State Water Board's Bay-Delta Water Quality Control Plan, Phase 1 SED

Stanislaus County Ag Advisory Board

Feb. 2, 2015

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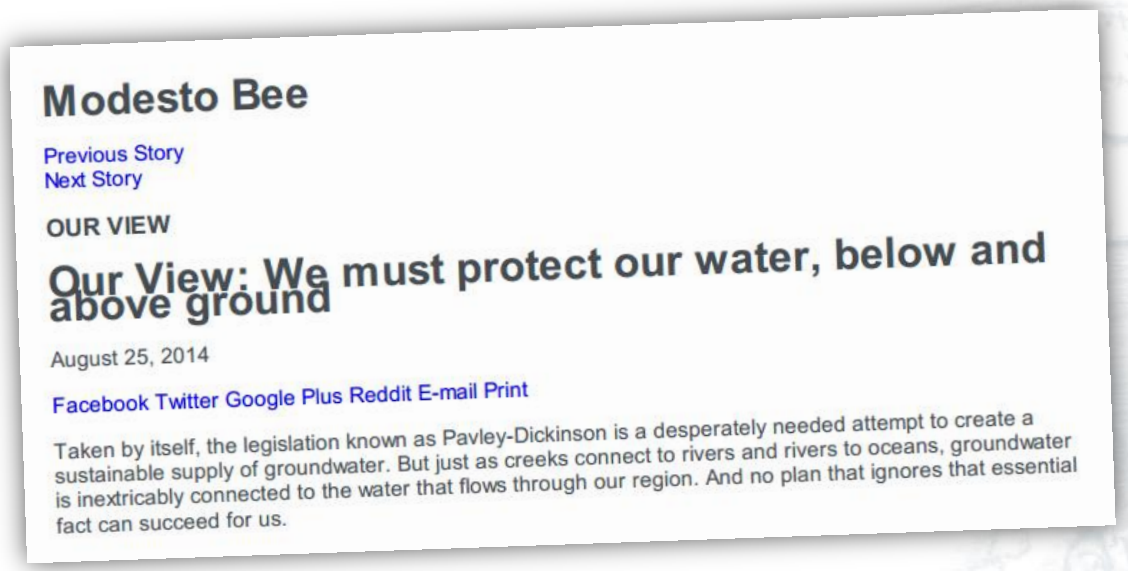

Modesto Bee

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OUR VIEW

Our View: We must protect our water, below and above ground

August 25, 2014

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Taken by itself, the legislation known as Pavley-Dickinson is a desperately needed attempt to create a sustainable supply of groundwater. But just as creeks connect to rivers and rivers to oceans, groundwater is inextricably connected to the water that flows through our region. And no plan that ignores that essential fact can succeed for us.

"…the State Water Resources Control Board is formulating demands to send vastly more water down the Merced, Tuolumne and Stanislaus rivers into the Delta. The goal is to improve survival for salmon…"

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Outline

- Bay-Delta Water Quality Control Plan
- What does this mean?
- What would it do?
- TID's beliefs
- Process
- What TID is doing
- What you can do

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SWRCB's Bay-Delta Plan

- About the Bay-Delta Water Quality Control Plan
- Phases of Plan Update
  - **Phase 1: Update of the San Joaquin River flow and southern Delta salinity objectives and program of implementation**
  - Phase 2: Comprehensive review and update of other components of the Bay-Delta Plan and program of implementation
  - Phase 3: Amendment of water rights and other measures to implement changes to the Bay-Delta Plan resulting from Phases 1 and 2
  - Phase 4: Development and implementation of flow criteria and flow objectives for priority tributaries to the Sacramento-San Joaquin Delta watershed, with a focus on the Sacramento River watershed

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SWRCB Phase 1 background

- Feb. 2009 notice of preparation
- April 2011 revised NOP to plan for SED
- March 2012 technical app released for review
- Draft SED released Dec. 2012
- SWRCB March 20-21, 2013 workshop
  - Presentations, testimony from TID, many others
- June 2013: SWRCB staff recirculates SED
- **March 2015: Revised SED released for comment**

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What's the purpose of Phase 1?

1. Maintain **flow** from the SJ River Watershed to the Delta at Vernalis to support and maintain the natural production of viable SJ River **fish** populations migrating through the Delta
2. Improve **salinity** levels in the SJ River and Delta

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What is unimpaired flow?

