 4, 2020 | Governor Gavin Newsom



The San Joaquin-Sacramento Delta provides much of the water used by California farmers and cities. But it also is habitat for salmon and smelt that are endangered by water pumping. (Photo courtesy of U.S. Fish & Wildlife Service)

Water is the lifeblood of our state. It sustains communities, wildlife and our economy—all of which make California the envy of the world.

Reliably securing this vital and limited resource into the future remains a challenge, especially with a warming and changing climate.

For more than a year, my Administration has worked to find a comprehensive solution for the Sacramento-San Joaquin Bay Delta—a path to immediately improve the health of these waterways, create certainty for the 35 million Californians who depend on these water sources, and maintain the economic vitality of the Central Valley.

Historically, disputes over water, or what some call “water wars,” have pitted stakeholders against one another: urban vs. rural; agriculture vs. conservation; North vs. South.

Today, my administration is proposing a path forward, one that will move past the old water binaries and set us up for a secure and prosperous water future.

Guided by science, this new framework will provide the foundation for binding voluntary agreements between government agencies and water users with partnership and oversight from environmental groups.

These agreements will require adaptive, holistic management of enhanced water flows and habitats to protect, restore, and enhance California's largest rivers and the Delta.

These agreements will be grounded in what is required to achieve scientific and legal adequacy. They will significantly increase the required amount of water flowing through rivers and the Delta. They require a historic addition of 60,000 acres of critical habitat and provide certainty to strengthen the health of our economy and our environment.

If achieved, the voluntary agreements will establish a partnership with environmental conservation groups, water agencies, and governments across jurisdictions.

The water and funding from these stakeholders will provide an unprecedented pool of resources to support the restoration of critical fish habitat and billions of gallons of flow water in our rivers and through the Delta over the next 15 years.

Today, I am committing to achieving a doubling of California's salmon population by 2050. These agreements will be foundational to meeting that goal.

Over the past year, my administration advanced a number of additional actions that are consistent with this new approach.

Recognizing the urgency of increasing access to clean water, the Legislature last year fast-tracked a bill to my desk that provided emergency relief to communities without access to safe drinking water.

I was proud that this was one of the first bills I signed as governor, and even prouder to have created with the Legislature a first-of-its-kind fund to support long-term access to safe drinking water.

In April, I signed an executive order directing state agencies to develop a set of recommendations to ensure safe and resilient water supplies across our state, including actions to improve water delivery structures and support regional water security projects.

My administration is also working closely with local communities to sustainably manage our groundwater for the first time in our state's history, and my budget includes a \$4.75 billion climate resilience bond to protect communities and natural habitats from the impacts of climate change, such as drought, flooding, wildfires, heat waves, and sea level rise.

While we are committed to collaborating with the federal government where we can, we have not and will not hesitate to stand up to them when they fall short of their responsibilities.

Stewarding California's natural resources is a responsibility we share with the federal government, and we will continue to utilize every tool at our disposal, including legal action, to ensure the federal government fulfills its obligation.

California agencies are working in real-time with the federal government to ensure adequate protections of endangered fish populations from water infrastructure in the Delta.

Inaction, recalcitrance, and adherence to the status-quo puts our water future at risk. The alternative to the voluntary agreements is a contentious regulatory process that will take many years and require adjudicating a thicket of litigation in every direction before restoring river flows.

Those years will be critical years for salmon populations, which without immediate intervention will further decline. Access to water for tens of millions of Californians will become less reliable, impacting our people and economy. And our communities and businesses will be further threatened by the impacts of climate change. These outcomes are unacceptable.

The world is changing and we have to change with it. Creating a water future our children can be proud of will require us to reject the old binaries of the past. This time of unprecedented challenge demands unprecedented partnership. Let's work together to meet this moment.

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<https://calmatters.org/commentary/gavin-newsom-sacramento-san-joaquin-bay-delta/>

Gavin Newsom is the 40th governor of California, cagovoffice@gov.ca.gov. He wrote this commentary for CalMatters.

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Meet the Veteran Insider Who's Shepherding Gov. Newsom's Plan to Bring Climate Resilience to California Water

WESTERN WATER Q&A: FORMER JOURNALIST NANCY VOGEL EXPLAINS HOW THE DRAFT CALIFORNIA WATER RESILIENCE PORTFOLIO CAME TOGETHER AND WHY IT'S EXPECTED TO GUIDE FUTURE STATE DECISIONS

Water Education Foundation | February 6, 2020



Nancy Vogel, director of the Governor's Water Portfolio Program, highlights key points in the draft Water Resilience Portfolio last month for the Water Education Foundation's 2020 Water Leaders class. (Source: Water Education Foundation)

Shortly after taking office in 2019, Gov. Gavin Newsom called on state agencies to deliver a Water Resilience Portfolio to meet California's urgent challenges — unsafe drinking water, flood and drought risks from a changing climate, severely depleted groundwater aquifers and native fish populations threatened with extinction.

Within days, he appointed Nancy Vogel, a former journalist and veteran water communicator, as director of the Governor's Water Portfolio Program to help shepherd the monumental task of compiling all the information necessary for the portfolio. The three state agencies tasked with preparing the document delivered the draft Water Resilience Portfolio Jan. 3. The document, which Vogel said will help guide policy and investment decisions related to water resilience, is nearing the end of its comment period, which goes through Friday, Feb. 7.

In an interview with Western Water, Vogel acknowledged that every governor seeks to put their stamp on solving the state's water resource issues. The hope with the Water Resilience Portfolio, she said, is that it can be a catalyst for progress because California's next drought or flood is never far away and the time to act is now.

Western Water: How would you describe the purpose of the portfolio?

NANCY VOGEL: It's a high-level policy planning document, much like the Water Action Plan was for the Brown administration. It sets forth our priorities and it's the blueprint for state agencies working on water. I've been impressed with just how much time and energy people have put into providing us input and making sure that it's on the scale we need.

WW: You have been presenting the portfolio around the state. What's the response been?

VOGEL: Its generally positive. People say they feel as if they've been heard. A lot of people say 'I can see my comments reflected in the Portfolio, but I'm going to send you another set of comments because I have a quibble with this or that or you forgot X, Y or Z,' and that's a good opportunity for us to take another look.

This is a document that tries to steer state resources and efforts toward helping the very diverse regions of California be ready ... to supply water to communities, the economy and the environment into the future despite climate change and increasing population.

~Nancy Vogel, Director of the Governor's Water Portfolio Program

WW: The Sierra Club wrote that the document 'suffers from an unprioritized list of actions and is ultimately a restatement of water policy depending heavily on a few large-scale and outdated water fixes.' How do you respond to that?

