



“A multicounty agency authorized to plan for and acquire supplemental water supplies, encourage water conservation and use of recycled water on a regional basis.”

[BAWSCA Act, AB2058 (Papan-2002)]

Board Policy Committee Meeting

October 11, 2023

Call to Order/Roll Call



Jensen, 2011

Comments by the Chair



SFPUC

Consent Calendar

- Approval of June 14, 2023 Minutes



Public Comments on Items Not on the Agenda



SFPUC, Eleanor Dam

Action Calendar



Ragsdale, 2023

Adoption of Resolution #2023-04 Extending the 2021 Amended and Restated Tier 2 Drought Response Implementation Plan



SFPUC, 2023

Drought Shortages on Regional Water System Governed by Two Plans

- **Tier 1 Plan** – Allocates water between SFPUC Retail Customers and the Wholesale Customers collectively
- **Tier 2 Plan (or DRIP)** – Allocates water among the Wholesale Customers
 - Adopted in the Winter/Spring of 2011 by the governing body of each Wholesale Customer
- Tier 1 and Tier 2 Plans apply during system-wide shortages of 20 percent or less
- WSA Section 3.11(C)(3): SFPUC will honor Tier 2 allocations among the Wholesale Customers provided by BAWSCA or unanimously agreed to by all the Wholesale Customers.

Tier 2 Plan Originally Expired December 31, 2018

- Tier 2 Plan term was through December 31, 2018
 - Consistent with timing of SFPUC 2018 decisions per 2009 WSA
- WSA enables BAWSCA Board to extend the Tier 2 Plan
 - Per WSA Section 3.11(C)(3)
- The BAWSCA Board has approved a 1-year extension each year since 2018
- The Water Management Representatives (WMR) have been engaged and supportive of the Tier 2 adoptions by the Board for each of the successive years
 - Appropriate to delay renegotiations of new Tier 2 until State efficiency requirements known

BAWSCA is Facilitating Negotiations Between the WMR to Update the Tier 2 Plan

- In Jan. 2022, BAWSCA and member agencies initiated an update to the Tier 2 Plan
- Each agency appointed a lead negotiator to represent its agency's interests and perspectives
- Agencies have agreed to a set of policy principles to guide development of a new allocation plan
- Between January and August 2022, negotiations were held during monthly WMR meetings in a remote setting
- In-person meetings began in September 2022 to supplement discussions at monthly WMR meetings

Extending the Term of the Current Tier 2 Plan will Allow Lead Negotiators More Time to Finalize an Update to the Plan

- Productive discussions and progress made to date is encouraging
- It is not feasible to finalize an updated Tier 2 Plan and have all member agencies adopt it by the end of the calendar year
- It is recommended that the Board extend the term of the 2021 Amended and Restated Tier 2 Plan
 - Allows lead negotiators more time to finalize an updated Tier 2 Plan
 - Ensures a drought allocation plan is in place in the event of a drought next year

Recommended Action

That the Board adopt Resolution 2023-04 extending the term of the 2021 Amended and Restated Tier 2 Plan through December 31, 2024.

