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Water
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Submitted via electronic mail to LSJR-SD-Comments@waterboards.ca.gov

July 27, 2018

The Honorable Felicia Marcus, Chair
Jeanine Townsend, Clerk of the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

RE: Comment Letter – Revisions to Proposed Bay-Delta Plan Amendments

Dear Chair Marcus:

The Association of California Water Agencies (“ACWA”) appreciates the opportunity to comment on the State Water Resources Control Board’s (“State Water Board’s”) proposed amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento- San Joaquin Delta Estuary (the “Bay-Delta Plan”) and final Substitute Environmental Document (“SED”). ACWA is a statewide association that represents more than 445 public water agency members that collectively supply approximately 90 percent of the water that is delivered for agricultural, municipal and industrial uses in California. ACWA strongly believes that the policy of coequal goals set forth in state law and emphasized in the California Water Action Plan has the potential to put California on a path that includes both a vibrant agricultural and urban economy and a healthy ecosystem. However, the State Water Board’s proposed approach in the Bay-Delta Plan is inconsistent with the coequal goals of improving water supply reliability and enhancing the Delta ecosystem established in the Delta Reform Act of 2009. By reducing available surface water supplies and triggering increased groundwater pumping, the approach works against the goals of the Sustainable Groundwater Management Act (“SGMA”). The proposed approach would additionally undermine the implementation of the California Water Action Plan, particularly in the areas of improving water supply reliability, sustainably managing groundwater, and providing safe drinking water for all communities.

ACWA has been actively engaged on the State Water Board’s efforts to update to the Bay-Delta Plan. On March 10, 2017 ACWA’s Board of Directors unanimously adopted the attached policy statement on the Bay-Delta Plan’s requirements, which is incorporated into the following comments. On March 17, 2017, ACWA submitted comments to the State Water Board on the draft revised Bay-Delta Plan amendment urging for comprehensive, collaborative approaches that includes functional flows as well as non-flow solutions that contribute to real benefits to ecosystem recovery.

ACWA is disappointed that the State Water Board has not incorporated the comments of public water agencies, agricultural and urban water users, and other stakeholders in the proposed final documents. Despite the alternative approach offered, the State Water Board’s proposal continues to singularly and narrowly focus on a percentage of unimpaired flows. ACWA is deeply



concerned that the State Water Board's proposal fails to reasonably protect all beneficial uses of water, such as municipal and agricultural, as required by state law.

I. COMMENTS ON APPENDIX K:

In regards to the recent changes to *Appendix K, Revised Water Quality Control Plan*, ACWA provides the following comments.

A. *The new narrative flow objective is unclear.*

Appendix K, Revised Water Quality Control Plan includes a new narrative objective: "flows provided to meet these numeric objectives shall be managed in a manner to avoid causing significant adverse impacts to fish and wildlife beneficial uses at other times of the year." The meaning of this new objective is unclear and it could be interpreted in multiple ways to require differing management of flows. *Appendix K, Revised Water Quality Control Plan* provides no further detail on the impacts associated with this new proposed objective, how compliance would be achieved, and its relationship to the other numeric objectives. The intent and impacts of any new proposed objectives should be clearly stated in *Appendix K, Revised Water Quality Control Plan* and interpretation should not require the review of the State Water Board's responses to comments for its meaning to be clear.

B. *Sufficient opportunity should be provided to review all new material.*

The Bay-Delta Plan update will have significant impacts on water users throughout the state. The State Water Board should ensure the maximum transparency and opportunity for public participation. ACWA is disappointed that the State Water Board has restricted public comment to the most recent changes in *Appendix K, Revised Water Quality Control Plan* and is not providing the opportunity or necessary time to review *Volume 3: Response to Comment* and the Final SED.

ACWA recognizes and appreciates that the State Water Board substantially extended the public comment period for the Recirculated Draft SED in 2016 and provided five days of hearings in impacted regions of the State. However, *Volume 3: Response to Comments* provides a written response to over 3,000 comments. The response to comments includes substantive information that has resulted in changes to *Appendix K, Revised Water Quality Control Plan*, such as the new narrative objective. Equally important, the response to comments provides the State Water Board's justification as to why the substantive policy and technical recommendations from ACWA and public water agencies have not been incorporated in the proposal. The State Water Board required over a year to respond to all comments due to the quantity and technical nature of public comments received. The public should be afforded a fair and reasonable opportunity to review the State Water Board's responses. A 21-day public comment period with the restricted scope is inadequate.

II. Conclusion

ACWA strongly supports the collaborative approach called for by the Governor because it is the least contentious and most effective way to achieve the coequal goals. Negotiated agreements have been demonstrably successful at achieving outcomes and widespread support for



appropriate environmental flows. The State Water Board should wholly embrace this approach and allow enough time and flexibility for a collaborative process. We stand ready to work with the State Water Board and the Brown Administration to pursue the collaborative and comprehensive approaches needed to ensure a future for California that includes a vibrant agricultural and urban economy and a healthy ecosystem. I am available to answer questions at (916) 441-4545. ACWA appreciates the State Water Board's consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Quinn". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Timothy Quinn
Executive Director

cc:

The Honorable John Laird, Secretary, California Natural Resources Agency
The Honorable Matthew Rodriguez, Secretary, California Environmental Protection Agency
The Honorable Karen Ross, Secretary, California Department of Food and Agriculture
The Honorable Members, State Water Board
The Honorable Charlton H. Bonham, Director, California Department of Fish and Wildlife
The Honorable Karla Nemeth, Director, California Department of Water Resources
Ms. Diana Dooley, Chief of Staff, Office of Governor Edmund G. Brown Jr.
Ms. Eileen Sobek, Executive Director, State Water Resources Control Board

From: Chelsea Haines <ChelseaH@acwa.com>
Sent: Friday, July 27, 2018 8:49 AM
To: 'LSJR-SD-Comments@waterboards.ca.gov'; 'Felicia.Marcus@waterboards.ca.gov'; WQCP1Comments
Cc: 'Steven.Moore@waterboards.ca.gov'; 'Tam.Doduc@waterboards.ca.gov'; 'Dorene.Dadamo@waterboards.ca.gov'; 'Joaquin.Esquivel@waterboards.ca.gov'; 'Eileen.Sobeck@waterboards.ca.gov'
Subject: Comment Letter – Revisions to Proposed Bay-Delta Plan Amendments
Attachments: ACWA Comments Revisions to Proposed Bay-Delta Plan Amendments.pdf
Categories: Red Category

Dear Chair Marcus,

Please find attached the Association of California Water Agencies' comments to the State Water Board's revisions to proposed Bay-Delta Plan amendments. Thank you for the opportunity to comment.

Sincerely,
Chelsea Haines

Chelsea Haines

Regulatory Advocate
Association of California Water Agencies
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