VOGEL: We'll have to agree to disagree on that. I do not think the draft portfolio depends on a few big projects. Our approach is diversified, as a portfolio should be. As for the criticism that this is a restatement, we have momentum coming out of the 2012-2016 drought and we want to continue to make progress without massive new mandates on local water districts or attempts at drastic reforms that would unleash uncertainty and stall progress.

WW: What's the relevance of the portfolio to the average Californian?

VOGEL: We all need water and food and want our grandkids to experience spring-run chinook salmon and snow geese. Nobody wants a California where fellow residents lose their homes to flood or tap water to drought. It takes a lot of planning and investment to maintain water supplies and natural systems in a state with such big geographic and timing imbalances in its water resources. This is a document that tries to steer state resources and efforts toward helping the very diverse regions of California be ready for more extreme conditions — drought and flood — and to be able to supply water to communities, the economy and the environment into the future despite climate change and increasing population.

WW: How does the portfolio address the land use changes that are anticipated to occur as a result of the Sustainable Groundwater Management Act?

VOGEL: The draft portfolio acknowledges that local planners face changes in their tax rolls, workforce and land uses, and the state can help local governments anticipate and adjust to those changes with funding and resources for planning. Land uses will change in some places, and that's going to have a ripple effect on communities and county budgets.

WW: The portfolio says a new emphasis on cooperation across state agencies and with regional groups and leaders is needed. How does that occur?

VOGEL: Our approach to the draft Portfolio embodies cooperation — we asked for extensive input. We wanted to hear about local concerns and what water managers think the state can best do to support them as they address those concerns. I think it's a mindset. Sometimes people forget how much [Integrated Regional Water Management] has accomplished in terms of the way we look at collaboration on a watershed scale. And it's easy to focus on the things that IRWM isn't doing or isn't doing as well as we'd like. But we're in a much different place now in 2020 than we were in 2000 because of IRWM and we want to build on that. There are lots of other ways for regions to collaborate on a watershed scale and we're open to that and we want to support that too. But we don't want to take everything that's been accomplished and all those human relationships forged in the planning efforts under IRWM — we don't want to just toss that aside and start over. We want to build on that. And we need to improve the way we coordinate at the state level, too.

WW: How do you make sure this just doesn't end up another book on a shelf and that there is follow through?

VOGEL: That will take sustained, high-level focus from Secretaries [Wade] Crowfoot, [Jared] Blumenfeld and [Karen] Ross [from Natural Resources, Cal EPA and Food and Agriculture, respectively] and I know they're committed to that. We also task ourselves with doing an annual update on progress, in which the public will hold us accountable for what we've accomplished and have yet to accomplish. We get the resources, the right people in the right places, and we make progress.

WW: How did your experience in journalism prepare you for this task and to be an advocate for this portfolio?

VOGEL: A journalist learns to listen and to absorb information quickly and to organize it. We had a lot of information coming in quickly as we began to prepare the portfolio and I think my experience with organizing information in a way that I could then disseminate to people who needed to make decisions helped. Journalists get to interview everybody who cares about an issue and so they end up with a unique perspective on a problem that's valuable. And I felt like I got to do that in some ways as the person who was herding cats on the portfolio. I got to hear everybody's concerns and that was a privilege. It's hard to do justice to all the experience and knowledge and often conflicting but heartfelt values reflected in the input we got. We did our best. It was a team effort across the departments and the agencies. It's been a lot of hours but so worthwhile. I just want to improve the document now and make it the best it can be.

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Nancy Vogel
Age: 52

Education: Bachelor of Science, Conservation and Resource Studies, University of California, Berkeley. Master of Arts, University of California, Berkeley Graduate School of Journalism.

Previous jobs: Director of communications at the Resources Legacy Fund, from July 2017 to May 2019. Deputy secretary for communications at the California Natural Resources Agency from 2015 to 2017. Assistant director for public affairs at the Department of Water Resources from 2012 to 2015. Principal consultant for the California State Senate Office of Oversight and Outcomes from 2008 to 2012. Staff writer for the Los Angeles Times from 2000 to 2008 and The Sacramento Bee from 1991 to 2000, where water was part of her assignment.

Fun Fact: One of Vogel's favorite places is the Knight Foundry in Sutter Creek in the Sierra foothills, a water-powered foundry that was a Gold Rush cradle of innovation – and is still operating, thanks to dedicated volunteers.

Pure Water Monterey gets final state OK

Monterey Herald | February 5, 2020 | Jim Johnson



The Pure Water Monterey advanced wastewater treatment plant in Marina last year. (Monterey Herald archives)

MARINA — Pure Water Monterey has finally secured a critical final state approval and is poised to begin delivering potable recycled water to the Seaside basin by mid-February.

After an all-day inspection of the \$126 million recycled water project's advanced water purification facility by a nine-member team on Tuesday, the state Division of Drinking Water signed off both verbally and by email.

The state approval, which is conditioned on "minor" fixes to the recycled water treatment plant's alarm system, allows the project to begin pumping product water into its conveyance system and eventually into the basin where it will reside until it is extracted later for use by Monterey Peninsula customers. The state had previously approved a water quality test for the project.

Backed by a public-private partnership among Monterey One Water, the Monterey Peninsula Water Management District and California American Water, the project is designed to convert a variety of wastewater sources ranging from Peninsula municipal wastewater to Salinas Valley agricultural wash water and runoff into 3,500 acre-feet of potable water per year. It is part of a new portfolio water supply intended to offset the state water board's Carmel River pumping cutback order set to take full effect at the end of next year, as well as replenishing the Seaside basin under a court adjudication.

Monterey One Water general manager Paul Sciuto called the state inspection a “critical milestone” for the Pure Water Monterey project, noting the “years of planning and preparation” that led to the moment.

“This is a significant and historic achievement for the region,” Sciuto said. “Along with our project partners, we are excited to provide this new supply of water.”

Monterey One Water official Mike McCuillough also noted the amount of time and effort involved in the project.

“We’ve worked on this (project) for a long time,” McCuillough said. “Now that it’s here it’s kind of surreal.”

In an email sent Tuesday evening after the inspection, state DDW senior water resource control engineer Sherly Rosilela wrote, “DDW staff has no objection for (Monterey One Water) staff to start discharging water into the Pure Water Monterey transmission main” after what she called “minor changes” and an emailed confirmation that they had been completed.

The email also asked that Monterey One Water keep state staff posted on the Pure Water Monterey project’s “start-up and testing progress, particularly completion of the facilities flushing, the start of product water injection, and the start of the tracer study.”

According to McCuillough, pumping of the product water into the conveyance system is expected to begin by late Thursday and the water will be sent to a percolation pond while injection well testing is conducted. He said injection of the product water into the basin is expected to begin by the end of next week or early the following week.

