



SAN JOAQUIN COUNTY

## FLOOD CONTROL & WATER CONSERVATION DISTRICT

P. O. BOX 1810

STOCKTON, CALIFORNIA, 95201

TELEPHONE (209) 468-3000

FAX NO. (209) 468-2999

KRIS BALAJI  
DIRECTOR OF PUBLIC WORKS

### ADVISORY WATER COMMISSION

October 18, 2017, 1:00 p.m.

Public Health Conference Room, 1601 E. Hazelton Avenue, Stockton, California

#### AGENDA

- I. **Roll Call**
- II. **Approve Minutes for the Meeting of September 20, 2017**
- III. **Discussion/Action Items:**
  - A. 2017 Winter Storms After Action Report – Michael Cockrell (See Attached)
  - B. Presentation and Discussion on Integrated Regional Water Management Plan (IRWMP) Projects – Brandon Nakagawa
  - C. Standing Updates
    1. Sacramento – San Joaquin Delta (see attached)
    2. Sustainable Groundwater Management Act (SGMA)
    3. San Joaquin Area Flood Control Agency (SJAFCA)
    4. Flood Protection (see attached)
- IV. **Informational Items (See Attached)**
  - A. September 2017, [www.epa.gov](http://www.epa.gov), United States Environmental Protection Agency, “Waters of the United States (WOTUS) Rulemaking, Outreach Meetings”
  - B. October 4, 2017, [agalert.com](http://agalert.com), “Commentary: Farmers Seek Clarity in Rewrite of WOTUS Rule”
- V. **Public Comment:**
- VI. **Commissioners’ Comments:**
- VII. **Adjournment:**

**Next Regular Meeting**  
**November 15, 2017, 1:00 p.m.**  
Public Health Conference Room

*Commission may make recommendations to the Board of Supervisors on any listed item.*

If you need disability-related modification or accommodation in order to participate in this meeting, please contact the Water Resources Staff at (209) 468-3089 at least 48 hours prior to the start of the meeting. Any materials related to items on this agenda distributed to the Commissioners less than 72 hours before the public meeting are available for public inspection at Public Works Dept. Offices located at the following address: 1810 East Hazelton Ave., Stockton, CA 95205. These materials are also available at <http://www.sjwater.org>. Upon request these materials may be made available in an alternative format to persons with disabilities.

**REPORT FOR THE MEETING OF  
THE ADVISORY WATER COMMISSION OF THE SAN JOAQUIN COUNTY  
FLOOD CONTROL AND WATER CONSERVATION DISTRICT  
September 20, 2017**

The regular meeting of the Advisory Water Commission of the San Joaquin County Flood Control and Water Conservation District was held on Wednesday, September 20, 2017, beginning at 1:00 p.m., at Public Health Services, 1601 E. Hazelton Avenue, Stockton, California.

**I. Roll Call**

Present were Commissioners Nomellini, Roberts, Swimley, Holman, Flinn, Winn, Herrick, Holbrook, Salazar, Jr., Hartmann, and Meyers, Alternates Houghton, Reyna-Hiestand, and Heberle, Secretary Nakagawa, Vice-chair Price, and Chairman McGurk.

Others present are listed on the Attendance Sheet. The Commission had a quorum.

**II. Approval of Minutes for the Meeting of August 16, 2017.**

Motion and second to approve the minutes of August 16, 2017 (Swimley/Holbrook). Unanimously approved.

**SCHEDULED ITEMS**

Tom McGurk, Chairman of the Advisory Water Commission (AWC), led the agenda.

**III. Discussion / Action Items:**

**A. Presentation and Discussion on Integrated Regional Water Management Plan (IRWMP) Projects – Brandon Nakagawa**

Mr. Brandon Nakagawa began his presentation on IRWMP Projects with the distribution of multiple handouts: IRWMP 2014 Update Presentation; Projects Considered in IRWMP 2014 Update; San Joaquin Area Flood Control Agency (SJAFCA) Short List of Projects; and the Integrated Conjunctive Use Program Infrastructure Map. Mr. Nakagawa recapped discussion from the AWC meeting, held on August 16, 2017, at which time a request was made for information on the projects listed on the IRWMP 2014 Update. The 2014 update was cost-shared by the Groundwater Basin Authority (GBA) and the State for the amount of \$700,000.

Mr. Nakagawa explained that the methodology of creating the list of IRWMP projects was to examine the disadvantaged communities, urban growth in each city, and irrigated agriculture, then project the land and water usage in these areas. At the time, the target objective was to get the groundwater basin between the 1992 level (historic low) and the 1988 level (historic high), which averaged 150,000 acre feet (AF) a year. A new “low” level has been established in Fall 2016.

Mr. Nakagawa reviewed the handout listing the table of Projects Considered in the IRWMP 2014 Update. The list includes 104 groundwater, water demand, and stormwater quality related potential projects, which were not limited to urban or agriculture usage and also included flood control. The project list only covered the area within the Eastern San Joaquin Basin and not the entire County, thereby excluding the Delta and Tracy areas. In parallel, SJAFCA created its “Regional Flood Management Plan (RFMP)” program, which was similar to the purpose of the IRWMP to compile

projects, but with a flood management focus. Mr. Nakagawa suggested selecting projects from both the IRWMP and RFMP lists and combining them to create an updated list of potential projects. He added that the Commission could discuss and consider funding sources, list new projects scheduled to be built in the next 10 years, and/or identify grant funding for the current list of projects. Mr. Fritz Buchman, San Joaquin County Public Works – Deputy Director, stated that a minimum level update to the current IRWMP must be achieved to be compliant with IRWMP 2016 requirements. Mr. Nakagawa concurred and has received a quote from GEI Consultants, Inc. for \$80,000 to provide the minimum standard update to the IRWMP for the current list of projects. This authorized amount has been reserved in the Eastern San Joaquin County Groundwater Basin Authority (GBA) 2017-18 budget. Discussion amongst the Commission concluded that the intent of the IRWMP update to 2016 requirements is to qualify the community for grant funds and to address climate change, as well as other aspects.

Commissioner Flinn asked would the Commission like to recommend to the San Joaquin County Board of Supervisors (BOS), but foremost – what criteria does the Commission want to meet, and how will consensus be reached. Mr. Nakagawa responded that the IRWMP is a “set-funding” program with a finite amount of only \$33 million for IRWMP projects for the area within Galt to Fresno to East Contra Costa County – a huge area and the most competitive in the State. Senate Bill (SB) 5 – California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018 (De Leon), a water bond awaiting Governor Brown’s signature, contains an additional \$1.27 billion for water IRWMP-related projects, with \$550 million allocated for flood. San Joaquin County’s IRWMP has long-term projects (e.g., Duck Creek Reservoir) which could require \$10 million for the initial studies alone. Mr. Nakagawa commented there are a lot of options and considerations. Any selected projects for the near future must be updated to be “grant-ready.”

