

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

October 9, 2026

Correspondence and media coverage of interest between September 23, 2026 and October 8, 2026

From: Dave Warner
To: BAWSCA Board of Directors
Date: October 8, 2026
Subject: Millbrae Operations Center Exceptional Cost

Press Release

Date: October 1, 2026
Source: Association of Water Agencies
Subject: New Water year Calls for Flexibility, Preparedness

Water Supply Conditions:

Date: October 6, 2026
Source: SF Chronicle
Subject: Forecast for California's El Niño winter just got even wetter. These are the new numbers

Date: September 29, 2026
Source: Sacramento Bee
Subject: When will California see its first snow? How El Niño could impact fall, winter

Water Supply Management:

Date: October 6, 2026
Source: SF Chronicle
Subject: Sierra Club sues San Francisco, claims city is fabricating its water needs

Date: October 2, 2026
Source: Department of Water Resources
Subject: As new water year begins, California prepares for strong El Niño and expanded water supplies

Date: September 28, 2026
Source: Hanson, Bridgett, LLP
Subject: El Niño Is Coming: Flood and Storm Water Preparation, Response and Recovery

Bay Delta Plan:

Date: September 28, 2026
Source: Public Policy Institute
Subject: What's in the Proposed Bay-Delta Water Quality Control Plan?

Water Supply Policy:

Date: October 4, 2026
Source: San Jose Mercury News
Subject: Election 2026: Is Proposition 45 a housing solution or develop loophole?

Date: September 23, 2026
Source: Daily Journal
Subject: Gavin Newsom signs Diane Papan bills: 2 data center transparency bills signed into law, part of 7-bill regulation package

October 8, 2026

Re: Millbrae Operations Center Exceptional Cost

Dear BAWSCA Board Members,

The Millbrae Yard plan cost estimates, both the 2025 and 2026 alternatives, are surprisingly expensive. This project represents more than 20% of the Regional Water System's (RWS) 10 year capital plan.¹ The project should be reviewed by the BAWSCA Board for both cost and scale along with exploring alternatives. **It appears that there is the potential to reduce the cost of the project by \$100-\$200 million, a massive amount that could be used to address affordability, supply reliability and environmental impact.** Please consider having BAWSCA engage specialized expertise to evaluate this half billion dollar project including i) reducing its cost per square foot, ii) scaling back its size, iii) exploring lower cost alternatives, and iv) evaluating timing.

Cost is high compared to benchmark and alternatives

The table below compares the cost of the 2025 and 2026 alternatives against the local costs of constructing high-end dry lab space and against the cost of a recent office building purchase on the Peninsula. As the only square foot difference between the 2025 and 2026 alternatives is due to a parking garage, the cost of constructing such a garage on the Peninsula is also shown.

	Buildings sq ft	Garage sq ft	Total sq ft	Total cost
2025 alternative	176,055	n/a	176,055	\$428,000,000
2026 alternative	176,055	111,888	287,943	\$484,000,000
Dry lab cost estimate²	180,000	n/a	180,000	\$220,000,000-\$252,000,000
Recent purchase ³	303,000	n/a	303,000	\$94,400,000
Estimated cost to build a 4 story garage ⁴		110,000	110,000	\$23,000,000

¹ Per the SFPUC's FY 2027 10 year financial plan excel model, the RWS 10 year capital plan is \$2,061 million.

² AI Gemini search based on: "Commercial Construction Cost Per Square Foot by Building Type", Updated September 2026, published by Terrapin Construction Group; "Construction Cost per Square Foot in San Francisco (2026 Guide)" published by CyanBuild. High end calculation assumes \$900/square foot plus 25% soft costs combined with a 5 year (to 2032) escalation factor of 24.6%.

³ Sale of 1400 Seaport Boulevard< Redwood City (waterfront), as reported by Kidder Mathews in their Peninsula/San Mateo Office Market Report 2nd Quarter 2026

⁴ Based on WGI Parking Structure Cost Outlook for 2026 for San Francisco assuming 340 spaces with 25% soft costs and with a 5 year (to 2032) escalation factor of 24.6%.

The 2025 alternative was already expensive, more than \$150 million above the high-end dry lab cost estimate. And the 2026 alternative added \$56 million to the 2025 alternative, with the square foot increase only due to a parking garage. Using a San Francisco estimate for parking garage costs, the addition of a parking garage should have added only \$23 million, not \$56 million. **Excluding the \$23 million for the parking garage, the 2026 alternative increased \$33 million with limited explanation.**

Building a dry lab on the Peninsula, the all-in cost estimate for 180,000 square feet is at least \$150 million less than the original 2025 alternative. Note that the dry lab estimate includes a 5-year (to 2032) cost escalation of 24.6%. And given the recent purchase of a 300,000 square foot office building in Redwood City, the savings by purchasing an existing facility (inclusive of added office-to-lab conversion costs) would have been in excess of \$200 million when compared to the original 2025 alternative. This is not to suggest that the SFPUC move its facility to Redwood City but to note that from time to time large commercial complexes become available and at today's pricing, can be a significant savings to today's new building costs.

By any measure the Millbrae Operations Center is exceptionally expensive. On a per square foot comparison:

	Cost per square foot
2025 alternative	\$2,431
2026 alternative (excluding garage at \$23 million)	\$2,618
Dry lab cost estimate	\$1,222 - \$1,400
Recent purchase (before conversion costs of up to \$600/ square foot)	\$311

The table above shows that the **2026 alternative's cost of \$2,618 per square foot is almost double the high-end local dry lab cost estimate of \$1,400 per square foot.** These cost differences should be understood.

Scale/Size of the facility hasn't been addressed

Demand on the RWS has declined significantly in the last 30 years and has stayed below 200 mgd for more than 10 years, running well below capacity. To manage costs, new investments in infrastructure should be scrutinized. There's been no information provided to the Board reviewing how the size of the new facility compares to the size of the two it is replacing from a square foot perspective, from number of employees perspective, and from an office space per

employee perspective. These questions should be answered and compared not only between the existing and new facilities, but also against industry benchmarks.

For reference, 176,000 square feet is about double the size of the ground floor of San Francisco's ferry building. Also, it should be understood how many employees based in that location spend most of their time in the field.

Timing is poor given wholesale rate and market context

Wholesale rates are high. Not only did wholesale jump 7.4% this year, but they did so unexpectedly as the expectation was 1%. And they increased unexpectedly over the longer term. In May 2023 the SFPUC projected the FY 2027 wholesale water rate to be \$5.31. Today it is \$6.23, 17% higher. The SFPUC has a poor track record of projecting wholesale rates. Future increases will likely be greater than what the SFPUC projects.

