BAY AREA WATER SUPPLY AND CONSERVATION AGENCY
BOARD OF DIRECTORS MEETING

November 14, 2024

Correspondence and media coverage of interest between October 2, 2024 and November 13, 2024

Correspondence

From:	Jim Costa, Member of Congress Josh Harder, Member of Congress
To:	Ernesto Avila, Board President Contra Costa Water District
Date:	November 5, 2024
Subject:	Support for Phase 2 of the Los Vaqueros Expansion Project and urges reconsideration of any measures to end the project

From:	Los Vaqueros Reservoir JPA
To:	Stakeholders
Date:	October 31, 2024
Subject:	Los Vaqueros Reservoir Joint Powers Authority Update

From:	Anthea G. Hansen, Chair, Los Vaqueros Reservoir JPA
To:	Ernesto Avila, Board President, Contra Costa Water District
Date:	October 30, 2024
Subject:	Request to reconsider its September 18th direction to staff to develop an approach to end participation in Phase 2 of the Los Vaqueros Reservoir Expansion Project

From:	Kali Krishnan – Highland, Ca Cynthia Denny – San Jose, Ca Kristina Fukuda – Los Angeles, Ca
To:	BAWSCA Board of Directors
Date:	October 18 - 29, 2024
Subject:	Restore Remote Public Comment at BAWSCA

From:	Nicole Sandkulla, BAWSCA CEO/General Manager
To:	Assemblymember Hart and Senator Laird, Joint Legislative Audit Committee Chair Rabbitt and Vice Chair Garnes, Seismic Safety Commission Stefan Cajina, State Water Resources Control Board, Drinking Water Division
Date:	October 28, 2024
Subject:	BAWSCA Review of the SFPUC Fiscal Year (FY) 2023-24 Annual Report, Water System Improvement Program

From:	Nicole Sandkulla, BAWSCA CEO/General Manager
To:	The Hon. Kate H. Stacy, President and Members of the Commission, SFPUC
Date:	October 28, 2024
Subject:	BAWSCA Review of the SFPUC Fiscal Year (FY) 2023-24 Annual Report, Water System Improvement Program

From:	Nicole Sandkulla, BAWSCA CEO/General Manager
To:	Steven Ritchie, Assistant General Manager – Water Enterprise
Date:	October 23, 2024
Subject:	Comments on the SFPUC's Draft State of the Regional Water System Report-September 2024

November 21, 2024 – Agenda Item #8G

Press Release

From: Contra Costa Water District
Date: November 7, 2024
Subject: CCWD Ends Participation in Los Vaqueros Reservoir Expansion

From: California Department of Water Resources
Date: November 4, 2024
Subject: State Water Project to Preserve Water Supply While Protecting Endangered Species.

From: California Water Boards
Date: October 25, 2024
Subject: State Water Board releases draft of possible updates to Bay-Delta Plan for public review

Water Supply Conditions:

Date: November 13, 2024
Source: CBS News
Article: 2 more rounds of rain and snow on the way for Northern California this week

Date: November 4, 2024
Source: New York Times
Article: In a Record, All but Two U.S. States Are in Drought

Date: October 22, 2024
Source: Bay Area News Group
Article: How full are California's reservoirs heading into the winter rainy season?

Water Infrastructure:

Date: November 12, 2024
Source: SF Gate
Article: California clears hurdle to expand major reservoir and store more water

Date: November 12, 2024
Source: KTVU Fox 2
Article: Deal to expand reservoir should boost California's water supply

Water Policy:

Date: November 12, 2024
Source: San Francisco Chronicle
Article: The Trump-California water wars are about to begin. Here's what's at stake

Date: November 5, 2024
Source: Courthouse News Service
Article: New California water permit seeks to balance water delivery with Environmental protections

Water Policy, cont'd.:

Date: November 5, 2024
Source: CalMatters
Article: Water, wildlife, climate: Californians vote on $10 billion bond

Date: November 4, 2024
Source: Valley Ag Voice
Article: Recent Developments Intensify California's Groundwater Management Landscape

Date: October 26, 2024
Source: LA Times
Article: Amid controversy, California and the Biden administration are preparing new water plans

Date: October 25, 2024
Source: ACWA
Article: Office of Administrative Law Approves Making Conservation a California Way of Life Regulation

Date: October 24, 2024
Source: Department of Water Resources
Article: DWR Nationally Recognized for Climate Action, Water Resilience by American Water Resources Association

Date: October 2, 2024
Source: LA Times
Article: Decision to reduce water flows in California's delta sparks debate over Imperiled fish

Water Quality:

Date: November 2, 2024
Source: San Francisco Chronicle
Article: San Francisco's famous water was put to a taste test. The results are surprising

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Congress of the United States
Washington, DC 20515

Ernesto Avila
Board President
Contra Costa Water District, Board of Directors
1331 Concord Ave
Concord, CA 94520

November 5, 2024

Dear Board President Avila,

Ahead of the Contra Costa Water District Board of Directors' meeting on Wednesday, November 6th, this letter expresses our support for Phase 2 of the Los Vaqueros Expansion Project and urges you to reconsider any measures to end the project. Given the significant level of federal funding — including funds approved by Congress with our support — in addition to the numerous public benefits associated with improved water infrastructure and storage, this project is key towards a more sustainable future in California water. Thus, we urge the Board to delay any action that would end the project and take more time to fully evaluate any means possible to complete this project.

California's boom-and-bust cycles of dry and wet years, as demonstrated in the droughts experienced in 2020 and 2021, compared to record rainfall in 2022 and 2023, shows that we must continually upgrade and expand our storage infrastructure to be adequately prepared to capture as much water as possible. The Los Vaqueros Expansion Project achieves this goal through creating a new regional intertie with the Transfer-Bethany Pipeline, improving the conveyance capability of multiple pump stations and pipelines, and increasing the reservoir's capacity from 160,000 acre-feet to 275,000 acre-feet. This expansion provides not only increased water supply for irrigation and food supply, but also provides a vital supply for wildlife refuges along the Pacific Flyway and more drinking water for San Joaquin and Tri-Valley families.

In addition to missing out on the benefits associated with the expansion, we are concerned about the future of the federal funding secured for this project. Los Vaqueros secured $171 million in total federal grants from the Water Infrastructure for the Nations (WIIN) Act and the Bipartisan Infrastructure Law (BIL), of which only $10 million has been spent. This level of federal investment into one specific project represents a true opportunity for increased water supply that will provide public benefits for generations to come. Such a high level of investment is rare for California surface water storage projects and, given potential uncertainty for the use of the leftover funds in other California water projects, we urge the Board to take advantage of this generational opportunity.

Based upon the buy-in from constituents, water stakeholders, and state, local and federal officials, we urge the Board to consider all possible pathways towards completion of this project. Thank you for your prompt attention to this issue and we look forward to continuing to work with you to ensure a more sustainable future in California water.

Sincerely,

JIM COSTA

Member of Congress

JOSH HARDER

Member of Congress

From: Los Vaqueros Reservoir JPA <info-losvaquerosjpa.com@shared1.ccsend.com>
Sent: Thursday, October 31, 2024 6:30 PM
To: Nicole Sandkulla <NSandkulla@bawsca.org>
Subject: Los Vaqueros Reservoir Joint Powers Authority Update

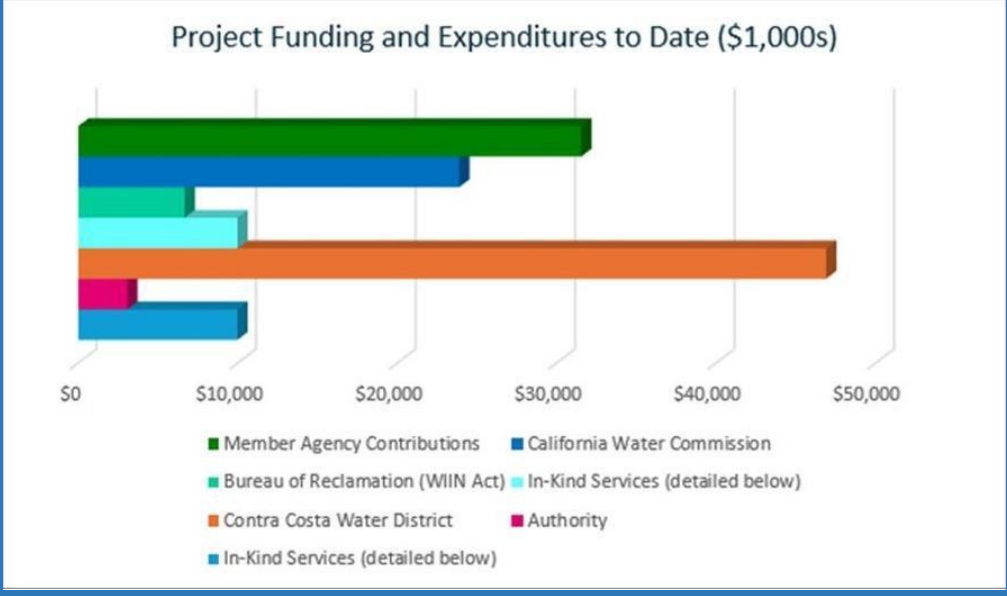
October 31, 2024

Los Vaqueros Reservoir Joint Powers Authority Update

LOS VAQUEROS RESERVOIR EXPANSION PROJECT

UPDATE ON MULTIPARTY COST SHARE AGREEMENT

The following chart provides an overview of the Multi-Party Cost Share Agreement (MPA) funding and expenditures through September 30, 2024. This updated format for reporting Project financial information was approved by the JPA's Finance Committee at its meeting on September 26, and by the JPA Board of Directors at its meeting on October 9.



AUGUST BOARD OF DIRECTORS MEETING RECAP

On October 9, the JPA Board of Directors met in person at Zone 7 Water Agency. The primary discussion focused on determining the next steps in response to the Contra Costa Water District's (CCWD) September 18 Board meeting, where the Board directed CCWD staff to develop an approach for ending CCWD's participation in the Phase 2 Los Vaqueros Reservoir Expansion Project (Project).

"CCWD's decision comes at a time when we had a capital preservation strategy in place, a revised Project schedule that was unanimously approved by the Board, a range of internal and external agreements that we were working on, and the full commitment from our Member agencies," said Executive Director Taryn Ravazzini, in her introductory comments for this agenda item, acknowledging the progress being made. "We are also very fortunate that this project has received outstanding support from our state and federal funding partners and other stakeholders, due to the valuable public benefits anticipated from LVE, particularly for ecosystem and water supply reliability."

Since CCWD's withdrawal would effectively bring the Project to an end, there were many questions raised by Board members during the meeting. Key issues and concerns included the return of Members' financial contributions, valuation of in-kind services, ownership of the various work products developed using Member agency funding, and the future of the JPA. The two main agreements governing the JPA unwinding process were also discussed: the Multi-Party Cost Share Agreement (MPA), which handles project funding and CCWD's services; and the Joint Exercise of Powers Agreement (JPA Agreement), which outlines governance and termination procedures. As outlined by the JPA's General Counsel, ending the JPA Agreement will require approval from 75 percent of the Board and Member agency governing bodies. General Counsel also mentioned that the California Water Commission will review the Early Funding Agreement with CCWD, which provided nearly $24 million in Project funding.

"It seems to me that all options hadn't been fully vetted or pursued," said Board Chair Anthea Hansen. "We were in midst of scheduling meetings and actively negotiating contracts, and we had a team assembled to negotiate the partnership agreement with Reclamation, which would inform many of the benefits on the water supply side, and particularly for the wildlife refuges. I'm hopeful there are opportunities that we can support collectively, as a partnership, to try to achieve this regional project."

During the meeting, several Board members affirmed that their agencies remain part of the JPA and support exploring the feasibility of alternative projects, while also expressing disappointment in CCWD's decision to withdraw from the Project. Board members representing the Alameda County Water District, Grassland Water District, Santa Clara Valley Water District, San Francisco Public Utilities Commission, and Zone 7, along with the General Manager of Byron Bethany Irrigation District, a member of the San Luis & Delta-Mendota Water Authority, offered supportive comments.

"This is a once in a lifetime, once in a generation opportunity," said Board Secretary Ricardo Ortega. "The region – water agencies, local elected officials, environmental community – came together for the first time, and hopefully not for the last time. This is a unique assemblage, a very diverse group, and we're very powerful, which is how were able to secure $650 million for the Project. This would have provided enough water to support 10,000 acres of habitat."

The Board did not take any official action on this agenda item and directed JPA staff to communicate with CCWD regarding potential alternatives for moving forward with the Project. Further discussions will occur at the next JPA Board meeting, contingent upon receiving notice from CCWD regarding its status as a JPA Member.

Following the key discussion item, the Board also received updates regarding the JPA's finances; program management, including budget and schedule, agreements, and design and permitting; federal relations activities; and committee meetings.

The next JPA Board Meeting is scheduled for November 13 at Zone 7 Water Agency. In accordance with the Brown Act, the meeting agenda packet will be posted on the **JPA website** in advance of the meeting.

PROJECT UPDATE: Following the JPA Board discussion, a letter was sent to CCWD Board President Avila. View the letter here. CCWD has notified the JPA that it will act on the fate of its participation in the Project at the November 6 CCWD Board of Directors meeting. The public may attend the meeting in person, at 1331 Concord Ave. in Concord, CA, or virtually.

ADDITIONAL PROJECT INFORMATION

losvaquerosjpa.com
ccwater.com/lvstudies

LOS VAQUEROS RESERVOIR EXPANSION PROJECT

October 30, 2024

Ernesto Avila, Board President
Contra Costa Water District
Eavila@ccwater.com

Dear Board President Avila,

On behalf of the Los Vaqueros Reservoir Joint Powers Authority (Authority), I am writing to ask the Contra Costa Water District (CCWD) Board of Directors to reconsider its September 18th direction to staff regarding developing an approach to end participation in Phase 2 of the Los Vaqueros Reservoir Expansion Project (LVE/Project) – a unilateral decision that effectively halts this multi-benefit regional project without any meaningful exchange of dialogue between the remaining Authority Members or our state and federal partners, all who have committed significant financial resources and expended a great deal of time and effort towards LVE at the invitation of CCWD.

During the October 9th Authority Board of Directors meeting, Member agency representatives discussed the Project's continued viability and potential solutions to help address CCWD's concerns around risk, cost, and benefits. The Authority Members emphasized that **a multi-benefit project of this magnitude with no formal opposition or threatened or pending litigation which will strengthen the region's water supply reliability, support both urban and agricultural customers, and serve as a lifeline for South-of-Delta wildlife refuges, is an opportunity that we as water leaders have a responsibility to pursue.** Complex California water projects like LVE move slowly from planning into implementation and the Authority truly believes additional time could yield positive outcomes for LVE.

As a collective of public agencies that serve 11 million Californians, wildlife refuges, and many thousands of acres of productive farmland, the Authority and its individual Member agencies are reiterating our commitment to and continued interest in LVE, as well as offering assistance in addressing the issues identified by CCWD as reasons for potentially ceasing participation in the Project.

Cost-Benefit & Project Funding – A Critical Consideration

The Authority acknowledges that the Project's cost has risen and that some of the Project benefits will be reduced due to recently issued permit conditions. However, both the state and federal funding agencies remain committed to funding the public benefits of the Project, despite those benefits being the most impacted. While the Authority's Member agencies continue to evaluate their respective business cases, the Authority and its Members have consistently stated the need to keep this regional effort intact until such time as additional detail from the agreement negotiations in progress can be finalized. We have been encouraged by recent significant milestones, including forward progress on the CCWD Facilities Usage Agreement after two fruitful negotiating sessions, ongoing productive negotiations on the Contracts for the Administration of Public Benefits with the California Department of Fish and Wildlife and the Department of Water Resources, the long-awaited scheduling

of negotiations with the US Bureau of Reclamation after completion of the Basis of Negotiation process, having state-issued permits for construction and operations, and with federal permits underway – all which need to be finalized to determine the ultimate costs and benefits of the Project.

LVE has secured almost $700 million in California Proposition 1 (2014) Water Storage Investment Program funding and federal WIIN Act and Bipartisan Infrastructure Law funding because of the Project's expansive public benefits on both a regional and statewide level. The Authority has also been selected by the US Environmental Protection Agency to apply for a more than $675 million long-term, low-cost supplemental loan through the Water Infrastructure and Finance Innovation Act (WIFIA) loan program. These rare funding and financing opportunities are seldom synchronized in the manner currently available to the Project and support the Authority's belief that the Project remains viable. We ask that the CCWD Board view this from the perspective of the Member agencies and our state and federal partners before turning away from this once-in-a-generation opportunity.