"Flow conditions that reasonably contribute toward maintaining viable native migratory San Joaquin River fish populations include, but may not be limited to, flows that mimic the natural hydrographic conditions to which native fish species are adapted, including the relative magnitude, duration, timing, and spatial extent of flows as they would naturally occur. Indicators of viability include abundance, spatial extent or distribution, genetic and life history diversity, migratory pathways, and productivity."

Draft SED's preferred alterative

- February through June: 35 percent of unimpaired flow from the salmon bearing tributaries (the Merced, Tuolumne, and Stanislaus Rivers) on a 14-day running average unless otherwise approved by State Water Board through adaptive management…
- Notes:
  - not to exceed flood control levels
  - 1,000 cfs minimum base flow at Vernalis

Water Boards

MID-TID required annual flows

Water Year Type (per FERC license)	Current	35% flow Feb-June	Increase from current
Critical Water Year and Below (aka 2014)	94,000 AF	353,638 AF	**250,000 AF (276%)**
"Average" year	165,003 AF	641,492 AF	475,000 AF (289%)
Median Wet/Maximum	300,923 AF	1,371,656 AF	1 MAF (356%)

For some perspective:

- *Tuolumne River averages 1,900,000 AF per year; 588,000 AF in '13-'14*
- *TID normal year irrigation is about 520,000 AF; 334,000 AF in '14*

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2010 Flow Report: One form of rationale for increased flows

- *"The best available science suggests that current flows are insufficient to protect public trust resources."*
- *"In order to preserve the attributes of a natural variable system to which native fish species are adapted…60% of unimpaired San Joaquin River inflow from February through June."*

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The rationale? (con't.)

- *"There is sufficient scientific information to support the need for increased flows to protect public trust resources; while there is uncertainty regarding specific numeric criteria, scientific certainty is not the standard for agency decision making."*
- *"The flow criteria in this report do not consider any balancing of public trust resource protection with public interest needs for water."*

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Is there support for this?

Tuolumne River Trust

TROUT UNLIMITED

We urge the SWRCB to require that:

- At least half (and as close to 60% as possible) of the San Joaquin River's natural flow reach the Delta during the first six months of each year.

December 2014 letters to SWRCB

Is there support for this?

November 2014 petition submitted to the SWRCB by Food &Water Watch w/ 1,800 signatories

Dear Governor Brown and the State Water Board:

California is in a water crisis. The San Francisco Bay-Delta estuary is in a state of crisis because too much of its water is diverted to benefit corporate agribusiness. Please protect the Bay-Delta and all the associated benefits including its salmon, wildlife refuges and recreational opportunities.

As a first step, please require that 60% of the San Joaquin River's full natural flow makes it all the way to the San Francisco Bay-Delta estuary in the winter and spring. This is the level of San Joaquin River flow that the Board has determined necessary to fully protect our precious and irreplaceable natural resources.

What it would do to the region

- Our region relies on surface water
- Less surface water for region = problems
- Flows described in the SED will negatively impact the socioeconomic fabric of our region
  - In dry years, regionally (*from Draft SED, 2012*)
    - Up to 210,000 acres fallowed
    - Up to 1,200 jobs lost
    - Up to $187 million in ag sector income loss
    - Up to 25 percent increase in GW pumping
  - Long-term direct and indirect impacts?

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What it would do to the region

- Hydropower
  - more generation at a time of *low* demand (Feb. to June)
  - less water in DP in summer = less generation at time of *peak* demand
  - May need to buy supplemental power from conventional sources
    - Conflicts with state RPS policy (33% by 2020)
  - Possible additional impacts on electric rates

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What it would do to the region

- Groundwater
  - GW is historic *hydrological drought* buffer
    - As surface water becomes less reliable, more people rely on GW
  - Would SED flows cause *regulatory drought*?
    1. Increased demand for GW
    2. Less GW recharge
    3. Fewer opportunities to capture SW storage
  - Sustainable GW Management Act of 2014

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"Significant and unavoidable"