Borrowing rates are high. On October 5th, the firm Raymond James stated, "... we witnessed yields rise in the Treasury and municipal market to levels that we have not seen in decades."⁵ With interest rates at a multi decade high, it raises the question of the urgency of the need.

Understand the risk of deferral or lesser upgrades to the facility

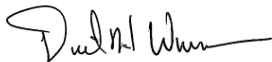
While it appears the consensus for the timing for replacing the current facilities is now, it is worth understanding the pressures on timing and the risks associated with delaying/deferring the project. Would lesser upgrades allow the project to be deferred 10 years or more?

Action:

Please consider having BAWSCA engage specialized expertise to evaluate this half billion dollar project including:

- i) reducing its cost per square foot**
- ii) scaling back its size**
- iii) exploring lower cost alternatives**
- iv) evaluating timing**

Kind regards,



Dave Warner

⁵ Raymond James Municipal Bond Investor Weekly, October 5, 2026, page 2.

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October 1, 2026

News Releases

New Water Year Calls for Flexibility, Preparedness

SACRAMENTO – As California begins a new water year today, the Association of California Water Agencies (ACWA) is calling on state leaders to embrace long-term planning around water management as recommended through its Vision for Our Water Future initiative.

Beginning today and lasting through Sept. 30, 2027, the new water year is expected to include an unusually strong El Niño event. Gov. Gavin Newsom recently proclaimed a state of emergency to accelerate preventative flood control work, with forecasts predicting a greater than 90 percent chance of a historically severe event during fall and winter 2026-27.

However, by providing greater operational flexibility and increasing system capacity, California can also capture and store water from this type of weather event, reduce flood risks, better protect communities, and prepare for a future of increasingly extreme and unpredictable weather and hydrology.

“The start of a new water year is an important reminder that California cannot control when and how water enters the system, but we can improve our ability to manage it when it does,” said ACWA Executive Director Karla Nemeth. “That means increasing our ability to capture, move and store water. Whether this winter brings extreme storms or conditions change quickly, California needs a water system designed to manage increasingly extreme and variable conditions.”

Nemeth, who became ACWA executive director Sept. 1, previously served as director of the California Department of Water Resources (DWR) beginning in 2018. Her work at DWR included preparing for more extreme weather, investing in atmospheric and runoff forecasting and infrastructure, advancing groundwater management and supporting local water resilience.

A Water System Designed for Extremes

ACWA’s Vision for Our Water Future provides a workable framework for the challenges ahead. Developed with ACWA’s broad and diverse membership of 470 public water agencies statewide, who supply water to 90% of Californians, the initiative calls for a resilient and reliable water system capable of meeting the needs of the state’s economy, communities and environment. ACWA launched its Vision initiative to elevate water as a priority for California’s next governor, legislative leaders and state officials.

“California has the expertise and experience to adapt to a changing hydrology,” Nemeth said. “Now we need sustained action to modernize our water system, increase its capacity and build the flexibility needed to manage both wet and dry extremes.”

Preparing California for a more variable and unpredictable water future requires both increased capacity and greater flexibility. Increasing capacity means strengthening the state's ability to capture and store water, including through surface and groundwater storage, while improving the infrastructure needed to capture and move water when available and where it can provide the greatest benefit. Providing flexibility means using better forecasting, real-time information and adaptive operations so water managers can respond to rapidly changing conditions while meeting water supply and environmental priorities.

Recent experience demonstrates what greater flexibility can accomplish. During storms in December 2025, changes that allowed for more real-time operational decision-making enabled the State Water Project to capture an additional 15,000 acre-feet of water in December and January, enough to supply 30,000 Californians with water for an entire year.

Increasing Capacity for the Long Term

The need to increase water-system capacity extends well beyond a single winter. Earlier this year, California launched development of the California Water Plan 2028 with a statewide planning target of 9 million acre-feet by 2040, encompassing supply, conservation, recharge and storage strategies intended to help close projected future supply gaps.

###

Forecast for California's El Niño winter just got even wetter. These are the new numbers

SF Chronicle | October 6, 2026 | Greg Porter

Nearly every corner of California, from Eureka to San Diego, is forecast to see its heaviest rain in January during the historically strong upcoming El Niño winter, according to data released this week by a major seasonal model.

The model came in wetter than when it was last run a month ago: San Francisco's precipitation forecast for January grew from about 4 inches above normal to 5 inches, and Santa Rosa went from 6.3 inches above normal to 7 inches.

But the peak month is only part of it.

From December through March, the model's average forecast runs at nearly double its normal rainfall in San Francisco and San Jose, and at more than two and a half times normal in San Diego.

Location	Typical Dec.- March (in.)	Forecast Dec.- March (in.)	Compared with normal	Chance of a wetter-than- normal winter
Eureka	33.6	51.8	154%	92%
Redding	20.4	33.8	165%	92%
Sacramento	13.8	23.2	168%	92%
Santa Rosa	23.9	41.2	173%	94%
San Francisco/ Oakland	13.3	26.0	195%	98%
San Jose	15.1	28.4	189%	96%
Paso Robles	11.0	23.2	211%	98%
Fresno	10.6	16.2	153%	92%
Bakersfield	7.9	12.5	158%	96%
Lake Tahoe	23.3	31.6	136%	86%
Mammoth Lakes	13.0	18.8	144%	84%
Santa Barbara	14.5	32.9	226%	96%
Los Angeles	10.9	21.5	198%	96%
San Diego	11.0	28.9	263%	98%
Palm Springs	5.0	9.4	188%	88%

This is based on an average of 51 model forecasts from the ECMWF SEAS5 seasonal forecast, Oct. 1, 2026 run. "Typical" is the model's 1993-2016 average at each location, not the local rain gauge's record.

Table: Greg Porter/S.F. Chronicle • Source: [ECMWF SEAS5 via Open-Meteo](#)

The update prompted a warning from UCLA climate scientist Daniel Swain, who wrote on X that he had “never seen such high predictive confidence in a very wet California winter” and that he is “officially concerned.”

The model, known as the European model, doesn’t make one forecast. It makes 51, each starting from slightly different conditions. For San Francisco, 50 of the 51 land wetter than normal from December through March. One lands drier. Forty-one are at least 50% wetter than normal.

Swain’s statewide analysis found only one of the model’s 51 runs drier than average for California as a whole, and odds of a top-10% wet winter along the coast of around 80% to 90%.

The Chronicle totaled each forecast from December through March at 15 locations and compared the results with the model’s own 1993-2016 average.