Mr. Nakagawa reiterated that the funding process for IRWMP projects is extremely competitive with scoring based on the amount of benefit, and quality of the proposal. In the past, County IRWMP projects have not scored well due to the project not being ready, the project description lacked detail demonstrating a level of sophistication for competitiveness, and/or the projects were too focused lacking integrative benefits (i.e., water quality).

Commissioner Herrick asked if an IRWMP update will be useful towards the Sustainable Groundwater Management Act (SGMA). Mr. Nakagawa answered that the update will meet the IRWMP standards, whereas SGMA standards are completely different. He added that SGMA is our priority but the IRWMP is much broader than SGMA, and SGMA focused projects may not score well. He commented that criteria for grant scoring could be the driver for prioritization of projects.

An example of a “high-scoring” IRWMP project might include all of the following:

- Toilet rebate / replace with ultra low-flush toilet: Benefits low-income housing improvements and Disadvantaged Communities (DACs)
- Hyacinth / aquatic weed removal: Benefits flood control and habitat improvements
- A water smart metering project: Benefits water conservation improvements
- Levee leak detection or irrigation canal line improvements

Additional elements can be added to SGMA focused projects. Comments from the Commission included: A lot of projects funded through the IRWMP are water harvest projects; some projects are “overlooked” as they may not fall within specific State agency guidelines; and, high scores are the objective for IRWMP projects which should be multi-faceted and include elements benefiting the environment, water conservation, fish and wildlife, DACs, etc. Mr. Nakagawa interjected and stated that for DAC projects, a specific community would need to be selected and targeted with

consideration given to details including any financial hardship of an owner's participation in a program.

A member of the public, Mr. Brett Williams, referenced the Projects Considered in the IRWMP 2014 Update handout – Project Numbers 38 and 39, and questioned the language “Water Rights and Contracts” as listed under the Resource Management Strategy category. He asked if the water rights are due to DWR having “extra water” they will give the water agencies, or will the water agencies be entering into agreements with DWR? Mr. Nakagawa responded that existing districts and cities rely on their current water rights and contracts for their allocation of water, with some agreements between districts and cities for those water supplies. Mr. Williams asked for clarification of the Quality of Information category and what qualifies as a “Good” rating in this category. Mr. Nakagawa stated “Good” means there is a vast resource of high-quality back-up documentation for this project.

The consensus amongst the Commission found the list(s) of projects will be helpful to examine viable projects for the AWC to recommend to the BOS. Commissioners' discussion included:

- Selecting a number of the listed projects and/or add new projects
- Research funding options
- Reviewing completed IRWMP projects for successful application and planning components
- DAC Projects - State scoring criteria will look for direct assistance and focus on the disadvantaged communities. Prep work will include census blocks or income surveys to focus on a specific area, assess needs, and address needs. SGMA related projects could be tied into a DAC project if it benefits the DAC.

The Commission requested that Mr. Nakagawa provide a list of five ideal, high-scoring IRWMP projects at the next AWC meeting. Mr. Nakagawa said he will provide a matrix of “buckets” that include:

1. High priority projects that have a high probability of meeting grant criteria and contain “good” informational documents
2. Good projects that might have broad regional support but do not contain “good” informational documents
3. Projects that are in the “conceptual” stage – might have regional support but have little information

Mr. Nakagawa invited the members to submit any project ideas not on the list.

## **B. Update on San Joaquin Area Flood Control Agency (SJAFCA) Activities – Roger Churchwell**

Mr. Roger Churchwell, San Joaquin Area Flood Control Agency – Executive Director, provided an update on SJAFCA recent activities.

- August 2017 – Letters were received from the City of Manteca, and the City of Lathrop requesting the expansion of SJAFCA to include these cities. Mr. Churchwell stated that this requested expansion would have to also include the expansion of Reclamation District (RD) 17 and floodplains. The request was presented to SJAFCA Board of Directors (BOD), which directed staff to rewrite the existing Joint Powers Authority (JPA) between the City of Stockton, San Joaquin County, the San Joaquin County Flood Control and Water

Conservation District, and RD 17 to include the above mentioned changes. SJAFCA staff will confer with these participating agencies and submit a revised draft JPA to the BOD in November 2017. Mr. Churchwell anticipates the new BOD in January 2018.

- September 2017 – SJAFCA went to Washington D.C. to discuss, with the U.S. Army Corps of Engineers (Corps), issues regarding the Lower San Joaquin River Feasibility Study (LSJFS). The Chief's Report will be completed in March 2018. After the Chief's Report, the next step will be the design phase of the \$1.5 billion flood improvement project within the Stockton area.
- SJAFCA has requested a reimbursement of \$10.5 million from the Corps. Mr. Churchwell remains optimistic of the refund.

Mr. Churchwell concluded his update and discussion was opened.

Commissioner Hartmann inquired on the anticipated reimbursement from the Corps. Mr. Churchwell explained the reimbursement is for a locally-funded flood control project that had no cost-share, an original amount of \$70 million, and included a State reimbursement, an amount paid by homeowners, and a Federal reimbursement. The Federal reimbursements were received until 2010, at which time the refunds ceased, leaving a balance owed of \$10.5 million. Upon recent review of the Corps Work Plan, SJAFCA discovered reimbursements had begun, thus they submitted their request. Mr. Churchwell added that the reimbursements received will be invested into the design phase of the LSJFS. Any remaining funds will be invested into the construction phase of the study.

Mr. Churchwell stated that there is criteria for reimbursements. Agencies asking for reimbursements must reinvest the funds into Corps projects. He reiterated the estimated cost for the LSJFS project is \$1.5 billion. SJAFCA's cost-share could be funded with the reimbursement and local assessment. A local assessment is projected within a five year range, including three to four years in design, and a Prop 218 election process.

### **C. Standing Updates – Brandon Nakagawa**

Mr. Nakagawa provided the standing, monthly updates.

#### **1. Delta:**

- The County has filed a joint lawsuit with multiple agencies, including South Delta Water Agency and Central Delta Water Agency, against California Water Fix. A Federal audit uncovered improper spending of funds in the amount of \$85 million.
- Westlands Water District has voted to not participate financially in the Twin Tunnels Project, at this time.
- The County has joined a validation action against the State. The State wants to validate its contracts with State water contractors for water projects with the premise that funding for projects (i.e., Water Fix) should be considered Operations and Maintenance (O&M), not requiring a vote process. Mr. Fritz Buchman added the State is also trying to validate its ability to use revenue bonds to finance the Twin Tunnels.