Backstop Plan Support Available

The Authority and its Member agencies understand the unique role CCWD and its facilities have in the Phase 2 Expansion and respect CCWD's concerns around risk management – specifically during the five years which the Los Vaqueros Reservoir would be out of service due to construction and refilling. We understand the risk to CCWD and its customers must be mitigated. To this end, the Authority has incorporated backup power supply and temporary water treatment plant upgrades totaling $33 million in estimated additional Project costs. The Authority has on multiple occasions offered assistance to CCWD management and is willing to put the weight of our significant partnership behind finding ways to address the "backstop issues" to CCWD's satisfaction, and we believe there are solutions not yet explored that could remove the greatest risk to CCWD and its customers. We understand that similar issues were managed during the first expansion of LVE, and respectfully request that the CCWD Board support a path that allows for further conversations with the Authority Member agencies and our state and federal partners in this regard. The importance of the Project warrants such further efforts.

Project Components and Rephasing

To further minimize risks for CCWD and keep the project moving forward, the Authority proposes to continue working with CCWD staff to review alternative approaches to the Project schedule. While rephasing will take additional time and may have cost implications, it would allow Project partners to realize the partner benefits sooner, including the financial and system upgrade benefits for CCWD and the critical public benefits of water for wildlife and drought resiliency.

One such example would be to rephase the Project by constructing the Transfer-Bethany Pipeline before expanding the reservoir. A "conveyance first-storage second" approach gives more time for the partnership to assist CCWD with shoring up its backstop supply and thereby removes the one risk that seems to be of utmost concern to CCWD's Board of Directors. Additionally, Project alternatives considered earlier in the Project development process and considered in the environmental documentation could also be revisited with a mind toward addressing risk management. There could be great value in further vetting the various alternatives with the goal of keeping the Project moving forward in some form, as opposed to terminating it in whole.

Request to Reconsider Participation

As envisioned by CCWD, there are significant regional and statewide public benefits that would be derived from the Project, including much needed water supplies for vital wildlife refuges and conveyance facilities for the Alameda County Water District, Zone 7 Water Agency, Valley Water, San Francisco Public Utilities Commission, and partners from the San-Luis & Delta-Mendota Water Authority. The Authority and its Members are

committed to realizing those benefits, as well as any benefits that will accrue to CCWD and its customers with a successful LVE. The Authority respectfully requests that the CCWD Board reconsider its prior direction and instead support further engagement of its staff in discussions with the Authority and LVE funding partners about any opportunities to make this generational project a reality.

Thank you in advance for your time and consideration. We sincerely hope the CCWD Board of Directors carefully considers these issues at its November 6th meeting and allows the Project to continue to progress, at least in some form.

Sincerely,

Anthea G. Hansen

Anthea G. Hansen, Chair

Los Vaqueros Reservoir JPA

Cc:

Executive Officer Joseph Yun, California Water Commission
Secretary Wade Crowfoot, California Natural Resources Agency
Director Charlton Bonham, California Department of Fish and Wildlife
Director Karla Nemeth, California Department of Water Resources
Regional Director Karl Stock, California-Great Basin Region, US Bureau of Reclamation
Deputy Regional Director Adam Nickels, Principal Deputy RD, US Bureau of Reclamation

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From: Kali Krishnan (kalimaria3@gmail.com) Sent You a Personal Message
To: bawscaboardofdirectors
Subject: Restore Remote Public Comment at BAWSCA
Date: Tuesday, October 29, 2024 4:14:05 AM

Dear BAWSCA Board of Directors,

Dear Board Members,

The removal of remote participation in BAWSCA Board meetings has reduced the transparency of the agency and has excluded the voices of the elderly, working-class, and caregiving community members from sharing their vital perspectives on the actions BAWSCA takes.

Remote participation became the new normal during the pandemic and remains in place in the majority of California cities. BAWSCA has made great progress by returning livestreams of Board meetings and the Agency must continue by implementing remote public comment services. As BAWSCA considers continuing its anti-environmental lawsuit against the State Water Board and chooses to support environmentally harmful voluntary agreements (VAs), the Board must remain transparent and ensure the voices of marginalized communities are heard at public meetings.

The Board must restore remote participation, including remote public comment. Thank you for recognizing the impact that remote participation has on increasing the accessibility and transparency of BAWSCA.

Sincerely,

Sincerely,

Kali Krishnan
28825 lemon street
Highland, CA 92346
kalimaria3@gmail.com
(909) 845-0159

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From: Cynthia Denny (cyndenny@gmail.com) Sent You a Personal Message
To: bawscaboardofdirectors
Subject: Restore Remote Public Comment at BAWSCA
Date: Thursday, October 24, 2024 6:19:36 PM

Dear BAWSCA Board of Directors,

As a resident of San Jose, this is very important to me.

Dear Board Members,

The removal of remote participation in BAWSCA Board meetings has reduced the transparency of the agency and has excluded the voices of the elderly, working-class, and caregiving community members from sharing their vital perspectives on the actions BAWSCA takes.

Remote participation became the new normal during the pandemic and remains in place in the majority of California cities. BAWSCA has made great progress by returning livestreams of Board meetings and the Agency must continue by implementing remote public comment services. As BAWSCA considers continuing its anti-environmental lawsuit against the State Water Board and chooses to support environmentally harmful voluntary agreements (VAs), the Board must remain transparent and ensure the voices of marginalized communities are heard at public meetings.

The Board must restore remote participation, including remote public comment. Thank you for recognizing the impact that remote participation has on increasing the accessibility and transparency of BAWSCA.

Sincerely,

Sincerely,

Cynthia Denny
3165 Arroba Way
San Jose, CA 95118
cyndenny@gmail.com
(650) 520-7954

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From: Kristina Fukuda (kmfukuda@yahoo.com) Sent You a Personal Message
To: bawscaboardofdirectors
Subject: Restore Remote Public Comment at BAWSCA
Date: Friday, October 18, 2024 10:15:23 AM

Dear BAWSCA Board of Directors,

Dear Board Members,

The removal of remote participation in BAWSCA Board meetings has reduced the transparency of the agency and has excluded the voices of the elderly, working-class, and caregiving community members from sharing their vital perspectives on the actions BAWSCA takes.

Remote participation became the new normal during the pandemic and remains in place in the majority of California cities. BAWSCA has made great progress by returning livestreams of Board meetings and the Agency must continue by implementing remote public comment services. As BAWSCA considers continuing its anti-environmental lawsuit against the State Water Board and chooses to support environmentally harmful voluntary agreements (VAs), the Board must remain transparent and ensure the voices of marginalized communities are heard at public meetings.

The Board must restore remote participation, including remote public comment. Thank you for recognizing the impact that remote participation has on increasing the accessibility and transparency of BAWSCA.

Sincerely,

Sincerely,

Kristina Fukuda
3544 Keystone Ave, Apt 3
Los Angeles, CA 90034
kmfukuda@yahoo.com
(213) 740-7541

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Bay Area Water Supply & Conservation Agency

October 28, 2024

Via email

Assembly Member Gregg Hart, Chair
Senator John Laird, Vice Chair
Joint Legislative Audit Committee
1020 N Street, Room 107
Sacramento, CA 95814

David Rabbitt, Chair
Debra Garnes, Vice-Chair
Alfred E. Alquist Seismic Safety Commission
2945 Ramco Street, Suite 195
West Sacramento, CA 95691

Mr. Stefan Cajina, Chief
North Coastal Section, Division of Drinking Water
State Water Resources Control Board
850 Marina Bay Parkway, Bldg P, Second Floor
Richmond, CA 94804

RE: BAWSCA Review of the SFPUC Fiscal Year (FY) 2023-24 Annual Report, Water System Improvement Program

Dear Assembly Member Hart, Senator Laird, Chair Rabbitt, Vice-Chair Games, and Chief Cajina,

BAWSCA has reviewed the San Francisco Public Utilities Commission (SFPUC) Water System Improvement Program (WSIP) Annual Report for Fiscal Year 2023-24, dated September 1, 2024 (Annual Report). Attached is BAWSCA's comment letter to the SFPUC, which includes a request that the Commission direct staff to implement the identified recommendations.

As detailed in the Annual Report, the overall WSIP program has had significant achievements associated with project completion since its' inception. However, there remain two key projects that have yet to be implemented: the Alameda Creek Recapture Project (ACRP), located in the Sunol Valley Region; and the Regional Groundwater Storage and Recovery Project (RGSR Project), located in the San Francisco (Regional) Region.

The ACRP's construction was halted in April 2023 due to the need to revisit the project's overall design. The RGSR Project, which was broken into three phases, has proven to be a difficult project to construct. The SFPUC is committed to addressing the challenges associated with implementing those two key projects, yet admits that the time required to complete increases significantly. Specifically, the WSIP is now scheduled to be completed by June 30, 2032, extending the completion date by approximately 5 years.

Both the ACRP and RGSR Projects are key components of the WSIP, in that each is needed to achieve the WSIP Level of Service (LOS) Goals for Water Supply Reliability.

BAWSCA offers the following key findings and recommendations regarding the status and progress of the WSIP for the State's consideration:

Finding 1: The SFPUC has failed to notify the State, as required, of the changes to the WSIP scope, budget and schedule that were adopted by the Commission on April 9, 2024. The adoption of the latest WSIP baseline scope, budget and schedule on April 9, 2024 is referenced on page ES1. California Water Code Section 73502(c) requires that San Francisco notify the State of adopted scope, budget, and schedule changes to the WSIP. To date, SFPUC has not issued the required Notice of Change (NOC). With prior WSIP revisions, the NOC has typically been submitted within 5 months of the Commission action. It is unclear why there has been a delay in the timely compliance with State law.

Recommendation 1: The SFPUC should submit the required WSIP NOC to the State as soon as possible. In the future, any subsequent NOC submittals should be prioritized such that they are completed and provided to the State within 5 months of Commission action.

Finding 2: Given the ongoing uncertainty of the final design of the Alameda Creek Recapture Project (ACRP), it is likely that the additional funding will be needed beyond the recently added $5M and will require a future NOC. As discussed on page ES2, an additional $5M in WSIP funding was allocated in the adopted SFPUC FY 2024-33 10-year CIP and is earmarked for the ACRP. The level of funding needed to complete the ACRP can be estimated by obtaining detailed knowledge of the anticipated erosion control measures that must be put in place as part of ACRP construction. That detailed knowledge is still being developed by the SFPUC, and hence the $5M provided may well be inadequate given the incomplete design. If so, a future NOC will be required as the ACRP is re-designed over the next several years.

Recommendation 2: Language in future WSIP Annual Reports should be amended to discuss the uncertainty of how best to address erosion control needs into the final ACRP design and implementation plan until further detailed ACRP design information and more definitive cost estimates are available.

Finding 3: Three well sites that are a part of the Regional Groundwater Storage and Recovery Project (RGSR Project) will have their rehabilitated pumps stored in a remote warehouse rather than be reinstalled in the well itself. Since the SFPUC's Level of Service (LOS) Goals are predicated on the assumption that all WSIP constructed facilities will be in-service, it is critical to confirm that the assets can be utilized when and if needed. BAWSCA is concerned that storing pumps without having a solid plan for their maintenance while in storage could prove problematic.

Recommendation 3: The SFPUC should identify the staffing needs, technical requirements, and timeframe necessary for each deactivated well / pump to be brought online to support dry year supply needs within a timely fashion.

Please call me if BAWSCA can provide further assistance in the State's review of the SFPUC's FY 2023-24 Annual Report, or if you would like to discuss BAWSCA's comment letter to the SFPUC. I can be reached by phone at (650) 743-6688 or via email at nsandkulla@bawsca.org.

BAWSCA sincerely appreciates the time and attention given by the State in helping ensure the SFPUC's progress in implementing the critically important WSIP continues.

Sincerely,

Nicole Sandkulla
Chief Executive Officer/General Manager

NS/TF/le

Enclosure

cc: SFPUC Commissioners
Dennis Herrera, General Manager, SFPUC
Stephen Robinson, Assistant General Manager - Infrastructure, SFPUC
Steven Ritchie, Assistant General Manager - Water Enterprise, SFPUC
Katie Miller, Director, Water Capital Programs, SFPUC
Alison Kastama, BAWSCA Liaison, SFPUC
Vlad Rakhamimov, Staff Engineer, North Coastal Section, Division of Drinking Water, State Water Resources Control Board
Marco Pacheco, San Francisco District Engineer, Division of Drinking Water, State Water Resources Control Board
Darrin Polhemus, Deputy Director, Division of Drinking Water, State Water Resources Control Board
Daniel Newton, Assistant Deputy Director, Northern California Drinking Water Field Operations Branch, State Water Resources Control Board
Annde Ewertsen, Executive Director, Alfred E. Alquist Seismic Safety Commission
Jia Wang-Connelly, Senior Structural Engineer, Alfred E. Alquist Seismic Safety Commission
BAWSCA Board of Directors
BAWSCA Water Management Representatives
Allison Schutte, Legal Counsel, Hanson Bridgett, LLP

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BAWSCA
Bay Area Water Supply & Conservation Agency

October 28, 2024

Via email

The Honorable Kate H. Stacy
and Members of the Commission
San Francisco Public Utilities Commission
525 Golden Gate Avenue, 13th Floor
San Francisco, CA 94102

RE: BAWSCA Review of the SFPUC Fiscal Year (FY) 2023-24 Annual Report, Water System Improvement Program (WSIP)

Dear President Stacy and Members of the Commission,

BAWSCA has reviewed the State required WSIP FY 2023-24 Annual Report and presents the following findings and recommended actions for the Commission to direct SFPUC staff to implement.

Finding 1: The SFPUC has failed to notify the State, as required, of the changes to the WSIP scope, budget and schedule that were adopted by the Commission on April 9, 2024. The adoption of the latest WSIP baseline scope, budget and schedule on April 9, 2024 is referenced on page ES1. California Water Code Section 73502(c) requires that San Francisco notify the State of adopted scope, budget, and schedule changes to the WSIP. To date, SFPUC has not issued the required Notice of Change (NOC). With prior WSIP revisions, the NOC has typically been submitted within 5 months of the Commission action. It is unclear why there has been a delay in the timely compliance with State law.

Recommendation 1: The SFPUC should submit the required WSIP NOC to the State as soon as possible. In the future, any subsequent NOC submittals should be prioritized such that they are completed and provided to the State within 5 months of Commission action.

Finding 2: Given the ongoing uncertainty of the final design of the Alameda Creek Recapture Project (ACRP), it is likely that the additional funding will be needed beyond the recently added $5M and will require a future NOC. As discussed on page ES2, an additional $5M in WSIP funding was allocated in the adopted SFPUC FY 2024-33 10-year CIP and is earmarked for the ACRP. The level of funding needed to complete the ACRP can be estimated by obtaining detailed knowledge of the anticipated erosion control measures that must be put in place as part of ACRP construction. That detailed knowledge is still being developed by the SFPUC, and hence the $5M provided may well be inadequate given the incomplete design. If so, a future NOC will be required as the ACRP is re-designed over the next several years.

Recommendation 2: Language in future WSIP Annual Reports should be amended to discuss the uncertainty of how best to address erosion control needs into the

final ACRP design and implementation plan until further detailed ACRP design information and more definitive cost estimates are available.

Finding 3: Three well sites that are a part of the Regional Groundwater Storage and Recovery Project (RGSR Project) will have their rehabilitated pumps stored in a remote warehouse rather than be reinstalled in the well itself. Since the SFPUC's Level of Service (LOS) Goals are predicated on the assumption that all WSIP constructed facilities will be in-service, it is critical to confirm that the assets can be utilized when and if needed. BAWSCA is concerned that storing pumps without having a solid plan for their maintenance while in storage could prove problematic.

Recommendation 3: The SFPUC should identify the staffing needs, technical requirements, and timeframe necessary for each deactivated well / pump to be brought online to support dry year supply needs within a timely fashion.

Aside from these three findings and associated three recommendations for the Commission's consideration, BAWSCA also has several minor comments and suggested document corrections which will be shared with SFPUC staff directly as they do not require Commission action at this time.

BAWSCA continues to support the SFPUC's WSIP efforts and continues to be pleased at the progress made toward the completion of WSIP.