Southern California is where the forecast is most anomalous. San Diego’s December-through-March total runs at 263% of the model’s normal. Santa Barbara comes in at 226%, Paso Robles at 211%. The Bay Area sits between 173% and 195%, the Sacramento Valley near 165%, Eureka at 154%.

Anomalous doesn’t equate to higher overall rainfall totals, though. Northern California, which is climatologically rainier than Southern California, is still likely to see the most precipitation this winter. The model’s December-through-March average is 52 inches at Eureka and 41 inches in Santa Rosa.

A seasonal total also says nothing about how the rain arrives — in other words, whether it is gradual and spread out or comes in a big dump.

Within the December-through-March stretch, the odds of at least one extreme month are high. 46 of 51 forecasts give San Francisco at least one month with double its normal rain. For San Diego it’s 49 of 51.

The model also forecasts ocean temperatures off the California coast running far above normal into January, which feeds more moisture into landfalling storms and raises the snow line.

The Sierra is where the model is least confident of unusually high precipitation totals. 7 of the 51 models predict a drier than normal December through March period at Lake Tahoe. That represents the greatest chance of a drier than normal winter of any of the 15 points the Chronicle analyzed. Seasonal models do not differentiate between rain and snow in their precipitation numbers.

The European model is one of several global seasonal models. Seasonal forecasts give odds for a whole season, but can’t predict individual storms, and traditionally come with a higher level of uncertainty.

Still, the overwhelming signal continues to favor a very wet winter for California.

###

When will California see its first snow? How El Niño could impact fall, winter

Sacramento Bee | September 29, 2026 | Angela Rodriguez

The start of fall brings changing leaves, pumpkin spice favorites and cooler temperatures.

For many Californians, it also means the first snowfall of the season could be on the horizon.

According to the Farmers' Almanac's latest forecast, the timing of the first significant snow will vary widely across California depending on elevation and location.

"For many people, the first snowfall is the moment the season really changes," the Farmers' Almanac said in its Sept. 11 forecast.

This year, a strengthening El Niño could push California's first snowfall later than usual, particularly at lower elevations, according to Sean Macaday, a meteorologist for The Sacramento Bee.

Whether you're looking forward to hitting the slopes or building a snowman, here's when and where snow could arrive in California in 2026:



California Department of Water Resources staff Andy Reising, Director Karla Nemeth, Jim Shannon and Jacob Kollen found a measurement of zero inches of snow during the California Department of Water Resources snow survey at Phillips Station on Wednesday, April 1, 2026. This is the second lowest since 2015 during snow survey at the Phillips Station in the Sierra Nevada. PAUL KITAGAKI JR.
pkitagaki@sacbee.com

When does the Farmers' Almanac forecast the first snow in California?

The Farmers' Almanac expects the first significant snowfall to arrive at different times across California.

Areas of Northern California, including Siskiyou, Modoc, Lassen, Plumas, Sierra and Placer counties, could begin seeing significant snow as early as late November.

Farther south, including Mono and Inyo counties, the first significant snowfall could arrive in December, according to the Farmers' Almanac.

The timing can vary significantly from year to year.

“Elevation, latitude, nearby bodies of water and the weather pattern in a particular year can move the first snow considerably earlier or later,” the Farmers’ Almanac said.

Where does it typically snow in California?

Snowfall in California is largely determined by elevation, Macaday said.

The highest elevations can see snow relatively early in the season, while lower elevations might go much longer without seeing a flake.

That doesn’t mean snow is impossible in places such as Sacramento and Modesto.

The National Weather Service has recorded snowfall in Sacramento as far back as January 1879, when about a half-inch accumulated in the city.

Modesto has recorded snow four times since 1910, with less than 2 inches falling during each event.

Macaday said some higher elevations in California have already seen flurries over the past month and a half.

“California is really elevation driven,” Macaday said. “You would have to be at the top of Mount Whitney to see them.”

Mount Whitney is in the Sierra Nevada along the border of Inyo and Tulare counties and is the highest point in California.

What counts as snowfall?

According to the Farmers’ Almanac, these are the several ways meteorologists can describe the first snow of the season:

- First flakes: Snow is observed falling, but the flakes melt immediately without accumulating on the ground.
- First measurable snowfall: At least 0.1 inch of snow accumulates. This is the threshold commonly used in National Weather Service climate records.
- First significant snowfall: At least 1 inch accumulates, making the snowfall more noticeable and potentially requiring snow removal.

Those milestones don’t necessarily happen at the same time.

“Those dates can be weeks apart,” the Farmers’ Almanac said.

When does snow typically fall in California?

The Sierra Nevada is usually the first part of California to see snow each season, Macaday said.

Mammoth Lakes, in the Eastern Sierra, typically sees its first snow in late October.

Areas around South Lake Tahoe and Sequoia National Park generally begin seeing snow in early November, while Yosemite often sees its first snowfall around mid-November, according to Macaday.

“It’s very elevated driven,” he said.

The higher the elevation, the earlier snow is likely to arrive — and the longer it is likely to stick around.

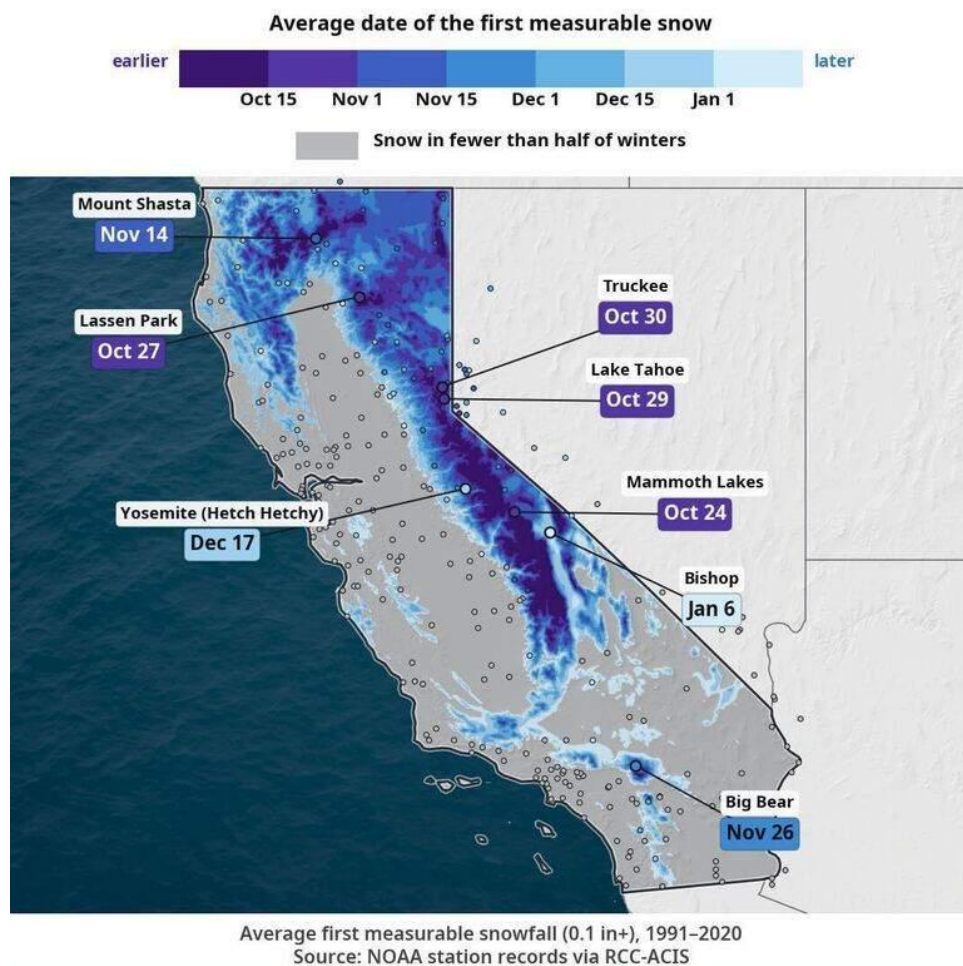
How will El Niño impact California’s snow season?