2. Sustainable Groundwater Management Act: No updated given.

**IV. Public Comment:** No public comment offered.

**V. Commissioners' Comments:** No Commissioner comments offered.

**Next Regular Meeting:** October 18, 2017 at 1:00 p.m.  
Public Health Conference Room

**VI. Adjournment:** 2:37 p.m.



SAN JOAQUIN COUNTY  
FLOOD CONTROL & WATER  
CONSERVATION DISTRICT

ADVISORY WATER COMMISSION  
MEETING OF SEPTEMBER 20, 2017

ATTENDANCE SHEET

NAME	AFFILIATION	E-MAIL ADDRESS	PHONE
JR. BARNEY	SJC PW WC	dbarney@sjoqr.org	468-3089
Brandon Nakagawa	SJC PW		
TOM MCGURK	SEWD		
JOHN G. HOLBROOK	SSJWD	jholbrook@ssjd.com	
Reid Roberts	CSJWCD		941-8714
Drew Meyers	RD'S		
WILL PRICE	VICE CHAIR - AT LARGE	Same	
ELBERT HOLMANN	CITY OF STOCKTON		
GEORGE HARTMAN	RD 2071		
Stephanie Reyna-Hiestand	City of Tracy	Same	831-6333
DOUG HEBERLE	WID		
Tam Flinn	NSJWCD		
Joe Salazar Jr.	F/W		
Charlie Swintey	City of Lodi		
MARK HOUGHTON	City of Manteca		
Fritz Buchman	SJ County		
CHUCK WINN	SJ COUNTY		
Dante John Nornellini	CDWA		
Jann Herrick	SDWA		
Kris Balaji	SJ County		
Michael Callahan	SJCPW		
SCOT MOODY	SEWD		
M. Lynn Hoffmann	SJC PW- WC	mlhoffmann@sjoqr.org	468-3531
Brent Williams	stakeholder	Same	
Mel Lytle	COB		





ATTACHMENTS  
III. A.

Standardized Emergency Management System

AFTER-ACTION REPORT INSTRUCTION SHEET

REASONS FOR COMPLETING THIS FORM:

*[Note: Pursuant to §2450(a), Chapter 1, Division 2, Title 19 CCR, “any city, city and county declaring a local emergency for which the governor proclaims a state of emergency, and any state agency responding to that emergency, shall complete and transmit an after-action report to OES within ninety (90) days of the close of the emergency period as specified in CCR, Title 19, §2900(j).”]*

Beyond the statutory requirement for after-action reports, information collected through this process is important for the California Governor’s Office of Emergency Services in ensuring the effectiveness of the Standardized Emergency Management System. Information can also demonstrate grant performance activity associated with FEMA training and exercise programs; thus providing justification for future grant funded emergency management programs for California.

Affiliated agencies such as contract ambulance companies, volunteer agencies to include the American Red Cross and Salvation Army, and any other agency providing a response service during an actual occurrence or functional or full-scale exercise should complete this form.

PART I – GENERAL INFORMATION:

Please fill this information out completely. Check all boxes that apply. The following information provides additional clarification:

- **TYPE OF AGENCY:** If “other,” indicate volunteer, contract, private business, etc.
- **DATES OF EVENT:** Beginning date is the date your agency first became involved in the response to the event or exercise. Ending date is the date the response phase or exercise officially ended.
- **TYPE OF EVENT:** Planned events are parades, demonstrations, or similar occurrences.

PART II – SEMS FUNCTIONS EVALUATED:

- **SEMS FUNCTION:** Descriptors under the principal SEMS functions (Management, Command, Operations, Planning/Intelligence, Logistics, and Finance Administration) are examples only. We recognize that terminology describing the elements of an “Operations Function” may vary according to the type of agency. Provide clarification in Parts III and IV, if necessary.
- **TOTAL PARTICIPANTS:** All participants in each principal SEMS function. It is not necessary to itemize the number participating in each element under the principle function.

## **PART II – SEMS FUNCTIONS EVALUATED:**

- **EVALUATION:** If all elements of principal SEMS function were generally satisfactory, circle (S). If you noted deficiencies, circle (NI).
- **CORRECTIVE ACTION:** If you circled (NI) under EVALUATION, indicate whether the corrective action pertains to “planning, training, personnel...” etc. Further clarification should be provided in Part II, Questions 18-26, and Part III Narrative as desired.
- **OTHER PARTICIPANTS:** This box generally applies to exercises. Please indicate the total number of exercise staff, i.e.: controllers, simulators etc., and any community volunteers (simulated victims, moulage, etc.), in the parenthesis. Add this number to the Grand Total box.

## **PART III – AFTER ACTION REPORT QUESTIONNAIRE:**

- **QUESTIONS 1-17:** Answer “YES, NO, or N/A (Not applicable)”.
- **QUESTIONS 18-26:** Responses to these questions should address areas identified as “N/I” or requiring “Corrective Action,” in Part I; as well as any “NO” answers given to questions 1-19.

## **PART IV – NARRATIVE:**

This is optional space provided for further clarification and information relating to Parts II & III.

- **FORM COMPLETED BY:** Please print your name legibly in the space provided.
- **REPORT DUE DATES:** Please indicate the due date (Ninety days from the end of the response phase, or completion of the exercise).
- **DATE COMPLETED:** The actual date the report is completed and sent to OES.

## **PART V – RESPONSE SUMMARY:**

This is an optional space for field level response activities if the information is available.

## **PART VI – RECOVERY SUMMARY:**

This is an optional space for field level recovery activities if the information is available.

*Please forward completed reports to Cal OES at [SharedMail.CalAAR@CalOES.ca.gov](mailto:SharedMail.CalAAR@CalOES.ca.gov). If you have questions or need further assistance, please contact Scott Marotte at call (916) 845-8780. Agencies are encouraged to maintain copies of this report on file for recordkeeping purposes.*



**PART II SEMS FUNCTIONS EVALUATED**

<b>SEMS FUNCTIONS</b>	<b>TOTAL PARTICIPANTS</b> (Each Function)	<b>EVALUATION</b> Circle: (S) or (NI) (Satisfactory) (Needs Improvement)	<b>CORRECTIVE ACTION REQUIREMENTS:</b> (Check to indicate corrective actions required) PLANNING   TRAINING   PERSONNEL   EQUIPMENT   FACILITIES				
<b>Management:</b> Public Information Safety, Liaison, Inter-agency Coordination, Security, etc.		S      NI					
<b>Command (Field)</b> Public Information Safety, Liaison, Inter-agency Coordination, Security, etc.		S      NI					
<b>Operations:</b> Law Enforcement, Fire/ Rescue, Const. & Eng., Medical/ Health, Care & Shelter etc.		S      NI					
<b>Planning/ Intelligence:</b> Situation Status & Analysis, Documentation, Advance Planning, Demobilization etc.		S      NI					
<b>Logistics:</b> Services, Support, Facilities, Personnel, Procurement, Supplies, Equipment, Food etc.		S      NI					
<b>Finance Administration:</b> Purchasing, Cost Unit, Time Unit, Compensation and Claims etc.		S      NI					
<b>Other Participants:</b> Exercise Staff, Community Volunteers, etc.							
<b>Grand Total:</b>							

