



SANTA CLARA VALLEY WATER DISTRICT

NON-AGENDA

November 29, 2019

Board Policy EL-7 Communication and Support to the Board
The BAOs shall inform and support the Board in its work.

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11	Memo from Nina Hawk to the Board dated 11/21/19 regarding State actions to protect endangered species and meet State water needs.
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Board correspondence has been removed from the online posting of the Non-Agenda to protect personal contact information. Lengthy reports/attachments may also be removed due to file size limitations. Copies of board correspondence and/or reports/attachments are available by submitting a public records request to publicrecords@valleywater.org.

CEO BULLETIN

CEO BULLETIN



To: Board of Directors
From: Norma J. Camacho, CEO

Week of November 22 – November 28, 2019

Board Executive Limitation Policy EL-7:

The Board Appointed Officers shall inform and support the Board in its work. Further, a BAO shall 1) inform the Board of relevant trends, anticipated adverse media coverage, or material external and internal changes, particularly changes in the assumptions upon which any Board policy has previously been established and 2) report in a timely manner an actual or anticipated noncompliance with any policy of the Board.

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<u>3</u>	Senate Bill 142 Lactation Accommodation
<u>4</u>	Update to the Pajaro River Watershed and Bay Area Integrated Regional Water Management Plans
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1. Hazardous Waste Minimization Efforts

During the upcoming Water Utility Enterprise winter maintenance period, Valley Water will be making repairs to the sulfuric acid tank at the Santa Teresa Water Treatment Plant. A significant amount of sulfuric acid, 10,000 gallons, was present in the tank which needed to be removed prior to staff implementing repairs. In lieu of disposing the sulfuric acid as hazardous waste, a strategic decision was made to transfer the sulfuric acid from the Santa Teresa Water Treatment Plant to other Valley Water facilities to meet waste minimization requirements and to realize a significant cost savings.

Valley Water arranged to have a qualified chemical vendor transport the sulfuric acid between facilities. On November 14, 2019, one load of 5,000 gallons of sulfuric acid was transferred to the Penitencia Water Treatment Plant, and an additional load will be delivered to the Silicon Valley Advanced Water Purification Center as space becomes available in their tank. One of the significant benefits of doing this chemical transfer relates to the Environmental Protection Agency's (EPA) hazardous waste regulations. The EPA requires generators of hazardous waste to incorporate "waste minimization" practices that demonstrate a good faith effort to minimize the amount of hazardous waste generated. This practice of transporting the sulfuric acid to other Valley Water facilities and utilizing the chemical, as intended, is one way that demonstrates Valley Water's efforts to reduce hazardous waste and help meet the EPA's requirement for waste minimization.

For further information, please contact Tina Yoke at (408) 630-2385.

2. Regional Water Quality Control Board Appointments

On Friday, November 22, 2019, Governor Newsom announced numerous reappointments to regional water quality control boards across the state. They included the following reappointments of interest to Valley Water.

William Kissinger, 59, of Mill Valley, was reappointed to the San Francisco Regional Water Quality Control Board, where he has served since 2012. Kissinger has been a partner at Morgan Lewis and Bockius since 2014. He was a partner at Bingham McCutchen from 2003 to 2014, senior deputy legal affairs secretary in the Office of Governor Gray Davis from 2001 to 2003, senior advisor for international economic policy for the National Economic Council at the White House from 2000 to 2001, and special assistant to the legal adviser at the U.S. Department of State from 1997 to 2000. Kissinger earned a Juris Doctor degree from the University of California, Berkeley School of Law. This position requires State Senate confirmation and the compensation is \$250 per diem. Kissinger is a Democrat.

Michael Johnston, 67, of Watsonville, was reappointed to the Central Coast Regional Water Quality Control Board, where he has served since 2011. Johnston was a consultant for Teamsters Local 890 and Teamsters Joint Council 7 from 2012 to 2017. He was campaign co-coordinator for Anna Caballero for Assembly in 2016, a consultant for Teamsters Local 948 and the California Teamsters State Council of Cannery and Food Processing Unions in 2011 and Salinas campaign coordinator for Anna Caballero for California State Senate in 2010. Johnston was campaign coordinator in the strategic research and campaigns department for the International Brotherhood of Teamsters from 2006 to 2009 and a business representative for Teamsters Local 890 from 1988 to 2005. This position requires Senate confirmation and the compensation is \$250 per diem. Johnston is a Democrat.