California’s snowfall this season could be affected by a potentially historic El Niño developing in the Pacific.

El Niño is a climate pattern involving changes in ocean temperatures and atmospheric conditions across the tropical Pacific. It can influence weather patterns across the United States, including California.

According to the National Oceanic and Atmospheric Administration’s Climate Prediction Center, “El Niño is strengthening,” with a greater than 90% chance of a very strong event during the Northern Hemisphere in fall and winter 2026-27.

When California Usually Sees Its First Snow



Sean Macaday, Sacramento Bee · @MacadayWX

Meteorologist Sean Macaday expects the first snowfall to arrive later than average in many parts of California this season. Meteorologist Sean Macaday

The center said there is a chance of a historic-strength El Niño during October through December, meaning it could exceed the power of previous El Niño events dating to 1950.

“With an event of this magnitude, the chances of experiencing impacts consistent with El Niño are larger, though not guaranteed,” the Climate Prediction Center said.

On Sept. 21, California Gov. Gavin Newsom proclaimed a state of emergency to prepare for the potentially historic El Niño season. The proclamation directs state agencies to stage flood-fighting supplies, prepare infrastructure and help communities reduce risks from flooding, landslides and coastal hazards.

“El Niño is starting to take hold,” Macaday said. “What we’re seeing is warmer air really setting into November.”

That warmer pattern could delay the arrival of snow, particularly at lower elevations.

Macaday said November is currently expected to be relatively dry and warm.

Despite the arrival fall, temperatures are forecast to remain above normal across much of California through the end of the year from October through December, according to the Climate Prediction Center's three-month forecast, published on Sept. 17.

The forecast also indicates above-normal precipitation in Southern California, while much of the rest of the state has “equal chances” of seeing precipitation above or below average.

“Normal” is based on the average of all temperatures from 1991 to 2020.

How much could California’s first snowfall be delayed?

Macaday expects the first snowfall to arrive later than average in many parts of California this season.

“I would expect the first snow to be delayed from average by maybe two to six weeks,” he said.

“If you’re at lower elevations, you might see snowfall later than usual,” Macaday added. “If you typically see snow in your area in November, you might not see snow until December.”

The delay could become more noticeable at lower elevations.

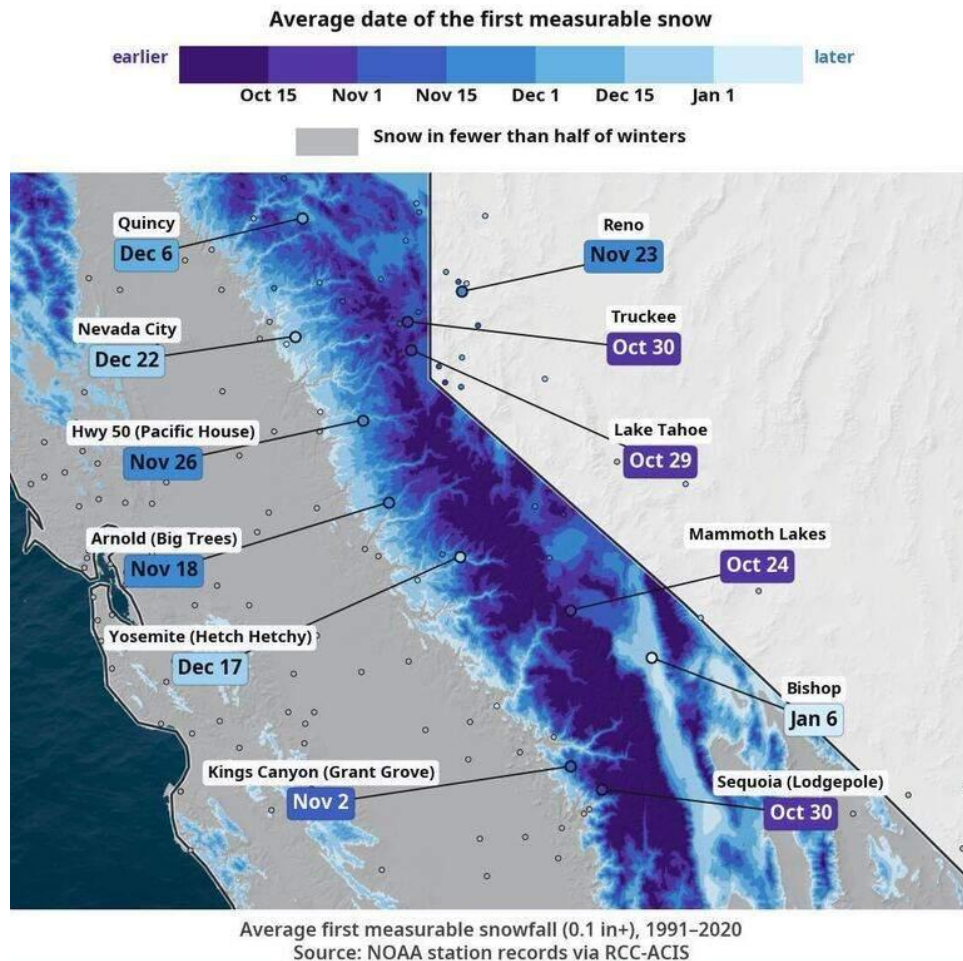
Macaday said measurable snow could arrive roughly a week later than average at some elevations, while communities at elevations between about 1,500 and 2,500 feet could see delays of two weeks or more.