Sincerely,

Nicole Sandkulla
CEO/General Manager

NS/TF/le

cc: Assembly Member Gregg Hart, Chair, Joint Legislative Audie Committee
Senator John Laird, Vice Chair, Joint Legislative Audit Committee
David Rabbitt, Chair, Alfred E. Alquist Seismic Safety Commission
Debra Garnes, Vice Chair, Alfred E. Alquist Seismic Safety Commission
Mr. Stefan Cajina, Chief, North Coastal Section, Division of Drinking Water, State Water Resources Control Board
Vlad Rakhamimov, Staff Engineer, North Coastal Section, Division of Drinking Water, State Water Resources Control Board
Marco Pacheco, San Francisco District Engineer, Division of Drinking Water, State Water Resources Control Board
Darrin Polhemus, Deputy Director, Division of Drinking Water, State Water Resources Control Board

Daniel Newton, Assistant Deputy Director, Northern California Drinking Water Field Operations Branch, State Water Resources Control Board

Annde Ewertsen, Executive Director, Alfred E. Alquist Seismic Safety Commission

Jia Wang-Connelly, Senior Structural Engineer, Alfred E. Alquist Seismic Safety Commission

Dennis Herrera, General Manager, SFPUC

Steven Ritchie, Assistant General Manager - Water Enterprise, SFPUC

Stephen Robinson, Assistant General Manager – Infrastructure, SFPUC

Katie Miller, Director, Water Capital Programs, SFPUC

Alison Kastama, BAWSCA Liaison, SFPUC

BAWSCA Board of Directors

BAWSCA Water Management Representatives

Allison Schutte, Hanson Bridgett, LLP, Legal Counsel

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Bay Area Water Supply & Conservation Agency

October 23, 2024

Steven Ritchie, Assistant General Manager – Water Enterprise
San Francisco Public Utilities Commission
525 Golden Gate Avenue, 13th Floor
San Francisco, CA 94102

SUBJECT: Comments on the SFPUC's Draft State of the Regional Water System Report – September 2024

Dear Mr. Ritchie:

BAWSCA has completed its review of the Draft State of the Regional Water System Report (SRWS Report), dated September 2024. Overall, BAWSCA finds that the 2024 SRWS Report is an improvement over the 2022 document. BAWSCA appreciates that with each successive SWRS Report, enhancements continue to be made to it.

BAWSCA has provided detailed comments on the document via a table that is attached to this letter. BAWSCA anticipates that the SFPUC will review the comments, and provide a response along with the Final version of the 2024 SRWS Report.

One primary observation BAWSCA had was that while significant discussion of two of the largest capital projects was provided in the report (e.g., work associated with the expansion of Millbrae Facilities and work associated with the Moccasin Penstock), the report lacked a brief summary of the conditions present that necessitate this work. Detailing the reasons behind the work would add clarity.

BAWSCA has three recommendations for the **2026 version of the SRWS Report**.

Recommendation 1

The main body of the report could be substantially shortened. The main body of the report has extensive narratives that do not directly serve the status reporting aspects intended. Namely, Section 4 is very long (140 pages). Details that may be useful for other SFPUC purposes can be summarized in tables and/or graphs or moved to an appendix. As an example, the Moccasin Compound description (Section 4.5.1.1, pages 114-115) needs only a listing of the type of facilities in the asset class under discussion. The titles and composition of the work groups located within these buildings does not add to the understanding of the condition of the asset class.

Recommendation 2

Provide a table showing expected completion/achievement dates of the objectives associated with implementation of the Asset Management Program. Chapter 3, Asset Management Program Status, provides an update on the objectives contained within the Asset Management Policy. BAWSCA recognizes that this is a multi-year effort. As such, it would be helpful to have a summary table showing expected completion/achievement of objectives. This is particularly the case for the Regional Water which perhaps has not developed its Asset Management Program as much as Hetch Hetchy Water has.

Recommendation 3

More dialog between the SFPUC and BAWSCA regarding work associated with the SFPUC's Asset Management Program efforts are necessary given level of expenditures and long-term risk. BAWSCA firmly believes that more direct discussions between BAWSCA and the SFPUC are necessary to ensure BAWSCA's understanding of the efforts underway. Asset Management efforts are a significant part of the SFPUC's operation and directly inform current and future capital planning expenditures. And while the SFPUC has had discussions with BAWSCA regarding its reasons for incorporating a discussion of the Asset Management Program in the SRWS Report, such a written documentation does not supplant the need for further discussions. As the representative of the SFPUC's 26 Wholesale Customers, it is important that BAWSCA fully understand this work and it is therefore deserving of greater dialog.

The SRWS Report continues to be a very important document which brings together observations, operating and maintenance data, study results and other information to effectively convey the current ability of the RWS to provide reliable water service. The report provides an assessment of RWS condition including what is known and observed regarding key facilities, and what remains unknown due to lack of inspection or assessment.

BAWSCA recognizes that the 2024 SRWS Report has been enhanced as compared with prior versions, and has observed key areas in the document where such enhancements have made an important difference. For example, the emerging issues discussion (Section 6) received significant updates. Since this section serves to highlight issues expected to impact future operations and capital planning, BAWSCA finds it strategically important.

BAWSCA appreciates the considerable time and effort that went into the preparation of the 2024 SRWS Report, and moreover, the willingness of the SFPUC to share a draft version of the document. We look forward to meeting with the SFPUC staff to discuss our comments.

Sincerely,

Nicole Sandkulla
Chief Executive Officer/General Manager

TF/NS/le

Enclosure:
1. BAWSCA Comments - 2024 SRWS Draft Report

cc: Alison Kastama, SFPUC BAWSCA Liaison
Ellen Levin, SFPUC Deputy Manager, Water Enterprise
Margaret Hannaford, SFPUC Water and Power Division Manager
Angela Cheung, SFPUC Water Supply and Treatment Division Manager

BAWSCA COMMENTS ON DRAFT 2024 SRWS REPORT

Comment ID	Section	Reference Text	Comment	Commenter	Division	Response id (1=Accept, 2=Discuss, 3=Reject)	Response	Reviewer	Status (To do, Doing, Done)	Response Notes
1	Entire report	Pg. 1-236	Formatting error. Page header text refers to 2022 instead of 2024 as the report date.	BAWSCA						
2	2.1.1	Pg. 8, final paragraph	Does WE have a date when it expects to fully implement the Asset Management Policy? If so that date should be noted in this paragraph.	BAWSCA						
3	2.1.1.1	Pg. 9, Bullet 3	Has the risk register been developed, and have assets been scored by COF and LOF? If so, this woudl be very useful to BAWSCA as it reviews captial proejcts.	BAWSCA						
4	2.1.1.5	Pg. 11	The SFPUC guiding principle description of Asset Condition does not match the corresponding entry in Table 2-1 (pg. 9).	BAWSCA						
5	2.1.1.7	Pg. 12, Bullet 1	Has the the objective in the first bullet on page 12 been achieved or partially achieved? This is an important tool in capital project planning and prioritization and a presentation on this "planning approach" would be useful to BAWSCA.	BAWSCA						
6	2.1.2	Pgs. 13-17	Suggest moving the full text of the currently adopted LOS into an appendix for easy reference.	BAWSCA						
7	2.1.2	Pg. 17, last paragraph	It is not clear if the "LOS strategic planning efforts not previously reported" is intended to be used to create new LOS goals in the future or incorporated into existing goals the next time the LOS goals are updated. Please clarify.	BAWSCA						
8	2.1.2	Pg. 18, Third paragraph	There is a word missing from the sentence: "SFPUC intends to develop a consistent across the WE that …."	BAWSCA						
9	3	Pg.24	It might be easier for the reader to include the status and update information in this Chapter into Section 2.1 when each Asset Management Objective is introduced. This would avoid repetition of all 26 objectives in both chapters.	BAWSCA						
10	3.1	Pg. 24, Status and Update of Objectives	The information should indicate if COF and LOF have been estimated for any assets to date, and include a schedule for when this will be completed. BAWSCA recognizes that this is an ogoing effort to be implemented for selected assets.	BAWSCA						
11	3.2	Pg. 25, Status and Update Section	It is not clear from the description of the AMSC if it satisfies the objective of a change management process of if WE will be producing something written to meet this objective. Please clarify.	BAWSCA						
12	3.5	Pg. 29, Objective #1	How many planned conditions assessments are scheduled each year? Of these how many get completed? The above seem like a good indcacators of performance in meeting this objective. Setting a goal of achieving 90% of scheduled assessments would indicate satisfactory achievement.	BAWSCA						
13	3.5	Pg. 29, Objective #2	The first paragraph of the *status and update* for this objective states that WE does not have a written assessment prioritization strategy. Does HHWP? IF WE is planning to develop a written strategy what is the schedule for completing it?	BAWSCA						
14	3.6	Pg. 29, Objective #1	Does the objective for AMPs apply to all divisions? Please provide the expected completion dates for the WE SAMP and division AMPs.	BAWSCA						
15	3.7	Pg. 31, Objective #1	There is only information regarding HHWP progress. Was progress on the objectve made by WE?	BAWSCA						
16	3.8	Pg. 32, Objective #2	Is WSTD developing expenditure reports per this objective. If so, can the SOWS update include a schedule for when they woudl be in place?	BAWSCA						
17	3.9	Page 32, Objective #2	Were any peer reviews conducted during the reporting period for this report? If so, please list. If not, idendify a schedule when they would begin.	BAWSCA						
18	3.9	Page 32, Objective #3	Have any KPIs been established under this objective? If so, please descri be. If not, please provide a schedule for their development.	BAWSCA						
19	4.1.1.1 & 4.1.2.1	Pgs. 34-39 & Pgs. 43-49	The HH Water maintenance summary tables provide general interval cycles for the completion dates. The RWS maintenance summary tables provide actual dates for this column. Can the reporting be made consistent for dams in both areas, with exact dates entered for the completion column?	BAWSCA						

Comment ID	Section	Reference Text	Comment	Commenter	Division	Response id (1=Accept, 2=Discuss, 3=Reject)	Response	Reviewer	Status (To do, Doing, Done)	Response Notes
20	4.1.2.1	Pg. 44	Paragraph 3 of the *Condition* section notes a $2.8M project to repair damage from the 2022/23 storm. Is this work being done as part of an R&R project.	BAWSCA						
21	4.1.2.1	Pg. 45	The *Condition* sectinshould note the WECIP project to evaluate seismic performance issues.	BAWSCA						
22	4.1.2.1	Pg. 46	The *Condition* section notes the DSOD intent to ragte the dam conditions as "poor". This deserves at least a sentence describing the deficiencies/concerns raised by DSOD. Also the text should reference the WECIP project to address seismic and hydraulic performance issues.	BAWSCA						
23	4.1.2.1	Pg. 48	The *Condition* section for San Andreas Dam should mention the WECIP project to evaluate seismic and hyraulic performance.	BAWSCA						
24	4.2.2.1	Pg. 57, second paragraph	This paragraph notes that 9 wells are connected to the RWS but only 8 have recived conditional use approved by the SWRCB. What is the status of the well that has not been approved yet? It would be useful to note the planned return to service requirements for standby wells if needed during a drought.	BAWSCA						
25	4.2.2.2	Pg. 58	The first paragraph under Capital Improvements describes the large capital projects for the water treatment program as a total investment of $267.8M but the projects described later in the section have a total value of $452M.	BAWSCA						
26	4.3.1.1	Pg. 65	The *Description* paragraph for the Kirkwood penstock should include its length and diameter.	BAWSCA						
27	4.3.1.1	Pg. 68	The *Description* paragraph for the Holm penstock should include its length and diameter. The *Condition* paragraph should mention the capital project for exterior recoating.	BAWSCA						
28	4.3.1.1	Pg. 69	The *Description* paragraph for LCA should provide more description of the facility (lengths and sizes).	BAWSCA						
29	4.3.1.1	Pg. 71	The Condition section should note the WECIP project to evaluate seismic performance issues.	BAWSCA						
30	4.3.2.1	Pgs. 84-88	The Cross Connection Mitigation Section has more detail than needed for the SOWS update. The most important information is provided in Figure 4-6 and Table 4-55. This SOWS report should describe progress towards meeting the schedule shown in Table 4-55.	BAWSCA						
31	4.3.2.1	Pgs. 88-93	The Corrosion Control sections have more detail than required for a SRWS update. A brief description of the curent program, and completed vs. planned maintenance activities would be shorter and more meaningful. The corrosion surveys paragraph on page 93 is very helpful. Tracking planned vs. completed surveys would be very informative.	BAWSCA						
32	4.3.2.1	Pg. 95	The RWS Water Balance Computation paragraph states that water losses in the RWS are likley small. This aopear justifice by the data provided. It might be useful to note that the discrepencies between total inflow and outflow are within the meter error range of the devices use to creat the water balance.	BAWSCA						
33	4.3.2.2	Pg. 99, second paragraph	The second paragraph indicates consideration of other upgrades or replacement of SAPS beyond the current CIP projects. Is there a facility master plan or other planning document that includes SAPS future replacement planning? If so, please note.	BAWSCA						
34	4.3.2.2	Pg. 105, *Palo Alto Pipeline* section	Were the results of the April 2024 inspection used to determine the pipeline is in "fair" condition? The sentence "A capital project will eventually be needed." is not useful to the reader as it could apply to every asset in the RWS! It might be better to note that "the 2024 Inspection Report results and other information will be used to inform a future capital project"	BAWSCA						
35	4.3.2.2	Pg. 106 *Pulgas Pump Staion* section	There is no current WECIP project for this facility and yet the section notes proposed "full rehabilitation". Is this included in an R&R project? Is the proposed rehabilitiation part of a Master Plan or other planning effort for this facility. If so, please note.	BAWSCA						

Comment ID	Section	Reference Text	Comment	Commenter	Division	Response id (1=Accept, 2=Discuss, 3=Reject)	Response	Reviewer	Status (To do, Doing, Done)	Response Notes
36	4.3.2.2	Pg. 108 CSPS *Condition* paragraph	The CSPS is a relatively new facility and the deficiencies noted are relatively minor. Will the capital investment needed come from an R&R project?	BAWSCA						
37	4.5.2.1	Pg. 126, Millbrae Yard *Condition* paragraph	The Millbrae Yard WECIP project should be mentioned here. The current text does not indicate any need for the prjoct. Additional informaiton should be included in this paragraph sufficient to explain why a $428M CIP project is moving forward.	BAWSCA						
38	4.10.1.1	Pg. 167, Condition paragraph for the O'Shaughnessy WW System	Is there any plan to repair or replace the non-operational spray field system or will it be retired?	BAWSCA						
39	5.1.6	Pg. 178	The paragraph under *Drinking Water Permit Compliance* states that all state and federal standards were met in the reporting period. It might be useful to briefly mention the progress on the update of the Water Quality Strategic Plan in this paragraph. (Note that the WQSP is described in Section 6.2.5 but it is such a key part of SFPUC's strategy to comply with current and future regulations that it bears mentioning here.)	BAWSCA						
40	5.2	Pg. 179	The last paragraph discusses the environmental compliance requirement that "BHR sites be protected, monitored, and maintained in perpetuity." If there are current efforts to meet this requirement through conservation bank credit purchases, then the status of such efforts should be noted in the report.	BAWSCA						
41	5.2.1	Pg. 179	This section should note if the RWS was in compliance with NPDES permits during the reporting period similar to section 5.1.6.	BAWSCA						
42	5.5.4	Pg. 193	It would be useful to have the date of the latest PSMP submitted to the California PUC.	BAWSCA						
43	Appendix A	Pg. 203	Table A-3 has some footnote numbers on some of the data, but the numbering seems to be inconsistent (starting with 3) as there were no earlier footnotes in Appendix A.	BAWSCA						
44										
45		**CELLS SHADED IN YELLOW ARE EXAMPLES OF NEEDED PROOF READING OF DOCUMENT**								
46										

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For Immediate Release: November 7, 2024
Contact: Jennifer Allen, (925) 688-8041 office, (925) 297-9739 mobile

CCWD Ends Participation in Los Vaqueros Reservoir Expansion

Photo by Los Vaqueros Reservoir Expansion Project

CONCORD – Last night, the Contra Costa Water District (CCWD) Board of Directors took action to end its participation in the Los Vaqueros Phase 2 Expansion Project.

This action follows a September Board discussion during which staff was directed to develop and present an exit plan for the Board's consideration.

Los Vaqueros Reservoir, a drinking water reservoir in Brentwood, was built and expanded by CCWD to provide water quality and water supply benefits for the residents of central and eastern Contra Costa County. For decades, CCWD has worked with local, state and federal partners to evaluate a Phase 2 expansion of the reservoir and related facilities to provide regional benefits for urban, agricultural and environmental interests, all while maintaining the benefits derived from the initial investments by CCWD customers.