Jean-Pierre Wolff, 70, of San Luis Obispo, was reappointed to the Central Coast Regional Water Quality Control Board, where he has served since 2010. Wolff has been a viticulturist and owner of Wolff Vineyards since 1999. He was an independent technology consultant from 2000 to 2002, senior vice president at Global Energy Services from 1998 to 2000, and vice president and corporate officer at Electro-Test Inc. from 1981 to 1998. Wolff is vice president of the Coastal San Luis Resource Conservation District, chairman of the San Luis Obispo County Agriculture Liaison Advisory Board, and a member of the Dean's Advisory Council of the Cal Poly College of Agriculture, Food and Environmental Science at Cal Poly, San Luis Obispo. He earned a Doctor of Philosophy degree in science and technology from Walden University and a Master of Business Administration degree from Pepperdine University. This position requires Senate confirmation and the compensation \$250 per diem. Wolff is a Republican.

Staff is preparing letters of congratulations from the Valley Water Board Chair to each of these reappointed members.

For further information, please contact Rachael Gibson at (408) 630-2884.

3. Senate Bill 142 Lactation Accommodation

California Senate Bill (SB) 142 was signed by the Governor on October 10, 2019 and will take effect January 1, 2020. The bill expands worker protections for lactation accommodation. SB 142 requires the following:

- 1) Requires that a lactation room be safe and free of hazardous materials, contain a surface

to place a breast pump and personal items, include a place to sit, have access to electricity or alternative devices needed to operate an electric or battery-powered breast pump, not be a bathroom and be in proximity to the employee's work area, shielded from view, and free from intrusion.

- 2) Requires that an employer provide access to running water and a refrigerator or employee-provided cooler in close proximity to the employee's workspace.
- 3) Requires employers to educate employees on their rights, including the process by which employees are able to request lactation accommodation, employer obligations, and the right of employees to file complaints with the Labor Commissioner. The employer must make this policy available to employees upon hire and when a lactation accommodation request is made.
- 4) Prohibits an employer from discharging, acting discriminatingly towards or retaliating against an employee for exercising or attempting to exercise any right to lactation accommodation.
- 5) Imposes a fine of \$100 for each day that an employee is denied reasonable break time or adequate space to express milk.

Valley Water's Human Resources, District Counsel and Facilities Management have reviewed SB 142 and has determined Valley Water is already compliant with all facilities and employment requirements.

For further information, please contact Tina Yoke at (408) 630-2385.

4. Update to the Pajaro River Watershed and Bay Area Integrated Regional Water Management Plans

Valley Water participates in the Pajaro River Watershed (Pajaro) Integrated Regional Water Management (IRWM) and the Bay Area IRWM regions. IRWM is a collaborative effort among a diversity of regional stakeholders to identify and implement water management solutions that increase regional self-reliance, reduce conflict, and achieve social, environmental, and economic objectives of the region. Each IRWM region develops a plan that defines regional interests, issues, and water management objectives and strategies. Per California Department of Water Resources (DWR) guidelines, the Regional Water Management Group (RWMG) oversees the development and maintenance of the IRWM plan (Plan).

DWR released new Plan guidelines in 2016 and the IRWM Proposition 1 funding solicitation (Prop 1) in 2019. To be eligible for Prop 1 funding, regions are required to have a Plan that meets the 2016 guidelines. The Pajaro RWMG unanimously adopted their updated Plan on October 22, 2019, and the Bay Area RWMG unanimously adopted their updated Plan on October 28, 2019. Pajaro is submitting a Prop 1 proposal that requests funding for Advanced Metering Infrastructure in Gilroy. The Bay Area is submitting a Prop 1 proposal that requests funding for the following Santa Clara County projects:

- 1) River Oaks Stormwater Capture Project (City of San Jose is project sponsor)
- 2) Bay Area Regional Water Conservation (Valley Water is one of nine agency sponsors)
- 3) Palo Alto Flood Basin Tide Gates Improvements (Valley Water is project sponsor)
- 4) San Francisquito Creek Flood Protection, Ecosystem Restoration, and Recreation (San Francisquito Creek Joint Powers Authority is project sponsor)

The Bay Area proposal was due November 15, 2019, and the Pajaro proposal is due December 20, 2019.

The Pajaro and Bay Area Plans will be submitted to DWR prior to Prop 1 proposal submission to ensure Prop 1 funding eligibility. Once DWR approves the Plans, each agency on the RWMG or

submitting a project for Prop 1 funding will need to adopt their respective Plan. Valley Water plans to recommend the adoption of the DWR-approved Pajaro and Bay Area Plans to the Board of Directors in January or February 2020.

For further information, please contact Jerry De La Piedra at (408) 630-2257.

5. Kremen

Director Kremen is requesting a list of small community services districts and well owner associations that can support small water districts.

I-19-0019

The State Division of Financial Assistance provides funding opportunities for drinking water system improvements; provides support for small water systems and for improving technical, managerial, and financial capacity; and certifies drinking water treatment and distribution operators. Small water systems interested in learning about related support can contact the Division of Financial Assistance at (916) 327-9978 or at https://www.waterboards.ca.gov/water_issues/programs/grants_loans/.

