



RURAL COUNTY REPRESENTATIVES  
OF CALIFORNIA

March 13, 2017

Felicia Marcus, Chair  
Members of the Board  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812

**Re: Phase II WQCP Update, Scientific Basis Report**

**Sent via e-mail at:** [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

Dear Chair Marcus and Members of the Board:

On behalf of the member counties of the Rural County Representatives of California (RCRC), we appreciate the opportunity to provide a few comments on the draft Phase II Scientific Basis Report (Draft Report).

RCRC is an association of thirty-five rural California counties and our Board of Directors is comprised of elected supervisors from those member counties. RCRC represents local governments that have land use, public trust, and, more recently, groundwater responsibilities affecting much of this rich landscape that benefits all of California.

RCRC acknowledges the State Water Board's time and effort in the development of the Draft Report, including circulating the document as a working draft. While our member counties do not, in general, have direct responsibility for water management, counties are the local government that has over-all responsibility for the economic health and vitality of its residents. The conservation of its natural resources, and general livability of its communities are also of prime concern. In that spirit, we offer the following comments to address several policy areas of concern:

- The State has a significant number of key water policy initiatives and projects that are moving at differing speeds at the same time. This includes, but is not limited to the Administration's California Water Action Plan, the Sustainable Groundwater Management Act, the California WaterFix, the expenditure of Proposition 1 dollars by the California Water Commission for storage, and the development of the California Water Plan Update 2018. It is imperative that none of these efforts or future proposed efforts are looked at in isolation as California looks to increase water conservation and water use efficiency through improved water resource management for the 21<sup>st</sup> Century. RCRC does not believe that addressing unimpaired flows in virtual isolation meets the criteria for successful water resource management moving forward.

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- RCRC is in agreement with many of the points made by the Northern California Water Association (NCWA) letter to the SWRCB on this matter, dated December 16, 2016. Specifically, on page 2 the letter states:

“This simplistic approach would provide little, if any, benefit for the environment in the Bay Delta water system, and would *adversely affect the environment in upstream areas (for emphasis)* such as the Sacramento Valley by depleting cold water reservoir supplies.....”

In addition to affecting these cold water reservoir supplies, “just” providing increased flows on the Sacramento River system fails to take into account the significant investments made by water agencies, conservations groups, landowners and the State itself to improve habitat benefiting the species of concern. Nor does this approach recognize the advances made in managing the system with an eye toward the entire ecosystem, including the addition of the “floodplain-type” habitat that various studies have shown to improve juvenile salmonid health and viability. In addition, adopting a more holistic approach benefits multiple species and the important natural resources they depend on such as the Pacific Flyway.

- RCRC also agrees with Section B, page 5, of the aforementioned NCWA letter as it relates to the Sustainable Groundwater Management Act (SGMA) and the role of local agencies. In 2014, landmark water legislation – Senate Bill 1168 and Assembly Bill 1739 – established SGMA, provided a framework for local agencies, including counties, to develop plans and implement strategies to sustainably manage groundwater resources within a defined period.

By June 30, 2017, a local agency/agencies in each high-or medium-priority groundwater basin must have officially formed one or more Groundwater Sustainability Agencies (GSA) for the entire basin. By January 31, 2020, each high-or medium-priority groundwater basin that is subject to critical conditions of overdraft must be managed under a Groundwater Sustainability Plan (GSP). By January 31, 2022 all remaining high-or medium-priority groundwater basins must be managed under a GSP with a final review by the Department of Water Resources due by January 31, 2024.

The utilization of the unimpaired flow approach could be detrimental to achieving sustainable groundwater management within these basins by constraining the opportunity to access flows for recharge purposes, particularly in “wet years”. This would significantly undercut the efforts of local agencies which are working to meet their statutory requirements under SGMA and, more importantly, maintaining Sacramento Valley groundwater health for environmental and economic purposes.

Therefore, it is very concerning to see the draft proposal re-direct water users, disadvantaged by the proposed increase in unimpaired flows, to look to meeting their water needs through the use of groundwater. This is expressly contrary to SGMA’s intent as well as our collective desire to see California’s groundwater continue to serve as a critical resource in meeting our water supply needs. In this scenario, it is the small, typically domestic, groundwater user that will be placed at greatest risk by this re-direction of impacts envisioned by draft proposal.

- RCRC is also concerned that the data upon which the proposed flow criteria are based do NOT seem to reflect the data and science developed by the Delta Stewardship Council (DSC) and the Delta Independent Science Board (Board). The State has expended tremendous energy and funding in the development of the work produced by the Board to meet the DSC's co-equal goals of environmental health and water supply reliability. Ignoring the robust volume of work emanating from this effort not only discounts these investments, but also discounts the most contemporary, peer-reviewed work available as we all struggle to address the issues that bedevil this key West Coast Estuary. RCRC encourages the SWRCB to incorporate this body of work as it works to a final version of the proposal.
- We would also add that, in our experience at the local level, regulatory solutions do not seem to be working well, nor are they achieving the outcomes associated with their adoption. Moreover, regulatory approaches have proven to lack the flexibility to manage a vibrant ecosystem and achieve the desired resource health. Therefore, we encourage the SWRCB to aggressively pursue negotiated agreements with the affected parties to achieve the functional flows that are sustainable, contribute to species health in the Delta, and improve overall ecosystem viability. Furthermore, this approach is in concert with the California Water Action Plan (which specifically calls for a collaborative and coordinated approach to water management in the State) and the Governor's September 19, 2016 letter directing agencies to pursue negotiated agreements.

Finally, the near catastrophic dam event in Oroville, the recent drought, flooding throughout the state and even the mudslides that are largely a result of too much precipitation on areas burned by wildfire all speak to the fragile and fragmented nature of our water resources. This set of circumstances re-inforces the need for an integrated approach which the unimpaired flow approach clearly does not address.

If you should have any questions or concerns, please do not hesitate to contact me at (916) 447-4806 or [mwarmerdam@rcrcnet.org](mailto:mwarmerdam@rcrcnet.org)

Sincerely,

A handwritten signature in purple ink that reads "Mary-Ann Warmerdam". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

MARY-ANN WARMERDAM  
Senior Legislative Advocate