LSJR Alternative 2 **20 % UF**	Groundwater pumping to replace reduction in surface water diversions is expected to increase less than 5 percent of existing pumping. Therefore, a substantial depletion of groundwater supplies or substantial interference with groundwater recharge would not occur.	Less than significant
LSJR Alternative 3 **40 % UF**	Groundwater pumping to replace reduction in surface water diversions is expected to be more than 5 percent of existing pumping in three subbasins (Modesto, Turlock, and Merced). Therefore, it is expected that a substantial depletion of groundwater supplies or substantial interference with groundwater recharge would occur.	Significant and unavoidable
LSJR Alternative 4 **60% UF**	Groundwater pumping to replace reduction in surface water diversions is expected to be more than 5 percent of existing pumping in four subbasins (Eastern San Joaquin, Modesto, Turlock, and Merced). Therefore, it is expected that a substantial depletion of groundwater supplies or substantial interference with groundwater recharge would occur.	Significant and unavoidable

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CA groundwater law

- *"All relevant state agencies, including, but not limited to, the board, the regional water quality control boards, the department, and the Department of Fish and Wildlife, shall consider the policies of this part, and any groundwater sustainability plans adopted pursuant to this part, when revising or adopting policies, regulations, or criteria, or when issuing orders or determinations, where pertinent."*

§ 10720.9 of the CA Water Code

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Water to canals is valuable

- Socioeconomic numbers
  - Within TID
    - Value of crops produced: $359.3 million
    - Avg. land values: $20,000 per acre (2007-2012); twice CA average
  - Within study area (area served by MID and TID)
    - Milk production value supported: $537.4 million
    - Don Pedro Project supports $4.109 billion in economic output and $734.8 million in labor income

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Not just crop *production*

- 11.2% of local ag output ($56.5 M) is used in top five *food processing* sectors to produce $569 M
  - Wineries ($227 million)
  - Fruit/vegetable canning/pickling/drying ($205 million)
  - Snack food manufacturing ($70 million)
  - Frozen food manufacturing ($35 million)
  - Animal food manufacturing ($32 million)
- Balance is exported, consumed locally or used in other sectors/industries

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Some fundamental beliefs

- Flows described in the SED will negatively impact the socioeconomic fabric of our region
- Flow approach misses mark
  - no guarantee fish will thrive; seems cavalier
- No guarantee water gets to Delta
- Non-flow measures can work; predation control, habitat restoration
- Span of control; cannot be held responsible for salmon survival to Pacific Ocean and back to Tuolumne

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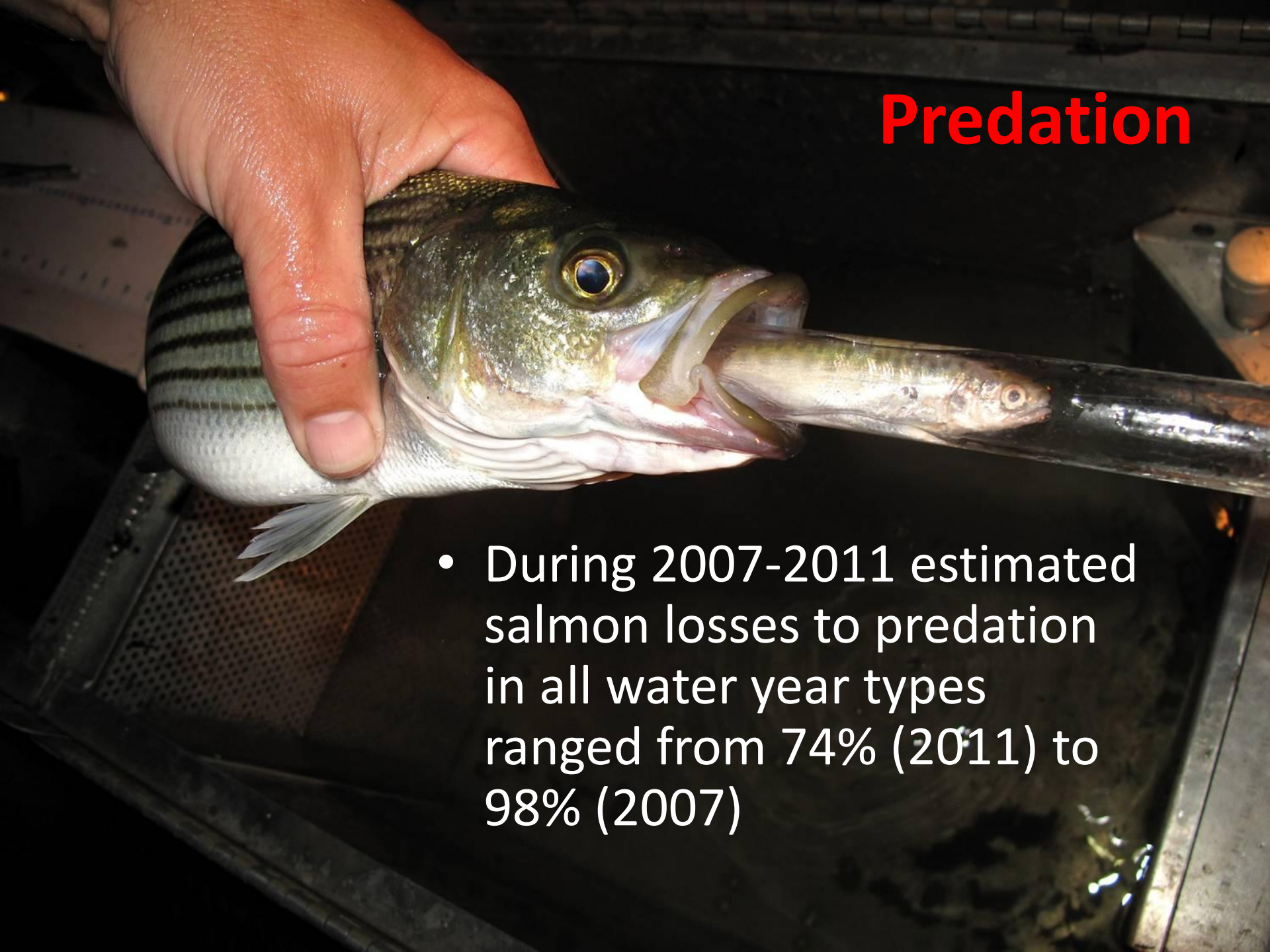