While initial Phase 2 studies progressed through the planning and design phases, significant challenges became apparent with costs, benefits, and future operations. Recognizing the complexities of this project, CCWD has worked with partners to focus on unresolved issues and collaborate on potential solutions. At the CCWD's Board meeting in September, these issues were discussed in depth, explaining that the expansion project was facing changed conditions resulting from tighter restrictions on Delta operations, increased costs for construction, decreased benefits for partners, and unresolved differences on agreements regarding design, construction, and usage.

"Contra Costa Water District has spent decades collaborating with agencies and organizations to find cost-effective, implementable solutions to water challenges in California. We have been committed to making Phase 2 expansion of Los Vaqueros Reservoir viable to achieve regional benefits," said Board President, Ernesto A. Avila. "Unfortunately, we had no choice but to confront the disappointing reality that costs have significantly increased and that benefits have noticeably decreased. Moreover, a growing number of governance and policy issues continued to be deferred rather than resolved. Of concern specifically for CCWD were sufficient

protections for CCWD's customer prior water quality and supply reliability investments both during construction and project operations; ensuring these protections was a commitment made by the CCWD Board to its customers in 2004. Based on these facts, the CCWD Board unanimously approved a plan to end CCWD's participation in the project."

Avila continued, "This was an especially difficult decision in light of the extensive time and resources expended by CCWD and its partners at the local, state and federal level to get to this point. But we must be realistic and responsible in acknowledging that more time, more resources and more meetings will not change the facts impacting the economics of the project. Now CCWD will work with the Joint Powers Authority Board and other agencies to conclude work on the expansion project and look for other opportunities to find cost-effective solutions to improving our region's water resiliency."

# # #

CALIFORNIA DEPARTMENT OF
WATER RESOURCES

News Releases
November 4, 2024

State Water Project to Preserve Water Supply While Protecting Endangered Species
New Operating Permit Issued for California's State Water Project to Preserve Water Supply While Protecting Endangered Species

A windy stretch of the East Branch California Aqueduct in Palmdale, California, located in Los Angeles County near mile post 327.50 on May 12, 2023.

A Balanced Approach is Key to Benefiting California's Endangered Fish Species Through Habitat Restoration, Improved Flow Measures, Monitoring, and Hatchery Production

SACRAMENTO, Calif. – Addressing the dual challenges of climate change impacts and endangered species protections, the California Department of Water Resources (DWR) has received a new operating permit for the State Water Project (SWP) that will protect endangered fish species while ensuring a reliable water supply for 27 million Californians.

The permit, known as an Incidental Take Permit (ITP), was issued by the California Department of Fish and Wildlife (CDFW) following the certification of a Final Environmental Impact Report for long-term operations of the SWP. The permit covers five species protected under the California Endangered Species Act, including Delta smelt, longfin smelt, white sturgeon, winter-run Chinook salmon and spring-run Chinook salmon.

Since 2021, DWR has been working with the U.S. Bureau of Reclamation and partners at the state and federal fish agencies to update the operating rules for the SWP and the federal Central Valley Project following litigation against the federal rules in 2020, known as the Biological Opinions. As with the previous permits, DWR focused on meeting the requirements of the California Endangered Species Act (CESA) independent of the federal Biological Opinions. This allows for simpler processes for adaptively managing the system and ensuring CESA coverage remains in place independent of any future changes to the federal rules.

"The new Incidental Take Permit for the State Water Project issued today provides California with new tools and resources to better manage our water supply for endangered fish species and millions of Californians," said DWR Director Karla Nemeth. "While the State Water Project is now operating under a permit independent of our federal partners, we continue to work together to make sure the rules that govern operations of both projects are aligned to the benefit of both fish and people."

"In California, incidental take permits are an important way we regulate infrastructure projects that have the potential to cause harm to protected fish and wildlife," said CDFW Director Chuck Bonham.

“By requiring the State Water Project operation to avoid and minimize impacts, and to mitigate and counteract those impacts through habitat restoration, improved flow measures, monitoring, and hatchery production, we will make sure all fish and wildlife species impacted by the project have opportunities to thrive.”

The new operating plan for the SWP include a portfolio of actions and new science tools designed to reduce and offset impacts to listed species, including commitments to:

Incorporate new genetic technology that allows real-time differentiation of listed salmonids from non-listed salmonids for real-time operational adjustments
Complete tidal marsh and floodplain restoration projects that support spawning and rearing habitat for listed species
Improve fish passage in critical migration corridors
Support adaptive annual investments in salmon that are responsive to climate change stressors, including droughts
Support hatchery production actions for listed species
The proposed operations also incorporate a robust adaptive management plan that will allow the SWP to incorporate new science to revise project components in a manner that more efficiently and effectively protects species.

“Extreme storms and extended droughts mean we need to be as nimble as possible in operating our water infrastructure. DWR remains committed to using the best available science to operate the State Water Project to support the water supply needs of California’s communities while protecting fish and wildlife,” Nemeth said.

The SWP operations plan was completed in coordination with partners from the Bureau of Reclamation, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and CDFW. Efforts to complete the updated operations plan spanned three years and included regular engagement and feedback from interested parties.

The federal Central Valley Project Environmental Impact Statement and Biological Opinions are separate from the SWP Incidental Take Permit and Final Environmental Impact Report. For questions related to the federal regulations process, please contact the U.S. Bureau of Reclamation.

# # #

Contact:

Ryan Endean, Public Affairs, Department of Water Resources
media@water.ca.gov

Katie Talbot, Public Affairs, California Department of Fish and Wildlife
kaitlin.talbot@wildlife.ca.gov

PRESS RELEASE:
Maven Agency News
October 25, 2024

State Water Board releases draft of possible updates to Bay-Delta Plan for public review

Presented options relate to Sacramento/Delta portions of plan

In its ongoing effort to address an ecosystem in a state of prolonged decline and improve environmental conditions for fish and wildlife in the Sacramento River and Delta watershed, the State Water Resources Control Board today released for public review and comment a draft of potential options for updating the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta (Bay-Delta Plan) for the Sacramento River and the Delta and associated tributaries (Sacramento/Delta).

The Bay-Delta Plan establishes beneficial uses of water in the watershed, water quality and flow objectives to reasonably protect those uses, and an implementation program that includes monitoring and reporting requirements. California law requires the State Water Board to adopt and periodically review water quality control plans for all surface waters; these reviews enable the state to adapt to changing environmental conditions as well as other changes. In December 2018, the board adopted updated flow objectives and an implementation program for the reasonable protection of fish and wildlife in the Lower San Joaquin River and its three salmon bearing tributaries: the Stanislaus, Tuolumne and Merced rivers.

“With the release of these possible updates to the Sacramento/Delta portions of the plan, the board would like to hear significant public input, which will be carefully considered as we work toward a comprehensive update that provides for the reasonable protection of beneficial uses of water in the watershed,” said Eric Oppenheimer, the State Water Board’s executive director.

The possible updates include a suite of potential numeric and narrative requirements for Sacramento/Delta inflows, cold water habitat, Delta outflows, and other more minor provisions. While this suite of potential updates is referred to as the “regulatory pathway,” any amendments adopted by the State Water Board, including amendments that incorporate voluntary agreements, would constitute regulatory requirements.

The regulatory pathway specifically includes the following:

- Year-round inflow requirements for the protection of salmon and other species on the Sacramento River, its tributaries, and eastside tributaries to the Delta (the Mokelumne, Calaveras and Consumnes rivers) of 55% of unimpaired flow, adaptively implemented

within a range of 45%-65%, with exceptions during dry conditions and to meet human health and safety needs. The board is seeking comments on whether this range should be updated anywhere between 35% and 75%.

- Required tributary inflows protected as Delta outflows to ensure water passes through the watershed to protect fish and wildlife that depend on adequate freshwater outflows for habitat, migration, and food.
- New requirements for cold water habitat in the Sacramento River and Delta eastside tributaries for salmon species that require cold water to survive and reproduce.
- Adaptive management, monitoring, special study, evaluation, and reporting provisions.

The potential draft updates also include options for incorporating voluntary agreements (VAs), known as the Healthy Rivers and Landscapes proposal, submitted by public water agencies, other water users, and state and federal agencies, as an alternative to the regulatory pathway. The VAs comprise voluntary water contributions and physical habitat restoration – both flow and non-flow measures – that are intended to contribute to protections for native fish and the doubling of salmon populations by 2050. The VAs also include monitoring and evaluation provisions.

In addition, the board will consider incorporating the definitions for Tribal Tradition and Culture (CUL), Tribal Subsistence Fishing (T-SUB), and Subsistence Fishing (SUB) beneficial uses into the overall Bay-Delta Plan.

The board has not yet made a decision on how to move forward with the Sacramento/Delta updates and is soliciting public input to inform its decisions. Accordingly, it will hold public workshops and receive comments on the draft updates through early 2025. The board will consider adoption of any changes at a later date.

Background:

The Bay-Delta watershed, which includes the Sacramento and San Joaquin River systems, the Delta, Suisun Marsh and San Francisco Bay, is the hub of the state's water supply network. The river systems, including their tributaries, drain water from about 40% of the state's land area, supporting a variety of beneficial uses. As one of the largest tidal estuaries on the west coast of the Americas, the Bay-Delta provides habitat to a vast array of aquatic, terrestrial, and avian wildlife in the Delta, San Francisco Bay, and near-shore ocean, as well as diverse species upstream of the watershed. The rivers and the Delta also provide a portion of the water supply for two-thirds of Californians and millions of acres of farmland, as well as for a variety of industrial purposes and commercial and recreational fishing and boating businesses. Additionally, the watershed is of significance to numerous California Native American Tribes whose way of life, culture, religion and sustenance are intricately interwoven.

Among its duties, the State Water Board protects water quality for the Delta and all surface waters through the administration of the Porter-Cologne Act and portions of the federal Clean Water Act.

In response to deteriorating conditions in the Delta, the board initiated two processes to revise, adopt, and implement flow-dependent water quality objectives to protect fish and wildlife. These processes are progressing in different stages. In December 2018, the board adopted updated flow objectives and an implementation program for the reasonable protection of fish and wildlife in the Lower San Joaquin River and its three eastside tributaries: the Stanislaus, Tuolumne and Merced Rivers. The board also revised the southern Delta salinity objectives and program of implementation for the reasonable protection of agricultural uses. The board is currently developing measures to implement the Lower San Joaquin River flow/Southern Delta salinity updates.

Also in 2018, the board released a framework for possible updates to the Sacramento/Delta portions of the Bay-Delta Plan that informed the draft possible updates to the Bay-Delta Plan that were released today. In 2023, the board released a draft staff report that analyzes the potential benefits and impacts associated with the possible Sacramento/Delta updates.

# # #

More information about the Bay-Delta Plan update and implementation processes is available on the board's website.

The State Water Board's mission is to preserve, enhance and restore the quality of California's water resources and drinking water for the protection of the environment, public health and all beneficial uses, and to ensure proper resource allocation and efficient use for the benefit of present and future generations.

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2 more rounds of rain and snow on the way for Northern California this week
CBS News | November 13, 2024

A quick-moving storm was just enough to give us another taste of winter at the beginning of the week as it brought steady valley rain and six inches of snow to the Sierra.

Behind the storm, Tuesday brought us a dry day before another active storm system arrives. Our First Alert Weather team has made Wednesday, Thursday, and Friday First Alert Action days as more rain and snow move back into Northern California.

1st round: Wednesday – Thursday (Nov. 13-14)
It will be a dry start to our Wednesday as clouds and winds increase through the morning. The day will start chilly before temperatures warm to the 50s and low 60s.

Across the Sierra, wind arrives first and will stay strong through the afternoon. A Wind Advisory has been issued as wind gusts range from 20-50 MPH, with higher wind speeds across Sierra ridgetops.

Across the Valley, it will be a breezy start to the day with wind speeds of 15-35 MPH.

Between 11 a.m. and 2 p.m., rain begins to develop across the Sacramento Valley. Showers will move in from the Coastal Range and spread southeast through the day. As the cold front moves through, a quick round of steadier rain showers will arrive Wednesday evening.

Snow levels across the Sierra will start at 4,500 to 5,000 feet and slowly rise through Wednesday afternoon. Snow will be light to moderate at first. By the early evening, expect our heaviest snow to develop over the passes.

Travel will be difficult at times so make sure to be prepared if you have to travel over the Sierra. You can expect chain controls and travel delays Wednesday evening through Thursday morning.

2nd round: Thursday evening – Friday (Nov. 14-15)
Snow levels will be around 5,500 - 6,000 feet on Thursday morning, yet most of the snow will be light. Expect a lull in activity to start the day before the second wave arrives.

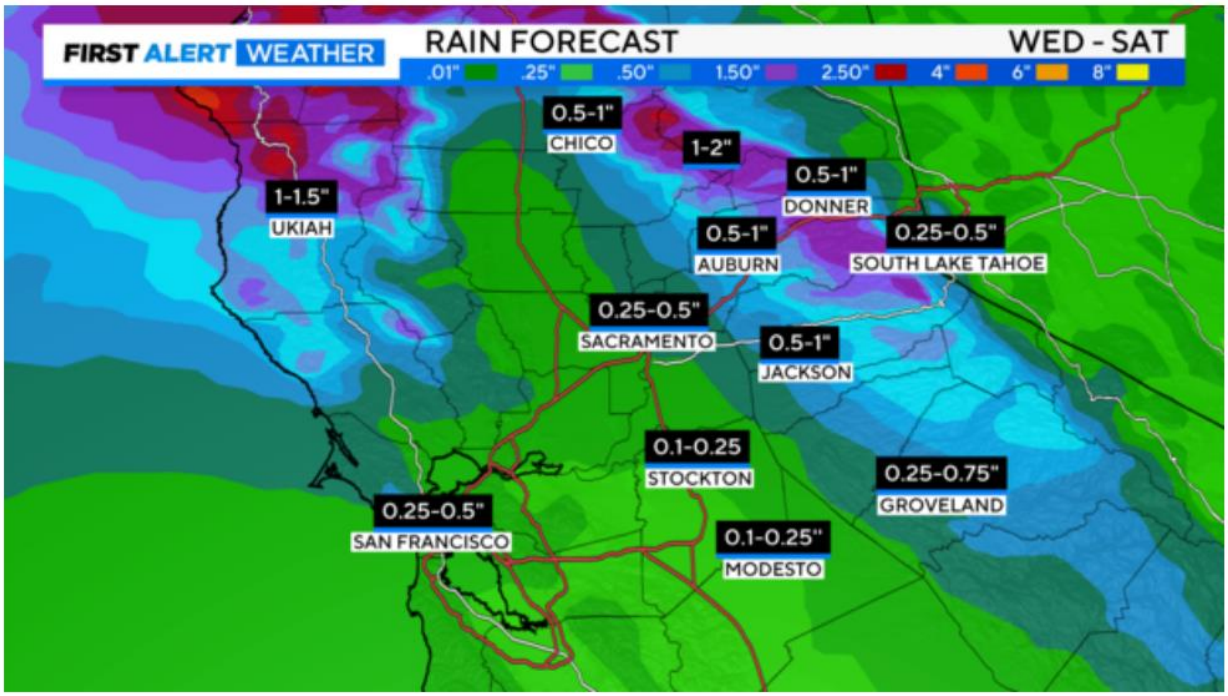
Rain will be scattered across the Valley and foothills on Thursday, with a few sun breaks in between. Any sun breaks we get, will increase instability in the atmosphere and enhance thunderstorm chances through Thursday afternoon.

Thunderstorms that develop could bring heavy rain, lightning, gusty winds, and small hail.

Showers continue through Thursday evening and snowfall will begin to pick up again Thursday evening through Friday.
Thursday night into Friday the colder air moves in with snow levels dropping below 5,000 feet. We could see snow levels as low as 4,000 feet by early Friday morning.

Through Friday evening, rain will begin to taper off across the Valley and foothills. By Friday evening most of the Valley will be dry with a few lingering showers across the foothills and Sierra.

Multi-Day Storm Totals
Adding up the next three days, precipitation will be beneficial from the Valley to the Sierra.



In the Valley, amounts will range from 0.10-0.25" in the San Joaquin Valley, with higher amounts as you get north of Sacramento. In the foothills, expect 0.25 to one inch of rain by Saturday morning. Amounts will trend higher as you get further north of I-80.

The next three days will help many ski resorts as they gear up for their opening days.

Expect 6 inches to a foot of snow for elevations above 6,000 feet. Higher peaks could see localized amounts of 18 to 24 inches of snow by Saturday.

The highest amounts from this storm will happen in locations such as Donner Summit, Kirkwood, and Bear Valley just to name a few.

Again, make sure to be prepared for winter travel if your plans take you across the Sierra this week.