Several organizations that may be able to provide technical or financial assistance for small water systems include:

California Rural Water Association: <https://calruralwater.org/>

Rural Community Assistance Corporation: <https://www.rcac.org/>

American Water Works Association: <https://www.awwa.org/>

The State Water Resources Control Board, Division of Drinking Water (DDW) regulates Public Water Systems that have more than fifteen (15) service connections while the Santa Clara County Department of Environmental Health (DEH) regulates State Small Water Systems with five (5) to fourteen (14) service connections. Private domestic wells with fewer than five service connections are not regulated by DDW or DEH. Both DDW and DEH maintain lists of water systems they regulate, but these lists are not published.

For more information, please contact Bhavani Yerrapotu at (408) 630-2735.

BOARD MEMBER REQUESTS and Informational Items

Report Name: Board Member Requests

Request	Request Date	Director	BAO/Chief	Staff	Description	20 Days Due Date	Expected Completion Date	Disposition
I-19-0018	10/31/19	Lezotte	Richardson	Gin	Staff to provide a response to Mr. Muirhead's comments made at the 10/25 BPPC meeting on regulatory permitting process.	11/20/19		
I-19-0019	11/04/19	Kremen	Hawk	Yerrapotu	Director Kremen is requesting a list of small community services districts and well owner associations	11/24/19		
I-19-0020	11/07/19	Varela	Hawk	Jacobson Kao	At the November 7, 2019 San Luis & Delta-Mendota Water Authority meeting Director Varela asked for a rate impact analysis of the San Luis Transmission Project, and for the potential impact on the benefit-cost analysis due to the pending Federal Energy Regulatory Commission's Order 841.	12/09/19		
I-19-0021	11/20/19	Kremen	Hawk	Baker	From the SFPUC Intertie tour, Director Kremen is requesting the following information: Where it would make sense to add other system interties, Capacity Analysis related to SFPUC/BAWSCA's request to move Los Vaqueros Expansion water through Valley Water's system; any analysis on adding solar panels at the facility, or additional fuel storage, potential for using the site as a backup SCADA control center to operate the water treatment plants, and, Security needs and if this was addressed in a recent security	12/10/19	12/20/2019	11/20/19 Information Only: Erin Baker sent email regarding due date for request from Director due from Dec 10 to Dec 20. Email is attached.

Report Name: Board Member Requests

Request	Request Date	Director	BAO/Chief	Staff	Description	20 Days Due Date	Expected Completion Date	Disposition
					assessment.			
R-19-0014	11/12/19	Varela	Camacho	Chinte	Director Varela requesting the CEO provide a report to the Directors via one-on-one meetings or confidential memo on the cancellation of the October 28, 2019 Joint SCVWD/Morgan Hill/Gilroy Board/Council meeting.	12/04/19		



MEMORANDUM

FC 14 (08-21-19)

TO: Norma J. Camacho

FROM: Jessica Collins

SUBJECT: FY19 Safe, Clean Water and Natural Flood
Protection Annual Report – Year 6

DATE: November 21, 2019

As authorized by the Board of Directors on September 24, 2019, the Fiscal Year 2018-2019 Safe, Clean Water and Natural Flood Protection Program Annual Report – Year 6 was finalized with audited financials on November 8, 2019. The report, which will be available on Valley Water website www.valleywater.org, will be provided electronically on November 22, 2019, to the Board of Directors, the Independent Monitoring Committee (IMC) and Program staff. Additional hard copies will be available to the public upon request and the report will also be distributed electronically through Valley Water's eNewsletter.

In addition to including the text adjustments approved by the Board of Directors, the report incorporates IMC recommendations. The changes include new flood protection maps that delineate the areas protected by the preferred option, which are federally funded, and the locally funded only option. It also contains a new table, Appendix A-2.1, detailing the breakdown of currently authorized projects.

Other improvements include the addition of a list of abbreviations in the front of the report and an updated Glossary (Appendix J).

The IMC is scheduled to reconvene on December 4, 2019. The agenda includes receiving presentations from staff as recommended in the IMC's Report reviewing the FY18 Safe, Clean Water Annual Report. Additionally, the IMC will be setting the schedule and process for its review of the FY19 Safe, Clean Water Annual Report.



Jessica Collins
Unit Manager

Watersheds Business Planning & Analysis Unit

cc: M. Richardson, R. Callender, N. Hawk; T. Yoke, D. Taylor
Board of Directors
Safe, Clean Water IMC

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TO: Board of Directors**FROM:** Nina Hawk**SUBJECT:** State Actions to Protect Endangered Species
and Meet State Water Needs**DATE:** 11/21/2019

On November 21, 2019, the California Natural Resources Agency (CNRA) and California Environmental Protection Agency (CalEPA) issued a joint press release regarding four separate but related State actions to protect endangered species and meet state water needs (Attachment 1).

