May 15, 2025 - SUPPLEMENTAL CORRESPONDENCE PACKET

BAY AREA WATER SUPPLY AND CONSERVATION AGENCY BOARD OF DIRECTORS MEETING

May 15, 2025

Correspondence and media coverage of interest between May 9, 2025 and May 14, 2025

Correspondence

From: Gary Bobker, Friends of the River

Peter Drekmeier, Tuolumne River Trust

Mariah Lauritzen, Golden State Salmon Association Chris Shutes, Ca. Sportfishing Protection Alliance

Lauren Weston, Acterra

Mark Rockwell, Fly Fishing International Jerry Meral, Natural Heritage Institute Scott Webb, Resource Renewal Institute

To: Chair Chambers and Members of the Board

Date: May 14, 2025

Subject: Study Sessions on the Tuolumne River Voluntary Agreement and Evaluating the

Prudence of the SFPUC's drought assumptions

From: Rush Rehm

To: BAWSCA Board of Directors

Date: May 12, 2025

Subject: Comments for May 15, 2025 BAWSCA Board Meeting

From: Stephen Rosenblum

To: BAWSCA Board of Directors

Date: May 12, 2025

Subject: BAWSCA's Legal Expenses Related to the State Water Board's Bay Delta Water

Water Quality Control Plan and the Federal Energy Regulatory Commission's

Relicensing of Don Pedro Dam

From: Claire Elliott

To: BAWSCA Board of Directors

Date: May 9, 2025 Subject: BAWSCA's Goal

Press Release/Statement

From: Office of Governor Newsom

Date: May 14, 2025

Subject: Governor Newsom's budget calls for fast-track of Delta Conveyance Project

















May 14, 2025

Chair Tom Chambers and Members of the Board BAWSCA Board of Directors bawscaboardofdirectors@bawsca.org

Dear Chair Chambers and Board Members:

We are encouraged by the recent progress at BAWSCA under the leadership of CEO Tom Smegal. We especially appreciate the increased transparency and engagement by the Board, and we commend Mr. Smegal's collaborative approach. As community organizations, we hope to be regarded as constructive partners in BAWSCA's continued development into a more thoughtful and resilient organization.

We are particularly impressed by BAWSCA's stakeholder engagement in the development of updates to the *Regional Water Demand Projections Study* and the *Long-Term Reliable Water Supply Strategy*. We agree that robust and defensible planning is strengthened through a transparent process that welcomes the participation of all interested parties.

As you consider the adoption of your annual work plan, we respectfully urge you to include two study sessions in the coming months:

- 1. A session focused on the Tuolumne River Voluntary Agreement and concerns regarding its potential effectiveness.
- 2. A session evaluating the prudence of the SFPUC's design drought assumptions.

We would welcome the opportunity to present at both sessions.

Thank you for your ongoing efforts and for considering this request. We look forward to continued collaboration.

Sincerely,

Gary Bobker

Friends of the River

Peter Drekmeier

Tuolumne River Trust

Mariah Lauritzen

Golden State Salmon Association

Chris Shutes

CA Sportfishing Protection Alliance

Lauren Weston

Acterra

Mark Rockwell

Fly Fishers International

Jerry Meral

Natural Heritage Institute

Scott Webb

Resource Renewal Institute



From: Rush Rehm

To: <u>bawscaboardofdirectors</u>

Subject: For BAWSCA meeting this Thursday **Date:** Monday, May 12, 2025 10:14:58 PM

Some people who received this message don't often get email from mrehm@stanford.edu. <u>Learn why this is important</u>

Dear Board of Directors:

I am a long-time resident in the Bay Area, and a homeowner in Redwood City for the past 35 years. I have attended prior BAWSCA meetings, but am currently out of state; otherwise, I would attend your meeting this Thursday. What follows is what I would say in person, if I had the chance.

I am deeply concerned about many issues over which BAWSCA has purview, but I will focus on two of them, which, on examination, are closely related.

The first involves future affordability. Because the BAWSCA members purchase most of their water from the SFPUC, the decisions which that Commission makes affects people like me directly. The SFPUC has fought the Bay Delta Plan for years, a plan proposed and championed by the State Water Board with support from many groups, and one that makes both economic and environmental sense. Unfortunately, in the past BAWSCA has joined the SFPUC in mounting wasteful challenges to the Bay-Delta Plan, including rising legal fees to bring lawsuits against the State Water Board. Time for a change!