The weekend (Nov. 16-17)
The start of the weekend will be cool with more sunshine across the Valley and foothills. By Saturday morning, most snow showers across the Sierra will begin to taper off with more sun through the afternoon.

Valley and foothill highs will be in the low 60s and 50s, with low 40s across the Sierra on Saturday afternoon.

Saturday will be another brief break in our active pattern before another storm system moves in By Sunday evening.

This storm system looks to move in at a faster pace than the storm at the end of the week. But with enough cold air already in place we could pick up an additional 1 to 6 inches of snowfall across the Sierra Sunday through Monday, November 18. More rain is expected to return to the valley and foothills, especially on Monday.

Make sure to stay with the CBS Sacramento First Alert Weather team as we track the potential impacts this next storm may bring to the start of the upcoming workweek.

# # #

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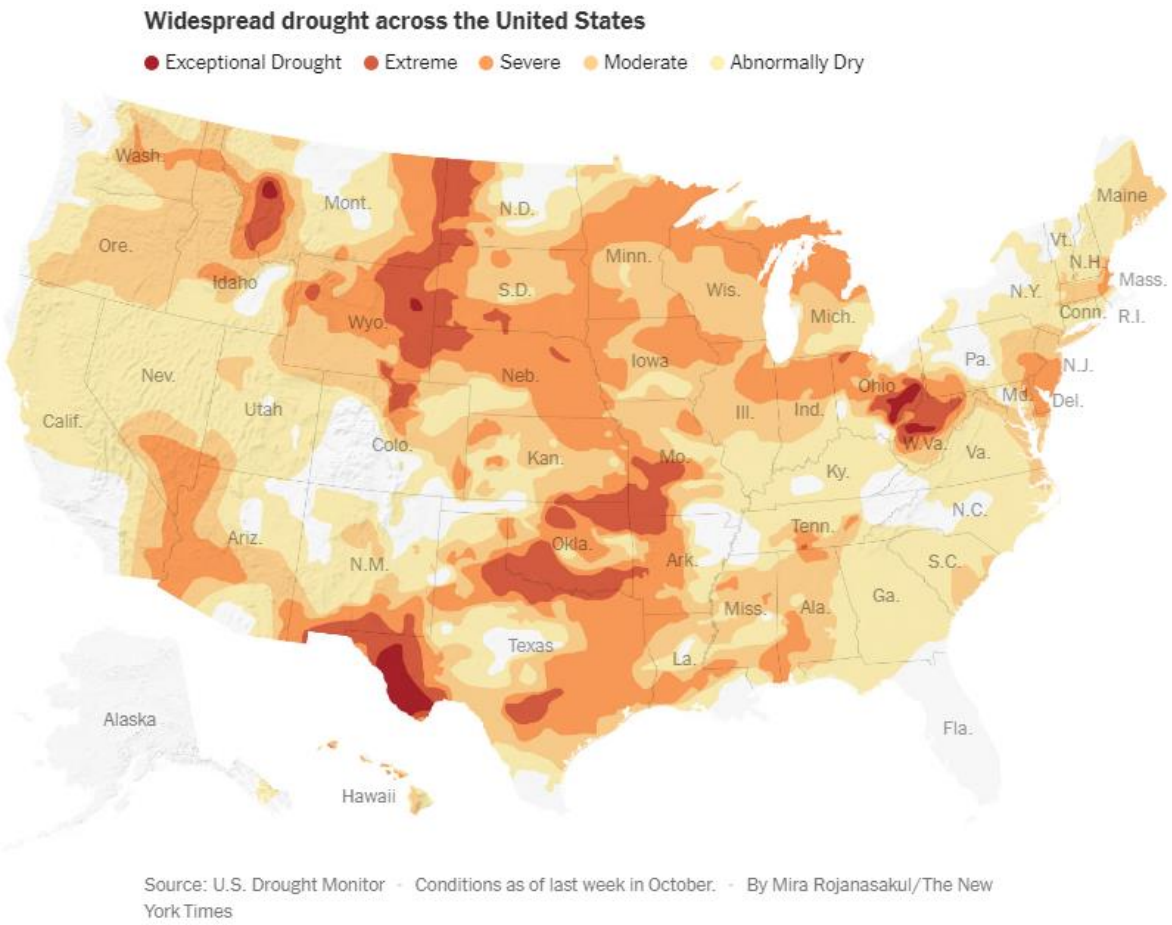
In a Record, All but Two U.S. States Are in Drought

Little rain has fallen since Hurricane Helene dropped huge amounts across the Southeast.

New York Times | November 4, 2024 | Austyn Gaffney and Mira Rojanasakul

Almost the entire United States faced drought conditions during the last week of October.

Only Alaska and Kentucky did not have at least moderate drought conditions, according to the U.S. Drought Monitor, a record in the monitor's history.



Source: U.S. Drought Monitor · Conditions as of last week in October. · By Mira Rojanasakul/The New York Times

The past four months were consistently warmer than normal over a wide swath of the country, said Rich Tinker, a drought specialist with the National Weather Service. But in June, while roughly a quarter of the country was dry to some degree, he said, now 87 percent of the nation is.

"Drought in many parts of the country and the world is becoming more frequent, longer and more severe," said Erica Fleishman, director of the Oregon Climate Change Research Institute and a professor at Oregon State University.

Dry conditions over the past few months led New York City on Saturday to urge residents to start conserving "every drop possible."

Last month was the driest October since record keeping began in 1869, according to the city, which issued a drought watch for the 9.8 million people who rely on the city's water supply. A watch encourages voluntary water conservation and ensures city agencies are ready with water conservation plans. The last time a watch was issued was in 2001.

Rohit T. Aggarwala, the city's chief climate officer and commissioner of the Department of Environmental Protection, noted that the problem is one of quantity, not quality. The city's upstate reservoirs are below two-thirds full, and they are normally more than three-quarters full in the fall. But, he said, the water is completely safe to drink.

Even after Hurricane Helene dropped huge amounts of destructive rain across the Southeast, the region is experiencing drought. Not much rain has fallen since the storm and warmer temperatures mean higher evaporation rates and drier soils.

Drought doesn't just come from a lack of precipitation like rain or snow. Drought conditions are driven by abnormally high temperatures that can quickly suck moisture from the atmosphere and the ground.

Even if the total amount of precipitation stays the same or increases a bit, drought can occur. That is especially true as rain events get more episodic, with heavier deluges over a smaller number of events. When all the water comes at once, it's more difficult for soil to soak it up or for water storage to contain it.

A farmer in Washington Court House, Ohio, compared a normal-sized pawpaw fruit, left, to one stunted by drought, right, last month.Credit...Joshua A. Bickel/Associated Press

While scientists don't yet know the exact role climate change played in the current drought, it is notable for how widespread it is, said Benjamin Cook, a climate scientist at NASA's Goddard Institute for Space Studies.

"Oftentimes we get regional droughts concentrated in the Southwest or Texas, but to have nearly the entire country dry or experiencing drought conditions is pretty rare," Dr. Cook said.

Things could change if La Niña conditions, climate variability originating in the tropical Pacific, begin as predicted this fall or winter. This natural transition could worsen drought conditions across the southern half of the country. But in the Northeast, Dr. Cook said, it's a tossup whether the coming months will continue to be warm and dry, or if a lot of rain and snow will fall.

"With precipitation on the uptick and temperatures, because of the time of year, heading downward, it does look like we're going to be in a good trajectory," Mr. Tinker said. "But it's been pretty dry and warm for quite a while, so we won't pop out immediately."

In New York City, Mayor Eric Adams encouraged residents to water their lawns less frequently and not let the water run when they brush their teeth. The city offered other tips in a news release, including not flushing the toilet unnecessarily, taking shorter showers and fixing leaks.

"In general climate change is making all weather patterns more extreme," said Dr. Aggarwala. While the Northeast is likely to get wetter, "we're also at a great likelihood of shorter, more extreme droughts like the one we may be in right now," he said.

While personal actions matter, Dr. Fleishman said, larger-scale adaptations around infrastructure, agriculture and water policy have greater effects on water use. In the West, for example, municipalities are creating financial incentives for people to minimize residential water use by buying lower-flow appliances or replacing landscaping with drought-resistant coverage.

Farmers can also adapt their agricultural practices by growing fruits and vegetables that require less water or covering their irrigation canals to minimize evaporation.

"Having a wet year doesn't mean drought is over," Dr. Fleishman said. "It's important to think about the longer-term trends in water supply and demand even when there's plenty to go around."

# # #

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How full are California's reservoirs heading into the winter rainy season?
Bay Area News Group | October 22, 2024 | Pual Rogers

San Luis Reservoir, a key water supply for much of California that is located between Gilroy and Los Banos along Highway 152, is full. © Paul Rogers/Bay Area News Group/TNS

The weeks around Halloween in California usually bring cooler weather, Christmas decorations appearing in stores, leaves to rake and umbrellas opening for the first time since spring.

So far this year it's still dry. No major rain is forecast through the end of October. But that doesn't mean the state is heading for water shortages. Because the past two winters have been wetter-than-normal, California's major reservoirs are currently holding more water than usual for this time of year.

That's giving the state — which has suffered through three severe droughts over the past 15 years — a welcome water supply cushion, experts say, as this winter season approaches.

"The reservoirs are in pretty good shape," said Jay Lund, a professor of environmental engineering at UC Davis. "We had a wet year in 2023, then a better-than-average winter this year. It's nice to have water in the reservoirs. Things are probably looking good for the next year or so."

On Tuesday, the 154 largest reservoirs in California were at 114% of their normal capacity for this date, according to data from the state Department of Water Resources.

The biggest, Shasta Lake, near Redding, was 58% full, or 107% of normal. The second biggest, Oroville, in Butte County, was 51% full, or 96% of average. Massive San Luis Reservoir east of Gilroy was 51% full, or 116% of normal.

Due to its Mediterranean climate, California receives most of its rain and snow during the winter months. In the Bay Area, 73% of the average annual rainfall comes in just four months: December, January, February and March. When winter rains are plentiful, reservoirs fill and groundwater recharges, like a bank account. In dry winters, they don't, and both are drawn down by cities and farms over the summer months, causing water shortages and drought restrictions.

"I'd much rather be starting off the winter where we are now than having reservoirs starting at 60% of normal, which we have in the recent past," said Jan Null, a meteorologist with Golden Gate Weather Services in Half Moon Bay. "We can stand one dry year. But when we get to back-to-back dry winters, we start to use the 'd word,' and then after three dry years in a row, it's a capital D."

How rare is it to start the winter with reservoirs at healthy levels?

In the past decade, back to 2014, there have only been two years — 2023 and 2019 — when California's major reservoirs were above 100% of their historical average at the end of October.

In most of the other years, water managers were ominously looking at the sky, hoping for huge storms to catch up.

As is usually the case with California water, however, every silver lining has a cloud. Because this summer had several extreme heat waves, the ground in many areas is particularly dry, said Michael Anderson, the state's climatologist at the Department of Water Resources.

If several soaking rainstorms don't increase moisture levels in the soils before it starts to snow, that increases the chances that more Sierra Nevada snow in the spring will simply melt and soak into the ground, he said, rather than running off and refilling reservoirs.

Big early winter storms also end fire season in most places by wetting trees and brush.

Last year was a good winter for water supplies. The Sierra snowpack on April 1 was 111% of normal. The previous winter was the snowiest in 40 years, at 237% of normal on April 1. And the year before that, during the third year of a drought, on April 1, 2022, the snowpack was just 37% of normal.

What's the outlook for this winter? In the short-term, forecasts say more dry weather.

“We might get a little rain in the north,” Anderson said. “But it’s only the tail of a system that is mostly going to wet Oregon and Washington. Otherwise we’re looking at dry weather into early November at least.”

A weak weather system is expected to to bring one-tenth of an inch of rain to the Mendocino and Humboldt coast areas, and possibly 1 inch of snow to the Sierra on Monday, according to the National Weather Service. But none is forecast for the Bay Area or Southern California.

And the winter outlook? Nobody knows with any certainty.

“We can accurately predict the weather for up to about a week away,” Null said. “Fifty years ago it was about three days away. Out past a week to two weeks, we might get a general trend, like wetter-than-normal or drier-than-normal. But beyond two weeks there’s not enough data and not enough computing power to produce a reliable forecast.”

Scientists at NOAA, the National Oceanic and Atmospheric Administration, say weak La Niña conditions are developing for this winter. Many people think La Niña, which occurs when Pacific Ocean waters near the equator are cooler than normal, means guaranteed dry winters for California.

It doesn’t.

There have been 25 La Niña winters back to 1954. In those, Null found, the Bay Area received 93% of its historical average rainfall. The Northern Sierra, where many of the state’s most important watersheds are located, saw precipitation of 101% of average during La Niña winters. There is a slight link to dry weather in Southern California, where La Niña winters averaged 80% of normal precipitation.

There are also anomalies. The winter of 2022-23, which brought massive atmospheric river storms, record amounts of Sierra snow so deep it closed ski resorts, and spring floods, came during a La Niña winter.

Further, the amount of rain California receives in October and November offers little clue to how wet or dry each winter will be.

“Some years we start off dry and end up wet,” Null said. “In others we start off wet and end up dry. How much rain are we going to get this winter? Ask me in April.”

# # #

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California clears hurdle to expand major reservoir and store more water
SF Gate | November 12, 2024 | Amy Graff

People fish at the San Luis Reservoir in Merced County, Calif., on Jan. 23, 2019. The Mercury News/MediaNews Group/Getty Images

A $1 billion project to raise the height of B.F. Sisk Dam and increase water storage capacity on the San Luis Reservoir cleared another hurdle.

State agencies and the federal government reached an agreement on Oct. 1 around how costs to build the project would be shared and how the new storage capacity would be divided up if the dam were raised 10 feet. Under the plan, the Santa Clara Valley Water District, one of the largest water districts in the San Francisco Bay Area, would kick in the most funding and have access to the most storage. The agreement will be marked with a celebration in Washington, D.C., on Nov. 13, said Matthew Keller, a spokesperson for Valley Water.

“There are more steps to get this done, but this a significant milestone and positive direction for this project,” said Keller.

Located west of Los Banos in the western San Joaquin Valley, the San Luis dam is the state’s fifth largest reservoir. It’s also the nation’s largest offstream reservoir, meaning it was constructed away from the main channel of a river. If you’ve driven along Highway 152 over Pacheco Pass, you’ve seen this vast artificial lake that stretches about 7 miles long when full.

San Luis Reservoir can hold 2,027,840 acre-feet of water; by comparison, Shasta Lake, the state's largest reservoir, can hold up to 4,552,000 acre-feet.

The project would cost an estimated $942 million, with $439 million going toward raising the dam, $432 million to improving state Route 152 and $70 million to design, permitting and project management. Raising the 3.5-mile-long dam, which is owned by the U.S. Bureau of Reclamation and operated by the California Department of Water Resources, would add 130,000 acre-feet of water storage.

Under the agreement, the more an agency pays to help fund the project, the more water storage capacity it would get. The federal government would provide 30% of funding and receive 30% of the new storage space, or 39,000 acre-feet. Eight state agencies would cover the remaining 70% of the bill in exchange for about 93,000 acre-feet, with Santa Clara Valley Water getting the largest share of the new storage. The district that supplies 2 million Santa Clara County residents with water would pay $435 million for 60,000 acre-feet.

Keller said the district would use the new storage during wet winters. "As we face climate change, one of the biggest issues we're facing is we have these really big wet winters, and we have nowhere to store this water," he said. "This allows us to store the water and use it during dry winters."

Westlands Water District in Fresno County, the city of Tracy, San Benito County Water District, the Byron Bethany Water District in Contra Costa County, and the Del Puerto, San Luis and Pacheco water districts are the other agencies that would receive some of the storage.

While the agreement marks a big step forward, the project is still many years away from completion. If the plan continues to move forward, construction is estimated to be done by 2032.

# # #

Deal to expand reservoir should boost California's water supply
KTVU Fox 2 | November 12, 2024 | KTVU Staff

Deal to expand reservoir should boost California's water supply

An agreement to expand a reservoir just south of the Bay Area is expected to provide a big boost California's water supply.

SAN LUIS RESERVOIR, Calif. - An agreement to expand a reservoir just south of the Bay Area is expected to provide a big boost to California's water supply.

The nearly $1 billion deal involves the San Luis Reservoir, between Gilroy and Los Banos, according to the Mercury News.

The San Luis Reservoir is an artificial lake on San Luis Creek in the eastern slopes of the Diablo Range of Merced County.

It is the fifth largest reservoir in California.

Eight state water agencies have reached an agreement with the federal government to raise the height of its dam by more than 10 feet.