1. The California Department of Water Resources (DWR) released its draft environmental impact report on long-term operations of the State Water Project (SWP) for 45-day public review under the California Environmental Quality Act. According to the joint press release, *“The move reflects the state’s assessment that operating rules recently proposed by federal agencies are not scientifically adequate and fall short of protecting species and the state’s interests.”* Rather than seek a determination from the California Department of Fish and Wildlife (CDFW) that the federal biological opinions are consistent with the California Endangered Species Act (CESA), as it has done historically, DWR intends to submit an application to CDFW for a separate permit under CESA. According to DWR’s statement (Attachment 2), DWR’s draft proposal differs from the federal biological opinions in the following ways:
 - It gives CDFW authority to stop operational changes that may violate the CESA;
 - It includes alternatives that provide a block of environmental water;
 - It provides clearer direction and caps on increased pumping during storm events;
 - It includes updated modeling and analyses;
 - It includes protections and a science plan for longfin smelt; and
 - It does not seek to increase SWP exports.

Valley Water staff is reviewing the document and, if needed, will submit comments by the January 6, 2020 deadline.

2. The State intends to file litigation against federal agencies regarding the recently released biological opinions for the long-term operations of the SWP and Central Valley Project (CVP) *“to protect the state’s interest and our environment,”* according to Jared Blumenfeld, California Secretary for Environmental Protection. In response to this announcement, the Commissioner of the Bureau of Reclamation, Brenda Burman, stated, *“Today’s announcement by Governor Newsom is disappointing in his preference to have judges dictate these important projects instead of the career professionals at the federal and state levels who have developed a plan based on the best science and significant input from the public. If that’s their choice, we’ll see them in court.”* (Attachment 3).

The SWP and CVP will continue to be operated under the 2008/2009 biological opinions until Reclamation completes its environmental review under the National Environmental Protection Act and issues a Record of Decision, currently expected to occur in February 2020. Unless the Court issues a temporary restraining order or injunction, Reclamation would have the discretion to begin operating under the new biological opinions following the Record of Decision. Valley Water staff will continue to follow this action and update the Board, as requested.

3. The State continues to work toward Voluntary Agreements to implement the State Water Board’s December 2018 update to the Bay-Delta Water Quality Control Plan, describing the effort as “a potential game changer in that it combines flows with a broader suite of tools

including habitat and adaptive management to create more opportunities for species to survive and thrive.” During a Voluntary Agreements meeting following the State’s announcement that it would be filing litigation against the federal agencies, Secretaries Blumenfeld and Crowfoot urged everyone to stay in the Voluntary Agreement process. During the meeting, they emphasized their desire to resolve the conflict over the biological opinions as quickly as possible and their desire that the litigation have as little impact as possible on the Voluntary Agreements. It is too early to tell how the litigation on the biological opinions may impact the negotiation of the Voluntary Agreements. Valley Water staff will continue to be actively engaged and will report any significant developments to the Board.

4. The State’s draft water resilience portfolio will be available for public comment soon. Valley Water provided input to the State on the portfolio, both directly and through membership organizations, and is prepared to review and comment on the draft when it is released.

Secretaries Crowfoot and Blumenfeld provided additional thoughts on these four actions in an op-ed in Cal Matters that also came out on November 21st (Attachment 4). If you have questions about the current status of these actions, please don’t hesitate to contact me.



Nina Hawk
Chief Operating Officer
Water Utility Enterprise

- Attachment 1: CNRA-CalEPA Press Release
- Attachment 2: DWR Statement
- Attachment 3: Reclamation Response
- Attachment 4: Cal Matters op-ed



FOR IMMEDIATE RELEASE

Media Contacts:

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November 21, 2019

State Agencies Lay Out Actions to Protect Endangered Species and Meet State Water Needs

Department of Water Resources issued draft Environmental Impact Report today

Agencies also intend to file litigation against federal government

Newsom administration continues to work toward voluntary agreements in the Sacramento-San Joaquin Delta rivers

SACRAMENTO — The California Natural Resources Agency and the California Environmental Protection Agency today announced a series of actions to protect imperiled fish while improving real-time management of the State Water Project (SWP). Earlier today, the California Department of Water Resources (DWR) took a formal step toward more fish-protective management of the SWP by releasing a [draft environmental impact report](#) under the California Environmental Quality Act. The move reflects the state's assessment that operating rules recently proposed by federal agencies are not scientifically adequate and fall short of protecting species and the state's interests.

Additionally, the state intends to file litigation against federal agencies to ensure adequate protection of endangered species, shared responsibility of state and federal water project operations to protect those species and to protect the state's interests.

"When California has the opportunity to tackle a longstanding challenge with innovative, collaborative solutions, we take it," said Governor Gavin Newsom. "We are once again marshaling our collective resources — and building on our record of strong, science-based environmental policies — to chart a new path forward for water policy in California. As stewards of this state's remarkable natural resources, we must do everything in our power to protect them. The next generations of Californians deserve nothing less."