CEO Reports



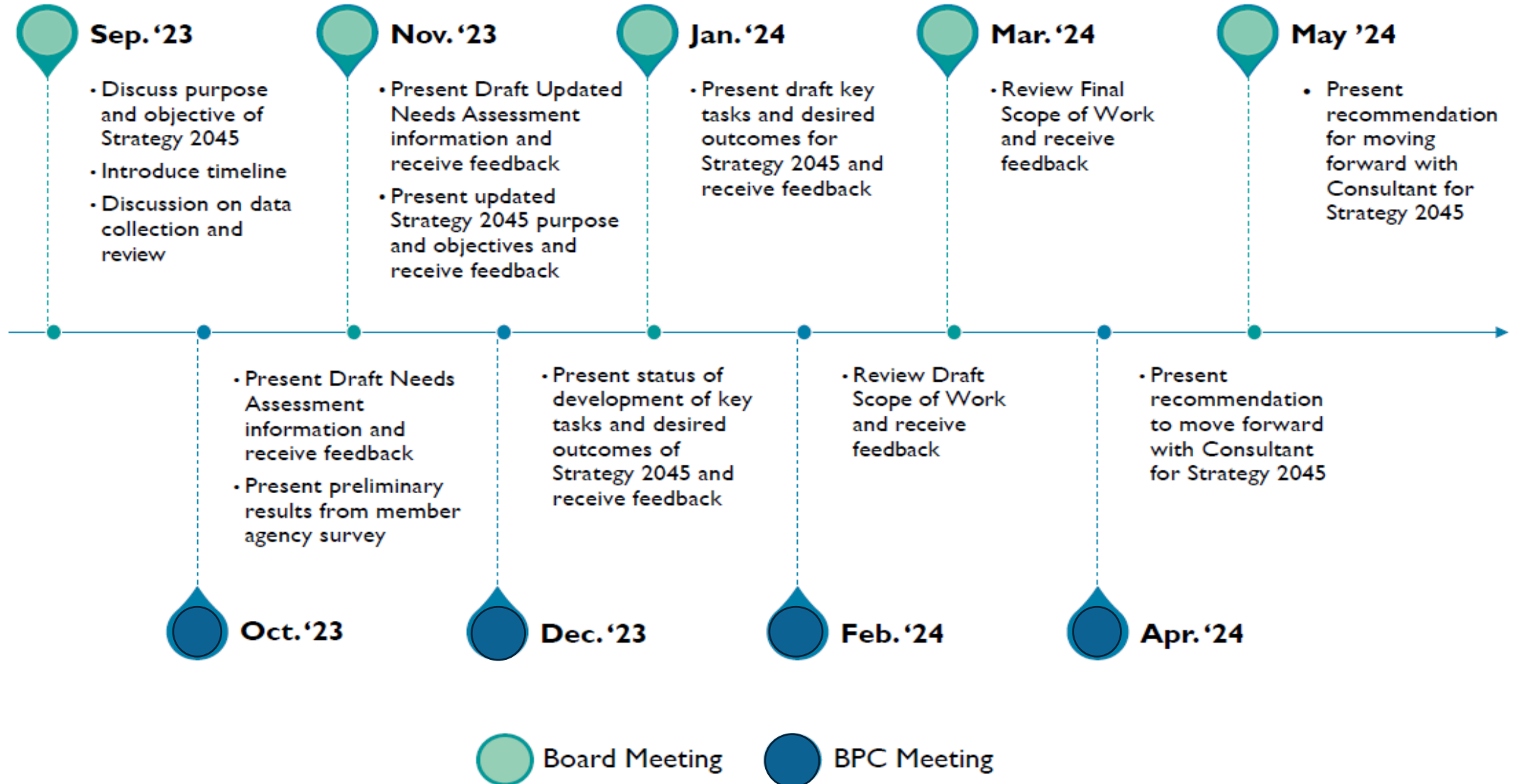
Ragsdale, 2023

BAWSCA's Strategy 2045



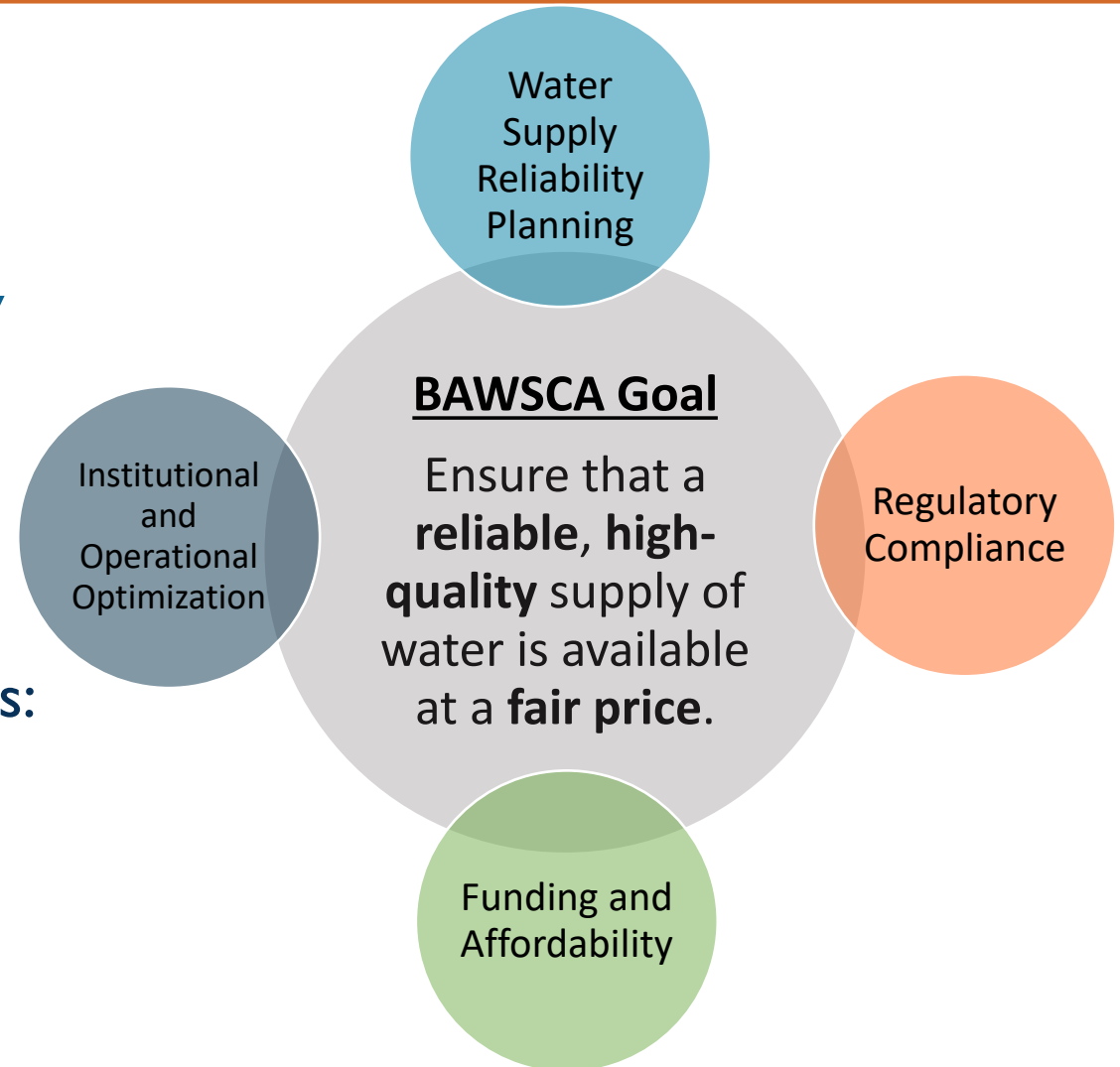
Jensen, 2011

BPC and Board Will Be Engaged Throughout Scope Development for Strategy 2045



Member Agency Survey will Support the Identification of the Purpose and Objectives of Strategy 2045

- The Agency Survey was provided to the WMR in September
 - Condition Assessment (TM-I) summarizing current conditions was provided with the survey
- Through the Survey agencies identified:
 - Areas of concern and prioritization
 - Potential desired outcomes of Strategy 2045
- Areas of concern and potential desired outcomes were grouped into four categories:
 - Water Supply Reliability Planning
 - Regulatory Compliance
 - Funding and Affordability
 - Institutional and Operational Optimization



Survey Preliminary Results - Water Supply Reliability Planning

Area(s) of Concern

Lack of updated holistic evaluation of supply needs for the BAWSCA region.

Limited studies on the technical feasibility and economics of alternative supply projects.

Need to ensure individual agency and regional water supply reliability in the face of climate change, regulations, and land use uncertainties.

Not Concerned

Somewhat Concerned

Very Concerned

Extremely Concerned

Desired Outcome(s) for Strategy 2045

Comprehensive and independent assessment of regional supply needs under a range of potential regulatory and hydrologic scenarios.

Holistic look at the region's water supply opportunities and management, with a focus on achieving multiple benefits.

Provide building blocks for local agency planning and decision making, including regional tools and studies.

Very Unhelpful

Somewhat Unhelpful

Neither Helpful Nor Unhelpful