The project is required to store a 1,000 acre-foot reserve in the basin before any water is extracted for use, a process expected to take about three months. The earliest water could be extracted by Cal Am for use on the Peninsula would be May.

A tracer study is expected to show how long it will take the product water to mix with existing supplies in the basin and travel to the extraction point. Sciuto has said he expects Cal Am to be able to begin extracting a corresponding amount of water from the basin under a water purchase agreement as soon as the reserve amount is achieved.

Use of the product water is expected to allow Cal Am to reduce its pumping from the river by a corresponding amount, resulting in some level of compliance with the cutback order.

Originally, Pure Water Monterey was supposed to start delivering product water to the basin by July last year and to begin providing water for extraction by the beginning of this year, but the project was delayed for several reasons.

Cal Am officials noted in letters to the project backers – Monterey One Water and the Monterey Peninsula Water Management District – that the project had defaulted on the water purchase agreement but that it would not immediately terminate the agreement, noting that the project is a key part of the Peninsula water portfolio.

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California moves forward with next steps in groundwater management

Lake County News | February 1, 2020 |

In order to meet the requirements of a 2014 state bill, local agencies representing 19 of California's most stressed groundwater basins were required to submit plans to the state by 12 a.m. Saturday on how they will manage their basins to achieve sustainability by 2040.

Several plans were submitted early and were posted online Friday, starting a public comment period which closes on April 15.

The remaining plans will be posted online in the coming weeks for a 75-day public comment period.

The plans had to be submitted under the auspices of California's Sustainable Groundwater Management Act.

Overpumping of groundwater has led to a variety of negative effects including reduced groundwater levels, seawater intrusion, and degraded water quality. It has also led to subsidence, which causes damage to critical water infrastructure.

In some cases, years of overpumping have left entire California communities and farms without safe and reliable local water supplies.

"Groundwater is a critical component of the state's water supply resources," said Karla Nemeth, director of the California Department of Water Resources. "California's groundwater basins must be managed for long-term sustainability rather than for short-term need."

California's Sustainable Groundwater Management Act, or SGMA, signed into law in 2014, requires locally led groundwater sustainability agencies, or GSAs, to develop groundwater sustainability plans outlining actions and implementation measures to halt overdraft and bring groundwater basins into sustainable conditions.

Plans for critically overdrafted basins are were due on Friday.

High- and medium-priority basins have until 2022 to submit plans and are required to reach sustainability by 2042.

In Lake County, the Big Valley basin is listed as a medium priority, while the other 11 are listed as low priority.

SGMA allows for more than one groundwater sustainability plan to be prepared for a single basin as long as the GSAs demonstrate the plans work together through a coordination agreement.

"The premise of SGMA is that local agencies are best suited to craft plans to sustainably manage groundwater basins," said Joaquin Esquivel, chair of the State Water Resources Control Board. "If the state finds a groundwater plan is unlikely to achieve sustainability, the

Water Board will temporarily step in to work with the local agency and DWR to bring the basin back into compliance.”

GSAs are submitting plans to DWR, the lead state agency providing compliance and regulatory oversight. The State Water Resources Control Board can intervene in basins when local management of groundwater is not successful.

Once a plan is submitted, DWR has 20 days to post it on the website, at which point the plans are open to public comment for 75 days. GSAs will begin implementing their plans immediately after they adopt them.

SGMA directs DWR to evaluate and assess all plans to determine whether each plan is adequate, based on best available science and information, and whether implementation of the plan is likely to achieve the groundwater basin’s sustainability goal.

More information about the plan submittal and review process and the significance of managing groundwater for long-term sustainability can be found on DWR’s website.

Groundwater accounts for about 40 percent of the state’s water use in a normal year and up to 60 percent during dry years.

Groundwater is the only water supply for approximately a third of California residents, and many municipal, agricultural, and disadvantaged communities rely on groundwater for all of their water supply needs. Implementation of SGMA is an important component of Gov. Gavin Newsom’s recently released draft Water Resilience Portfolio.

“Groundwater storage will become even more important as California’s changing climate produces less snow and more rain,” Nemeth said. “Groundwater acts as a drought buffer by providing water that is available to use when surface water supplies are diminished.”

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Groundwater plans are due in California, but the hard work is just getting started

Environmental Defense Fund | January 30, 2020 | Christina Babbitt

January 31 is a big day for California water. It's the day when 21 critically overdrafted groundwater basins must submit plans to the state for how they will bring their groundwater demand in line with available supplies over the next 20 years.

This deadline was set by the state's most sweeping water law change in a century – the Sustainable Groundwater Management Act (SGMA). SGMA, passed during the last major drought, was designed to put an end to groundwater overpumping and ensure there's enough water for people, the economy and wildlife in California for generations to come.

SGMA is taking water managers and users into uncharted territory. Since its passage, California water managers have made important progress, creating new groundwater agencies and learning more about their local groundwater supplies and demands. These are important first steps toward sustainability, but SGMA requires a deeper paradigm shift to succeed.

Here are four actions that will help drive this massive shift and move California closer to truly balancing groundwater supply and demand.

1. Recognize water scarcity and tackle the tough questions.

Many California farmers have a long history of farming – successfully following in the footsteps and using the same methods of generations before them. While farmers faced droughts in the past, today's droughts are more intense, temperatures are higher, and California has a much larger population, increasing demand for food and water.

These challenges mean California water management is far more complex than it was a century ago and consequently requires new strategies and solutions that recognize water is a finite resource.

As a result of SGMA, many local agencies have taken an important first step toward developing new solutions: They have launched (and in some cases completed) new studies and analyses to gain a better understanding of how much groundwater they have, how much is being used and how much they could replenish through recharge projects.

However, the vast majority of groundwater agencies still need to move beyond the data and take harder next steps. This includes considering more novel strategies to tackle thorny questions, such as who gets how much water.



Aerial view of Kern County aqueduct.

2. Boost creativity and dedicated funding.

So far, only a handful of groundwater agencies are thinking more creatively and developing innovative solutions.

One monitoring innovation comes from the Santa Cruz Mid-County Groundwater Agency, which recently used a helicopter towing an electromagnetic sensor to track the barrier between freshwater and saltwater under the ocean floor to better understand saltwater intrusion.

Another example is from the Rosedale-Rio Bravo Groundwater Storage District in Kern County — ground zero for groundwater overdraft. In partnership with EDF, Rosedale is using open-source software to develop a new online accounting and trading platform to enable landowners to more accurately track and flexibly manage their water use.