“Some spots on the lower end may not see any snow at all, but that will not be even spread,” Macaday said.

In other words, a wetter winter does not necessarily mean more snow everywhere.

Warmer temperatures associated with El Niño can mean more precipitation falls as rain rather than snow at lower elevations, while colder, higher elevations remain more likely to see accumulating snow.

When the Sierra Usually Sees Its First Snow



Sean Macaday, Sacramento Bee · @MacadayWX

Although the first snow could arrive later than usual, Meteorologist Sean Macaday said he expects the Sierra Nevada to have an active snowy season from December through March. Meteorologist Sean Macaday

How long will California's snow season last?

Although the first snow could arrive later than usual, Macaday said he expects the Sierra Nevada to have an active snowy season from December through March.

At higher elevations, snow can continue into late spring.

For example, Tioga Pass, the continuation of Highway 120 through Yosemite National Park, typically closes for the winter in November and doesn't reopen until late May because of snow and hazardous driving conditions.

"There will be times when it doesn't snow for a few weeks," Macaday said. "But over the course of a few months, I expect the Sierra to see more snow than average."

That could mean more snow days in the mountains and more rain at lower elevations, including California's Central Valley, than residents typically see during the winter.

#

Sierra Club sues San Francisco, claims city is fabricating its water needs

SF Chronicle | October 6, 2026 | Kurtis Alexander,



The Sierra Club and other groups have long accused San Francisco of holding back too much water at its Hetch Hetchy Reservoir in Yosemite. Anthony Edwards / S.F. Chronicle

The Sierra Club is suing the city of San Francisco's water department, claiming officials are manipulating water data to justify bigger water grabs for the city — and causing unnecessary harm to the environment, and inflating customer rates.

The suit, filed last week in San Francisco Superior Court, calls for the San Francisco Public Utilities Commission to revise its state-mandated Urban Water Management Plan to reflect more modest water needs, notably from the Tuolumne River at Yosemite National Park, where the bulk of the city's water comes from.

The Oakland-based Sierra Club and other environmental groups have long accused San Francisco of holding back too much water at its Hetch Hetchy Reservoir in Yosemite. They say the excess storage comes at the expense of struggling salmon runs and a drying foothill landscape. The Tuolumne River, because of water draws by the city and others, averages just 21% of its natural flow during peak run-off season.

“They just haven’t cared about their environmental impact for 100 years,” said Mark Shahinian, a member of the executive committee of the Sierra Club San Francisco Bay Area Chapter. “We’ve been battling the SFPUC pretty much since they built Hetch Hetchy.”

The San Francisco City Attorney’s Office, responding on behalf of the SFPUC, said it had not yet been served the legal complaint. But spokesperson Jen Kwart defended the agency’s water practices.

“The SFPUC works diligently to protect our natural environment while ensuring Bay Area residents have the water they need for years to come,” she said in an email.

The agency has previously maintained that its extensive water diversions and conservative water plans are necessary for sustaining the Bay Area, its people and its booming economy. In addition to providing water for the city, the SFPUC serves more than two dozen communities in San Mateo, Santa Clara and Alameda counties.

The Sierra Club’s legal challenge is just one more chapter in California’s enduring water wars, though it comes at a time when San Francisco’s water supplies could be increasingly constrained, not just by climate change and drought, but by a landmark proposal by the state, known as the Bay Delta Plan update, which is seeking to reduce excessive water draws from California rivers.

The Sierra Club lawsuit alleges that the SFPUC’s Urban Water Management Plan, completed last year to help guide water decisions and inform state planning, contains water demand projections that are based on both faulty assumptions and cooked-up data.

For example, such modeling inputs as population growth and future household water consumption are vastly overstated, according to the suit. In addition, the suit accuses the SFPUC of pushing aside demand estimates made by its financial department while, without explanation, advancing alternative projections that suggest much greater water use.

“They tweaked their numbers so they fit their story and not the facts,” Shahinian said. “I think this gives them room to argue that they should get to build more infrastructure and they should be able to hold more water back in storage and take more water from the rivers.”

With higher water demand and more infrastructure, capital costs can go up, prompting water rate increases.

The SFPUC’s Urban Water Management Plan estimates a 17% increase in water demand by San Francisco residents by 2050 and a 14% increase in demand by wholesale customers by mid-century, pushing the total need to 222 gallons per day. The Sierra Club asserts that these projections overestimate water demand by a third.

The lawsuit says that the defects in the SFPUC plan, under the Urban Water Management Plan Act, should render the plan unfit and force the agency to make revisions. The plans are overseen by the California Department of Water Resources.

###

DWR: As new water year begins, California prepares for strong El Niño and expanded water supplies

Department of Water Resources (DWR) | October 2, 2026

Today marks the start of Water Year 2027 in California and the Department of Water Resources (DWR) is preparing for potential extreme weather emergencies while positioning the State to capture and store as much water as possible. Recent water years have demonstrated the extreme swings California can experience between record-breaking drought and devastating flooding, and strong El Niño conditions make preparedness especially important.

“California is taking action now to prepare for flood season. With strong El Niño conditions on the horizon this winter, being ready for anything is more important than ever,” said California Department of Water Resources Director Tom Gibson. “We don’t yet know where or when the storms will hit, but we can take actions to prepare now. DWR and our partner agencies across California will be ready.”

California’s water year runs from October 1 to September 30 and is the official 12-month timeframe used by water managers to compile and compare hydrologic records. At the start of the new water year, major reservoirs across the state are currently at 107 percent of average for this date. Lake Oroville, the largest reservoir in the State Water Project, is currently at 85 percent of average and 48 percent capacity. California is preparing to leverage both surface and groundwater storage opportunities this winter to put the state in the best possible position to capture water now for when dry conditions inevitably return.

In coordination with the Governor’s Office of Emergency Services (CalOES), DWR is also preparing for potential flooding. Last week, Governor Newsom proclaimed a state of emergency to bolster state preparedness for any potential impacts from El Niño.

“Historically, El Niño years can be a mixed bag, with moderately higher chances of more precipitation in the southern part of the state. But the strength of this year’s El Niño event sets up the conditions for wet weather,” said State Climatologist Dr. Michael Anderson. “Paying especially close attention to local forecasts and warnings issued by the National Weather Service will be critically important for Californians throughout this winter.”