Somewhat Helpful

Very Helpful

Survey Preliminary Results - Regulatory Compliance

Area(s) of Concern

Emerging and/or increasingly stringent regulations (e.g., water quality, conservation, water reuse) impacting water supply reliability.

- Not Concerned
- Somewhat Concerned
- Very Concerned
- Extremely Concerned

Desired Outcome(s) for Strategy 2045

Holistic look at the region's water supply opportunities and management, with a focus on achieving multiple benefits.

- Very Unhelpful
- Somewhat Unhelpful
- Neither Helpful Nor Unhelpful
- Somewhat Helpful
- Very Helpful

Survey Preliminary Results - Funding and Affordability

Area(s) of Concern

Limited funding for BAWSCA Agencies' water supply projects, along with limited resources to successfully pursue and administer external funding.

Ensuring affordability for customers, particularly for alternative water supplies as they may require expensive new capital infrastructure and development of operational capacity to integrate new supplies.

Not Concerned

Somewhat Concerned

Very Concerned

Extremely Concerned

Desired Outcome(s) for Strategy 2045

Close the gap on funding needed for local and regional project implementation.

Provide pathway to achieve water affordability for the region.

Very Unhelpful

Somewhat Unhelpful

Neither Helpful Nor Unhelpful

Somewhat Helpful

Very Helpful

Survey Preliminary Results - Institutional and Operational Optimization

Area(s) of Concern

Framework for sharing supplies among BAWSCA Agencies has not been tested or optimized.

Contractual, operational, and financial barriers create roadblocks to joint implementation of projects.

Limited understanding of system interconnections.

Inconsistent dry year reliability across individual agencies.

