

October 15, 2020

The Honorable Gavin Newsom
Governor, State of California
State Capitol, Suite 1173
Sacramento, CA 95814

Re: Roadmap to Achieving the Voluntary Agreements

Dear Governor Newsom,

As the State continues to overcome a myriad of immediate challenges, including COVID-19 and wildfires, we ask that the State does not lose sight of the need for a comprehensive solution for the Sacramento-San Joaquin (Delta) watershed, consistent with your vision outlined in the recently released *Water Resilience Portfolio*. Now is the time to complete the Voluntary Agreements and put California on a path of success that restores the Bay-Delta ecosystem and improves water reliability for the 35 million people and nearly 8 million acres of farmland dependent on its water supply.

The Association of California Water Agencies (ACWA), on behalf of our over 450 public water agency members, has developed the attached ***Roadmap to Achieving the Voluntary Agreements*** (Roadmap). The Roadmap calls on you and your administration to re-engage on the Voluntary Agreements, and asks the State to take the following actions:

- **Action 1:** Resolve the litigation between the State, the federal government, public water agencies and NGOs regarding the Incidental Take Permit and the Biological Opinion.
- **Action 2:** Convene all parties to complete the Voluntary Agreements and the related efforts to advance the implementation of the Water Quality Control Plan through the Voluntary Agreements.
- **Action 3:** Support and assist water agencies that have proposed early implementation projects to accelerate improvements for fish and wildlife, including with funding and streamlined permitting processes.

Through the Roadmap, public water agencies participating in the Voluntary Agreements are renewing their commitment to achieving the Voluntary Agreements and advancing California on a path towards water resilience. These public water agencies stand ready to begin the implementation of the Voluntary Agreements, pledging to contribute hundreds of millions of dollars and an extensive series of restoration projects to enhance fish and wildlife habitat. They are eager to continue working with your administration, federal agencies, conservation groups, and other stakeholders in an open and transparent process and commit to the following: (1) the **early implementation** of a list of “no-regrets” habitat restoration and creation projects and related flow actions that would inject tens of millions of dollars into the state economy at this

A Roadmap To Achieving the Voluntary Agreements

October 2020

URGENT CALL TO ACTION

State Must Re-Engage on the Voluntary Agreements

Public water agencies across California call on Governor Newsom and his administration to re-engage in negotiations with the federal administration and stakeholders to successfully complete the Voluntary Agreements (VAs). To implement this modern water management approach, we ask the state to take the following actions:

ACTION

1

Resolve the litigation between the state, federal government, public water agencies and NGOs regarding the Incidental Take Permit and the Biological Opinion.

ACTION

2

Convene all parties to complete the VAs and the related efforts to advance the implementation of the Water Quality Control Plan through the Voluntary Agreements.

ACTION

3

Support and assist water agencies that have proposed early implementation projects to accelerate improvements for fish and wildlife, including with funding and streamlined permitting processes.

A Watershed-Wide Approach



The VAs would encompass the Sacramento-San Joaquin Delta and each of the following tributaries to improve reliability for the 35 million people and nearly 8 million acres of farmland dependent on the Delta watershed and its water supply.

- American River
- Feather River
- Mokelumne River
- Putah Creek
- Sacramento River
- San Joaquin River Settlement Upstream of the Merced River (Friant Diversion)
- Tuolumne River
- Yuba River

Background

The Voluntary Agreements (VAs) represent a collaborative, modern and holistic approach to improving the Bay-Delta ecosystem and water supply reliability. Through the VAs, a group of public water agencies are proposing a comprehensive suite of actions that will improve habitat and flows in the Delta and its tributaries to help native fish and wildlife species. This integrated approach presents a historic opportunity to protect and restore the Bay-Delta ecosystem, while improving habitat for native species and water reliability for the 35 million people, nearly 8 million acres of farmland, and remaining California wetlands dependent on the Delta watershed and its water supply.

Governor Gavin Newsom's recently released *Water Resilience Portfolio* recognizes the VAs as an alternative to the State Water Resources Control Board staff's unimpaired flows approach to updating the Bay-Delta Water Quality Control Plan and that the VAs hold "the promise to adaptively manage enhanced flows and habitat to improve conditions for fish and wildlife." The *Water Resilience Portfolio* is intended to provide a

blueprint to meet the water needs of California's communities, economy, and the environment through the 21st century. It includes several actions to support the VAs to meet the goal of protecting and enhancing natural ecosystems, including to "bring together regulators, tribes, water users, public water agencies, non-governmental organizations, and other stakeholders to develop innovative, voluntary solutions to water supply, water quality, and ecosystem protection" [Action 9.3], to "identify opportunities to meet legal standards in creative, collaborative ways, such as through voluntary agreements that enhance flows and habitat" [Action 13.7], and to "complete the update to the Bay-Delta Water Quality Control Plan for San Francisco Bay and the Delta, as required by law, and implement the Plan, potentially through voluntary agreements" [Action 18.2].

