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Assembly California Legislature



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October 27, 2016

Felicia Marcus, Board Chairwoman
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Dear Chairwoman Marcus:

I am writing to express my opposition to the suggested flow requirements stated in the State Water Resources Control Board's Bay-Delta Plan, Phase 1 Revised Draft Substitute Environmental Document (SED). The proposed actions outlined in the plan would cause irreversible harm to my constituents in the 5th Assembly District and fails to achieve a balanced approach of meeting the coequal goals of California's water policy. It is my position that any State Water Board proposal to increase unimpaired flows must be balanced and collaborative so that it meets the commitment of improving California's water supply reliability and ecosystem health. More than once during the state's six year prolonged drought, the State Water Board has taken actions that do not reflect this commitment, and has proposed regulatory edicts that have only served to increase conflict between California's water users. The Revised SED unfortunately is no exception.

The Draft flow objectives released by the State Water Board will unequivocally create significant impacts to those within the San Joaquin River watershed and others, and ignores the millions of dollars already invested by local agencies for ecosystem improvements. Recently, the Modesto and Turlock Irrigation Districts released data indicating that had the SED's unimpaired flows been in effect in 2015, the economic impacts would have included \$1.6 billion in output loss, \$167 million in farm products, \$330 million in wages, and 6,576 jobs lost within the serviceable regions. An additional economic analysis conducted by the San Francisco Public Utilities Commission indicated a result of 140,000 to 180,000 jobs lost in the Bay Area, with \$37 billion to \$49 billion in economic losses. These numbers are unacceptable, and further questions the reliability of the State Water Board's own initial economic impact analysis resulting in a mere \$64 million loss as a result of the unimpaired flow requirements. Further, MID and TID have invested \$25 million to develop science-based solutions for the Tuolumne River to address the same concerns that the State Water Board is hoping to solve through the SED. These efforts utilize non-flow solutions, such as habitat improvements, river restoration, and predation suppression, and have provided measurable and quantifiable benefits.

The State Water Board's SED further imperils many San Joaquin valley communities struggling with drinking water quality and quantity difficulties. The proposal also upsets nearly two years of work by local agencies to achieve state-mandated goals as outlined in the Sustainable Groundwater Management Act (SGMA). The State Water Board's own analysis encourages exacerbating current groundwater overdraft by 105,000 acre-feet per year (TAF/yr). Further, given that there is an existing 45 TAF/yr deficit in current groundwater supplies, the unmet agricultural water demand has the potential to increase by 137 TAF/yr to 182 TAF/yr in the plan area. In fact, the State Water Board identifies seven subbasins underlying the plan area, four of which are identified as critically overdrafted and on an expedited timetable for SGMA implementation. Impacts from flow increases, as described in the SED, will make it nearly impossible for local agencies to provide adequate groundwater recharge, increase conjunctive use and manage groundwater sustainably. We should allow our local agencies to continue their efforts towards greater groundwater sustainability, as is required by SGMA, instead of changing the conditions and making it more difficult to achieve success. The SED ties the hands of local water managers and makes it more difficult to find comprehensive solutions to their groundwater problems.

California's communities and industry need reliable water supplies, and simply reallocating hundreds of thousands of acre-feet of water for unestablished environmental goals to the detriment of all other water users is unacceptable. The SED purports to be an adaptive management plan; however the crux of adaptive management is to learn from early stream studies and make changes, accordingly, as more information is amassed. A decade of simply increased water flows for temperature control, salinity mediation and other reasons has done little to improve the environmental conditions of our fish species. I will support efforts that are part of a comprehensive plan that would include components like predator suppression, managing our water in ways that mimic natural flow variability, and effectively managing or changing the timing of water releases from our reservoirs. A multi-pronged effort is needed, one that meets the co-equal goals established by the Legislature, includes clear and established goals for ecosystem improvement or restoration, has been vetted via stakeholder involvement and discussion with the State Water Board, and has public support with the plan area.



Frank Bigelow
Assemblyman, 5th District