The National Oceanic and Atmospheric Administration has forecasted a greater than 90 percent chance of a very strong El Niño event this winter. El Niño is characterized by above-average sea surface temperatures in the tropical Pacific Ocean and has historically increased the chances of above-average precipitation in parts of California. Warmer ocean temperatures can influence the position of the jet stream, potentially directing more precipitation toward the southern half of the state.

While very strong El Niño conditions do not guarantee storms in any specific location, they can contribute to other hazards, including elevated sea levels, damaging waves, and coastal

erosion. Cities, counties, and state agencies are coordinating to prepare for these possible outcomes.

DWR's flood operations staff are coordinating closely with local partners in cities and counties across the state. DWR is holding 13 regional workshops for partner agencies in Coastal, Northern, Southern, and Central California communities and has stockpiled flood-fighting materials at 68 locations across the state. These materials include 4.4 million sandbags and 400,000 tons of rock for emergency levee repairs, if needed.

California's flood infrastructure is also being inspected and prepared for winter. Every fall, DWR staff inspect all 1,600 miles of levees within the State Plan of Flood Control and perform maintenance on key flood conveyance facilities, including weirs, bypasses, and flood control structures, to help ensure they function as designed.

At the same time, efforts are underway to take advantage of precipitation this winter to help replenish groundwater basins for future water supply needs. As a key component of Governor Newsom's Water Supply Strategy, groundwater recharge can enhance water resiliency and security, reduce vulnerability to floods, drought, and dry wells, and promote long-term sustainability. DWR is hosting a Recharge Readiness webinar series to share technical guidance to help communities prepare for potential storms.

State Water Project crews spent the summer performing annual maintenance and inspections to ensure the system is ready for winter operations. That preparation helps DWR to take advantage of opportunities to capture, store, and move water when conditions allow, while maintaining flexibility to respond to changing weather and water supply conditions. The State Water Project relies on seasonal rain and snow to provide water deliveries to 29 contractors serving 27 million Californians. The State Water Project will make its initial allocation for forecasted deliveries on December 1.

California's water year runs from October 1 to September 30 and is the official 12-month timeframe used by water managers to compile and compare hydrologic records.

###

El Niño Is Coming: Flood and Storm Water Preparation, Response and Recovery

Flooding Alert 1: Planning and Permitting Preventive Maintenance and Improvements for Flood and Storm Water Infrastructure

Hanson Bridgett, LLP | September 28, 2026

El Niño is coming ... and if you haven't done so already, NOW is the time to evaluate infrastructure and to take action to minimize potential risks. This year, the predicted power of El Niño means deferred maintenance and improvements carry more risk than usual. However, planning, funding, and securing permit approvals for repairs and upgrades can take months or years. Recognizing El Niño risks and these long permitting timelines, Governor Newsom proclaimed a state of emergency on September 21, 2026, directing state agencies to prioritize and accelerate permitting for local flood, landslide, and debris flow work.

This alert is the first in a series that explores how businesses and agencies can prepare for, manage, and respond to anticipated extreme weather. We start with the regulatory hurdles that public agencies and private parties typically face when preparing infrastructure for the wet season.

Identify Maintenance and Upgrade Needs. More intense storms result in more snowmelt, runoff, and in-stream flow. With more water comes greater risk of damage from flood and storm water. Preventive work can reduce that risk. Consider these conditions, which may increase flooding risk:

- Deferred levee and floodwall repairs
- Vegetation that impedes flow (or increases "roughness") in a river channel
- Undersized or obstructed culverts
- Clogged inlets and outfalls
- Sediment in channels and detention basins
- Eroding banks or slopes
- Scour at bridge and pipeline crossings

Evaluate Permitting Requirements. Projects addressing these conditions usually require multiple permits and approvals. Work within a streambed, for instance, may require negotiating a Lake or Streambed Alteration Agreement with the Department of Fish and Wildlife. Activities involving protected species and critical habitat may require an incidental take permit. Work that discharges sediment into waterways may require a fill permit from the United States Army Corps of Engineers and a water quality certification from a Regional Water Quality Control Board.

Projects in the coastal zone may need a coastal development permit, while those in or near the San Francisco Bay may require authorization from the San Francisco Bay Conservation & Development Commission. And, significantly, projects often require compliance with the California Environmental Quality Act ("CEQA").

Track State Agency Actions. Governor Newsom's proclamation directs key state agencies to speed up permitting and coordinate preparations with the governments and private parties that own and operate flood infrastructure. Among other things, it requires that state agencies:

- Prioritizing permitting. California EPA and the Natural Resources Agency will prioritize permitting, consultation, and technical assistance for local flood, landslide, and debris flow

work, and will issue necessary permits as quickly as possible by invoking existing emergency authorities or other pathways for streamlined review.

- Expediting coastal permitting. The Coastal Commission will expedite review, notify applicants of incomplete items within five days, schedule complete applications for the next Commission meeting, accept written and oral emergency permit requests, and act on urgent emergency requests within 24 hours.
- Coordinating emergency services. The California Office of Emergency Services (Cal OES) will coordinate statewide preparedness and response, work with local and tribal governments on planning and assistance requests, and expand public preparedness communications.
- Work with dam, levee, and utility operators. The Division of Safety of Dams will contact jurisdictional dam owners about maintenance obligations; Cal OES and the Department of Water Resources will communicate with local agencies responsible for levees and flood control facilities; and state energy and water agencies will coordinate with utilities on readiness and service restoration.

The proclamation also suspends travel, advertising, and competitive bidding requirements under the Government Code and the Public Contract Code to the extent necessary for state agencies to procure materials and services for this emergency. The proclamation does not suspend CEQA, the Coastal Act, the Fish and Game Code, or California's water quality laws, but additional relief may be coming. The proclamation directs the Secretary for Environmental Protection and the Secretary of the Natural Resources Agency to recommend by October 16, 2026 whether further action or emergency suspensions are necessary to expedite local flood preparation projects.

Planning and Preparing. The proclamation directs state agencies to work with local agencies to issue necessary permits as quickly as possible. It also directs state agencies to identify and invoke existing emergency authorities or other pathways for streamlined permitting review. And it encourages coastal communities to submit applications to the Coastal Commission. The applicable authorities and pathways to permitting depends on the project, the location, and the approvals it requires. An applicant who defines and documents the scope of a project now will be better prepared to take advantage of expedited options if a permitting agency identifies an emergency authority or streamlined review.