Innovating around groundwater management comes with a price tag. Fortunately, the Newsom administration recognizes this and has proposed \$30 million for SGMA implementation plus nearly \$10 million for water agency staff in its 2020-2021 budget. Newsom's climate bond proposal also includes \$395 million for SGMA implementation, which would provide a much-needed boost to SGMA innovations if approved by the California Legislature and voters.

3. Increase collaboration to maximize success.

Developing new groundwater management solutions requires greater collaboration to increase the chances of success. Rosedale and Santa Cruz Mid-Country also have been among the agencies that have taken the lead on building such relationships.

Rosedale, for instance, has held in-person workshops and webinars to receive direct, valuable feedback to develop tools that best meet landowners' needs.

To address the impacts of groundwater pumping on rivers and streams, the Santa Cruz Mid-County Agency created a surface water working group that included representatives from more than a dozen organizations, including state and federal fish and wildlife agencies, city and county governments, water managers and nonprofits. Tapping that group's expertise, the agency came up with a new strategy to monitor and minimize impacts on rivers and streams, which aligned closely with an approach outlined in an EDF working paper.

SGMA is helping increase California's groundwater resilience but we still need a paradigm shift to balance our water supplies.[CLICK TO TWEET](#)

4. Engage diverse water users.

During the last drought, groundwater overpumping caused a number of small disadvantaged rural communities to completely lose access to water for drinking, washing dishes, taking showers and flushing toilets. Not surprisingly, this created frustration and distrust.

To avoid future scenarios like this, SGMA specifically requires local groundwater sustainability agencies to consider the interests of disadvantaged communities, whose voices have frequently been ignored in water decision-making.

Unfortunately, the Community Water Center and Clean Water Action recently asserted that local groundwater agencies have fallen short in considering the impacts of their sustainability plans on these communities — something agencies should seek to remedy quickly.

What comes next?

As the state begins to review groundwater sustainability plans, it remains to be seen what the standard will be for determining whether plans have complied with the rules and regulations set forth under SGMA. The state has two years to review the sustainability plans, but local groundwater agencies are expected to move forward on implementation while awaiting state approval.

I hope that local water agencies and the communities they represent will embrace the multi-faceted paradigm shift that will be required to make SGMA successful. I also hope the state will be diligent in enforcing the spirit of SGMA, because it is crucial to creating a more resilient water system for California.

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Alliance for Water Efficiency Releases Drought Response and Water Demands Study

California Water News Daily | January 29, 2020

Earlier this month the Alliance for Water Efficiency (AWE) released their study on municipal drought response and water demand.

The study titled, Use and Effectiveness of Municipal Irrigation Restrictions During Drought, explores how drought response measures have been implemented and how water demand reductions have been achieved across different water suppliers in different states.

“The results confirm the effectiveness and importance of irrigation restrictions during a drought,” said Mary Ann Dickinson, President and CEO of the Alliance for Water Efficiency. “The research shows that when necessary and with proper implementation, substantial demand reductions can be achieved by communities working together during a drought.”

The study was conducted by Anil Bamezai, PhD of Western Policy Research along with Lisa Maddaus and her team at Maddaus Water Management, Inc. over a period of two years. Peter Mayer of Water Demand Management developed the original research concept and served as AWE’s project manager for the study.

Key findings from the study include:

- Case study participants in California and Texas successfully reduced annual demand by 18-30 percent and peak monthly demand by 20-42 percent through a combination of mandatory demand management measures.
- Within this study, voluntary conservation did not generate statistically significant savings (i.e., estimated savings are indistinguishable from zero).
- Messaging and enforcement are viewed as best practices and essential components of a successful drought response.
- Water Shortage Contingency Plans should include all of these components: messaging, enforcement, irrigation day-of-week and/or time-of-day restrictions, drought surcharges, and implementation strategies.
- To be effective, Water Shortage Contingency Plans need codified rulemaking to include provisions that are enforceable on non-compliant customers.

The public can download the [Executive Summary here](#) or AWE members can access the full report by filling out a request form.

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Program preps communities for next drought

Self-Help Enterprises initiative provides emergency preparedness education, urgent access to clean water, water well replacement and more

The Sun-Gazette | January 29, 2020

VISALIA — Whether or not you accept climate change as a reality, one thing is for certain — the San Joaquin Valley will have another drought. Throughout recorded history, the semi-arid Valley has had extended dry spells with little precipitation to moisten its fertile soil creating a micro climate of economic crisis. The Valley is still dealing with the effects of an overdrated groundwater basin including abandoned private wells, contamination in remaining rural wells and subsidence in its water conveyance systems.

In preparation for the inevitable, Self-Help Enterprises (SHE), a community development organization whose mission is to work with low-income families to build and sustain healthy homes and communities, has launched a new and innovative Emergency Services Division that will reach and engage diverse and vulnerable populations around natural disasters, such as drought, fire, flood and earthquake. The program will also help families receive urgent access to clean water, help with water well replacement and water filtration services as needed.

The scientific community has indicated that droughts will become more frequent and severe as climate change progresses, putting drinking water supplies at risk of running dry or becoming contaminated. As we learned from the most recent drought, conditions disproportionately affect low-income, small and rural communities.



Self-Help Enterprises' Emergency Services Program offers \$5 million in assistance to prepare disadvantaged communities for natural disasters, such as drought, fires, floods and earthquakes in the San Joaquin Valley. Submitted photo.

“It is important for the residents of the central valley, especially those very rural areas dependent on private domestic wells to have access to safe, clean and affordable water,” said Tami McVay, Emergency Services Program Manager for Self-Help Enterprises. “Our role is to educate the San Joaquin Valley’s private well owners on long-term sustainability, well maintenance, water contamination and water conservation. This will allow residents to be resilient in the face of the next drought.”

SHE’s new Emergency Services Program offers San Joaquin Valley residents nearly \$5 million dollars in program support for the following areas: (1) Clean Water Solutions which include bottled water delivery and installation of filtration systems; (2) Access to Water Programs which provide and deliver emergency water tanks and/ or hauled water to residents in the San Joaquin Valley in dire situations; (3) Well Quality & Resources for the assessment of water well health and quality; (4) Emergency Preparedness via the LISTOS CA Campaign that will empower Tulare County’s most vulnerable populations to prepare for natural disasters through education and training.

This program will cover Stanislaus, Mariposa, Madera, Merced, Fresno, Tulare, Kings and Kern counties. Residents needing water related assistance can email droughtsupport@selfhelpenterprises.org. For questions regarding emergency services, email emergencyservices@selfhelpenterprises.org. People can also call us at (559) 802-1685.