### PART III - AFTER ACTION REPORT QUESTIONNAIRE

Complete this questionnaire for all functional or full-scale exercises, and actual INCIDENTS. Responses to questions 18-26 should address areas identified as “needing improvement and corrective action” in Part I, as well as any “No” answers given to questions 1-17 below:

<u>INCIDENT NAME:</u>	<u>PLANNED EVENT / EXERCISE NAME:</u>		
QUESTION:	YES	NO	N/A
1. Were procedures established and in place for response to the incident?			
2. Did your jurisdiction organize the response using established procedures?			
3. Did field command use ICS to manage field response?			
4. Did field command use all ICS Sections?			
5. Did field command establish a Unified Command?			
6. Was your EOC and/or DOC activated?			
7. Was the EOC and/or DOC organized according to SEMS?			
8. Did your jurisdiction assign sub-functions in the EOC / DOC around the five SEMS functions?			
9. Did your jurisdiction use trained response personnel in the EOC / DOC?			
10. Did your jurisdiction use action plans in the EOC / DOC?			
11. Did field level personnel use action-planning processes?			
12. Did your jurisdiction coordinate with volunteer agencies?			
13. Did your jurisdiction request and receive Mutual Aid?			
14. Was Mutual Aid coordinated from the EOC / DOC			
15. Did your jurisdiction establish an inter-agency coordination group established at the EOC / DOC level?			
16. Did your jurisdiction conduct public alert and warning according to procedures?			
17. Did your jurisdiction coordinate public safety and incident information media?			
18. During your response, was there any part of SEMS that did not work for your agency? If so, how would (did) you change the system to meet your needs?			
19. As a result of your response, are any changes needed in your plans or procedures? Please provide a brief explanation:			
20. Identify any specific areas not covered in the current SEMS Approved Course of Instruction or SEMS Guidelines.			
21. Did your jurisdiction identify any issues for people with access and functional needs during sheltering, evacuation, alert and warning or access to assistance centers? If so, provide a brief explanation.			
22. Did your jurisdiction identify any issues during coordination with any Emergency Function (EF)? If so, provide a brief explanation including the EF number and the issue.			
23. Did your jurisdiction use volunteers during this incident or event? If so, please elaborate on the activities performed and any organizational affiliation if any.			

24. Did your jurisdiction establish shelters during this incident of event? If so, how many shelters?

25. Did your jurisdiction identify any issues during this incident of event regarding pets or livestock? Please elaborate what the issues were and what actions your jurisdiction took to resolve the issues.

26. Did your jurisdiction establish an assistance center?

**PART IV - NARRATIVE**

Use the space below to provide additional comments pertaining to Part III questions 18-26, or for any additional observations:

**FORM COMPLETED BY:**

\_\_\_\_\_(  
**Print Name)**

**BUSINESS PHONE:**

**YOUR AGENCY NAME:**

**REPORT DUE DATE:**

\_\_\_\_/\_\_\_\_/\_\_\_\_  
**DATE COMPLETED:**

\_\_\_\_/\_\_\_\_/\_\_\_\_

**OES USE ONLY**

**DATE RECEIVED:**  
\_\_\_\_/\_\_\_\_/\_\_\_\_

**RECEIVED BY:**  
\_\_\_\_\_



**PART V- RESPONSE SUMMARY**

**State and local agencies response activities chart**

The following chart summarizes the wide array of activities that local and state agencies/departments performed during the *(Name of Incident)*. It reflects the various mutual aid systems (fire and rescue, law enforcement, medical), as well as other state response capabilities.

Note: Agencies and organizations not required to provide specific information on personnel and equipment deployment. However, if available, include the information in the matrix. N/A= data not available, not submitted.

Agency/Dept.	Period of Commitment	Personnel	Equipment
<i>Name of State or Local Agency</i>			
<b>Activities:</b>			

Agency/Dept.	Period of Commitment	Personnel	Equipment
<i>Name of State or Local Agency</i>			
<b>Activities:</b>			

Agency/Dept.	Period of Commitment	Personnel	Equipment
<i>Name of State or Local Agency</i>			
<b>Activities:</b>			

**PART VI - RECOVERY SUMMARY**

**State and local  
agencies recovery  
activities chart**

<b>Agency/Dept.</b>	<b>Period of Commitment</b>	<b>Personnel</b>	<b>Equipment</b>
<i>Name of State or Local Agency</i>			
<b>Activities:</b>			

<b>Agency/Dept.</b>	<b>Period of Commitment</b>	<b>Personnel</b>	<b>Equipment</b>
<i>Name of State or Local Agency</i>			
<b>Activities:</b>			

<b>Agency/Dept.</b>	<b>Period of Commitment</b>	<b>Personnel</b>	<b>Equipment</b>
<i>Name of State or Local Agency</i>			
<b>Activities:</b>			

**BOARD ASSISTANCE TO PROMOTE ACTION**

Sediment Removal	
Debris Clearance	
Levee Maintenance	

**AFTER ACTION REPORT**

What Happened	
Expectations for Next Season	
RD Activities to Repair and Mitigate Flooding	

ATTACHMENTS  
III.C.1.

# Poseidon's environmental plan doesn't halt criticism of proposed desalination plant



The proposed Poseidon desalination facility would be built near this AES power plant in Huntington Beach. (File Photo)



By **Ben Brazil**

SEPTEMBER 21, 2017, 6:15 PM

**P**oseidon Water announced this week that its proposed ocean desalination plant in Huntington Beach would employ an environmental protection and energy efficiency plan. But that didn't halt criticism of the controversial facility.

Poseidon said the plan includes several tactics aimed at reducing the environmental footprint of the \$1-billion plant proposed at Newland Street and Pacific Coast Highway, including installing as many solar panels and purchasing as much "green" power as allowed by law.

"Poseidon is committed to powering, building and operating the Huntington Beach desalination facility in the most environmentally beneficial way possible — along with bringing significant economic benefits to the region and the state," Poseidon Water Vice President Scott Maloni said in a statement Wednesday. "We are

taking unprecedented steps to protect California's environment and ensure the project is 100% carbon-neutral and that it is the most energy-efficient large-scale desalination facility in the world."

The announcement came weeks before the California State Lands Commission considers approving an [environmental impact report](#) for the project on Oct. 19.

Ray Hiemstra, associate director of programs for Orange County Coastkeeper, a Costa Mesa-based environmental group, said Thursday that Poseidon's environmental and energy plans don't dissuade his group from opposing the plant.

Hiemstra said some of the provisions are beneficial, like using solar panels, but they aren't unique.

"It's not like they are doing something cutting-edge," Hiemstra said. "When it comes down to the areas where they could really make a difference, they are absent."