Instead of following the science and the best data-driven forecasts, the SFPUC has proposed its own Design Drought, which vastly exaggerates the potential severity of future droughts while overestimating future water demand. Even worse, the Commission has dreamt up some "Alternative Water Supply" projects that would incur enormous debt with the costs being passed on to people like me. The Design Drought and the SFPUC Alternative Water Supply Plan are boondoggles, and they will cost BAWSCA users a fortune. I applaud the recent observation by BAWSCA Director Tom Zigterman (minutes, April 9, 2025), who asks if the region "really needs San Francisco to assure normal year water supply in the 4th, 6th or 8th year of some future drought? Do member agencies want to incur the costs of building infrastructure for improbable events to have assurance? Or is the region able to tolerate a little more risk to avoid the costs?"

Even an untutored eye can see that the SFPUC Design Drought is based on an

extremely unlikely sequence of events that have a near-zero chance of occurring and certainly cannot provide the basis for intelligent and affordable decisions about the provision of water.

This leads to my second point. BAWSCA's goals are to provide a reliable supply of high-quality water at a fair price. But why is there no mention of accomplishing this without destroying the environment, the sine qua non of long-term sustainability? Rivers like the beautiful Tuolumne get over-diverted, with fatal consequences for salmon, and for the health of the Bay-Delta waters. But the SFPUC would have us believe that we need all that water, so it gets impounded in reservoirs, and then dumped when those storage facilities fill up. Far better and saner to preserve the health of the rivers that feed our water supply instead of degrading them by adopting plans that have little relationship to actual and projected water usage. Plans that will cost a fortune.

Sincerely Rush Rehm 835 Lakeview Way Redwood City, CA 94062 From: pol1@rosenblums.us

To: bawscaboardofdirectors

Subject: FW: Letter to BAWSCA

Date: Monday, May 12, 2025 12:43:03 PM

Attachments: Measure AA Results.png

Legal Services Relating to Bay-Delta Plan Excluding Costs of Intervention in the State Water Board Cases

Litigation.pdf

Legal Services Relating to Intervention in State Water Board Cases Litigation.pdf

Legal Services Relating to FERC Licensing of Don Pedro Dam.pdf

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To: BAWSCA Board of Directors

From: Stephen Rosenblum, Palo Alto resident

Re: BAWSCA Legal Expenses

Date: May 12, 2025

Dear BAWSCA Board:

I recently requested a summary of BAWSCA's legal expenses related to the State Water Board's Bay Delta Water Quality Control Plan and the Federal Energy Regulatory Commission's relicensing of Don Pedro Dam on the Tuolumne River. I am attaching the three documents I received.

You'll see that BAWSCA spent a total of \$3 million dollars on these legal matters. I don't think your constituents would approve of these expenditures, especially given that they are the ones who ultimately pay the bills.

Residents on the Peninsula and in the south Bay Area care about San Francisco Bay, the Sacramento/San Joaquin Delta, and our rivers, including the Tuolumne. Those of us who follow BAWSCA (as I have for the past eight years) are extremely disappointed in your policies and actions that subvert efforts to restore salmon runs and aquatic ecosystems.

You'll see from the attached election results, in 2016 Bay Area voters overwhelmingly approved Measure AA—the San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure—electing to tax themselves to restore San Francisco Bay. This 70% yes vote demonstrates the commitment of Bay Area residents to the revitalization of our ecosystems. The actions of the BAWSCA Board need to reflect that commitment of the voters they serve.

Sincerely, Stephen Rosenblum



Measure AA county election results No Yes County: Votes % Votes % **Alameda County** 250,735 74.76% 84,657 25.24% Contra Costa County 148,721 65.17% 79,481 34.83% **Marin County** 46,888 72.41% 17,862 27.59% Napa County 56.81% 11,725 8,913 43.19% San Francisco 181,235 77.53% 52,526 22.47% San Mateo County 94,643 71.36% 37,982 28.64% Santa Clara County 269,616 69.81% 116,583 30.19% Solano County 47,680 53.52% 41,402 46.48% Sonoma County 71,267 41,355 36.72% 63.28% Totals: 1,122,510 70.01% 480,761 29.99%





May 2, 2025

Bay Area Water Supply & Conservation Agency Tom Smegal, CEO / General Manager 155 Bovet Road, Ste. 650 San Mateo, CA 94402

In Response to Public Records Act Request Legal Services Relating to Bay-Delta Plan Excluding Costs of Intervention in the State Water Board Cases Litigation