Self-Help Enterprises (SHE) is a nationally recognized community development organization whose mission is to work together with low-income families to build and sustain healthy homes and communities. The pioneer and leading provider of mutual self-help housing in the United States, SHE’s efforts today encompass a range of efforts to build better homes and communities for farmworkers and other hard working families. Since 1965, SHE has helped more than 6,200 families to build their own homes, rehabilitated over 6,300 unsafe homes, developed over 1,400 units of affordable rental housing and has provided technical assistance for reliable access to safe drinking water and sanitary sewer infrastructures to more than 160 small communities. SHE’s commitment to providing resources and training for individuals builds capacity of highly effective leaders in communities that also promote collaborative solutions for improving communities. These combined efforts have touched the lives of over 55,000 families, providing security and stability for families and building more productive communities.

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California's water department must face the reality of climate change and diverse needs

Sacramento Bee | January 28, 2020 | Bill Dodd – Special to the Sacramento Bee

As we enter a new decade, California faces increasing environmental challenges caused by climate change, creating an uncertain future for our water resources. We need bold leadership to address these impacts. It is time for California's Department of Water Resources (DWR) to implement water policy for the state that shores up our precious waterways and diversifies water supplies in the face of these imminent threats.

Scientists have long cautioned about the plight of the San Francisco Bay-Delta estuary, the largest estuary on the West Coast, home to many important species, and hub of California's major water diversion and delivery projects. Warnings detail how fish and wildlife will disappear due to mismanagement, and climate-driven impacts will increase droughts and reduce snowpack.

DWR is the agency charged with sustainably managing the state's water and enhancing the natural environment. It should heed these warnings. The department manages the State Water Project – the vast system of dams, aqueducts and pumps which diverts water from the Delta and delivers it to contract holders.

DWR could play a lead role in helping the state become more resilient in the face of climate change by ensuring that the State Water Project is managed to reduce diversions from the Bay-Delta ecosystem and to promote water use efficiency, water reuse, and other measures that help water districts wean themselves off of unrealistic and unsustainable levels of water use.

For over 50 years, DWR has promised deliveries from the State Water Project that far exceed what the system can reliably deliver. Decades ago when these delivery contracts were signed, water managers thought it was OK to drain rivers, leading to disastrous results.

OPINION: Groundwater basins have also historically been drained at alarming rates. As recently as 2015, groundwater extraction caused land to sink as much as two feet per year in some places. Now, rivers and estuaries are dying as climate change intensifies droughts and fish populations diminish.

More recently, the department pushed, but failed to implement the ill-conceived twin tunnels project to pump even more water out of the Delta. Gov. Gavin Newsom showed great leadership and foresight by taking a step back from the horrible plan. Thankfully, Newsom last year ordered Water Resources, the State Water Board and the Department of Fish and Wildlife to evaluate a smaller project.

But in November, DWR proposed to increase freshwater diversions out of the Bay-Delta. President Donald Trump's Department of the Interior wanted to divert even more.

DWR must not undermine protections for the state's endangered species, but must work with the California Department of Fish and Wildlife (CDFW) and the scientific community to operate the State Water Project to protect those species. That means significantly increasing flows at key times of the year.

CDFW and the California State Water Resources Control Board have both concluded we must reduce the amount of fresh water diverted out of the San Francisco Bay-Delta. In fact, the 2009 Delta Reform Act directs California to do just that. Water Resources must join the growing chorus calling for a multi-faceted plan that provides a stable and reliable supply of water statewide which does not reduce critical environmental protections for the Delta.

Smart local water managers are already making the investments in sustainable local and regional water supplies that allow them to reduce reliance on increasingly uncertain imported water supplies, such as from the Bay-Delta. The Metropolitan Water District of Southern California, DWR's largest customer, now projects imported water demand for southern California will decline through local water use reduction efforts, according to Natural Resources Defense Council. Similarly, the department must recognize that California does not need to divert more water out of the estuary to sustain a robust state economy.

DWR needs a reality check and a renewed spirit for this new decade – one that heeds scientists' warnings and forces contract holders to adapt to the challenges we're now facing. This change must start with the department declaring a new approach to managing water. It must invest in innovative systems that account for the new normal in California – one faced with increasing droughts and fires and biodiversity loss as a result of climate change. California's water is too precious for anything less.

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Senator Bill Dodd represents California's 3rd Senate District, which includes all or portions of Solano, Napa, Sonoma, Yolo, Sacramento, and Contra Costa counties. You can learn more about Senator Dodd at www.sen.ca.gov/dodd.

State water project allocation increased

Mountain Democrat | January 20, 2020 | Democrat Staff

The California Department of Water Resources announced Friday an increase in 2020 State Water Project allocations to 15 percent of requested supplies, up from the year's initial 10 percent allocation announced on Dec. 2.

Allocations are reviewed monthly based on snowpack and runoff information and are typically finalized by May, according to DWR officials.

"California gets most of its annual precipitation from a handful of major and infrequent winter storms," said DWR Director Karla Nemeth.

"After some significant storms in December, January has been relatively quiet and is currently below average. We continue to hope for wetter conditions and must always work to eliminate waste and use water more wisely."

DWR measurements reveal that precipitation in the northern Sierra is at 63 percent of average to date. Statewide snowpack is 76 percent of normal for this date.

The state gets about 30 percent of its annual water supply from snowpack. Snow water content is one factor in determining allocation amounts along with reservoir storage and releases necessary to meet water supply and environmental demands.

Lake Oroville, the SWP's largest reservoir, is currently at 61 percent of capacity and 94 percent of average for this time of year. Shasta Lake, the Central Valley Project's largest reservoir, is at 74 percent of capacity and 112 percent of average. San Luis Reservoir, the largest off-stream reservoir in the United States where water is stored for the SWP and CVP, is at 72 percent of capacity and 95 percent of average. In Southern California, the SWP's Castaic Lake is at 72 percent of capacity and 87 percent of average.

Friday's 15 percent allocation amounts to 635,434 acre-feet of water. The SWP provides water to 29 SWP contractors who supply water to more than 27 million Californians and 750,000 acres of farmland.

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North State Lawmakers Introduce New Legislation to Help Save Paradise Water

The new legislation will expedite PID pipeline construction, if needed, according to Assemblyman James Gallagher.

Action News Now | January 27, 2020 | Deb Anderaos

SACRAMENTO, Calif. – Assemblyman James Gallagher introduced new legislation on Monday that will help expedite the construction of the Paradise Irrigation District intertie project.

PID said after the Camp Fire, a rough estimate of customers lost was around 9,000, nearly its entire customer base. The District is searching for new revenue streams in order to sustain itself into the future and provide water to the Town of Paradise.

This new project would allow PID to temporarily sell surface water that is otherwise stranded in two reservoirs located near a water treatment facility.