Specifically, Hiemstra said, the plant should use a subsurface intake system rather than the proposed open-ocean system. Hiemstra said Poseidon's system threatens small fish.

In 2015, a panel of experts chosen by the California Coastal Commission and Poseidon [determined a subsurface system to be infeasible](#).

Sunny Jiang, chairwoman of UC Irvine's Department of Civil & Environmental Engineering, said the plan shows Poseidon is working toward making the plant more environmentally sustainable. Research projects in her lab include investigation of seawater desalination biofouling (collection of marine organisms on equipment) and microbial water quality.

"I think they are trying to embrace the newest energy-reduction and environmentally friendly technology," Jiang said.

While noting the outcry from environmental groups and others throughout the plant's planning process, Jiang said it's important for the region to have a drought-proof system of procuring water.

She said the water may not be needed now due to the past year's rains, but it could be important in the future.

**[benjamin.brazil@latimes.com](mailto:benjamin.brazil@latimes.com)**

**Twitter: [@benbrazilpilot](https://twitter.com/benbrazilpilot)**

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**This article is related to:** [Environmental Science](#)

**BREAKING NEWS** The Latest: Teams to start searching for bodies after fires

Opinion



# Opinion: Stop this huge carbon emissions polluter—Delta islands farming



A boat on the Delta speeds past one of the islands where farming pollutes the air. (File photo)

By **JERRY MERAL** |

PUBLISHED: September 21, 2017 at 9:35 am | UPDATED: September 21, 2017 at 10:16 am

Sometimes the solution to a problem is staring us in the face. But we develop perspectives that blind us from seeing it.

Such is the case with the protracted debate over the sinking islands used for farming in the Sacramento-San Joaquin Delta and the related issue of how to protect the Delta and the state's water supplies from the inevitable failure of the levees that protect the islands.

Due to oxidation of the organic peat soils of the Delta, farming on the islands has been one of the largest single sources of carbon emissions in California. We need to open our eyes to an opportunity that climate change experts say can significantly reduce carbon emissions, protect water supplies, improve Delta sustainability, and help restore the Delta's fragile ecosystem.

It is well-documented that long-standing farming practices on the Delta islands generate massive concentrations of carbon dioxide that drive climate change. U.C. Davis geologist and Delta expert Dr. Jeffrey Mount has joked that 'if this was a smokestack, you'd regulate it'.

As farmers till the peat soils, the carbon in it combines with oxygen and is released as the greenhouse gas carbon dioxide. The result: an estimated 1 to 2 million tons of CO<sub>2</sub> released into the atmosphere every year. Eliminating these emissions would be the equivalent of removing 300,000 vehicles from California's roads.

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Sadly, farming on these sinking islands is unsustainable. Some of the Delta islands behind the more than 1,100 miles of levees are up to 30 feet below sea level and continue to sink every day.

Due to this land subsidence, early levee construction techniques and rising ocean levels, the levees are vulnerable to large earthquakes from faults that are close to the Delta. Like land subsidence, sea level rise may be slow-moving, but its consequences will be devastating. Sea level rise is happening faster than previously expected and could overwhelm the levees unless we act now.

This is urgent because if the ocean imperils the levees, it will be impossible to export water to the Bay Area, the Central Valley, and Southern California due to salty water in the Delta. The Delta is 20 percent of the entire state's water supply and up to 100 percent in some regions. Losing that supply is unimaginable.

The Delta Conservancy, the state agency created to help restore the Delta, recently won approval for a new carbon banking method that would allow selling carbon credits to help reduce the State's carbon emissions.

Delta island farmers could begin an inevitable transition of their land by ceasing harmful farming practices and, in accordance with the new standards, selling carbon capture and reduction in much the same way the forest industry has successfully accomplished.



If wetlands vegetation were planted and maintained, accumulation of organic material could begin to bring the islands back up towards sea level, improving ecosystem opportunities and reducing water supply risks.

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The benefit for taxpayers could come from a reduced need to continue to heavily subsidize levee maintenance for these private farms. Private sector purchases of carbon credits would reduce the State's need to spend money to meet our greenhouse gas emission reduction goals.

Experts estimate the payoff in annual carbon reductions from this strategy could be upwards of 5 to 6 tons of CO<sub>2</sub> per acre of farmland, or more than a million tons of carbon reduction per year for about 200,000 acres converted.

Let's help the Delta farmers help themselves, and help us all with early implementation of the new Delta carbon trading method.

*Jerry Meral directs the California water program of the Natural Heritage Institute and previously directed the state's Bay Delta Conservation Plan. He wrote this for The Mercury News.*



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**Jerry Meral**

 **BOOKMARK FOR LATER****MY BOOKMARKS** **How the tunnel project might affect Delta landowners** 2:43

LOCAL

## In 1939, the feds made a Central Valley water deal. It may doom the Delta tunnels.

BY DALE KASLER AND RYAN SABALOW  
*dkasler@sacbee.com*

**OCTOBER 02, 2017 4:00 AM**

Dam builders from President Franklin Roosevelt's administration wanted to bring water to the parched eastern half of the San Joaquin Valley, but first they had to deal with a cluster of landowners whose ancestors had been there since the 1800s.

The deal they cut in 1939 paved the way for much of the Central Valley Project, an engineering marvel that helped turn the Valley into one of the world's most productive farming regions.

It has also formed the basis, nearly 80 years later, of a major funding impasse that threatens to unravel California WaterFix – Gov. Jerry Brown's plan to build a pair of tunnels beneath the Sacramento-San Joaquin Delta to modernize the aging water

delivery system begun during Roosevelt's New Deal.

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The issue came to a head when the board of Westlands Water District, the largest of all the water agencies served by the Central Valley Project, voted Sept. 19 against paying for its share of the expected \$17.1 billion cost of the tunnels.

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The vote by Westlands, which represents hundreds of farmers in Fresno and Kings counties, left a multibillion-dollar hole in the construction budget for WaterFix, which is designed to improve water deliveries to farms and cities south of the Delta. WaterFix advocates have since floated the idea of a scaled-back, less-expensive version of the tunnels.

Westlands' decision was rooted in a cost-allocation formula imposed by the U.S. Bureau of Reclamation – a formula that has its origins in the 1939 deal and serves as a reminder of the convoluted nature of water distribution in California.

“This just comes with the territory to some degree,” said Jay Lund, director of UC Davis’ Center for Watershed Sciences.

In a nutshell, Reclamation’s formula effectively exempts a large group of water users who get their supplies from Friant Dam, the facility made possible by the Roosevelt-era agreement, from having to help pay for the Delta tunnels. This group includes the city of Fresno and a string of farm-irrigation districts stretching 150 miles south.

For Westlands and many other Central Valley Project customers, Reclamation’s system inflates their costs for participating in WaterFix by several billion dollars. Westlands said farmers’ water costs could quadruple, to more than \$600 an acre-foot, if the district jumped into the project.