Outreach and Engagement. In response to the Governor's proclamation, state officials have indicated that they will be actively engaging with stakeholders and considering input immediately. Time is of the essence for affected parties to work with their state regulators to suggest effective policies and procedures to effectively prepare for and respond to El Niño related events.

If you have any questions about permitting and other issues concerning floodwater and stormwater infrastructure, please contact Hanson Bridgett's Environmental and Water lawyers.

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Alerts to follow in this series address emergency authorities once a storm arrives, liability for storm and flood water damage, and how anticipated extreme flooding could affect compliance with other related permitting requirements for public and private facilities.

What's in the Proposed Bay–Delta Water Quality Control Plan?

Public Policy Institute of California | September 28, 2026



Dutch Slough Tidal Marsh Restoration Project Site in the Sacramento-San Joaquin Delta

The State Water Resources Control Board is updating the Bay–Delta Water Quality Control Plan, which is set for adoption in late October 2026. Protecting water quality in the Sacramento–San Joaquin Delta and its major tributaries—the Sacramento and San Joaquin Rivers—is one of the State Water Board’s key responsibilities. The Bay–Delta Plan sets water quality and flow standards for the multiple, occasionally conflicting, uses of these rivers.

While board members and stakeholders will debate the merits of the plan over the next month, it contains several innovations worth exploring regardless of the ultimate outcome.

Bay–Delta Plan innovations

Dual pathways. The plan proposes dual pathways for achieving the required water quality standards. Water right holders are given the choice of participating in a negotiated voluntary agreement—named the Healthy Rivers and Landscapes Program (HRL)—or a default regulatory path known as the “unimpaired flow standard.” Both approaches are unique and have their merits as well as challenges.

Those parties who choose to participate in HRL would agree to dedicate a portion of their water right to support instream flows, principally for salmon. In addition, they would commit to significant investments in physical habitat restoration over the next 15 years. The HRL program includes a surcharge on water use to fund a science program, a portion of restoration investments, and purchases of water to be used to meet environmental flows.

There is an important regulatory backstop for the plan. If a watershed or water users choose not to participate in HRL, or negotiated agreements fail to meet the water quality objectives, unimpaired flow standard becomes applicable. In the draft Bay-Delta Plan, this standard requires water right holders to leave instream or release from reservoirs a percentage of the flow of water that would be in the river without dams or diversions.”

” The percentage varies depending upon the water year type (higher in wet years and lower during dry years). There also are provisions for adjusting how these flows are allocated to improve their environmental benefits.

Water for the environment. The most novel thing about both HRL and the default regulatory standard is the way in which water is set aside for the environment. Instead of a traditional regulatory approach—which sets fixed minimum flow and water quality standards—both create a quantity of water for environmental uses that can be flexibly managed.

Restoration commitments. The HRL program also has an important innovation that deserves close attention: a commitment to improving 47,000 acres of physical habitat. Done well, investments in habitat increase the effectiveness of water assigned to instream flows and other environmental uses.

Regular reviews. Finally, the plan commits the board to reviewing the program every three years. Traditionally, many years—or even decades—can pass between water quality plan updates, making it difficult to keep pace with environmental changes and to adjust course.

For the past 15 years, the PPIC Water Policy Center has recommended reforms to current approaches to managing freshwater ecosystems and native biodiversity. We have argued that regulators need ways to adjust to new information, and water assigned to environmental uses should be quantified in ecosystem water budgets that can be flexibly managed and paired with improvements in physical habitat. We’ve done this because ecosystem decline is outpacing our efforts to improve conditions, and climate change is likely to accelerate this decline.

Unfortunately, institutional inertia is strong. So, when innovative regulatory proposals are announced, we pay close attention—with the awareness that every novel regulation is ultimately an experiment.

Everything in water is ruled by Newton’s Third Law of Motion: for every action there is an opposite and equal reaction. The draft plan is highly controversial and has staunch critics on all sides, including some of the key members who originally signed the HRL agreements several years ago. It is also long way from being implemented, even if approved by the State Water Board later this fall.

Regardless of the eventual outcome, this plan suggests some novel approaches to regulation that could have implications across the West. It is well worth tracking.

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Election 2026: Is Proposition 45 a housing solution or developer loophole?

Chamber of Commerce says deadlines will lower costs; environmental groups locked in high-stakes fight

San Jose Mercury News | October 4, 2026 | Paul Rogers



Construction workers build housing across the street from Campbell Park in Campbell, Calif., on Tuesday, June 16, 2026. (Shae Hammond/Bay Area News Group)

The governor's race and billionaire's tax may have gotten more attention, but California voters — who have already begun receiving ballots in the mail for the Nov. 3 election — also will decide whether to make changes to one of California's most influential and contentious environmental laws.

The California Chamber of Commerce collected the signatures necessary to qualify Proposition 45 for the November statewide ballot, in an effort to overhaul the California Environmental Quality Act, commonly known as CEQA.

The changes, if approved by a majority of voters, will help lower housing, energy and water costs, supporters say, by cutting burdensome regulations and making it easier to build everything from homes to reservoirs to solar farms. Environmental groups call the measure a giveaway to developers, and are lining up to fight it.

The contest is expected to be the first clear indication in years about whether Californians are willing to rewrite environmental regulations — which they have traditionally supported — as concerns about housing prices, utility bills and other costs have soared to the top of polls.

“Unnecessary delays are driving up the cost of housing, infrastructure and energy, and those costs land squarely on families and taxpayers,” said Jennifer Barrera, president of the California Chamber of Commerce. “Prop 45 is about making California more affordable by cutting unnecessary delays in building the essential projects our communities need faster and more affordably.”

The “Building an Affordable California Act” would set a 365-day limit on environmental reviews for a wide range of projects, including new water supplies, desalination plants, forest thinning to reduce wildfire risk, apartments, housing subdivisions, senior housing, student housing, roads, bridges, public transit, hospitals, medical centers, broadband internet, solar farms, wind farms and battery storage facilities.

It would also require courts to rule on CEQA challenges to projects within 270 days.

Environmentalists say the ballot measure goes too far.

“We strongly oppose it,” said Miguel Miguel, director of Sierra Club California. “We know that what they are really trying to do is eliminate a lot of the environmental safeguards that have existed for a long time.”

Miguel said that imposing such deadlines makes it harder for the public to challenge developments that can bring pollution into neighborhoods, particularly in low-income areas.

“People have to read long technical documents to get a better understanding of whether a project is right or wrong for their community,” he said. “It takes time for us to do discovery and have conversations with neighbors. Our input needs to be valued. Are developers trying to make it efficient or cut out the true voices of people who have concerns?”

Most experts agree that the measure would mark a major shift.