"We value our partnerships with federal agencies on water management, including our work together to achieve the voluntary agreements," said California Secretary for Environmental

Protection Jared Blumenfeld. “At the same time, we also need to take legal action to protect the state’s interest and our environment.”

In a separate but related effort, the Newsom administration is collaboratively working with state, local and federal partners to refine a voluntary approach to provide additional water, habitat and science to improve environmental conditions in the Sacramento and San Joaquin River systems and the Delta, and secure water for other beneficial uses. The effort is a potential game changer in that it combines flows with a broader suite of tools including habitat and adaptive management to create more opportunities for species to survive and thrive.

In addition, state agencies are preparing to release a draft water resilience portfolio that provides important tools for local and regional entities to continue building resilience and encourage collaboration within and across regional lines. Governor Newsom called on agencies to develop the portfolio via [executive order](#) earlier this year. The draft, which will be available soon for public comment, recognizes that no quick or singular fix will safeguard our water resources in coming decades. Instead, advance planning, thoughtful investments, integrated management and unprecedented collaboration are needed to prepare for the future.

“We have to find ways to protect our environment and build water security for communities and agriculture,” said California Natural Resources Secretary Wade Crowfoot. “We have to become much more creative, collaborative and adaptive, which is why this Administration is working hard to secure voluntary agreements and develop a water resilience portfolio to meet objectives.”

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DWR Moves to Strengthen Protections for Fish, Improve Real-Time Management of State Water Project

Published: Nov 21, 2019

SACRAMENTO, Calif. – Moving to strengthen safeguards for fish and expand science-based decision making, the Department of Water Resources (DWR) took formal steps today to begin environmental review of long-term operations of the State Water Project (SWP).

The action enables California’s water project operations to avoid relying on proposed federal biological opinions announced last month to achieve environmental approval to operate consistent with state law. Instead, DWR will seek approval from the California Department of Fish and Wildlife (CDFW) to operate the SWP in a way that improves protections for fish and complies with the California Endangered Species Act (CESA).

In a key step toward that goal, DWR today issued a draft document prepared under the California Environmental Quality Act (CEQA) that identifies potential operational changes to protect species and manage the SWP based on real-time conditions in the Delta ecosystem, including additional flows dedicated to the environment.

DWR’s draft Environmental Impact Report (EIR) draws on a decade of science and a quantitative analysis of best-available data on flows, modeling, habitat and climate change impacts.

“This draft points to a more sophisticated and nimble way to manage the State Water Project to improve our ability to protect species and operate more flexibly. This is essential in order to capture water when it’s available and leave more water when and where fish need it,” said DWR Director Karla A. Nemeth.

The SWP captures and stores water that originates in the Sierra Nevada and delivers it to 27 million Californians in the Bay Area, Central California and Southern California.

DWR’s draft EIR is separate from the proposed biological opinions issued by federal agencies on October 22 for long-term operation of the federal CVP and the SWP. Earlier this year, out of concern for the scientific rigor of the federal process, DWR indicated it would pursue its own environmental review and permit process to ensure protection of endangered species under state law.

Concurrent with the environmental review under CEQA, DWR is developing an application for a permit from CDFW for long-term SWP operations under CESA. CDFW will determine requirements for the permit in the coming months, with a specific focus on mitigating impacts of SWP operations on longfin smelt, Delta smelt, winter-run and spring-run Chinook salmon.

The draft EIR assesses impacts of proposed project operations, a “no project” alternative that reflects current operating rules, three alternatives that provide fresh water flows in the spring and summer, and an alternative that uses physical barriers and other deterrents to keep fish away from the SWP pumps.

Historically, DWR had relied on federal Biological Opinions to cover the SWP under the federal ESA, with a consistency determination provided by CDFW. Securing a separate permit under CESA provides flexibility for CDFW to consider amendments to the permit based on better scientific understanding as part of the adaptive management program, without relying on changes to be made to the federal Biological Opinions. It also provides CESA authorization for SWP regardless of any potential changes in federal law.

DWR's draft proposal differs from the federal Biological Opinions in several key ways:

- It improves species protection by vesting authority in CDFW to stop operational changes if it determines they will violate CESA standards.
- It includes multiple alternatives that provide a block of environmental water that can be used to offset pumping impacts in the Delta, with adjustments made over time as new information is learned.
- It provides clear direction on when Delta pumping can be increased during storm events and caps the amount that exports can be increased in those events.
- It includes updated modeling and quantitative analyses to support habitat actions in summer and fall to benefit Delta smelt.
- It includes specific protections for longfin smelt, a protected species under CESA, and a commitment to implementing a longfin smelt science plan.
- It does not seek to increase SWP exports

DWR's draft EIR will be available for public comment through January 6, 2020. DWR anticipates completing a final document in early 2020, with a permit from CDFW expected to follow.