“Paradise cannot re-build and thrive without a functioning water district,” said Gallagher. “At first glance, this intertie pipeline looks like a big win-win for the Town of Paradise and the county as a whole. Once the studies are complete and if this project is determined to be feasible, AB 1957 will provide a critical tool that will speed up construction timelines and provide greater resiliency to Butte County’s groundwater basins.”

AB-1957 would allow PID to utilize alternative delivery methods like design-build for the construction of the intertie project. This would provide more flexibility in design and construction for the project to be done in a timely manner.

“North State residents need more reliable water,” Senator Nielsen said. “This proposal will ensure the sustainability of a water source for our community and the continued financial health of PID as the Town of Paradise rebuilds.”

In 2019, lawmakers in the North State secured \$14 million in the state budget to keep PID operational for two years. The governor’s Administration asked the district to look into long term solutions like the proposed project in order to avoid future backfill requests.

“The benefits of the intertie project are more robust than some think,” Butte County Supervisor, Doug Teeter said. “For example, delivering water down the Skyway, or a closed system pumping back and forth, would provide for other opportunities. Such as the installation of fire hydrants along with the town’s main evacuation route and an opportunity for power generation bringing benefit to the County’s new Community Choice Aggregation power purchase program. Simply put, this can be much more than a temporary financial solution for PID.”

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U.S. Army Corps of Engineers and Bureau of Reclamation: A Joint Commitment to the Nation's Water Infrastructure

Media Contact: Peter Soeth, 303-445-3615, psoeth@usbr.gov (Reclamation)
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For Release: February 03, 2020



Folsom Dam and its new auxiliary spillway, a joint project by the Bureau of Reclamation and U.S. Army Corps of Engineers.

Folsom Dam and its new auxiliary spillway, a joint project by the Bureau of Reclamation and U.S. Army Corps of Engineers. WASHINGTON - The U.S. Army Corps of Engineers and the Bureau of Reclamation recently released *The State of the Infrastructure: A Joint Report* by the Bureau of Reclamation and the U.S. Army Corps of Engineers. The two agencies have a long history of collaboration to construct, operate and maintain the nation's crucial water-related infrastructure.

National water-related infrastructure provides water supply, hydroelectric power generation, navigation, flood control, recreation and other benefits. Combined, the Army Corps and Reclamation oversee and manage more than 1,200 dams, 153 hydroelectric power plants, over 5,000 recreation areas, 25,000 miles of navigable waterways and tens of thousands of miles of canals and other water conveyance infrastructure. Those facilities provide enough water for 130 million people and irrigation for 10 million acres of farmland. And, combined hydroelectric power plants generate renewable electricity for 10 million homes.

"Millions of people rely on this infrastructure for their water, their food, and their electricity," said Department of the Interior Assistant Secretary for Water and Science Tim Petty, Ph.D. "This partnership is important; it helps us coordinate attention and resources to ensure that infrastructure is robust and well-maintained. I appreciate the partnership between Reclamation and the Army Corps and look forward to continued success moving forward."

The partnership between the Army Corps and Reclamation brings together a wide array of resources that serve to enrich public services as well as water resource management and environmental protection. The agencies regularly assess the health, safety and sufficiency of existing infrastructure and continually work to upgrade aging infrastructure and construct new projects to meet the needs of families, farms and communities.

"This report provides visibility to the public on the vast and diverse federal portfolio of water-related infrastructure our agencies maintain and their value to the safety and economic prosperity of the nation" said Assistant Secretary of the Army (Civil Works) R.D. James. "This is a great example of how the Army Corps' partners and collaborates with other agencies on water-related infrastructure by sharing challenges, best practices and strategies to utilize resources to most efficiently and effectively maintain this critical infrastructure".

Affordable power production, reliable water supply, navigation, flood risk reduction, and recreation have a positive impact on the Nation's economy and are a daily way of life for countless Americans. The rigorous and systematic maintenance programs both agencies use ensure these precious water-related resources will be available for years to come.

Ongoing attention to the Nation's water-related infrastructure will provide maximum value to the American people. The Army Corps and Reclamation are jointly committed to the management and maintenance of this critical infrastructure both today and in the future.

The report is available at www.usbr.gov/infrastructure.

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Reclamation is the largest wholesale water supplier in the United States, and the nation's second largest producer of hydroelectric power. Its facilities also provide substantial flood control, recreation, and fish and wildlife benefits. Visit our website at <https://www.usbr.gov> and follow us on Twitter @USBR.

Even after Oroville near-disaster, California dams remain potentially hazardous

San Francisco Chronicle | February 2, 2020 | Peter Fimrite



Water flows out of the damaged spillway at Oroville Dam in Oroville, Calif., on Tuesday, February 14, 2017. Photo: Scott Strazzante / The Chronicle 2017

An audit of 650 California dams considered hazardous found that only a small fraction have completed emergency plans required after the Oroville Dam spillway collapsed three years ago and forced the evacuation of nearly 200,000 people.

State Auditor Elaine Howle's recent report says only 22 of the at-risk dams have finalized their plans, which are supposed to include inundation maps and specify what they would do "to minimize loss of life and property."

Some 250 dam operators haven't even bothered to submit plans, and there is a major backlog of plans awaiting approval, the report, *Assessment of High-Risk Issues*, concluded. The deadline for owners of "extremely high hazard" dams to submit emergency plans was Jan. 1, 2018. Owners of "high hazard" dams had until Jan. 1, 2019.

The state regulates more than 1,200 dams and assigns each a hazard rating based on how much harm and damage might result if they failed. A little more than half — 650 — were rated "high or extremely high hazard."

The state Office of Emergency Services has approved only 5% of the 400 emergency plans it has received, even though the inundation maps were approved by water resources officials. Most were sent back for revisions, the report said.

The audit was also critical of the condition of many of the dams that do not yet have emergency plans. Of the 102 dams that are in “less-than-satisfactory” condition, 84 have been designated a significant hazard, meaning life or property would be at risk if they failed.

“Inadequately maintained dams or those not meeting standards, especially those whose failure could affect large populations, pose significant risks to California residents,” the report stated, using the Oroville Dam spillway collapse as an example. Department of “Water Resources data indicate that a majority of dams within the state with less-than-satisfactory condition ratings are in areas where they pose downstream hazard potential to life or property.”

Cal OES officials said they are committed to holding individual dam owners accountable and have done nothing wrong.

“The report operates on the incorrect premise that Cal OES has a backlog of emergency action plans,” said Brian Ferguson, the spokesman for the Office of Emergency Services. “Under statute, Cal OES has 60 days to review a completed EAP with approved inundation maps, and return it for revisions or approve. There are currently no EAPs under review at Cal OES that have failed to meet that 60-day deadline.”