Not Concerned

Somewhat Concerned

Very Concerned

Extremely Concerned

Desired Outcome(s) for Strategy 2045

Overcome institutional hurdles to optimizing regional reliability by leveraging collective local and imported water resources and infrastructure.

Inform local, regional, and state decision makers on the region's water supply challenges and opportunities on an ongoing basis.

Provide framework for regional resilience and collaborative emergency planning to ensure a consistently high standard of water service.

Establish regional LOS goals beyond SFPUC obligations and identify local and regional actions to achieve these goals.

Very Unhelpful

Somewhat Unhelpful

Neither Helpful Nor Unhelpful

Somewhat Helpful

Very Helpful

Next Steps Towards Preparing a Draft Scope of Work

- Member agency survey responses will inform development of draft proposed goals, objectives, and approach for the Strategy 2045 Scope
- Draft proposed goals, objectives, and approach for Strategy 2045 will be reviewed by:
 - BAWSCA Agency WMRs at the November meeting
 - Board of Directors at the November Board meeting
- Inputs and comments will be incorporated into updated proposed goals, objectives, and approach for Strategy 2045
 - Schedule anticipates receiving acceptance from the Board by January 2024
- Draft Scope of Work for Strategy 2045 will be discussed with Board in early 2024

What further information would be useful to the Board to support acceptance of the proposed goals, objectives, and approach?

Bay Delta Plan/FERC Update



Jensen, 2011

Oral Arguments in State Water Board Cases Continue

- Oral argument in the State Water Board Cases began the week of August 28
 - 3 separate weeks of oral argument to conclude on October 24th
 - BAWSCA monitored the CEQA arguments, which were held on September 25 –28
- BAWSCA argued that in developing the Bay-Delta Plan the State Board:
 - Failed to consult with & consider the recommendations of local agencies as required by law
 - Failed to effectively consider the economic impacts and the need for developing housing in the region as required by law
 - Failed to adequately evaluate substitute water supply options evaluated by the SFPUC in its water planning documents
- BAWSCA was the only party that addressed:
 - The impacts to the Bay Area
 - The Regional Water System in any depth
 - The Plan's impacts to housing
 - The feasibility of alternative water supplies
 - The likelihood of rationing and related risks/impacts
- The Judge has 90 days following the conclusion of oral arguments to distribute a draft order

Continued Progress on Bay Delta Phase 1 and Phase 2 Plan Amendments and Voluntary Agreements

- Adopted Phase I Plan: State Board moving forward with implementation
 - State Board adopted “Initial Biological Goals for Lower San Joaquin River Flow Objectives” on September 6th
- Phase I Voluntary Agreement (VA): CEQA review ongoing
 - Tuolumne River Scientific Basis Report Supplement for Phase I VA - Fall 2023 Draft Staff Report (delayed)
 - Staff Report (CEQA Equivalent) for Phase I VA – Winter/Spring 2024
 - State Board workshop & consideration of Phase I VA – Winter/Spring 2024
- Sacramento/Delta Updates to the Bay Delta Plan (Phase 2 Plan) and VA: Progressing
 - ✓ **Sept. 28: Draft Staff Report and environmental report for Phase 2 Plan and VA released for public review**

State Board's draft Staff Report for Phase 2 Released for Public Review

- On September 28th the State Water Board released a draft Staff Report in support of Sacramento/Delta updates to the Bay-Delta Plan for public review and comment
- What is the draft staff report?
 - A 6,000 page environmental document that complies with CEQA and other laws and provides the public with opportunity to review/comment on the analyses
 - It does not include a specific proposal for moving forward with the Sacramento/Delta updates
 - It does evaluate the potential economic, environmental, and other impacts, and associated mitigation measures of a range of alternatives for updating the Bay-Delta Plan, including the proposed Plan amendments alternative based on the 2018 Framework (55% UIF) and the proposed VAs alternative (without Tuolumne River)
 - It includes the final draft Scientific Basis Report Supplement in support of the VAs that will be submitted for independent peer review

BAWSCA Has Initiated Its Review of the Draft Staff Report and Will Comment as Appropriate

- BAWSCA has initiated its legal and technical review of the draft Staff Report
- Two public workshops scheduled for presentation and questions
 - October 19th at 9:30 am (overview)
 - November 2nd at 9:30 am (modeling)
- State Water Board will convene a multi-day public hearing to receive overall comments
 - November 17th, December 1st, and December 11th all starting at 9:30 am
- Written comments accepted until December 15th
- BAWSCA will engage its member agencies, SFPUC and Valley Water as part of its review

Closed Session



L. Ash, 2017

Report from Closed Session



L. Ash, 2017

Comments by Committee Members



Jensen, 2011

Next Meeting and Adjournment

Next Meeting

December 13, 2023
1:30 pm
Burlingame Community Center