Coming Soon:

+ [Draft Environmental Impact Report for Long-Term Operation of the California State Water Project](#)

+ [Draft Environmental Impact Report for Long-Term Operation of the California State Water Project Volume 2: Appendices](#)

Contact:

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From the Bureau of Reclamation:

In light of Governor Newsom's announcement regarding the State of California's intent to sue the federal government on the Central Valley Project (CVP) and the State Water Project (SWP), please see the below statement from Brenda Burman, Commissioner of the Bureau of Reclamation:



"From the beginning, we've been focused on cooperative solutions with the State of California to bring reliable water supplies to farms, families, communities and the environment. Today's announcement by Governor Newsom is disappointing in his preference to have judges dictate these important projects instead of the career professionals at the federal and state levels who have developed a plan based on the best science and significant input from the public. If that's their choice, we'll see them in court."

Background:

The U.S. Bureau of Reclamation oversees the CVP. The U.S. Bureau of Reclamation, National Marine Fisheries Agency, and the U.S. Fish and Wildlife Service have all worked closely with the state on the biological opinions since reinitiation was announced in August of 2016. As such, the final biological opinions included significant modifications based upon the state's feedback.

When the Bureau of Reclamation and California's Department of Water Resources requested reinitiation, they recognized in 2016 that there was a need to explore potential alternatives to operating the CVP and SWP and to take advantage of advancements in our scientific knowledge. Without question, the National Marine Fisheries Service and U.S. Fish and Wildlife Service biological opinions represent the best available science and included two independent peer reviews.

COMMENTARY

BY GUEST COMMENTARY 

PUBLISHED: NOVEMBER 21, 2019

Rejecting federal proposal, California lays out its vision for protecting endangered species and meeting state water needs



Sacramento-San Joaquin River Delta. Photo via Flickr



By Wade Crowfoot and Jared Blumenfeld, Special to CalMatters

California's water policy can be complex, and—let's be honest—often polarizing.

Water decisions frequently get distilled into unhelpful narratives of fish versus farms, north versus south, or urban versus rural. Climate change-driven droughts and flooding threats, as well as our divided political climate, compound these challenges.

We must rise above these historic conflicts by finding ways to protect our environment and build water security for communities and agriculture. We need to embrace decisions that benefit our entire state. Simply put, we have to become much more innovative, collaborative and adaptive.

For this reason, Gov. Gavin Newsom directed us earlier this year to turn the page on old binaries and develop a broad, inclusive water agenda.

Our agencies and the California Department of Food and Agriculture will take a big step in this direction in December when we release a draft Water Resilience Portfolio for public feedback. It will serve as a roadmap for the Newsom administration with a broad set of recommendations to improve water systems across our diverse state.

Much of what we are attempting has never been tried. Difficult trade-offs have to be made unless we can find creative solutions that balance all water needs. And even then, sometimes tough decisions will have to be made.

The protection of endangered fish in the Sacramento-San Joaquin Delta requires our immediate attention. We have crucial pumping infrastructure that delivers water to two-thirds of our state's population, but also impacts imperiled fish in the Delta.

In 2018, federal authorities embarked on an accelerated process to update the federal

Attachment 4, Page 2 of 4

biological opinions, which set rules to operate the Delta pumps to protect endangered fish.

To ensure appropriate protection surrounding that process, those of us who are responsible for water management decided we could no longer rely on the federal process. Instead we are taking a careful, science-based approach to operating the State Water Project.

We are drawing on a decade of science to strengthen safeguards for fish and improve real-time management of the project that delivers water to 27 million Californians in the Bay Area, Central California and Southern California. It was a departure from past practice, but a necessary one.

After careful review of the [federal biological opinions released late last month](#), our best experts concluded they are insufficient to protect endangered fish. As a result, the state needs to protect California's interests and values.

We remain committed to finding common solutions with the federal government and all those interested in ending the patterns of the past.

Top of our list is working together to develop a set of voluntary agreements that can implement the State Water Board's update to the Water Quality Control Plan for the Sacramento and San Joaquin River systems and Delta.

These agreements aim to provide additional water, habitat and science to improve environmental conditions in the two river systems and the Delta while providing water for other beneficial uses such as agriculture. Importantly, successful voluntary agreements will bring these benefits online quickly while avoiding a decade or more of litigation.

Today, policy decisions are routinely portrayed as a win for one interest at the expense of another. Especially so in the environmental arena, where headlines focus on conflict while context and thoughtful nuance are often lost.

When it comes to water in California, and all of its complexities, there are no magic fixes. What we do have is a strong commitment to move forward and not only adapt to the present, but prepare for the future.

We believe there is an urgency to address various challenges, including environmental protection and climate change. It is critical we set forth strategies and tactics that are pragmatic and feasible, and that we forge synergies and linkages between the different people, stakeholders and areas of our state so that we can rise above rhetoric, and truly work hand-in-hand toward one common goal on this issue. When it comes to water, California demands and deserves no less than our best effort.