Erin Mellon, the spokeswoman for the California Department of Water Resources, said significant progress has been made in dam safety since the Oroville incident.

“The Division of Safety of Dams is moving aggressively to reduce risks by inspecting dams and working with dam owners to meet the most rigorous standards in the nation and correct any deficiencies identified on an ongoing basis,” Mellon said in a statement. “In addition, DSOD is updating its inspection protocols to identify previously unknown dam safety risks and work with owners to mitigate those risks.”

Part of the problem, according to experts, is that many small dam owners don’t have the money to do expensive reports, let alone pay tens of thousands of dollars to make repairs.

The auditor noted that “there are no state-level programs that provide financial assistance to dam owners for repairing their dams and resolving deficiencies.”

Fixing the problems will take time and require patience, resources officials said.

The state spent \$1.1 billion rebuilding Oroville Dam’s two faulty spillways after heavy rains in February 2017 broke up the main spillway, forcing operators to use an emergency spillway, which poured water over a mostly barren hillside that quickly eroded.

A team of independent engineers blamed the failure on weakened concrete, poor drainage and a history of shoddy maintenance, including a failure to adequately review for problems. The Oroville failure raised concerns about the rest of California’s aging water infrastructure, prompting legislators to require dam operators to prepare the emergency plans.

Since the rebuild, Oroville Dam has moved from unsatisfactory, the worst ranking on the rating scale, to fair, which is the second highest behind satisfactory. It is still considered a “high hazard” dam, and its emergency plan is one of the 22 that have been approved.

Robert Bea, a professor emeritus of engineering and project management systems at UC Berkeley, said there have been major improvements — Oroville is one example — but the auditor’s report just confirms that infrastructure is still a problem

“I am very discouraged at this point,” Bea said. “Unfortunately, the failure to have learned constructively from the previous failures continues at this point. We’ve developed this sickening reactive approach to these failures — once it fails, fix it fast and return to business as usual.”

It’s not a new problem, as Bea points out. There are a total of 1,585 dams in the state, including private dams, and many of them are aging.

A 2017 Chronicle review of federal data found several dam-safety deficiencies in California. At that time, about a dozen state-monitored dams had gone more than two years between inspections, a year longer than it is normal.

And there have been other near failures.

The San Francisco Public Utilities Commission spent almost \$22 million in 2018 and 2019 repairing and reinforcing Moccasin Dam in Tuolumne County after a storm sent a torrent of water and debris into the reservoir, raising fears the 60-foot-tall earthen barrier would collapse.

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Creaky, Leaky Dams Among Biggest Risks to California: Audit

Courthouse News Service | January 30, 2020 | Nick Cahill

SACRAMENTO, Calif. (CN) – Despite a near disaster in 2017 at the nation’s tallest dam, operators and regulators of California’s high-risk dams have been slow to react and plan for catastrophic failures, according to a state audit released Thursday.

Of the 650 dams the state believes could be deadly in the event of failure, just 22 have state-approved emergency plans in place. Subpar planning and lack of funding for repairs place people living beneath many of California’s 1,200 dams at high risk, says State Auditor Elaine Howle.



View of Oroville Dam’s main spillway (center) and emergency spillway (top), from Feb. 11, 2017. The large gully to the right of the main spillway was caused by water flowing through its damaged concrete surface. (Photo: William Croyle/California Department of Water Resources – California Department of Water Resources)

“The potentially catastrophic consequences of a dam failure, the significant number of dams in less than satisfactory condition, and the remaining work necessary to ensure that emergency planning is complete and approved lead us to conclude that water infrastructure remains a high-rise issue,” the audit states.

The state narrowly averted disaster in 2017 when the spillway at Oroville Dam cracked during a major winter storm and sent nearly 200,000 Northern Californians fleeing. The near-catastrophe at the 770-foot dam not only prompted evacuations and more than \$1 billion in repairs, it revealed the decrepit condition of the state's outdated water infrastructure.

Responding to public outrage, lawmakers and then-Governor Jerry Brown passed a series of laws requiring regulators to catalog the condition of dams and increase inspections, while some operators were required to submit inundation maps and emergency plans. Howle also followed up with a 2018 report noting the age and worrisome condition of the dams.

Yet according to the audit, many dam owners have yet to turn in required reports and even worse, 150 plans that were rejected remain unapproved. Howle says regulators need to demand the overdue reports and make them a higher priority.

"Unless the Department of Water Resources and the Governor's Office of Emergency Services take sufficient action to ensure that dam owners complete adequate emergency planning, the state will continue to have little assurance that its emergency responses to potential dam failures will be sufficient," the audit continues.

Aside from dam safety concerns, the audit says the state's water infrastructure remains at risk due to inaction on a plan meant to bolster water delivery systems that supply farms and cities in the central and southern parts of the state.

After decades of planning, millions spent on environmental review and a litany of lawsuits, Governor Gavin Newsom in 2019 officially nixed the so-called Delta Tunnels plan that would have cost at least \$17 billion to build.

Environmentalists celebrated the move but their joy was dashed earlier this month when the Newsom administration announced it was beginning environmental review on a similar albeit downsized plan. Proponents say it's a long overdue infrastructure update and will help ward off damage to crucial aqueducts caused by earthquakes and rising sea levels.

The Sacramento-San Joaquin River Delta is the state's water savings bank and the source of water for federal and state water projects that supply more than 27 million residents.

Howle says there is not enough information currently available on the new plan to determine the "eventual effect of a one-tunnel project on the state's water infrastructure."

In response to the audit, the Department of Water Resources says it's taking an "aggressive approach" with dam inspections and inundation maps.

"The Division of Safety of Dams is moving aggressively to reduce risks by inspecting dams and working with dam owners to meet the most rigorous standards in the nation and correct any deficiencies identified on an ongoing basis," said Erin Mellon, Department of Water Resources spokesperson.

As for the Office of Emergency Services, it claims Howle “minimized” the interactive work that has been done to implement the dam safety laws, and said dam owners are mostly responsible for delays with the emergency plans.

The report “operates on the incorrect premise that emergency services has a backlog of emergency action plans,” according to Cal OES spokesperson Robb Mayberry.

“Emergency Services is committed to holding individual dam owners accountable for updating and maintaining emergency action plans that meet the highest standards to protect public safety,” Mayberry said in an email.

In addition to water infrastructure and dams, Howle’s report lists other high-risk problems California faces, including ongoing issues with the state prison health care system and a plagued \$1 billion accounting software project.

According to the report, the California Department of Corrections and Rehabilitation Department – which has been a high-risk agency since 2007 – still struggles to provide adequate care to inmates more than a decade after a federal judge appointed a federal receiver to oversee its health care system. As of October 2019, the department was in control of just 19 out of 35 of its prisons.