Calendar Year 2016	\$ 81,904.00
Calendar Year 2017	\$ 290,576.49
Calendar Year 2018	\$ 194,610.00
Calendar Year 2019	\$ 109,909.00
Calendar Year 2020	\$ 132,487.00
Calendar Year 2021	\$ 209,415.19
Calendar Year 2022	\$ 140,452.32
Calendar Year 2023	\$ 153,037.55
Calendar Year 2024	\$ 150,995.00
Calendar Year 2025	\$ 35,149.50

Total Fees <u>\$1,498,536.05</u>





May 2, 2025

Bay Area Water Supply & Conservation Agency Tom Smegal, CEO / General Manager 155 Bovet Road, Ste. 650 San Mateo, CA 94402

In Response to Public Records Act Request Legal Services Relating to Intervention in State Water Board Cases Litigation

Calendar Year 2019 \$ 96,962.00 Calendar Year 2020 \$ 67,817.00 Calendar Year 2021 \$ 135,775.50 Calendar Year 2022 \$ 167,702.94 Calendar Year 2023 \$ 290,741.65 Calendar Year 2024 \$ 59,861.90 Calendar Year 2025 \$ 1,261.00

Total Fees \$820.121.99





May 2, 2025

Bay Area Water Supply & Conservation Agency Tom Smegal, CEO / General Manager 155 Bovet Road, Ste. 650 San Mateo, CA 94402

In Response to Public Records Act Request Legal Services Relating to FERC Licensing of Don Pedro Dam

Calendar Year 2010	\$ 3,290.50
Calendar Year 2011	\$ 125,984.29
Calendar Year 2012	\$ 42,543.14
Calendar Year 2013	\$ 52,200.47
Calendar Year 2014	\$ 40,508.76
Calendar Year 2015	\$ 14,775.55
Calendar Year 2016	\$ 12,093.88
Calendar Year 2017	\$ 53,301.51
Calendar Year 2018	\$ 112,803.00
Calendar Year 2019	\$ 75,805.00
Calendar Year 2020	\$ 100,226.00
Calendar Year 2021	\$ 67,510.52
Calendar Year 2022	\$ 14,775.50
Calendar Year 2023	\$ 5,788.00
Calendar Year 2024	\$ 9,936.00
Calendar Year 2025	\$ 3,104.00

Total Fees \$ 734.646.12



From: <u>Claire E</u>

To: <u>bawscaboardofdirectors</u>
Subject: Ecosystem Services goal, etc.

Date: Friday, May 9, 2025 3:53:25 PM

Some people who received this message don't often get email from clairee44@gmail.com. <u>Learn why this is</u>

Dear BAWSCA Board,

I am a resident of Palo Alto, and a retired environmental engineer and ecologist.

I learned recently that BAWSCA's goal is to 'Ensure that a reliable, high-quality supply of water is available at a fair price" I recommend that the agency add to that goal "...to the consumer and to ecosystem services." This will help ensure that not only financial factors but also factors such as carbon footprint, water quality impacts and impacts on water resources for aquatic life are considered when developing water supply plans.

In meeting that extended goal of protecting ecosystem services, it would make sense to reduce projected demands. Quoting from Director Zigterman's comments in the April 9th minutes "there is a changed behavior and mindset on water use efficiency despite the wet years. These factors should be built in the demand projection for it to be realistic"

I appreciate the role BAWSCA has played in this changed behavior and mindset. It is impressive that water consumption is dropping even as populations increase in the region. Celebrate that success by being more optimistic about future water supply demand!

In addition, in part to control the price to the consumer, please consider increasing the risk factor for dealing with drought. Again quoting Director Zigterman "Does the region really need San Francisco to assure normal year water supply in the 4th, 6th or 8th year of drought? Do member agencies want to incur the costs of building infrastructure for improbable events to have assurance? Or is the region able to tolerate a little more risk to avoid the costs?"

Thank you for your work on the board and for considering my comments. Claire Elliott clairee44@gmail.com





PRESS RELEASE: Office of Governor Gavin Newsom May 14, 2025

Governor Newsom's budget calls for fast-track of Delta Conveyance Project

Governor Newsom today, as part of the May Revise, is announcing a significant proposal to fast-track infrastructure improvements to the State Water Project — saving the state billions of dollars and years of delay, and helping deliver critical water to users throughout the state. Press release from the Office of the Governor:

Governor Newsom today announced, as part of his May Revise, a significant proposal to streamline one of California's most important water management and climate adaptation projects, the Delta Conveyance Project, advancing much-needed and long-overdue improvements to the State Water Project.

"For too long, attempts to modernize our critical water infrastructure have stalled in endless red tape, burdened with unnecessary delay. We're done with barriers — our state needs to complete this project as soon as possible, so that we can better store and manage water to prepare for a hotter, drier future. Let's get this built."