That's expected to expand the reservoir enough to provide water for 650,000 people for an entire year.

The Mercury News reported that the Santa Clara Valley Water District, a San Jose agency that provides water to 2 million residents in Santa Clara County, would contribute $435 million of the $942 million cost of the project.

In turn, Santa Clara County residents would receive the largest share of the new water.

Other agencies that would receive some of the water are the Westlands Water District in Fresno, the Byron Bethany Water District in Contra Costa County, the city of Tracy, the San Benito County Water District and the Del Puerto, San Luis and Pacheco water districts.

# # #

The Trump-California water wars are about to begin. Here's what's at stake
San Francisco Chronicle | November 12, 2024 | Kurtis Alexander,

An irrigation canal sends water from the delta to farmlands in 2014. Despite both the fears and hopes for a second Trump administration, making changes to the sprawling water systems that harness California's rivers and send flows hundreds of miles across the state is neither simple nor quick. Michael Macor/The Chronicle

In a social media post days after the election, President-elect Donald Trump made clear that California's water wars are top of his agenda — and he's firmly on the side of big water users, not fish.

His early words for the state come as little surprise after his first four years in office. The previous Trump administration successfully rolled back environmental protections to send more water from rivers in the north to farms and cities farther south.

While the agriculturally rich San Joaquin Valley welcomes water that might return with Trump 2.0, critics worry that the president's prior term now gives him the know-how for an even bigger water grab, all the while drying up landscapes, killing wildlife and ruining the serenity and sport many residents seek on the state's waterways.

"I'm concerned that the incoming administration will be more effective in passing their agenda," said Ashley Overhouse, water policy adviser for the conservation group Defenders of Wildlife.

“We’re talking about generations of Californians that may be impacted by the devastating decisions of this administration. Water is life, so water should be treated as such.”

Despite both the fears and hopes for Trump, making changes to the sprawling water systems that harness California’s rivers and send flows hundreds of miles across the state is neither simple nor quick. Also, most water policy, such as water rights and river flow requirements, is the purview of the state, not the federal government.

Still, water experts expect a handful of moves immediately following Trump’s inauguration. First and foremost, they say, the administration will likely try to deliver more water through the federally operated Central Valley Project, by ramping up the pumps in the lush yet ecologically sensitive Sacramento-San Joaquin River Delta.

Trump accelerated pumping there during his first go-round, allowing more water from the north to move south at the expense of flows for salmon and other struggling fish. The practice was wound back when President Biden took office.

Changes to pumping operations must comply with state and federal laws, including endangered species protections. However, there’s wiggle room. What constitutes compliance is not fixed, and just as the Trump administration did in its first term, it’s apt to rewrite “biological opinions” to similarly make fewer accommodations for wildlife.

“There’s no question that a thumb will be on the scale for more water to be pushed out of rivers and the bay delta,” said Felicia Marcus, former chair of the California Water Resources Control Board and now a visiting fellow at Stanford University’s Water in the West Program. “It’s a question of how much more.”

The delta, which is where California’s biggest rivers meet and a linchpin not only for fish and wildlife but water supplies, is in a state of rapid ecological decline, owing to pumping and other stressors such as drought and climate change. Marcus said a better “balance” between exporting water and leaving it for the ecosystem is key to saving the delta.

While environmental groups have fought to protect delta flows, agricultural and municipal interests have pushed for more.

Many growers in the San Joaquin Valley, where more than a third of the nation’s fruits and nuts are harvested, saw water deliveries increase about 5% or more in 2020, the first year that pumping picked up under the previous Trump administration, according to the Fresno County Farm Bureau.

“It has hurt us in the valley (since), and pretty much anywhere south of the delta, by not being able to take advantage of those flows,” said Ryan Jacobsen, executive director of the county farm bureau. “It’s popular to beat up on Trump in many parts of the state … but we’re looking to be able to take water when the conditions allow it.”

Jacobsen and others in farm country, while recognizing the importance of safeguarding the delta, say that years of regulation has done little to improve the estuary. They believe there's opportunity to sustainably increase pumping in wet periods when there's plenty of water for all.

Trump has leaned into the frustration over pumping limits. In his three bids for president, he has criticized California for not boosting supplies and made water one of his signature campaign themes in the West. On Friday, he reiterated his gripes on Truth Social.

On the social media site, he cited California water management among the state's "INSANE POLICY DECISIONS." He explained his concern as "the ridiculously rerouting of MILLIONS OF GALLONS OF WATER A DAY FROM THE NORTH OUT OF THE PACIFIC OCEAN, rather than using it, free of charge, for the towns, cities & farms dotted all throughout California."

It's unclear whether Trump's mischaracterization, that the state re-routes water to the ocean, is intentional — perhaps it was done to magnify the "insanity" of California's policies. (The state doesn't re-route water to the ocean. It's the other way around: the state re-routes the rivers so that much of the water doesn't go to the ocean.)

Still, Trump's point is clear. He wants to increase pumping, essentially in the delta, and leave less water running out to sea. The talking point has allied him with the biggest players in California's agricultural industry, and in last week's election, likely helped him secure wins in all eight counties in the San Joaquin Valley.

Water regulators, though, warn of a potential problem in halting too much of the flow from the delta to the ocean — one that pertains to the common complaint about water "wasted" when it is sent to the sea. Not only would wildlife along the waterways suffer, but water from the ocean would push inward without the counteracting outflow, filling the delta and its water supply with salt.

Another likely strategy for the incoming administration, water experts say, is expanding the Central Valley Project, specifically enlarging Lake Shasta, the state's largest reservoir. An additional 634,000 acre-feet of storage at the lake could meet the water needs of more than 1.2 million households annually, at least in wet years.

Such an enterprise has been discussed before, including during Trump's first term. However, it was largely dismissed as a pipe dream. Extending the reservoir would violate state and federal Wild and Scenic Rivers acts and could mean flooding tribal lands. Also, environmentalists say a bigger reservoir would keep more water from fish.

With a more experienced administration and likely Republican control of the House and Senate, Shasta's expansion would be more viable. A bill introduced by San Joaquin Valley Republican Rep. David Valadao, which stands a better chance of moving forward after the GOP's election gains, would help fund the project.

What the new administration is able to accomplish over the next four years hinges largely on how much pushback the state gives. Gov. Gavin Newsom has assumed the mantle of resistance to Trump, calling for a special session of the Legislature to discuss efforts to combat unwelcome policies.

On water issues, state agencies can exercise some regulatory authority over the federal Central Valley Project, alongside California's State Water Project, to limit new water deliveries. The state and federal governments are still negotiating the details of how the two projects, and the pumping, should continue after changes were made during Trump's first term.

Environmentalists, though, fear that state regulators under Newsom, who has shown a willingness to work with the farm community, isn't going far enough to protect California's waterways. The state's proposed operations plan for the projects, which must be coordinated with the federal government's proposed operations plan, has been criticized as doing too little for fish, especially salmon runs.

"If the Trump administration's plan was the endangered species extinction plan, then the state's plan was an extinction plan 'lite,'" said Jon Rosenfield, senior scientist at the conservation group San Francisco Baykeeper. "The state has a lot of power to protect water and fisheries, but so far the Newsom administration has not created a lot of daylight between it and the federal administration."

To the chagrin of environmentalists, and the praise of the agricultural community, Newsom has supported construction of a major new reservoir along the Sacramento River, though situated off the main flow. He's also pushing plans for a 45-mile water tunnel in the delta, in part to boost water deliveries.

Jeffrey Mount, a senior fellow at the Water Policy Center of the Public Policy Institute of California, says there's simply too much in flux now to have a clear idea of what will shake out in California's water world.

"The Trump policies did result in a little more water in terms of supply to the San Joaquin Valley, but they really didn't change things too much — it wasn't a wholesale change," he said. "We're all going to be speculating now on the worst- and best-case scenarios going forward. It's probably going to end up being something in-between."

# # #

New California water permit seeks to balance water delivery with environmental protections

Part of the permit's implementation will include methods for environmental restoration and spawning projects to benefit endangered species like the Chinook salmon.

Courthouse News Service | November 5, 2024 | Alan Riquelmy

A new operating permit issued Monday for California's state water project is expected to help protect fish and ensure almost 30 million people can access a reliable water supply.

"The new incidental take permit for the state water project issued today provides California with new tools and resources to better manage our water supply for endangered fish species and millions of Californians," said Karla Nemeth, water resources department director, in a statement.

The incidental take permit is required under state law to protect endangered and threatened fish species like the Chinook salmon.

The state's Department of Fish and Wildlife issued the permit to the Department of Water Resources after the certification of a final environmental impact report for the state water project's long-term operation.

Composed of over 700 miles of canals, pipelines, reservoirs and hydroelectric facilities, the state water project both stores and delivers clean water to some 27 million Golden State residents, along with 750,000 acres of farmland.

A series of planned actions and tools intended to reduce and offset potential impacts to fish species are linked to the new permit. They include tidal marsh and floodplain restoration projects supporting spawning, better fish passage in essential migration areas and support for hatchery production activity.

Officials also pointed to an adaptive management plan that will enable the state water project to tap into new scientific discoveries, allowing more efficient and effective species protection.

"In California, incidental take permits are an important way we regulate infrastructure projects that have the potential to cause harm to protected fish and wildlife," said Chuck Bonham, director of the state fish and wildlife department, in a statement. "By requiring the state water project operation to avoid and minimize impacts, and to mitigate and counteract those impacts through habitat restoration, improved flow measures, monitoring, and hatchery production, we will make sure all fish and wildlife species impacted by the project have opportunities to thrive."

The state water resources department has worked with the federal Bureau of Reclamation since 2021, along with state and federal fish agencies, to update operating rules for the project. That work fell on the heels of 2020 litigation against federal rules.

The state water resources department worked toward meeting California Endangered Species Act requirements, which are separate from the federal rules. This makes it easier to manage and means state coverage of the Endangered Species Act would stay in place regardless of possible federal rule changes.

“Extreme storms and extended droughts mean we need to be as nimble as possible in operating our water infrastructure,” Nemeth said. “[The Department of Water Resources] remains committed to using the best available science to operate the state water project to support the water supply needs of California’s communities while protecting fish and wildlife.”

The State Water Contractors praised the new permit in a statement, saying that it appears to resolve lingering issues, includes the best available science and heralds regulatory stability for water managers.

“We will work closely with our state partners to ensure the reliability and viability of the state water project for the millions of Californians who rely on it,” said Jennifer Pierre, general manager of the State Water Contractors, in a statement.

The contractors group is a nonprofit association comprised of 27 public agencies that buy water from the state water project.

# # #

Water, wildfires, climate: Californians vote on $10 billion bond
CalMatters | November 5, 2024 | Alejandro Lazo

A stack of empty five-gallon water containers at Shady Lane Estates in Thermal on March 23, 2023. According to some residents, there is no clean drinking water from the mobile park, so these five-gallon containers are their only option. Pablo Unzueta for CalMatters

As California voters go to the polls today, they'll decide whether to approve $10 billion in bonds for climate and environmental projects.

If passed, Proposition 4 would fund projects across the state to safeguard drinking water, combat wildfires, protect natural lands, and improve resilience against floods and extreme heat, but some of the money is also directed toward shorter-term items like job training.

At least 40% of the funds would be spent to benefit communities considered most harmed by climate change and environmental fallout — prioritizing support for populations that might lack the resources to cope with those impacts.

2024 CALIF. 4 - ISSUE NATURAL RESOURCES BONDS GENERAL
BALLOT MEASURE

AP estimates
0% of votes counted

AP will report available results after polls close.

CANDIDATE	VOTES	PCT.
Yes	0	0%
No	0	0%

Updated Nov 5, 2024, 9:32 AM

Alfredo Gonzalez, head of the campaign backing the measure, described the financing as a strategic response to the state's growing environmental threats.

The bond measure would be a down payment aimed at water security, wildfire management, and resilience against intense heat waves, floods and even rising sea levels, he said.

"Unfortunately, the state's fiscal commitment to our climate challenges has not matched the pace or the scale of the problem," Gonzalez said. "This is a historic investment in preventative actions."

The drawback, opponents said, is that bonds are an expensive way to pay for projects, and should only be used on long-term, durable infrastructure.

Paying off the bonds would cost the state about $400 million a year, for a total of $16 billion, according to the state's nonpartisan legislative analyst. Taking inflation into account, that's about 10% more than if the state paid for the projects without using debt.

The bond measure lacks specificity and could saddle taxpayers with long-term debt for short-term projects, said State Sen. Brian Jones, the Republican minority leader from San Diego, one of the authors of the official argument against the measure.

"It's going to take 30 to 40 years to pay this bond back. And look, there's infrastructure projects I would support that take bonds to finance, but last longer than the actual financing," Jones said. "The voters … I hope, realize that they are also taxpayers, and they're voting to put themselves into debt for the next 30 to 40 years."

While acknowledging the importance of environmental stewardship, Jones said some of the short-lived items in the measure include things such as funding for farmers' markets, job programs and van pools—in other words, things that aren't intended to last.

Prop. 4 would authorize the first major environmental bond in California in years. Environmental groups have argued the state needs more financial muscle to address rising climate risks.

Water projects would get the bulk of the money, about $3.8 billion. Half of that portion, $1.9 billion, would be spent on improving water quality, while the rest would be spent on protecting the state from floods and droughts, and other activities, including restoring rivers and lakes.

Despite improvements, safe drinking water remains a severe problem across California. Nearly 730,000 people are still served by the 380 water systems that fail to meet state requirements for safe and reliable drinking water. Latino farm communities struggling with poverty and pollution are especially hard-hit.

Funds from the measure would also be directed toward wildfire risk reduction, coastal protection, clean energy initiatives and sustainable agricultural practices.

Prop. 4 made it onto the ballot after an extended legislative debate, with proponents arguing that the measure was essential to maintain and expand environmental investments.

Gov. Gavin Newsom and the Legislature initially approved a $54.3 billion spending package called the “California Climate Commitment” in 2022, only to have to scale it back to $44.6 billion this year amid a budget deficit.

California voters have shown some recent reluctance to fund increased spending via bond measures. California primary voters, for instance, passed Newsom’s $6.4 billion mental health bond on March 5 by the slimmest of margins, 50.2%. That experience, Newsom said during a press conference earlier this year, “sobered, I think, a lot of the conversation up here,” and indicated that he was wary of backing another bond measure after suffering that near setback.

“The public wants to see results,” the governor told reporters during that May conference, before Prop. 4 was put on the ballot. Newsom has not endorsed the measure, and a spokesperson for him declined to say how the governor would vote on it.

A poll last month showed likely California voters supporting the measure, though that support fell from an earlier survey. The Public Policy Institute of California’s October poll showed 60% would vote yes, 38% would vote no and 2% of voters were undecided. That was a slight decline from late August and early September, when the same nonpartisan think tank found 65% of likely voters would vote yes, 33% no and 2% undecided.

Mark Baldassare, survey director at the institute, told CalMatters that the slight erosion in support was typical. For instance, support for Prop. 2 — a $10 billion education fund — dropped from 54% to 52% over that same period.

The findings highlight a common trend.“That often happens in the course of the election, particularly around state propositions,” Baldassare said. “They start out strong, people might hear things that raise doubts, or they start thinking about the whole context of the ballot.”

# # #

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Recent Developments Intensify California's Groundwater Management Landscape
Valley Ag Voice | November 4, 2024 | Natalie Willis

Friant-Kern Canal (East Visalia). (Photo: VISALIA2010 / Wikipedia)

Recent activity in California's groundwater management landscape is marked by critical developments across Central Valley subbasins. Regulatory hearings, court rulings, and ongoing challenges highlight the pressures on groundwater users.

The Tule Subbasin has become the second basin to be placed on probation by the State Water Resources Control Board at its hearing on Sept. 17. The board's determination came after a day-long hearing with presentations from State Water Board staff, Tule Subbasin Groundwater Sustainability Agencies, and other stakeholders as well as various public comments.

Additional battles in the decade-long Water War between the State Water Board, SGMA, local GSAs, and the agriculture industry include a court victory for the first subbasin placed on probation — the Tulare Lake Subbasin.

UNDERGROUND REGULATIONS

In September, Kings County Superior Court Judge Kathy Ciuffini ruled in favor of the Kings County Farm Bureau in their efforts to sue the State Water Board after the basin was placed on probation in April. The Farm Bureau's lawsuit was filed in May.

According to the preliminary injunction, four specific causes of action were found to violate the law. Firstly, the court found that the SWB failed to "an affirmative mandate, not an optional duty" to consider the Good Actor Clause, which would exclude certain areas of a subbasin where the GSA demonstrates compliance with the sustainability goal.