“It’s a pretty sweeping change to environmental law and regulatory law in California,” said Eric Biber, an environmental law professor at UC Berkeley. “It is unclear how broadly it will apply. There’s a provision in there, for example, that says anything that reduces wildfire risk is covered by this initiative. That could be cutting trees or prescribed burns. But it says anything. If you pave over forests, that reduces wildfire risks. Is that what they mean?”

The ballot measure has been endorsed by business groups, including the Bay Area Council and California Business Roundtable; clean energy organizations, including the California Wind Energy Association and Large-Scale Solar Association; and several social justice groups such as the California-Hawaii NAACP and the California League of United Latin American Citizens (LULAC), along with some housing groups such as the California Council for Affordable Housing.

It is opposed by the California Democratic Party, the League of Women Voters of California, and dozens of environmental groups, including the American Lung Association and Sierra Club California, along with the California Federation of Labor Unions.

Through Oct. 4, supporters had raised \$32.4 million, according to the California Secretary of State's Office, with much of the money coming from housing developers like Lennar, KB Home, the California Building Industry Association, and the California Association of Realtors, along with Building a Better California, a group funded by Silicon Valley leaders like Google co-founder Sergey Brin and venture capitalist John Doerr.

Opponents had raised \$15.6 million, with much of their money coming from philanthropist Wendy Schmidt, the wife of former Google CEO Eric Schmidt; several labor unions and environmental groups; and Clean and Healthy California, an environmental PAC that has received funding and support in recent years from Hollywood stars and Silicon Valley donors such as Julie Packard and Laurene Powell Jobs.

CEQA (pronounced "see-quah") has been one of the most influential environmental laws in California for half a century. Former Gov. Ronald Reagan signed it in 1970.

Simply put, the law requires state and local agencies to study the effects significant new projects will have on wildlife, noise, air pollution, greenhouse gas emissions, traffic and other factors. The studies create an environmental impact report, and developers must offset or reduce impacts.

Over time, opponents to development have increasingly filed CEQA lawsuits to block and delay a wide variety of projects, often having little to do with environmental issues. Unions have threatened to sue to force solar power developers to use union labor. Neighbors in Berkeley delayed construction of a new UC dormitory for three years, claiming the students would create noise pollution. Bike lanes in Oakland, San Diego and Los Angeles have faced lawsuits. Neighbors sued to block the construction of a food pantry in Alameda two years ago, saying it was on a "historic parking lot." In San Jose in 2012, the owner of a gas station sued under CEQA when a competing gas station across the street attempted to add four new pumps, delaying the project for three years and costing its owner thousands of dollars in legal fees.



Work continues on UC Berkeley's People's Park Housing Project in Berkeley, Calif., on Tuesday, Oct. 14, 2025. Neighbors in Berkeley delayed construction of a new UC dormitory there for three years, claiming the students would create noise pollution. (Jane Tyska/Bay Area News Group)

Critics, including Newsom and former Gov. Jerry Brown, have said CEQA has contributed to California's housing shortage and high prices.

Last July, Newsom signed bills from Assemblywoman Buffy Wicks, D-Oakland, and Sen. Scott Wiener, D-San Francisco, to waive or streamline CEQA to build housing in already developed urban areas, and for other projects including farmworker housing, daycare centers, food banks and plants to build semiconductors, biotechnology and nanotechnology on land zoned for industrial uses.

"We needed to go bold and big on this holy grail reform," Newsom said of the bills at the time.

Newsom has not taken a position on Proposition 45.

Wicks has endorsed it.

"We have to build for the modern era, and I think we can do so in a way that still respects our environmental values," she said at the Capitol Weekly Housing Conference in Sacramento on Feb. 24

Wicks cited a solar company that testified in a Sacramento hearing last year that it spent 12 years, filled out 11,000 pages of environmental studies and was required to obtain 72 permits from 28 agencies to get approval for one high-voltage electric transmission line.

"We say we have these climate goals, and yet we make it almost impossible to reach them," Wicks said. "As Democrats, we have to have an honest conversation about what we're doing here and where our values are. And for me, as a Democrat, government has to deliver results."

Larry Gerston, a professor emeritus of political science at San Jose State University, said the measure involves two key California concerns: Environmental stewardship and housing costs.

"Californians are very environmentally inclined," Gerston said. "We've seen it again and again. They have accepted higher costs in some cases to improve air quality and support other environmental rules. But it could be that people say, 'We have to reduce costs in California, and this is one way to do it.' I don't know how it will go. There's a lot at stake here."

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Gavin Newsom signs Diane Papan bills: 2 data center transparency bills signed into law, part of 7-bill regulation package

Daily Journal | September 23, 2026 | Holly Rusch

Two pieces of legislation authored by Assemblymember Diane Papan that mandate greater transparency on data center water use have been signed into law by Gov. Gavin Newsom as part of a larger regulatory package.

Assembly Bill 2469 will require data center developers to provide water plans and cover the cost of infrastructure upgrades and Assembly Bill 2619 will require water use reports when those data centers reapply for business licenses. Both pieces of legislation will go into effect Jan. 1, 2027.

Newsom, who vetoed similar legislation authored by Papan, D-San Mateo, last year and cited potential impact on industry, now said in a Sept. 21 press release that the seven-bill package will give Californians control over data center projects in their communities. Other legislation signed into law will make the facilities ineligible for blanket environmental exemptions, require their owners to pay for requisite electrical grid updates and bring new clean energy supply online.

“While the Trump administration moves toward deregulation, communities are left to deal with the consequences — higher electricity demand, grid constraints, water use and pollution,” Newsom said. “Today we are once again laying the groundwork for a stronger approach.”

While Papan said it was “hard to speculate” about why Newsom changed his mind about the legislation, she did point to the public outcry around data center resource use. Both bills are sensible, she said, offering communities a full breadth of information on water use without superseding local control. And in the end, they may help the data centers themselves, Papan said.

“This concept of transparency was really going to help the industry,” she said. “Help us help you. You end up in a place where you’re building and there’s no water, you won’t succeed either.”

It’s logical that cities and communities know how much water a facility of this size and scope plans to use, Papan said. The legislation doesn’t dictate how that jurisdiction should proceed, only that they receive the information.

“The transparency approach was very workable,” she said. “I was agnostic about what a locality should do in response to the information they get. I have enough belief they will act in a prudent way.”

As data centers, which can provide large-scale storage and processing capacity needed to power artificial intelligence systems, continue to be at the forefront of national conversation, Papan said she hoped her legislation could become a model for other states.

“I’ve long thought this was a chance to lead,” she said.

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