“I don’t know that we can afford those numbers,” said Westlands director Todd Neves, a tomato and almond grower, as he prepared to cast his “no” vote. So far, not a single CVP contractor has committed to paying for WaterFix.

Reclamation operates its Central Valley Project alongside the State Water Project; both pump water out of the Delta to a variety of cities and farm districts in the San Joaquin Valley, Bay Area and Southern California. Brown’s administration says the tunnels would improve the Delta’s crumbling ecosystem while enabling the pumps to operate more reliably, increasing water deliveries to the two projects’ customers.

The idea has been that south-of-Delta water districts would pay for the tunnels, in amounts that correspond to the volume of water they get. Brown’s Department of Water Resources has said all State Water Project customers south of the Delta must pay, or find another state contractor to take their share.

For federal contractors, the Bureau of Reclamation has taken a different approach – to Westlands’ frustration. Although Reclamation has contributed millions to the planning process, the bureau says that because WaterFix hasn’t been authorized by Congress, it lacks legal standing to compel all of its south-of-Delta contractors to contribute. Participation is voluntary.

What’s more, Reclamation signaled to a major group of customers – the districts getting water out of Friant Dam – that their supplies are probably secure enough that they don’t need the tunnels.

With that assurance in mind, the Friant districts have said they’re probably willing to contribute only a small sum to WaterFix’s budget but not nearly a “full” share. Friant customers get at least 800,000 acre-feet of water a year from the Central Valley Project,

enough to nearly fill Folsom Lake to capacity, making them one of the largest customers of the Central Valley Project.

The funding dilemma can be traced directly to the 1939 agreement.

Two years after Congress authorized construction of the Central Valley Project, officials at Reclamation faced a problem. They wanted to build a dam on the San Joaquin River at Friant, just outside of Fresno, to deliver water to the east side of the valley. But they couldn't build Friant without first making peace with a group of downstream landowners descended from legendary California cattleman and land baron Henry Miller. These landowners had been farming along the San Joaquin since the 1800s, had some of the most ironclad water rights in the state and weren't eager to let Reclamation dam their river.

"There's a property right in water. Those users have to be negotiated with," said Jennifer Harder, a water-law expert at the University of the Pacific's McGeorge School of Law.

A deal was signed July 27, 1939. Under the "Contract for the Exchange of Waters," the landowners allowed the government to dam the river at Friant, creating the eastern branch of the Central Valley Project.

In return, the landowners, known as Exchange Contractors, were guaranteed 840,000 acre-feet of water a year, pumped out of the Delta from the Sacramento Valley. To this day, their water costs are shouldered by the Friant water districts.

The Exchange Contractors make no apologies for their special stature, noting that similar arrangements were made with senior water-rights holders in the Sacramento Valley to permit the construction of Shasta and Oroville dams.

"It's just the reality of the way the system was set up," said Cannon Michael, an Exchange Contractor in the Los Banos area and the great-great-great grandson of Henry Miller. "It was set up a long time ago and it's the way California water law came into play....People accept the water rights system for what it is."

The water rights system, though, has left the tunnels project with one less major group of customers to pay for it.

Not the Exchange Contractors - no one is arguing that these farmers, who've never had to pay for their Central Valley Project water, should now have to pitch in for the tunnels.

The Friant customers are another story.

For one thing, they've always paid their share of costs for the Central Valley Project, including the cost of water that's shipped from the Delta to the Exchange Contractors.

For another, even though they don't get water from the Delta – it all comes from the San Joaquin River, by way of Friant Dam – the Friant group depends on the Delta to operate smoothly. Why? Because if the Exchange Contractors don't get their full allotment from the Delta, they have the right to pull water away from the Friant districts. It's happened twice, during the drought years of 2014 and 2015.

Tom Birmingham, general manager at Westlands, said Friant's unusual status in the Central Valley Project should compel the Friant districts to pay for a full share of the Delta tunnels.

“That's consistent with Reclamation's historic practice,” Birmingham said.

Friant water users see it differently. True, their supplies get jeopardized if the Exchange Contractors get shorted. But they've been told by Reclamation that the tunnels probably aren't needed to make sure the Exchange Contractors get all they've been promised. So they're looking at making a modest investment in the tunnels, as a kind of insurance policy to ensure that the Delta pumps can operate more reliably.

“We have an interest in making sure that things get better in the Delta,” said Jason Phillips, chief executive of the Friant Water Authority. Friant's board of directors issued a statement Thursday saying “we are generally supportive” of WaterFix.

But Phillips said Friant's member agencies aren't willing to pay at anywhere near the level Westlands is suggesting.

“We're probably in the single digits of the percentage of the project,” Phillips said.

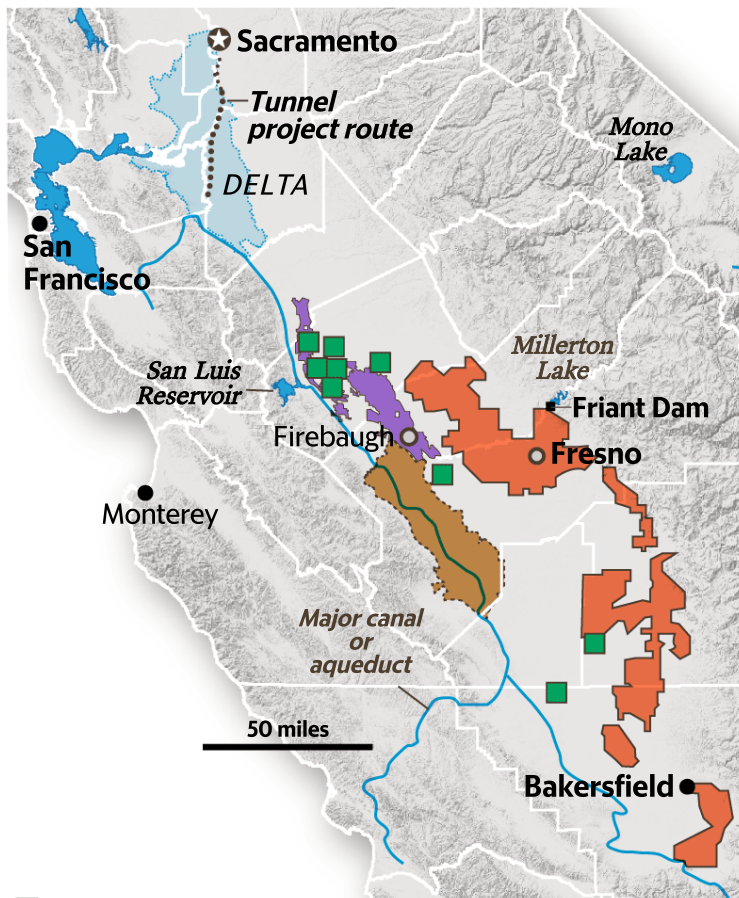
For now, Friant officials aren't in a rush to commit to WaterFix. In its statement of support for the tunnels, the Friant board said it's premature to say how much it will invest.

