

Water Committee Report

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File ID: 2019-00901

June 25, 2019

Discussion Item 02

Title: Water Rights and Water Supply Regulatory Processes [Oral Report]

Location: Citywide

Recommendation: Receive and file a presentation on water rights and water supply processes.

Contact: Jim Peifer, Principal Engineer, (916) 808-1416; Bill Busath, Director, (916) 808-1434, Department of Utilities

Presenter: Jim Peifer, Principal Engineer, (916) 808-1416, Department of Utilities

Attachments:

1-Description/Analysis

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Issue Detail: Numerous regulatory processes including the California WaterFix Water Rights Change Petition, the Water-Fix California Environmental Quality Act (CEQA) process, the Bay Delta Water Quality Control Plan Update along with its associated voluntary settlement process, and the proposed Sites Reservoir, affect the City's water entitlements and access to water. These efforts attempt to improve environmental conditions in the Sacramento-San Joaquin Delta and increase the reliability of the water supply in other regions of the State. They could, however, affect flows in the American River and storage levels in Folsom Reservoir, thus possibly adversely impacting the City's water supply.

Policy Considerations: This item is relevant to General Plan policy U 2.1.1, titled "Exercise and Protect Water Rights," which states that "The City shall exercise and protect its water rights and entitlements in perpetuity."

Economic Impacts: Not applicable.

Environmental Considerations: Not Applicable.

Sustainability: Not Applicable.

Commission/Committee Action: Not applicable.

Rationale for Recommendation: Not Applicable.

Financial Considerations: Not Applicable.

Local Business Enterprise (LBE): Not applicable.

Background: The State Water Resources Control Board (SWRCB) is responsible for adopting and updating the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan), which establishes water quality control measures and flow requirements needed to provide reasonable protection of beneficial uses in the watershed. One concern for the SWRCB is how to address prolonged and precipitous declines of native aquatic species in the Bay-Delta and the ecosystem they depend upon.

The Bay-Delta Plan is being updated through two separate processes (Plan amendments). First, on December 12, 2018, through State Water Board Resolution No. 2018-0059, the SWRCB adopted the Plan amendments and Final Substitute Environmental Document (SED) establishing the Lower San Joaquin River flow objectives and revised southern Delta salinity

objectives. On February 25, 2019, the Office of Administrative Law approved the Plan amendments, which are now in effect. Second, the SWRCB is also considering Plan amendments focused on the Sacramento River and its tributaries, Delta eastside tributaries (including the Calaveras, Cosumnes, and Mokelumne rivers), Delta outflows, and interior Delta flows.

The proposed regulatory action within the Plan amendments and the SED calls for an unimpaired inflow of 45 percent to 65 percent, which potentially reduces the amount of water that reservoir operators, such as the U. S. Bureau of Reclamation, could store. This could potentially affect the City's water supply and the management of the lower American River. The SWRCB has encouraged the submission of voluntary agreements by water users to provide similar benefits of the regulatory action. Voluntary agreements allow for other measures to be included that address the fisheries such as the creation of habitat.

On December 12, 2018, the directors of the California Department of Fish and Wildlife and Department of Water Resources presented the elements of a Voluntary Agreement to the SWRCB.