Two GSAs — the Southwest Kings GSA and Tri-County Water Authority GSA — requested consideration for the "good actor" exclusion. However, State Water Board staff chose not to exclude any portions of the subbasin from probationary designation as it deemed the entire Groundwater Sustainability Plan inadequate.

"In other words, having and implementing a plan is a key part of the sustainability goal. For a GSA to comply with the sustainability goal of the basin and make a case for a "good actor" exemption, the GSA needs to be implementing a GSP capable of achieving sustainable groundwater management," SWB staff stated. "The only plan covering the Tulare Lake subbasin is inadequate for the reasons described in DWR's inadequate determination and the Final Staff Report. Therefore, no GSA's implementing the plan would qualify for the exemption…"

The court interpreted the clause differently. According to the injunction, the SWB ignored the mandatory injunction to consider good actors by not commenting, analyzing, or considering the merits of the two GSAs' claims.

"SWB's interpretation of this portion of SGMA appears to be incorrect and unlawful and cannot serve as the basis for a probationary decision pursuant to [Water Code] 10735.3," Judge Ciuffini wrote in the injunction. "SWB's interpretation of the Good Actor Regulation would mean that no GSA would qualify if it is part of a subbasin determined to be inadequate by DWR."

The second cause of action is the failure of the SWB to comply with the probationary hearing notice and to provide timely notice of new metering, calibration, and reporting requirements. According to the Kings County Farm Bureau, the SWB did not provide 60 days' notice of the probationary hearing to every groundwater extractor in the basin.

According to SWB staff, namely Senior Engineer Sam Boland-Brien, Supervising Engineering Geologist Natalie Stork, and Senior Environmental Scientist Sarah Sugar, the Board did issue notice to pumpers through its Tulare Lake Subbasin "email list" of known pumpers and confirmed that notices were sent late to extractors. The court found that SWB staff provided a lack of information as a "list of all known pumpers" should have been included as an exhibit.

"SWB has failed to set forth any competent evidence, i.e. someone with personal knowledge as to the persons and dates when the notices were sent, posted, or emailed," Judge Ciuffini stated. "The declarations of Boland-Brien, Stork, and Sugar are conclusory and are insufficient for this Court to conclude the notice of provisions of WC 10736 were complied with. If such lists exist, why were they not included as an exhibit to a declaration?"

The third cause of action identified was unlawful regulations. According to the preliminary injunction, the SWB is mandated to comply with the Administrative Procedures Act when adopting regulations.

APA's purpose is to ensure state agencies like the SWB are transparent in their actions by providing due process and be able to challenge rules that are unfair, undisclosed, and unlawful.

The Court concluded that the SWB did not adopt regulations to avoid the harm and confusion outlined in the case and were out of compliance with APA standards.

The last specific cause of action was that the SWB exceeded its authority. If a subbasin amends their GSP, SGMA regulations require it be submitted to DWR for review. However, the injunction explained that the SWB unlawfully requires GSAs to submitted revised plans to their staff.

According to the SWB 2024 Final Staff Report, if a GSA revises its plan, they can seek to exit probationary status by submitted those plans to the Board. If SWB finds the deficiencies were addressed, it may remove the basin from probation.

However, if the deficiencies are not addressed after a year, the SWB can "take steps to manage groundwater more directly by developing and adopting, after notice and a hearing, an interim plan for the basin."

According to Judge Ciuffini's preliminary injunction, this procedure unlawfully expands SWB's authority contrary to DWR regulations.

As a result of the court's injunction, probationary pumping fees and reporting demands have ceased. These probationary requirements will be paused until the end of the trial — the next hearing will be in Jan. 2025.

TULE SUBBASIN

On the heels of Kings County Farm Bureau's victory, the SWB placed the Tule Subbasin GSAs on probation after a 10-hour hearing. The SWB deemed a probationary status necessary due to unresolved deficiencies in its Groundwater Sustainability Plans.

However, of Tule Subbasin's seven GSAs, "good actors" Delano-Earlimart Irrigation District and Kern-Tulare Water District are exempt from reporting requirements and fees. According to the State Water Board, the "good actor" clause under SGMA allows the board to exempt GSAs from probation if it demonstrates compliance with the sustainability goal.

The Tule Subbasin, located in the southern half of Tulare County and part of the San Joaquin Groundwater Basin, has been critically overdrafted for decades. In March 2023, DWR determined that the GSPs from local agencies in the basin were inadequate as they did not lay out plans to adequately protect groundwater resources for the future. After that determination, DWR referred the basin to the State Water Resources Control Board for further review.

In his opening remarks, State Water Board Chair E. Joaquin Esquivel explained that while Tule Subbasin GSAs submitted revised plans for public comment in Aug. 2024, the probationary hearing would be based on the 2022 GSPs.

"The Tule Groundwater Sustainability Agencies have sent the new 2024 Groundwater Sustainability Plan to the State Board. It's great that the GSAs have been working to improve their plans. However,

a full review of the updated plans will take at least three months to complete," Esquivel said. "Given the tight timeline between the submission of the 2024 GSPs and the hearing today, the board will focus on the plans agencies adopted in 2022 and allow staff adequate time to review those updated GSPs."

SWB staff also acknowledged the submission of an updated GSP in their final draft staff report, explaining that the while revised GSPs are undergoing public comments and have not been officially adopted, staff have started to evaluate these new plans.

"While Board staff has not completed its review, it tentatively believes that the Tule GSAs have made substantial progress in addressing many deficiencies identified by the Draft Staff Report," the draft staff report said. "Preliminary review of these GSPs indicates that many deficiencies appear to have been addressed, and many of the significant and unreasonable impacts allowed by the 2022 GSPs appear to have been addressed or mitigated."

However, Board staff noted continued deficiencies concerning the subsidence management approach detailed in 2022 GSPs as they did not appear to slow subsidence, especially along the Friant-Kern Canal.

"Based on this preliminary review the Final Staff Report still recommends the State Water Board designate the subbasin as probationary," the report said.

The deficiencies found in the 2022 GSPs included the chronic lowering of groundwater levels with insufficient management criteria, continued land subsidence, further degradation of groundwater quality, and depletions of interconnected surface water.

Probationary requirements for extractors will begin on Jan. 1, 2025.

KERN SUBBASIN

The Kern County Subbasin's probationary hearing is set to take place on February 20, 2025. Covering roughly 2,834 square miles, the Kern Subbasin is the largest groundwater subbasin in California.

Despite the Kern County Subbasin submitting a revised 2024 GSP in May, the SWB held a public workshop on the 2022 plan in August. Attendees at the workshop urged the SWB to adequately consider the revised plan before moving forward with the probationary hearing.

For now, SWB staff's recommendation is to place Kern on probation.

# # #

Amid controversy, California and the Biden administration are preparing new water plans
LA Times | October 26, 2024 | Ian James

The California Aqueduct, part of the State Water Project, snakes through the Central Valley near Los Banos. (Brian van der Brug/Los Angeles Times)

The Biden and Newsom administrations will soon adopt new rules for California's major water delivery systems that will determine how much water may be pumped from rivers while providing protections for imperiled fish species.

But California environmental groups, while supportive of efforts to rewrite the rules, are criticizing the proposed changes and warning that the resulting plans would fail to protect fish species that are declining toward extinction in the Sacramento-San Joaquin River Delta and San Francisco Bay.

As the preferred proposal is laid out in a federal draft environmental review, the new rules "would make things worse," said Jon Rosenfield, science director for the group San Francisco Baykeeper.

"We are deeply concerned that six endangered species in the Bay Delta are on the verge of extinction or headed in that direction," Rosenfield said.

The rules under revision govern dams, aqueducts and pumping plants in California's two main water systems, the Central Valley Project and the State Water Project, which deliver water to millions of acres of farmland and more than 25 million people. Pumping to supply farms and cities has contributed to the ecological degradation of the Delta, where threatened and endangered fish species include steelhead trout, two types of Chinook salmon, longfin smelt, Delta smelt and green sturgeon.

The rewriting of the rules, along with supporting biological opinions, began nearly three years ago after California and environmental groups successfully challenged the Trump administration's previous rules in court, arguing that 2019 biological opinions failed to provide adequate protections for endangered fish.

Federal and state agencies are now aiming to lock in new rules in the coming weeks amid uncertainty about the presidential election, which in the event of a victory by former President Trump would likely bring new attempts to weaken protections for fish.

"The Biden-Harris administration and the Newsom administration, which said that we're going to do better than the illegal Trump administration plan, have actually produced a less protective plan that will accelerate the path to extinction for many of these fish species," Rosenfield said. "No doubt a Trump administration would seek to weaken these protections, but that is not an argument to lock in obviously inadequate protections."

State officials disagreed, saying their plan for the State Water Project will better protect fish species.

The state Department of Water Resources has been working for the last several years with the U.S. Bureau of Reclamation and counterparts at state and federal fish agencies to complete a new permit — called an incidental take permit — for the State Water Project, said Karla Nemeth, the department's director.

Nemeth said DWR's proposal for operating the system "includes a portfolio of actions designed to reduce impacts to listed species while ensuring water supply reliability amid a changing climate."

That permit for the State Water Project is separate from the forthcoming biological opinions for the federally operated Central Valley Project.

Nemeth said state officials are working with federal partners to ensure the rules governing operations of both systems "are aligned to benefit listed and endangered fish species while continuing to provide water to millions of Californians."

The development of the new operating rules has involved more than two and a half years of consultations and analysis through a "multi-agency state and federal team with regular engagement and opportunities for feedback," said Mary Lee Knecht, a spokesperson for the

Bureau of Reclamation. She said the proposal focuses partly on “striking a reasonable balance among competing demands for water, including the requirements of fish and wildlife, agricultural, municipal, and industrial uses of water.”

The time allotted for updating the rules is coming to an end. For the last three years, federal and state officials have operated the water systems under a court-ordered interim operations plan, which will expire in December.

The federal environmental review — called a draft environmental impact statement — includes several alternatives, and environmental groups have urged officials to consider one that they say would provide stronger environmental protections than the Biden administration’s preferred alternative.

Trump has said in recent campaign speeches that water in California is “horribly mismanaged” and that if he is elected, he would deliver more water to farmers and cities. He has indicated he would again seek to weaken environmental protections, lamenting that because of “a little tiny fish called a smelt, they send millions and millions of gallons of water out to the Pacific Ocean.”

Vice President Kamala Harris, in contrast, would likely seek to maintain stronger environmental protections.

Such arguments over water in the Delta have long pitted Central Valley farmers and agricultural water districts against environmental groups, fishing advocates and Native tribes.

The California Farm Bureau, the state’s largest agricultural organization, raised various concerns about the proposed rules in a recent letter, saying the federal analysis ignored the fact that farms face state-mandated limitations on groundwater pumping in the coming years.

Alexandra Biering, the Farm Bureau’s senior policy advocate, wrote in the letter that agricultural water users have been frustrated by “politically driven regulatory uncertainty” and have been “left in a limbo of sorts about the future operational conditions of the projects” as officials have pushed for rewriting the rules.

“I continue to be dismayed about the fact that this is a political football, and it just keeps getting kicked from one side to the other,” Biering said in an interview. “Everybody wants to lock something in before the potential for a change in administration, which I understand, but I think it inevitably leads to this perception that politics is what’s driving those decisions.”

That’s unfortunate, she said, because the same public officials have been tasked with revising the plans for years under different administrations. Biering said she’d like to see the process be “a little bit more insulated from politics.”

Large urban water agencies that depend on the State Water Project have also been weighing in.

Adán Ortega Jr., board chair of the Metropolitan Water District of Southern California, said leaders of the agency would like to see state and federal permits “that have consistent terms across them.” He said the district, which supplies water for 19 million people, supports the inclusion of proposed negotiated agreements — called Agreements to Support Healthy Rivers and Landscapes — in which water agencies have pledged to forgo certain amounts of water while also funding projects to improve wetland habitats.

Those proposed deals, also called the “voluntary agreements,” have been supported by Gov. Gavin Newsom and his administration but strongly opposed by environmental groups, who have argued this approach would mean reduced flows in the Delta and would be detrimental to fish and the ecosystem. Instead, they have called for science-based flow requirements to help fish populations recover.

“The science is very, very clear, and has been for a long time, that without additional flows into, through and out of the Delta to San Francisco Bay, these species will continue to decline,” Rosenfield said.

Another key water policy framework is now being developed by the State Water Resources Control Board, which on Friday released a draft review of potential options for updating the state’s plan for managing flows in the Delta. It includes options for incorporating the voluntary agreements proposal.

The state water board has not yet decided which option it will adopt in the updated Bay-Delta Plan. Board members will hear comments from the public at a series of meetings in November, December and January.

The board has not set a date for adopting the plan but is aiming for sometime in summer or fall of 2025, said Eric Oppenheimer, the board’s executive director.

Whatever approach the board ultimately takes, legal challenges are expected.

Potential litigation also looms as the federal government finalizes the rules for operating the Central Valley Project. Environmental groups have said the Biden administration’s preferred plan is built on the controversial voluntary agreements, and the analysis failed to properly assess the environmental effects of two proposed infrastructure projects — Sites Reservoir and the Newsom administration’s plan to build a $20-billion water tunnel — both of which the groups are fighting.

A coalition of environmental groups raised other concerns in a recent letter, condemning the federal government’s proposed rules for excluding environmental impacts on the Trinity River and its fish. The groups said that “creates an overestimate of the water available for export” and will result in uncertainty and potentially more litigation.

“They’re going to make it worse for fish in California,” said Tom Stokely, water policy advisor for the group California Water Impact Network.

Max Gomberg, a former state water official who resigned in 2022 over differences with the Newsom administration, said the proposed rules would “essentially maintain the status quo,” which has harmed the Delta’s ecosystem and fisheries, and would allow “environmentally destructive levels of water exports.”

“The only real beneficiaries are a few wealthy Central Valley growers,” said Gomberg, a board member of the California Water Impact Network.

State officials disagreed with the claims that the proposed rules would be less protective of the environment.

“We believe the proposed State Water Project operations will better protect threatened fish species by incorporating new science and addressing climate change impacts,” said Ryan Endean, a spokesperson for the Department of Water Resources.

He said the improvements partly come through commitments to restore marsh and floodplain habitats, as well as other efforts to support the recovery of fish species.

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Office of Administrative Law Approves Making Conservation a California Way of Life Regulation

ACWA | October 25, 2024

The Office of Administrative Law on Oct. 22 approved the Making Conservation a California Way of Life Regulation that was adopted by the State Water Resources Control Board on July 3. The regulation is intended to achieve long-term water use efficiency with the purpose of adapting to climate change by establishing unique goals for each urban retail water supplier in California.

As approved, urban retail water suppliers are required to submit their Urban Water Use Objective Reporting Form to the State Water Board each January, starting Jan. 1, 2025. Beginning Jan. 1, 2027, each urban retail water supplier must demonstrate compliance with its water use objective.

The State Water Board has now released the reporting form and accompanying guidance documents in a reporting package available online. More information on the regulation is available in a fact sheet.

ACWA worked extensively with its members and coalition partners over the last year to secure extensive amendments that have resulted in a more feasible and cost-effective regulation. Under the regulation, suppliers must work with their customers to achieve water savings. Individual customers are not required to comply with the urban water use objective.

# # #

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DWR Nationally Recognized for Climate Action, Water Resilience by American Water Resources Association

Department of Water Resources | October 24, 2024

The Department of Water Resources (DWR) was nationally recognized for its leadership in climate action and integrated water management at the 2024 American Water Resources Association (AWRA) conference in St. Louis earlier this month. DWR received two prestigious awards: the Sandor C. Csallany Institutional Award for its comprehensive Climate Action Plan (CAP), as well as accepting the Integrated Water Resources Management Award on behalf of the Flood-Managed Aquifer Recharge (Flood-MAR) Network which includes DWR and partners.

DWR Climate Action Coordinator, Romain Mandley (second from right), with Flood-MAR partners receiving the AWRA Integrated Water Resources Management Award in St. Louis.

These awards, received during the 60th Anniversary of AWRA, highlight DWR's ongoing commitment to addressing climate change and enhancing California's water resilience through collaboration, innovation, and forward-thinking strategies.

"These recognitions reflect DWR and the Flood-MAR Network's commitments to advancing the science of climate change and integrated water management," said Romain Maendly, Climate Action Coordinator for DWR who accepted the awards on DWR's behalf. "Our efforts are not just about addressing today's challenges but setting a foundation for a resilient future. I am proud to be part of teams that continuously strive to innovate, collaborate, and push the boundaries of what's possible in safeguarding California's water resources."