“Until we have certain key questions answered and are able to obtain a fuller grasp of how are member agencies could potential benefit, (Friant) is unable to make any additional determinations at this time,” the board said.

*Dale Kasler: 916-321-1066, @dakasler*

## THE GAP IN DELTA TUNNELS FUNDING

The Delta tunnels suffered a severe blow when Westlands Water District opted out, leaving a multibillion-dollar hole in the \$17 billion project. A customer of the federal Central Valley Project, the district objected to a funding plan developed by the Bureau of Reclamation that exempts some major CVP customers.



**Westlands Water District**  
 The largest Central Valley Project contractor, Westlands gets up to 1.2 million acre-feet of water annually from the Delta. It believed its contribution to the tunnels would total around \$3 billion. It opted out because Reclamation’s plan, exempting other agencies, could have ballooned Westlands’ costs to as much as \$6 billion.

**San Joaquin River Exchange Contractors Water Authority**  
 A cluster of farmers on the San Joaquin River, they hold special water rights dating to the 1800s. They’re guaranteed 840,000 acre-feet of water annually from the Delta and can take water from Friant Dam’s customers if their allocation falls short. Exchange Contractors don’t pay for their water and don’t have to pay for the tunnels.

**Friant Water Authority**  
 The authority consists of cities and farms that get at least 800,000 acre-feet of San Joaquin River water stored behind Friant Dam. It only has to worry about losing some of that if its downstream neighbors, the Exchange Contractors, don’t get their full allotment. Friant users don’t have to pay for the tunnels under Reclamation’s cost plan.

**Wildlife refuges**  
 A collection of nine refuges on the west side of the San Joaquin Valley, they’re guaranteed 271,000 acre-feet of Delta water by federal law, paid for by all Central Valley Project contractors up and down the state. Reclamation has decided against spreading the refuges’ share of the tunnels costs among all contractors.

Source: Sacramento Bee research by Dale Kasler

Sharon Okada | sokada@sacbee.com





Water pours out of Friant Dam near Fresno, the structure made possible by a 1939 agreement between President Franklin Roosevelt's administration and a group of landowners along the San Joaquin River. The agreement is at the heart of a funding impasse that might doom Gov. Jerry Brown's plan to build a pair of tunnels beneath the Delta. **John Walker** - Fresno Bee file

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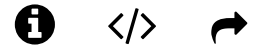
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 **BOOKMARK FOR LATER****MY BOOKMARKS** **How the tunnel project might affect Delta landowners** 2:43**DELTA NEWS**

## Delta tunnels consultant was paid millions, but auditor says the firm wasn't qualified

BY RYAN SABALOW AND DALE KASLER  
*rsabalow@sacbee.com*

**OCTOBER 05, 2017 10:44 AM**

The Delta tunnels project was just gaining steam, and a San Francisco engineering firm had outbid its competitors to win a \$60 million, seven-year state contract to help plan the project.

But officials at the California Department of Water Resources weren't happy with a manager that the company, URS Corp., had assigned to help oversee the planning process.

What the state did next was the focus of a highly critical state audit released Thursday. State Auditor Elaine Howle charged that DWR directed URS in 2009 to replace its employee with the president of a Sacramento consulting firm that lacked the qualifications to do the job, in what amounted to a no-bid multimillion-dollar contract that ran afoul of state contracting laws intended to ensure public dollars aren't being wasted on unqualified firms.

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A whistleblower cited in the audit raised questions about whether DWR – an agency in charge of overseeing billions of dollars of state water infrastructure as well as Gov. Jerry Brown’s \$17.1 billion tunnels project – is routinely giving sweetheart no-bid deals to contractors without vetting them.

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In a 97-page report on the tunnels planning process, Howle said the Sacramento company, Hallmark Group, was hired to work on the “conservation and conveyance” phase of the project. That phase has included evaluation of alternatives for rehabilitating the troubled Sacramento-San Joaquin Delta and planning for the chosen alternative: the Delta tunnels, which Brown’s administration says will improve water deliveries to south-of-Delta water agencies while improving the estuary’s ecosystem.

The \$17.1 billion tunnels are to be paid for by the south-of-Delta water agencies that would benefit from them, and the audit said DWR hasn’t used any state taxpayer funds to plan the project. Nevertheless, state contracting laws still apply.

Howle’s audit said Hallmark “does not appear to possess the technical credentials or experience on relevant projects.” Howle said Hallmark’s hiring violated a state law that requires state agencies “that are contracting for architectural and engineering services to select contractors

based on demonstrated competence and professional qualifications.”

State officials, however, said the audit misses the point of Hallmark’s work on California WaterFix, the official name of the project.

In a written response to Howle’s audit, DWR said Hallmark was perfectly qualified to do the work it was hired for: project management and cost control, not engineering work. “Within a year of being hired, Hallmark reduced staffing on the project by 40 percent, reduced monthly burn rate costs by 44 percent and within two years costs were reduced by 65 percent,” DWR said.

DWR said it complied with all state laws in contracting with Hallmark.

Hallmark president Charles “Chuck” Gardner Jr. wasn’t available for comment Thursday, but the firm issued a statement saying it’s “rightfully proud to play a significant role on the California WaterFix team, helping complete what by many accounts is one of the most complicated planning processes ever undertaken.”

A biography Gardner submitted to the state says he is an economist with more than three decades of experience in program management, organizational leadership and strategic planning. On Hallmark’s website, he describes himself as a “project-turnaround specialist,” whose accomplishments include overseeing the development of the UC Merced campus in the early 2000s.

Lester Snow, who was DWR’s director when Hallmark was brought in, said in an interview Thursday that Gardner’s lack of engineering credentials were irrelevant because his firm was hired to manage expenses, not oversee design of the project.

Hallmark’s work “did not include designing tunnels,” Snow said. “It was about cost control.”

The general manager of the Metropolitan Water District of Southern California, one of the leading advocates for the tunnels, said he insisted that DWR bring someone in to bring order to a chaotic process. Water districts “had spent \$150 million, we had consultants all over the map ... with no cost containment, no management,” said general manager Jeff Kightlinger.

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Kightlinger said Gardner “has done a good job.”

Hallmark eventually got its own no-bid contract, separate from URS, earning the company at least \$13.8 million since being brought into the tunnels planning, according to the audit. A total of \$280 million has been spent planning the tunnels.

However, the audit said Hallmark’s hiring may have contributed to rising costs. The audit said “Hallmark has had to subcontract many of the program management functions, and DWR is generally paying a markup of 5 percent.”

The hiring of a subcontractor without going through the normal vetting and bidding process is quite common, according to a DWR whistleblower whose emails were included in Howle’s audit.