ACWA embraces this new path forward to support a "California for All" and the coequal goals of protecting, restoring and enhancing the Delta ecosystem and providing more reliable water supplies for California. Public water agencies are actively implementing progressive and innovative 21st century water management.

The decades old regulatory approach has not served any interests well. Species have continued to decline, and water supplies have continued to diminish. The state cannot afford to adhere to a regulatory and operational framework solely based on additional flows which will result in years of protracted litigation, while at-risk fish populations continue to decline, and California's water supply becomes less resilient to the increasing effects of climate change. Now is the time to complete the VAs to put California on a path of success for the environment, the public, farms and businesses.

Commitment of Public Water Agencies at the VAs Table

ACWA and its member agencies recognize the VAs as the superior approach to achieving the coequal goals of protecting, restoring and enhancing the Delta ecosystem and increasing water supply reliability throughout the state. ACWA's water agencies together serve water for millions of Californians, the safest and most productive agricultural economy in the world, the wildlife refuges and ricelands that serve birds and wildlife along the Pacific Flyway, salmon and many other fish, hydro-electric generation, and recreation. The public water agencies participating in the VAs stand ready to begin the implementation of the VAs, pledging to contribute hundreds of millions of dollars and an extensive series of restoration projects to enhance fish and wildlife habitat. ACWA and its members recognize that more can be accomplished for California when the state, federal and local agencies work together. The public water agencies which have been at the VAs table are eager to continue working with state and federal agencies, conservation groups, and other stakeholders in an open and transparent process to achieve the VAs and advance California on a path toward water resilience.

- **Early Implementation** - As part of the VAs, the group of public water agencies is committed to the immediate implementation of a list of "no-regrets" habitat restoration and creation projects and related flow actions. Some of these actions could begin or otherwise be implemented within the next 12 to 18 months. The VAs have the added co-benefit of immediately injecting tens of millions of dollars into the state's economy at this critical time.

- **Integrated Actions** - The group of public water agencies commit to the implementation of a broad spectrum of tools, coordinated to maximize benefits to the Delta ecosystem and native fish and wildlife species. These tools include improving targeted tributary flows and Delta outflows, restoration projects and the collection of funds from these water agencies to begin building the accounts necessary to implement the long-term program.
- **NGO Participation in the Governance Framework** - Water agencies remain committed to a collaborative decision-making approach that includes non-governmental organization participation in the governance structure.

Essential Elements of a Watershed-Wide Agreement

The VAs hold the potential to achieve meaningful solutions that comprehensively manage the Delta watershed as a whole. A Delta watershed-wide agreement should incorporate the following essential elements.

- **Watershed-Wide Coordination** - A solution must encompass a Delta watershed-wide approach with coordinated operations to efficiently and effectively protect native fish and wildlife species. The VAs would facilitate coordination of restoration, operations, and research across all participating tributaries and Delta operations to provide improved ecosystem functions across major California waterways.
- **Collaborative Approach** - Partnership among diverse stakeholders must be the cornerstone of this durable solution. The VAs would establish a 15-year framework that includes participation from state and federal agencies, public water agencies, and conservation groups to help guide funding and management actions to improve water supply and environmental conditions in the Delta. A path of continued litigation would negatively affect water reliability and ratepayers across the state, while delaying vital investments to restore and enhance the Delta ecosystem.

- **Integrated Solutions** – A Delta watershed-wide solution should provide a substantial “budget” of water for the environment, coupled with significant new habitat, an integrated science program, and adaptive management to provide a more comprehensive framework to recover fish populations, as opposed to a flows-only approach.
- **Coequal Goals** – A Delta watershed-wide solution must recognize the coequal goals of increasing water supply in California and improving the Delta ecosystem for hundreds of native fish and wildlife species.
- **Expedited Implementation** – The VAs commitment of functional flows and habitat can help fish populations recover more quickly, holistically and with fewer negative social and economic impacts than traditional regulatory requirements. As water agencies stand ready to implement a comprehensive series of ecological restoration and stewardship projects, state agencies must also work to increase permitting effectiveness, expedite project review and approval, and improve cross-jurisdictional collaboration.
- **Governance** – Consistent with the VAs, a structured decision-making process that informs the implementation of flow and non-flow measures to achieve outcomes should be



the foundation of any solution. This process should be collaborative and informed by a robust science program. To the extent possible, the governance structure should coordinate with and be implemented through any existing management structures in the Delta tributaries.

- **Science and Adaptive Management** – A Delta watershed-wide agreement should include the development of a sound, shared, modern science program that explores all assets available to manage the Delta and monitors and evaluates their success in achieving the biological and environmental outcomes. This will serve as the basis for adaptive management decision-making. The VAs would establish both a Science Program and Independent Science Advisory Team to address uncertainties in current science using testable hypotheses to refine management solutions over time.
- **Funding Portfolio** – A Delta watershed-wide agreement should pool resources from a variety of sources for a large sustained investment for fish and wildlife funding, habitat restoration projects and science programs. Under the VAs approach, the total estimated contributions from the group of water agencies to a Water Revolving Fund are projected to be \$1 billion.