If recent reports are any indication, CDCR will remain on Howle’s infamous list.

“According to the Office of the Inspector General, quality of care has declined in six institutions since its 2017 evaluation. Thus, CDCR has not made the significant improvements in the provision of inmate medical care necessary to remove it as a high-risk agency,” the audit states.

Howle does, however, credit the CDCR for implementing recommendations from a past audit that it focus on filling vacancies by improving its management succession program.

Building on a recent audit, Howle reiterated that the transition to the so-called FI\$Cal accounting system is harming the state’s ability to conduct accurate financial reporting and could make it harder to borrow money.

After more than a decade of missteps and budgeting fiascos, the state has given an official June 2020 end date for work on a beleaguered information technology update.

“Since numerous state entities began implementing FI\$Cal, they have struggled to submit timely data for the state’s annual financial statements, an issue that could ultimately limit the state’s ability to sell bonds without increased borrowing costs,” the audit states.

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Climate Report Prompts Proposed Policy Changes to Protect San Francisco Bay and Outlying Areas

California Water News Daily | February 4, 2020

In an effort to aggressively combat the impacts of climate change on low-lying areas of the Bay Area, the San Francisco Regional Water Quality Control Board has proposed changes to the region's Water Quality Control Plan, also known as The Basin Plan, to better protect shorelines from sea level rise, storm surges and flooding.

The Basin Plan serves as the master policy document for water quality regulation in the region. The recommended revisions to the document incorporate the most advanced science and reflect findings from a staff report released last October. The measures emphasize greener, more natural solutions and include the following:

- Strategic placement of sediment to replenish and maintain marshes.
- Changing the location and configuration of levees to allow marshes to migrate to higher elevations.
- Positioning gravel – rather than rocks and concrete – in areas that restore and enhance beaches, effectively protecting the shoreline without harming the ecosystem.

“Protecting vulnerable communities and critical habitat is a priority for us, and we need to move quickly,” said Michael Montgomery, Executive Officer of the San Francisco Water Board. “The proposed changes we shared today are critical to adapting and safeguarding our vulnerable shorelines and imperiled watersheds.”

The state's nine regional water boards are required to develop, adopt and amend their basin plans at regular intervals. A public comment period is anticipated later this year. Additional information on the regional board's response to climate change is available at <https://www.waterboards.ca.gov/sanfranciscobay/>.

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Farmers welcome new federal rule on water quality

AgAlert | January 29, 2020 | Christine Souza

Farmers and ranchers expressed support for a new federal rule to protect navigable waters under the Clean Water Act, saying the rule should offer certainty, transparency and a common-sense approach about how the rule would apply on the farm.

California Farm Bureau Federation President Jamie Johansson said last week's release of the Navigable Waters Protection Rule by the U.S. Environmental Protection Agency and Army Corps of Engineers "promises clear guidelines to help farmers maintain and improve water quality while retaining the flexibility they need to manage their land."

The Navigable Waters Protection Rule, which will take effect once published in the Federal Register, will replace the 2015 Waters of the United States rule that would have given federal agencies extensive authority to regulate routine farming activities. Farm Bureau advocated for a repeal and rewrite of the 2015 WOTUS rule because of its expansion of federal jurisdiction over water and land.

"The old WOTUS rule generated only confusion and litigation," Johansson said. "We hope the new rule will lead to a more cooperative approach that sees farmers and ranchers as partners in protection of natural resources. You won't find a stronger ally than farmers and ranchers when it comes to protecting land and natural resources, because they depend on those resources to produce food and farm products."

Following a 2017 presidential executive order, the EPA and Corps reviewed and then rescinded the previous WOTUS rule. In December 2018, the agencies released a draft of the newly proposed rule that revised the definition of waters of the U.S., to clarify federal authority under the Clean Water Act.

The revised Navigable Waters Protection Rule defines four categories of waters that are federally regulated: territorial seas and traditional navigable waters; perennial and intermittent tributaries to those waters; certain lakes, ponds and impoundments; and wetlands adjacent to jurisdictional waters. The new rule also describes what is not subject to federal control, such as features that only contain water due to rainfall; groundwater; many ditches; prior converted cropland; farm and stock watering ponds; and waste treatment systems.

CFBF Senior Counsel Kari Fisher said once the Navigable Waters Protection Rule appears in the Federal Register, she expects that will trigger an onslaught of legal challenges by environmental groups and the state of California, which have said the new rule would reduce Clean Water Act protection for water quality.

The new federal rule does not affect how state or regional water quality control boards regulate water quality in California, Fisher said, noting water quality is already heavily regulated under the Porter-Cologne Water Quality Control Act. She added the new federal rule clarifies that it is up to the states to regulate nonpoint source pollution, and attempts to clarify the federal government's role under the Clean Water Act. When it was adopted in 1972, she said, the

federal Clean Water Act regulated surface water pollution from point sources and gave the states the authority to regulate nonpoint source pollution.

"The federal definition comes into play with a dredge-and-fill project or a wetland on irrigated agriculture, where one would need an additional federal permit," Fisher said. "This version (of the federal rule) attempts to make it very clear and provide certainty and predictability about when you would need a federal Clean Water Act permit and when you wouldn't. You are always going to need a state permit, but this helps farmers and ranchers understand when they will also need a federal permit."

Until the Navigable Waters Protection Rule is published, activities continue to be regulated under a 1986 WOTUS rule, she said. Landowners faced challenges under that rule, Fisher said, because it was not always evenly applied by agency staff.

"Interpretations of the law and guidance documents differed across the country due to decisions in various U.S. Supreme Court cases, resulting in confusion," she said.

That 1986 rule could remain in effect, she added, if those filing lawsuits opposing the rule ask for and receive an injunction that prevents its implementation.

Announcing the new federal rule before the National Association of Home Builders last week, EPA Administrator Andrew Wheeler said, "After five decades of constant litigation and uncertainty, our new rule significantly curtails the all too familiar practice of having to hire teams of attorneys to tell people how to use their own land."

Expressing support for the new rule, American Farm Bureau Federation President Zippy Duvall made a similar point, noting it "provides clarity and certainty, allowing farmers to understand water regulations without having to hire teams of consultants and lawyers. We appreciate the commitment of the agencies involved and this administration to crafting a new regulation that achieves important regulatory oversight while allowing farmers to farm."

AFBF is a member of the Waters Advocacy Coalition, which includes a broad cross-section of small businesses, farmers, ranchers and builders.

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For more information about the new rule, see www.epa.gov/nwpr.

(Christine Souza is an assistant editor of Ag Alert. She may be contacted at csouza@cfbf.com.)