



Santa Clara Valley Water District

File No.: 17-0231

Agenda Date: 5/9/2017

Item No.: 5.2.

BOARD AGENDA MEMORANDUM

SUBJECT:

Resolution in Support of the Association of California Water Agencies' Policy Statement on Bay-Delta Flow Requirements.

RECOMMENDATION:

Adopt the Resolution IN SUPPORT OF THE ASSOCIATION OF CALIFORNIA WATER AGENCIES' POLICY STATEMENT ON BAY-DELTA FLOW REQUIREMENTS.

SUMMARY:

The State Water Resources Control Board (State Water Board) is in the process of updating the 2006 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta (Bay-Delta Plan). The update to the Bay-Delta Plan is part of a phased review that will likely impact the reliability of the State Water Project (SWP) and Central Valley Project (CVP), which are responsible for meeting many of the flow and water quality objectives in the Bay-Delta Plan. Any changes to the plan could have significant impacts on the District's imported water supplies. Revisions to the plan may also affect a broad suite of other water users, including senior water rights holders such as the San Francisco Public Utilities Commission (SFPUC), which supplies water to regions of Santa Clara County.

The District is a member agency of the Association of California Water Agencies (ACWA), an association that has been following the proposed changes to the Bay-Delta Plan. ACWA has expressed concern over the State Water Board's proposed approach of basing water quality objectives on a percentage of unimpaired flow, stating that such an approach "could lead to widespread fallowing of agricultural land, undercut the state's groundwater sustainability goals, cripple implementation of the Brown Administration's California Water Action Plan, negatively affect water reliability for much of the state's population and impact access to surface water for some disadvantaged communities that do not have safe drinking water." ACWA's Board of Directors adopted a strong policy statement urging the State Water Board to set aside this approach and instead embrace a collaborative approach that utilizes a "functional flows" concept and non-flow solutions (Attachment 1). ACWA is asking its member agencies to adopt resolutions of support for its policy statement by May 31, 2017. Staff has prepared a resolution of support for Board consideration (Attachment 2).

On March 17, 2017, the District submitted a comment letter to the State Water Board regarding

proposed amendments and a revised draft Substitute Environmental Document (Draft SED) for Phase 1 of the State Water Board's update to the Bay-Delta Plan (Attachment 3). These comments expressed perspectives consistent with the ACWA policy statement and were provided to the Board in a non-agenda packet on March 31, 2017, along with comment letters submitted by other organizations representing the District. The State Water Board's preferred alternative in the Draft SED would establish an adaptively managed flow requirement on the San Joaquin River and its tributaries, that would start at 40 percent of unimpaired flow. The State Water Board is contemplating a similar approach on the Sacramento River and its tributaries in Phase 2 of its Bay-Delta Plan update.

BACKGROUND

Phase 1 of the Bay-Delta Plan update is focused on water quality objectives for the protection of southern Delta agriculture; San Joaquin River flow objectives for the protection of fish and wildlife; and the program of implementation for achieving those objectives. The proposal is to increase flows from February to June on the Tuolumne, Stanislaus, and Merced Rivers to between 30 percent and 50 percent of unimpaired flows, with a starting point of 40 percent. The SFPUC diverts water from the Tuolumne River.

According to SFPUC's most recent analysis, the State Water Board's proposed approach could result in system-wide annual impacts as high as 54 percent shortages during a repeat of the 1987-1992 drought. This could translate into as much as a 73 percent shortage for its wholesale customers in Santa Clara County. To compensate for these shortages, SFPUC wholesale customers in Santa Clara County will almost certainly rely on District managed supplies including groundwater, local surface water, and District supplies imported through the SWP and CVP. District modeling indicates that the 40 percent unimpaired flow requirement proposed in Phase 1, applied to SFPUC supplies, could double the number of years under the District's Water Shortage Contingency Plan in Stage 2, Alert Stage, and increase the number of years in Stage 4, Critical Stage, from 0 to 4 over the 94-year model period. If the State Water Board applies the same percentage of unimpaired approach to its Phase 2 update, affecting CVP and SWP supplies, water supply shortages within Santa Clara County would be even more significant.

The policy statement adopted by ACWA on March 10, 2017 calls on the State Water Board to set aside the unimpaired flow approach and heed Governor Jerry Brown's call for negotiated agreements that would involve implementation of both flow and non-flow actions to improve ecological health while protecting water supply reliability. ACWA believes the state's policy on flows should embrace a collaborative, comprehensive approach that protects and promotes both water supply reliability and ecosystem health.

ACWA's statement conforms with previous comments made by the District to the State Water Board regarding unimpaired flow requirements. These comments were recently expressed in the District's March 17, 2017 comment letter on the Draft SED (Attachment 3) and excerpted below:

"There is no debate that fish need water, but the State Water Board must consider the importance of timing, quantity, location, and quality of water releases in the context of all the stressors on the species in order to identify effective solutions. Given the potential impacts of

proposed flow modifications, these solutions must utilize the best available science to craft approaches that recognize and respond to competing needs. In many cases, strategic actions can be implemented to provide the functions that historic flows provided with minimal water costs. An example is the recent North Delta Food Web Adaptive Management Project that was implemented in 2016 as part of the California Natural Resources Agency's Delta Smelt Resiliency Strategy.

Unimpaired flows do not have the same form and function as natural flows in our highly altered system. Native fish evolved under natural flow conditions, not unimpaired flow conditions. Under natural or historic flows, water would spill out of the rivers into vast floodplains and wetlands where native fish would spawn and rear. The water that was not taken up by vegetation would then slowly drain back into the rivers, carrying with it the fish and large amounts of food material. Today's unimpaired flows travel down channelized river systems, disconnected from the landscape except in extreme flood events. In fact, recent studies have calculated that Delta inflows and outflows under historic conditions were significantly less than unimpaired flows.

We cannot restore the conditions under which native fish evolved simply by adding more water to the existing rivers and Delta channels. The State Water Board should embrace a more collaborative process to develop water quality objectives that restore the functions that historic flows provided through a combination of flow and non-flow actions. To that end, we urge the State Water Board to support, and allow sufficient time to develop the agreements that are being negotiated under Governor Jerry Brown's direction.

The District has long been committed to sustained reliable water supplies as well as environmental stewardship. We will continue to encourage the State Water Board to develop solutions that meet both of these objectives."

FINANCIAL IMPACT:

There is no financial impact associated with this item.

CEQA:

The recommended action does not constitute a project under CEQA because it does not have a potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

ATTACHMENTS:

- Attachment 1: ACWA Policy Statement
- Attachment 2: Resolution
- Attachment 3: SCVWD Comment Letter

UNCLASSIFIED MANAGER:

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