DWR's Climate Action Plan: Leading the Nation

DWR's Climate Action Plan (CAP) received the Sandor C. Csallany Institutional Award, which honors extraordinary achievements in developing and implementing water-related policies.

The CAP is a comprehensive, three-phase initiative designed to mitigate and adapt to the impacts of climate change. The CAP is a crucial part of DWR's efforts to sustainably manage the State Water Project, which provides water to 27 million Californians and irrigates 750,000 acres of farmland.

The CAP has evolved since its inception in 2012, with each phase addressing different aspects of climate change.

- Phase I focuses on reducing greenhouse gas emissions in DWR operations, aligning with State and federal climate goals.
- Phase II establishes a standardized framework for integrating climate change analysis into DWR's planning processes, ensuring projects consider long-term climate risks.
- Phase III assesses DWR's vulnerability to climate change and outlines adaptation strategies to increase the resilience of critical infrastructure, staff safety, and improved habitat management.

Flood-MAR: A Collaborative Approach to Water Resilience

In addition to its CAP recognition, DWR accepted the AWRA Integrated Water Resources Management Award as a representative of the Flood-MAR Network. Flood-MAR is an innovative strategy that turns floodwaters from a challenge into an opportunity by using them for managed aquifer recharge. This approach helps address both flooding and groundwater overdraft, some of California's most pressing water issues.

The Flood-MAR Network, a diverse coalition of State and local agencies, nonprofits, academics, and private-sector partners, has been instrumental in advancing this strategy across California, particularly in the Central Valley. The network has focused on identifying knowledge gaps, promoting broader implementation, and developing recommendations to integrate Flood-MAR into water management systems. The rapid progress in expanding Flood-MAR is a testament to the power of collaboration and integrated water resources management.

Looking Ahead: Building Resilience Together

As California continues to face growing challenges related to climate change, droughts, and floods, DWR's leadership in climate action and integrated water resources management serves as a model in the State of California and beyond. The recognition from AWRA underscores the importance of these efforts and the need for continued innovation and collaboration to ensure California's water future is sustainable and resilient.

# # #

Decision to reduce water flows in California's delta sparks debate over imperiled fish
Delta smelt swimming in a tank
LA Times | October 2, 2024 | Ian James

Delta smelt hatched at a UC Davis lab swim in a holding tank at the Aquarium of the Pacific in Long Beach in 2019. (Los Angeles Times)

State and federal officials have decided to curtail additional water flows intended to support endangered fish in the Sacramento-San Joaquin River Delta this fall — a controversial step that is being praised by major California water districts but condemned by environmental groups as a significant weakening of protections for imperiled fish.

The debate centers on a measure that calls for prioritizing additional flows for endangered delta smelt, a species that has suffered major declines and is thought to be nearing extinction in the wild. The step of releasing a pulse of water through the delta in September and October is typically triggered when the state experiences relatively wet conditions, as it has during the last two years.

A coalition of environmental and fishing groups said that these flows — called "Fall X2" water releases — are vital for delta smelt, and that the decision by state and federal officials to suspend the measure this year poses an added threat to the fish.

“At this time next year, we may be looking at the extinction of a fish species that was once incredibly abundant,” said Gary Bobker, senior policy director for the group Friends of the River. “And it will have been completely preventable.”

Managers of large water agencies disagreed, calling the requirement outdated and saying it wouldn’t help the delta smelt population recover. The State Water Contractors, an association of 27 public agencies, said the change this year will preserve needed supplies in reservoirs.

The organization praised what it described as California’s “adaptive management,” saying in a news release that recent research has indicated these water releases “are not providing the benefits to Delta smelt that were originally hypothesized in 2008.”

“We are extremely pleased with the decision to rely on the full body of scientific evidence to assess the value of Fall X2 releases,” said Jennifer Pierre, general manager of the State Water Contractors.

She said the decision ensures the same protections for fish and water quality as the existing 2019 biological opinion issued by the U.S. Fish and Wildlife Service and the existing permit for the state’s pumping facilities in the delta.

“We applaud state leaders for their continued commitment to science-based decision-making,” Pierre said.

The State Water Contractors and large agricultural water suppliers — including the Westlands Water District, San Luis and Delta-Mendota Water Authority and the Friant Water Authority — had urged state and federal agencies in an Aug. 21 letter not to carry out the water releases this year.

They said that the additional flows should not occur for several reasons, including “peer-reviewed scientific conclusions indicating that the measure is ineffective for its stated purpose.”

Pierre and managers of the agricultural water districts wrote in the letter that recent monitoring surveys for delta smelt have yielded “very disappointing results” and that “only one smelt has been observed in recent weeks.” They said it’s possible that despite ongoing efforts to protect the fish, “there may not be a remaining, measurable population of Delta smelt to benefit from a Fall X2 action.”

Pierre also said the measure has taken a significant toll on the state’s water supply in prior years, such as 2023, when operators of the State Water Project “sent 600,000 acre-feet to the ocean” to implement the requirement — more than the total annual water use of Los Angeles. This year, state officials said, discontinuing the additional environmental flows in October could enable California to deliver as much as 150,000 acre-feet of additional water.

Water from the delta is pumped through the aqueducts of the State Water Project and the federally managed Central Valley Project, supplying farms in the San Joaquin Valley and cities across Southern California.

The federal Bureau of Reclamation and the state Department of Water Resources operate the water systems in the delta under the 2019 biological opinion, which during the fall of wetter years requires the agencies to “either provide additional flows, known as Fall X2, or take other similar or more protective measures to improve the habitat of Delta smelt,” said Mary Lee Knecht, a spokesperson for the Bureau of Reclamation.

“During September, Reclamation and DWR implemented both required Fall X2 outflow provisions and additional voluntary measures to improve Delta smelt habitat in Suisun Marsh and will now off-ramp the flow requirement in October,” Knecht said in an email to The Times. She said the Bureau of Reclamation and the U.S. Fish and Wildlife Service have concluded that this “will provide similar or better protection for the smelt” and will allow scientists to test the effectiveness of water releases.

The state Department of Water Resources said officials also have used gates in the Suisun Marsh to “maximize suitable habitat” for the endangered fish in the delta. The department said in an email that modeling by federal wildlife officials indicates that having the additional outflows in the delta in October “is not a critical driver of Delta smelt survival.”

State wildlife officials have approved the approach.

Environmental advocates recently wrote to federal and state officials urging them not to suspend the additional flows in the delta. They said the additional water in some years has played an important role in preventing the extinction of delta smelt, and that not making the water available “would be irresponsible and indefensible.”

“The situation of Delta Smelt is dire, and its record low population levels call for strong interventions by the state and federal agencies responsible for preventing its extinction,” leaders of several groups said in one letter.

In a recent article, Bobker and Jon Rosenfield, science director of San Francisco Baykeeper, said a wealth of scientific research shows that larger flows in the delta during the fall continue to be important in preventing the extinction of delta smelt.

“California habitually fails to enforce environmental laws designed to protect our aquatic ecosystems,” they wrote. “Following the state’s lead, federal agencies skimp on environmental safeguards and waive the meager protections they do offer any time protecting the public’s fish, wildlife, waterways, and water quality, gets in the way of diverting more water to meet California’s seemingly unquenchable demand.”

The debate coincides with parallel ongoing struggles over how California should adapt its water policies to protect fish populations in the state's rivers in the face of drought and climate change.

Other fish species also have suffered declines in recent years. Regulators have banned commercial and recreational fishing for Chinook salmon along the California coast for the last two years in an effort to help the species recover.

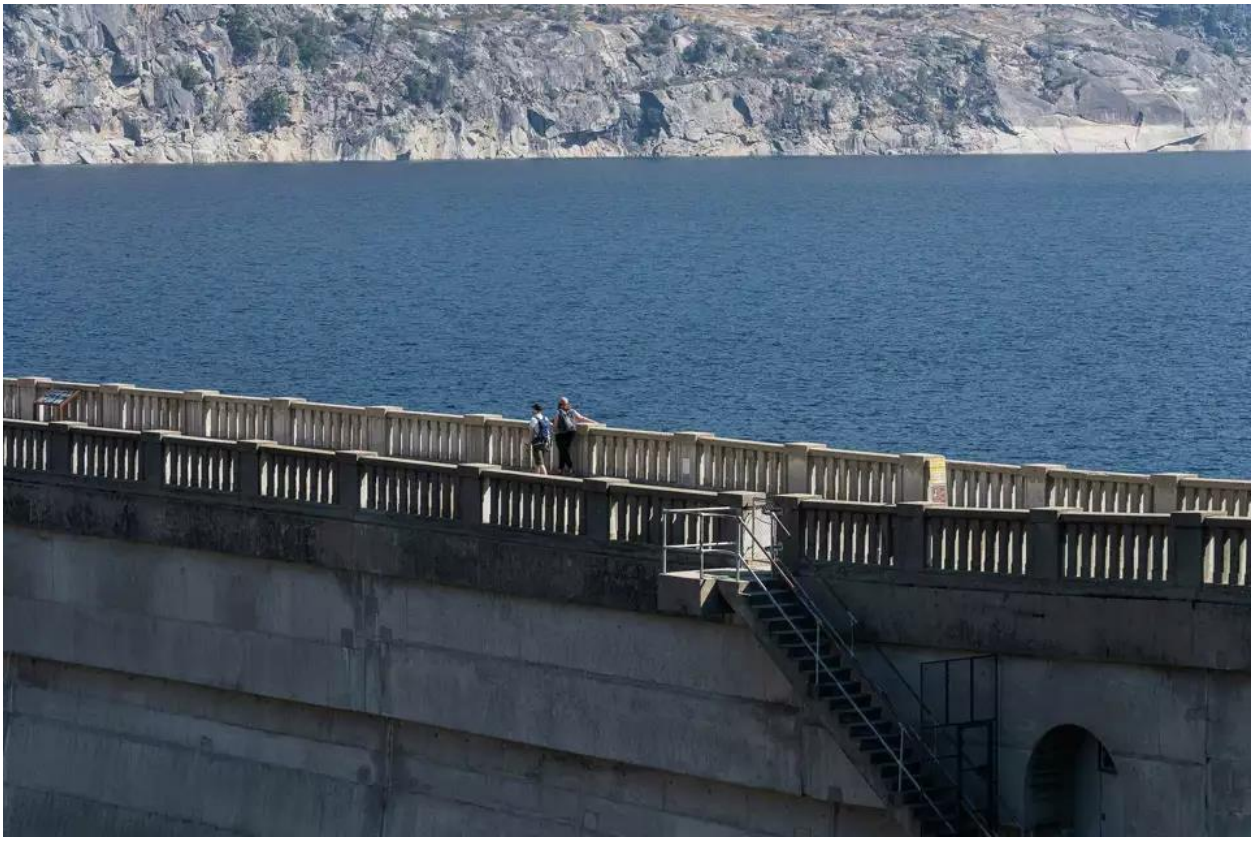
Environmental and fishing groups said the increased exports of water from the delta this fall pose serious concerns.

Barbara Barrigan-Parilla, executive director of the group Restore the Delta, said government agencies are "changing the rules to weaken Delta protections for powerful special economic interests," including large water suppliers and the agriculture industry in the San Joaquin Valley.

"The rules protecting fish only work when they are enforced," said Chris Shutes, executive director of the California Sportfishing Protection Alliance. He said the current approach amounts to mismanagement and is "making the rules optional each time water contractors clamor for more water."

# # #

San Francisco's famous water was put to a taste test. The results are surprising
San Francisco Chronicle | November 2, 2024 | Kurtis Alexander



The Hetch Hetchy reservoir, seen beyond the O'Shaughnessy Dam in 2022, supplies much of San Francisco's drinking water. Tracy Barbutes/Special to the Chronicle

San Francisco is often said to have some of the best drinking water in the nation.

Fed by snow on the peaks at Yosemite, the cold, unspoiled supplies are so crisp and clean that the water requires no filtration before being piped 160 miles to Bay Area taps. Celebrity water sommelier Martin Riese once called the city's water "smooth" with earthy notes and "almost like you have little lime" in the aftertaste.

This beloved elixir, however, may not be as good as some people think it is. A recent taste test found that the city's supplies were slightly inferior to water from other Bay Area providers.

To be clear, the test conducted by researchers at the University of Colorado at Boulder, with Bay Area residents doing the tasting, is not the final word on San Francisco water. Tasting trials are often riddled with error as it can be tough to control what's tested — local water sources often vary — and it's difficult to weed out personal biases, such as people liking what they're familiar with. The Colorado researchers acknowledged several flaws in their work and said more testing needs to be done.

Still, the findings raise real questions about the superiority of the city's water and whether it lives up to the hype. The results also underscore the role of individual preference in determining what's best.

“We can’t say for certain what it was in San Francisco’s water that stood out,” said Katherine Halama, a graduate student in the University of Colorado’s Masters of the Environment program and one of the organizers of the water taste test. But “there might be things in San Francisco’s water that people prefer less.”

The city, through the San Francisco Public Utilities Commission, provides water supplies for about 2.7 million people, both within the city limits and suburban communities in San Mateo, Santa Clara and Alameda counties.

Earlier this year, the researchers conducted a double-blind taste test with randomly selected Bay Area residents that entailed sampling San Francisco water as well as water from two other suppliers in the region, East Bay Municipal Utility District and Marin Municipal Water District. Participants were asked to rank each of the samples.

Through a ranked-choice tally of the results, with first-place ratings counting more than second-place and second-place ratings counting more than third-place, the Marin water scored highest with 61 points, followed by the East Bay water with 59 points. The San Francisco water was deemed the “least favorite” with 53 points. (The San Francisco water also had the fewest first-place ratings.)

While the test didn’t seek to find out why people liked or disliked what they drank, the researchers sent the water samples to a lab to better understand their chemical composition. They found that the San Francisco water had the highest PH level, indicating alkalinity, and the lowest hardness rating, indicating fewer dissolved minerals such as calcium and magnesium.

This suggests that the taste-testers might have preferred water with greater acidity and more minerals, which tends to convey a salty or bitter taste. (Too much of these qualities, though, is generally disliked.)

Water sommelier Anistacia Barrak-Barber, who was consulted by the Colorado researchers for the report, seemed to make these points when she separately tested the water from the three Bay Area providers. She noted a distinct chlorine taste in the Marin water, a “sweet, perfumy” taste in the East Bay water and no “outstanding” taste in the San Francisco water.

Her favorite was the San Francisco water, which she described as “just like from melted ice, leaves your mouth (with) a cooling and moisture feeling.”

A major caveat that comes with the report’s findings is that the three water supplies are subject to change. Large water providers commonly have several sources of water, which don’t necessarily taste the same, and these sources are often combined and delivered in different ratios depending on their availability. The sources can also be disinfected differently, which may further alter the aesthetics of the water.

The San Francisco Public Utilities Commission gets about 85% of its water from Hetch Hetchy Reservoir, which collects snowmelt in Yosemite National Park. This pristine supply, which the

city calls “among the purest in the world,” would reasonably have fewer ingredients and a more neutral flavor profile.

The other 15% of the city’s supply comes from reservoirs in the Bay Area and groundwater.

When the city began mixing groundwater into supplies for some parts of its service area, Chronicle food and wine writers sampled the new blend and observed a “slight bit of dissolved minerals.”

The East Bay Municipal Utility District also gets much of its water from the Sierra Nevada, though at a lower elevation, in the Mokelumne River watershed. Additionally, it relies on local reservoirs and sometimes imports from the Sacramento River. The Marin Municipal Water District doesn’t get any water from the Sierra, relying on local reservoirs and imports from the Sonoma County Water Agency.

San Francisco water officials had not fully reviewed the University of Colorado report. But they stood by the quality of their legendary product.

“Our customers consistently rate the taste of our water as excellent,” said Nancy Hayden Crowley, spokeswoman for the San Francisco Public Utilities Commission in an email to the Chronicle. “But taste is only part of the story. The most critical measures of any water supply are safety and reliability. For over 100 years, we’ve reliably delivered safe, clean and affordable water to residents and businesses. … Without this water system, the Bay Area as we know it doesn’t exist.”

The taste test was commissioned by an organization advocating for the removal of Hetch Hetchy Reservoir. The group, Restore Hetch Hetchy, has taken up the fight of iconic conservationist John Muir, maintaining that draining the reservoir would uncover a spectacular basin similar to Yosemite Valley.

The head of the group said he pursued the independent water report to find out how much the drinking water there would be missed if his group succeeds in its longshot bid to reclaim the basin.

“People in San Francisco are always saying we have the best water ever,” said Spreck Rosekrans, executive director of Restore Hetch Hetchy. He said the adulation is simply unwarranted.

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