Wade Crowfoot is California Secretary for Natural Resources, secretary@resources.ca.gov. Jared Blumenfeld is California Secretary for Environmental Protection, SectyBlumenfeld@calepa.ca.gov. They wrote this commentary for CalMatters.





MEMORANDUM

FC 14 (02-08-19)

TO: Board of Directors

FROM: Nina Hawk

SUBJECT: The State Water Project, California's Most
Critical Infrastructure

DATE: November 25, 2019

On November 18, 2019, the State Water Contractors (SWC) released a Frequently Asked Questions document (Attachment 1) regarding the State Water Project (SWP) and the 27 public water agencies who receive water through the SWP.

The document addresses questions such as what is California's State Water Project and why is it considered our most critical infrastructure, how does the SWP help to bolster California's resilience to climate change, how does the SWP support disadvantaged communities, who pays for SWP, and how are the public water agencies who finance the SWP working to reduce California's reliance on the Delta. The document also provides a link for anyone who is interested in learning more about the value of the SWP and what it means to our community.

A handwritten signature in blue ink that reads "Nina Hawk".

Nina Hawk
Chief Operating Officer
Water Utility Enterprise
Attachment 1: SWP FAQ

STATE WATER CONTRACTORS



THE STATE WATER PROJECT FREQUENTLY ASKED QUESTIONS

WHAT IS CALIFORNIA'S STATE WATER PROJECT (SWP) AND WHY IS IT CONSIDERED OUR MOST CRITICAL INFRASTRUCTURE?

The SWP is a collection of 700 miles of canals, pipelines, reservoirs and hydroelectric power facilities that deliver water flowing from high in the Sierra Nevada mountains all the way to your tap. Two of every three Californians receives water from the SWP, which provides high-quality drinking water to 27 million Californians and 750,000 acres of farmland throughout the state. This complex water grid is the largest state-owned and operated water delivery system in the world, and drives California's quality of life and economic vitality.

WHO ARE THE STATE WATER CONTRACTORS (SWC)?

The SWC is a non-profit association of 27 public water agencies from Northern, Central and Southern California that deliver water for use in our homes, schools, hospitals, farms and businesses. These public water agencies help manage our state's precious and finite water resources. The State Water Contractors' mission is to advocate on behalf of our members for improved supply reliability and water quality based on sensible, science-based policies related to the State Water Project that result in sustainable and cost-effective management of the SWP for California's citizens, economy and environment.

WHAT PARTS OF CALIFORNIA DOES THE SWP SERVE WITH HIGH QUALITY DRINKING WATER?

California relies on the SWP as the backbone of the state's water supply delivery system. It serves the Bay Area, San Joaquin Valley, Central Coast, Southern California, Inland Empire and Desert regions. Without the SWP, California would need to replace 4.2 million acre-feet of water annually to meet state demand, or enough to supply approximately 6.3 million homes for a year.



WHERE DOES THE WATER COME FROM AND HOW DOES THE SYSTEM WORK?

The SWP's water supplies come from the high Sierra Nevada Mountains where rainfall and snowmelt fill rivers and tributaries that travel toward the Sacramento-San Joaquin Delta, which serves as the hub for California's water supply and delivery system. The SWP captures and stores a share of these supplies, which are then delivered through 700 miles of canals and pipelines for use throughout the state.

HOW DOES THE SWP HELP TO BOLSTER CALIFORNIA'S RESILIENCE TO CLIMATE CHANGE?

Climate change is creating a new normal in California – prolonged periods of drought, reduced snowpack, flashier and more unpredictable rainfall and sea level rise. To meet the challenges ahead, we must continue to invest in maintaining the SWP while seeking every opportunity to develop alternative sources of water supplies. The SWP can store and move water when it is available, so that it can be called upon during drier times and used to support local projects. The SWC are able to deploy a host of innovative water management techniques such as water banking, recycled water, groundwater storage and recharge and local surface water storage. These methods, made possible through the SWP, increase our ability to manage water supply more efficiently, especially in times of drought.

HOW DOES THE SWP BALANCE THE NEED TO ENSURE WATER RELIABILITY WHILE ALSO PROTECTING THE ENVIRONMENT?

The SWC and its public water agencies are committed to science-based decision-making for the management of water supplies for the environment and the people of California. The SWC invests over \$2 million annually in science and research to study the delicate Delta ecosystem. The SWC aims to manage water actions and decisions in response to real-time conditions in the environment – nature doesn't operate on a calendar and neither should the regulations governing water management. The SWC promotes the use of science to inform the way state and federal regulators maintain a balance between providing a more reliable water supply for California and protecting, restoring and enhancing the Delta ecosystem.

HOW IS THE SWC WORKING TO PROTECT AND RESTORE HABITAT – ESPECIALLY IN THE SACRAMENTO-SAN JOAQUIN DELTA?