A project Californians depend on

No piece of infrastructure is more fundamental to California's water supply and economic success than the State Water Project. It captures, moves, and stores water used by 27 million people and 750,000 acres of farmland. If the service area of the State Water Project were its own country, its economy would rank eighth largest in the world, generating \$2.3 trillion in goods and services annually.

In other words, California depends upon State Water Project deliveries. Abandoning or neglecting investments in this vital water system would put extraordinary financial pressure on ratepayers, including nearly 8 million people living in disadvantaged communities, to replace this water with more expensive, less reliable options.

Preparing California's water infrastructure

Over the last few decades, the California climate has warmed, with the effects felt strongly in water resources. The state has already experienced a marked increase in the variability of precipitation, with wild swings from drought to flood.

Most major water systems — including the State Water Project — were built for a more predictable bygone pattern of precipitation and are not equipped for the stronger storms, deeper

droughts, and abrupt swings driven by climate change. The system simply cannot capture the type of big flows now becoming more common, and that must change.

Without action, the ability of the State Water Project to reliably deliver water to homes, farms and businesses will decline.

Protecting California's water supply

California is expected to lose 10% of its water supply due to hotter and drier conditions, threatening the water supply for millions of Californians — and the reliability of the State Water Project could be reduced as much as 23 percent. Extreme weather whiplash will result in more intense swings between droughts and floods — California's 60-year-old water infrastructure is not built for these climate impacts.

The Delta Conveyance Project will help offset and recover these future climate-driven water losses, and yet, it has been plagued by delays and red tape.

The Delta Conveyance Project would expand the state's ability to improve water supply reliability, while also maintaining fishery and water quality protections. During atmospheric rivers last year, the Delta Conveyance Project could have captured enough water for 9.8 million people's yearly usage.

Removing unnecessary red tape

Governor Newsom first announced his commitment to the project during his first State of the State, modernizing the previous administration's plans to address seismic and reliability issues and ensure that this critical piece of infrastructure could be built quickly and without delay. The Governor has advanced efforts to move the DCP forward, including certifying a final environmental impact report in December 2023 and securing financial support from water agencies throughout the state serving a majority of Californians. And while the project has received some necessary permits, its path forward is burdened by complicated regulatory frameworks and bureaucratic delays. Today, the Governor is proposing to streamline and strengthen the project's path forward, to protect the state's water supply for future generations.

The importance of protecting the reliability of the State Water Project is too great to allow the Delta Conveyance Project to be mired by unnecessary and extensive delays.

The Governor's proposal would streamline the project by:

Simplifying permitting. The proposal would simplify permitting for the project by
eliminating certain deadlines from existing State Water Project water rights permits —
recognizing that the State Water Project should continue serving Californians' water
needs indefinitely. The proposal would also strengthen enforcement of the Water Board's
existing rules for permit protests.

- Confirming funding authority. The proposal confirms that the Department of Water Resources has the authority to issue bonds for the cost of the DCP, to be repaid by participating public water agencies.
- Preventing unnecessary litigation delays. The proposal narrows and streamlines judicial review of future challenges to the Delta Conveyance Project, building on models that have served other large public works projects.
- Supporting construction. The proposal streamlines the authority to acquire land, supporting ultimate construction of the Delta Conveyance Project.

Building water infrastructure is a key part of the Governor's build more, faster agenda delivering infrastructure upgrades and thousands of jobs across the state.

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REACTIONS ...

Food & Water Watch

California Director Nicole Ghio released the following statement: "Our Governor is absolutely correct that climate change has had a significant impact on our state's water supplies, posing a major risk for millions of Californians that need and deserve clean, safe drinking water. However – as we have been saying for years – the Delta Tunnel is not the answer. Rather than recklessly fast-tracking this unnecessary, harmful, and expensive project that will mainly benefit corporate agribusinesses and other powerful interests, Governor Newsom must hold major polluters accountable and immediately rein in the water abuse by the big agribusiness and fossil fuel corporations that guzzle up billions of gallons of California's water."

Senator Jerry McNerney

"Governor Newsom's proposal to fast-track the costly and destructive Delta Tunnel Project in the state budget is a poorly conceived plan that the Legislature should reject. The Delta water tunnel is expected to cost at least \$20 billion — and likely much more — and will destroy nearly 4,000 acres of prime farmland in the fragile Delta, along with salmon fisheries and tribal resources. Plus, the tunnel's costs would have to be shouldered by ratepayers who are already overburdened by skyrocketing utility bills."