Predation

- During 2007-2011 estimated salmon losses to predation in all water year types ranged from 74% (2011) to 98% (2007)

What would TID suggest?

- For salmon
  - Suppress predators to increase salmon smolt survival through predator suppression in lower tribs and Delta
  - Improve/restore habitat at contemporary flow levels
  - Enforce illegal diversions in the Delta

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Some of TID's efforts

- Made our case at March 2013 Draft SED workshop
- Informing/seeking advocacy
  - Customers
  - Region
  - Elected officials
  - Editorial Boards
  - TID publications
- Making this part of the CA's Groundwater Management discussion
- Developing an online petition
- Working w/ SWRCB members and staff
- Developing science in DP relicensing record with FERC
- Focusing on non-flow measures
- Partnering w/ SJTA agencies; strength in numbers
- Developing science/performing studies
- Planning to present our case to SWRCB again
- Evaluating several legal options

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What's to come

- Revised SED completed as early as March of 2015 for review
- 60-day comment period to submit written comments
- Public hearing held before the State Board
- State Board looking to adopt the document before 2015
  - Still, only objectives adopted, no immediate water loss
  - But objectives set a baseline

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Impact aware? Yes

Table ES-3. Significant and Unavoidable Impacts of the LSJR and SDWQ Alternatives

	Alternative					
Environmental Resource Area	LSJR Alternative 1 and SDWQ Alternative 1 (No Project)	LSJR Alternative 2	LSJR Alternative 3	LSJR Alternative 4	SDWQ Alternative 2	SDWQ Alternative 3
Water Supply, Surface Hydrology, and Water Quality	S	S	S	S	L	L
Flooding, Sediment, and Erosion	L	L	L	L	N	N
Aquatic Resources	S	S	L	L	N	N
Terrestrial Biological Resources	S	S	L	L	L	L
Groundwater Resources	S	L	S	S	N	N
Recreational Resources and Visual Quality	L	L	S	S	N	N
Agricultural Resources	S	L	S	S	L	L
Cultural Resources	L	L	L	L	N	N
Service Providers	S	L	S	S	S	L
Energy Resources and Climate Change	S	L	S	S	N	N

Notes:

Gray cells indicated significant and unavoidable impacts

S = significant and unavoidable impact

L = less than significant impact

N = no impact

What can I do?

- Remain informed | www.tid.com/SED
- Make opposition to Phase 1 known
  - Online Petition
  - Formal letter to SWRCB when SED re-released
  - Letters to state/federal electeds
  - Letters to local publications
- Let us talk with you or present information
  - Talk to your governing bodies / decision makers about advocacy options
  - Keep in contact with us about taking strategic action on those options come March.
- We will need the loudest regional voice possible, because this fight is not only that of the irrigation districts'.

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