The SWC is restoring thousands of acres of habitat as part of our permits to operate the SWP – returning previously threatened species back to their native environments. In addition to the work being done by the SWC and its member agencies, the state has been working with various stakeholders in the Delta to develop Voluntary Agreements that present California's water community with a unique opportunity to combine flow and non-flow actions and to collectively study, test and resolve our differences to protect this environmental treasure – ultimately placing the Delta on a path to a healthier ecosystem while realizing more reliable water supplies.



HOW DOES THE SWP SUPPORT DISADVANTAGED COMMUNITIES?

The SWP serves millions of people in disadvantaged communities throughout the state, and provides them with the most cost effective and pure source of natural high-quality drinking water. Public water agencies provide subsidies for water rates to members of California's disadvantaged communities, ensuring the SWP can continue to provide California's most affordable water supply.

HOW ARE THE PUBLIC WATER AGENCIES WHO FINANCE THE SWP WORKING TO REDUCE CALIFORNIA'S RELIANCE ON THE DELTA?

Each and every day, more than 27 million California residents and countless businesses depend on Sierra Nevada snowmelt traveling through the Sacramento-San Joaquin Delta for anywhere from 30 to 80 percent of their water supply, which is captured, delivered and stored through the SWP. As our state's water supply is threatened by climate change and the realities of more intense droughts and floods, public water agencies are working to reduce their reliance on water from the Delta by:

- Applying best practices in water supply management to conserve water
- Investing in additional local and regional water supply sources such as water reuse, stormwater capture, recycling and desalination
- Partnering with local municipalities to capture and store stormwater
- Implementing local conservation programs with rebates, financial incentives, and outreach and education
- Collaborating with fellow water agencies to pool our collective knowledge, resources and experience

HOW DOES THE STATE REGULATE AND OVERSEE THE MANAGEMENT OF THE STATE WATER PROJECT IN CALIFORNIA?

The Department of Water Resources (DWR) manages California's SWP water supply, systems and infrastructure in a responsible, sustainable way. The State Water Contractors (SWC) public water agencies contract with DWR to receive and deliver water through the SWP. The State Water Resources Control Board (SWRCB) works to ensure water quality standards are met for California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use for the benefit of present and future generations.

HOW DOES CALIFORNIA BENEFIT FROM THE HYDRO-ELECTRIC POWER GENERATED BY THE SWP?

As California looks to decrease our reliance on fossil fuels and increase our investment in renewable energy, the state's electricity grid may become even more dependent on hydro-electric power generated by the SWP.



In addition to providing 60% of its own energy needs with greenhouse gas (GHG) emission-free power, the SWP helps to stabilize the state's electricity grid by using solar energy when it is available mid-day and generating emission-free hydropower during peak hours. This helps California further integrate additional renewable resources into the grid, displaces fossil fuel generation, lowers overall grid emissions and helps to keep water rates low for ratepayers. The SWC is committed to continuing our contributions to a carbon-free California.

WHO PAYS FOR THE SWP?

The SWC public water agencies finance the system's maintenance, operations and capital improvement costs. Ultimately, the SWP is paid for by the 27 million Californians who receive water from the SWP. The water rates paid by ratepayers help to ensure California can continue to meet our needs for high quality drinking water now and into the future. Since the SWP first began delivering water in 1960, Californians have invested billions of dollars to support and expand the backbone of the state's irreplaceable water supply system.

WHAT NEEDS TO BE DONE TO PREPARE THE SWP FOR THE NEXT 50 YEARS?

California's water reliability depends on hydrology – the way that water moves from the Sierra to your taps. Climate change is presenting California with tough challenges, but the SWP is tougher. As we look towards the future, we must continue to invest in upgrading and maintaining SWP infrastructure to increase the system's resilience to climate change and seismic activity, including a solution for conveying water through the Delta, and to improve our operations to be as flexible as possible to meet the water needs of both people and the environment.

HOW IS THE SWC WORKING WITH DWR TO STREAMLINE AND IMPROVE WATER MANAGEMENT IN CALIFORNIA?

For more than a decade, public water agencies that receive water allocations from DWR have acknowledged the need to simplify the way water is managed in California. One of the ways the SWC public water agencies can streamline and improve water management is by amending their water supply contracts with DWR. The water management tools contract amendment will provide public water agencies more flexibility to sustainably manage their SWP water supplies, better matching supply and demand throughout the state.

WHERE CAN I GO TO LEARN MORE?

California wouldn't be the same without the SWP, a foundational network woven into the fabric of our communities from the Bay Area to San Diego. To learn more about the value of the SWP and what it means to you and your community, check out our website at <https://swc.org/> where you can view our fact sheets, op-eds, blogs, videos and other materials. You can also learn more by visiting DWR's webpage about the SWP at <https://water.ca.gov/Programs/State-Water-Project>.