"In short, California should develop a sustainable water system instead of the expensive and damaging tunnel that will not add a drop of new water to the system. The Legislature and governor should pursue alternatives that would cost far less and would safeguard California's main water supply system without inflicting major harm to it, such as fortifying Delta levees and increasing water recycling and groundwater storage."

Metropolitan Water District

Metropolitan Water District General Manager Deven Upadhyay issued the following statement: "Gov. Newsom took a bold step today toward protecting one of our state's most important water supplies. Millions of Californians depend on water from the State Water Project, but its reliability

is increasingly threatened by climate change and other challenges. The Delta Conveyance Project could offer a solution. Last December, our board approved funding the final elements of DCP planning. The legislation proposed today will support completion of this planning, reduce costs as well as regulatory and legal uncertainties, and allow Metropolitan's board to make an informed decision about a long-term investment in the DCP without delay.

"In the coming years, our board will make several major decisions on how best to invest resources to ensure Southern California continues to have reliable and affordable water in the century ahead. Delays and uncertainties regarding the DCP are unhelpful in determining the best path forward for our region and the state. The sooner we can finalize the DCP planning phase, the better informed our board will be as it considers all of these investments."

Restore the Delta

Barbara Barrigan-Parrilla, Executive Director with Restore the Delta issued a swift response, "The Delta Conveyance Project is legally a 'beneficiary pays' project — meaning the water users who benefit must cover the costs. Yet today, the Governor wants to bypass the legal and public processes because the project doesn't pass the economic or environmental standards Californians expect.

\$20.1 billion before Trump-era tariff inflation, construction overruns, and interest means this tunnel could cost up to \$60 billion — for a system that would sit dry frequently due to climate-driven water scarcity. There is a better way, and the real water leaders in California know that."

By "cutting red tape," Newsom's plan would:

- Eliminate permit deadlines designed to protect water rights and ensure fair process;
- Drastically reduce judicial review, making it harder for communities and Tribes to challenge harmful impacts;
- Expand eminent domain authority to seize land for tunnel construction;
- Cement funding mechanisms without transparent oversight or accountability to taxpavers.

This proposal strips Californians — especially those in the Delta region — of their right to be heard on one of the largest, most environmentally risky infrastructure projects in state history. It's a power grab disguised as climate adaptation.

California's climate challenges are real — but a tunnel is the wrong response. Investing in local, distributed water solutions like stormwater capture, wastewater recycling, groundwater recharge, and water efficiency would deliver more reliable results at a lower cost and with greater local job creation.

"How can the state afford a \$60 billion tunnel when we're already losing \$16 billion due to new federal tariffs?" asked Barrigan-Parrilla. "And how does forcing this extremely costly and outdated project onto Californians make the state more affordable — especially when local water solutions are proven to cost less and deliver more?"

Newsom's proposal directly contradicts the Legislature's stated goal of making California more affordable. It would force higher water rates on millions of Californians — especially low-income residents in Southern California — to pay for a project that benefits the few at the expense of the many.

"This is not climate leadership. It's a top-down push for an unaffordable, unnecessary tunnel that fails to solve the state's real water challenges," said Barrigan-Parrilla. "We call on the Legislature to reject this budget proposal and protect public process, affordability, and real solutions that work for all Californians — not just the biggest water agencies."

State Water Contractors

"The Delta Conveyance Project review and approval process has been hampered by red tape and frivolous delay tactics for decades — costing Californians millions of dollars without addressing our very real challenges with water supply reliability," said Jennifer Pierre, General Manager, State Water Contractors. "The State Water Project is California's largest water infrastructure and is in dire need of modernization to secure water supplies for generations to come. Governor Newsom's proposal marks a critical step in reducing barriers to innovation while creating efficiencies that will save time and billions of dollars as construction of the DCP moves forward."

Today's action by Governor Newsom alone will save State Water Project contractors more than \$365 million for every year of delay avoided. The Delta Conveyance Project has been refined and redesigned to address environmental concerns and community feedback. Today's project is a fraction of the original size and rerouted to avoid communities in the central Delta. We can no longer afford the distraction of endless litigation and burdensome administrative processes that are doing nothing to protect our state's primary source of affordable water.

California is already experiencing the impacts of climate change, fluctuating between years of prolonged drought and years of heavy precipitation, making it difficult for water managers to plan for the future. Over the next 20 years, California could lose 10% of its overall water supplies and the reliability of the State Water Project could be reduced by as much as 23%. Prioritizing the efficient approval and expeditious construction of water infrastructure projects like the DCP will allow California to capture and store more water during wet years so that the state is prepared when the weather inevitably turns dry again.