“No pesky (request for qualifications), no (statement of qualifications), no review, no silly determining if the new folks are actually the most qualified, no allowing other firms to apply for the work, no following the code,” the DWR employee said, according to the audit. “The practice has become so prevalent, we’re actually starting to address it in our additional payment provisions where we allow a higher markup on (subcontractors) we direct the contractor to add. This looks surprisingly like a bribe to keep them quiet.”

Howle’s audit comes at a critical time for the tunnels, which Gov. Jerry Brown’s administration says will improve water deliveries south of the Sacramento-San Joaquin Delta. The Westlands Water District, serving farmers in Fresno and Kings counties, last month voted against participating in the project, leaving a multibillion-dollar funding gap. Trying to keep the tunnels alive, the Metropolitan Water District of Southern California is expected to commit to a share of the project when its board votes next Tuesday.

Critics of the tunnels project said Hallmark's hiring shows significant flaws in WaterFix. DWR chose a firm with "absolutely no experience in running a very large engineering project, or running a large water project," said Patricia Schifferle, a Truckee environmental consultant and WaterFix opponent.

The audit said DWR brought in Hallmark based on recommendations from top officials at Metropolitan and Westlands, two of the largest south-of-Delta water agencies in the state.

"Nonetheless, DWR was unable to provide us with documentation of any assessments or with any other records supporting the selection of Hallmark," the audit said.

Howle's audit also criticized DWR for not completing an economic analysis of the tunnels project. Although the department released a draft economic analysis last year, Howle said a final analysis "is critical in determining whether water contractors are willing and able to pay for the construction" of the tunnels.

In a written response to Howle's report, DWR said an economic analysis isn't needed until it's clear which south-of-Delta agencies will commit to the project. A DWR consultant "has already provided a wide range of financing options to water contractor governing boards as tools to enable each contractor to determine what financing option would best work for them," DWR said in its response. "To date, we have received no requests for additional information."

Barbara Barrigan-Parrilla of Restore the Delta, an anti-tunnels group, said the audit shows that the state is following a "completely backwards" process of trying to persuade water customers to pay for the tunnels before even finishing its financial analysis of the project.

*Ryan Sabalow: 916-321-1264, @ryansabalow*

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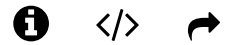
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 **BOOKMARK FOR LATER****MY BOOKMARKS** **Why Southern California reluctantly backed the State Water Project** 1:57**DELTA NEWS**

## Once again, Southern California could make or break a major California water project

**BY DALE KASLER AND RYAN SABALOW**  
*dkasler@sacbee.com*

**OCTOBER 09, 2017 3:59 AM**

In 1960, the water barons of Los Angeles stood between Gov. Pat Brown and his dream of building a network of dams and canals to make the southern half of California bloom. He beat them – just barely, after weeks of public arm-twisting – and the State Water Project was born.

Now Brown's son, the current Gov. Jerry Brown, is calling on Southern California to support another massive water project – the Delta tunnels, a controversial plan aimed at fixing the system his father helped build. The difference this time is that Southern California has become heavily reliant on the State Water Project, is a leading advocate for the tunnels, and could be the lifesaver that keeps the younger Brown's troubled project from utterly collapsing.

On Tuesday, the board of the powerful Metropolitan Water District of Southern California will decide whether to commit billions of dollars to construction of the Delta tunnels. If Metropolitan votes in favor of the tunnels, as expected, it would provide a desperately needed boost for a project that's hanging by a thread, following a resounding rejection last month by another major water agency, the Westlands Water District.

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Metropolitan would provide about a quarter of the funding for the \$17.1 billion project, so by itself a “yes” vote from the Southern California agency wouldn’t be enough to save the tunnels. But it would keep the process alive and give Brown’s administration some breathing room to develop an alternative plan if Westlands doesn’t change its mind. Conversely, a “no” vote from Metropolitan would almost certainly doom the project.

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California WaterFix, as the project is officially known, can’t advance “until we at least know a baseline of who’s in and who’s out,” said Metropolitan general manager Jeff Kightlinger, an outspoken proponent of the tunnels. Two other major agencies are expected to vote on WaterFix in the days after Metropolitan: the Kern County Water Agency and Santa Clara Valley Water District.

In a sense, Kightlinger is banking on history repeating itself. Metropolitan’s board rejected Pat Brown’s State Water Project four times in 1960 before reversing course. He’s hoping that in 2017 Westlands, which provides irrigation water for a half-million acres of farmland in the San Joaquin Valley, will reconsider and support the tunnels. The farmers who control Westlands like the concept but voted against WaterFix because they said the price was too high, largely because of a cost-allocation formula imposed by the U.S. Bureau of Reclamation.

“It was the right thing (in 1960) for Met to get to ‘yes,’” Kightlinger said. “It was the right thing for California and Southern California. It would be the right thing for Westlands to get to ‘yes.’”

California already had a major water project when Pat Brown took office in 1959. But the federal government's Central Valley Project, launched during the 1930s, reached only about halfway down the San Joaquin Valley. Brown believed California's long-term prosperity depended on bringing Northern California's river water to the farmers of Kern County and the vast urban territory of Southern California. Because the northern end of the system would consist of a new dam at Oroville, he originally called it the Feather River Project.

A \$1.75 billion bond issue breezed through the Legislature and was placed on the November 1960 ballot for voter approval. But Brown knew it wouldn't win without heavy turnout from Southern California. And he was unlikely to get voter support from the south state unless the project first secured a contract to sell water to Metropolitan, the massive wholesale agency that served 7.5 million customers at the time, from San Diego to Riverside.

Getting the green light from Metropolitan proved extremely difficult.

Metropolitan had more than enough water back then. There were ample supplies from the Colorado River Aqueduct, and the city of Los Angeles was also fed by water imported from the Owens Valley. Metropolitan was leery of signing a contract committing itself to purchasing water from Brown's project.

"They thought their water supply was secure, and they (didn't think) they would need State Water Project water," said Tim Quinn, a former deputy general manager at Metropolitan.

The agency also had legal concerns: Metropolitan feared that importing a generous new supply from the Sacramento Valley might weaken its argument in a pending court fight with Arizona and other Southwestern states over the allocation of water from the Colorado River.

There was also the issue of money. Metropolitan's 74-year-old board chairman, Joseph Jensen, thought Brown's plan was too expensive – and was structured in a way to subsidize the Kern County farmers and make Metropolitan pay more than it should have. Metropolitan's share of the costs exceeded \$800 million, or \$6.7 billion in today's dollars.

"Metropolitan was simply ... suckered into paying for the development of water for other parts of the state which are not a part of Metropolitan Water District," Jensen said in a 1970 interview conducted by the UCLA Library Center for Oral History Research.

Above all, it was a power struggle. Metropolitan wanted authority over how the water would get delivered through its territory. Brown refused to yield.

"They wanted to control the water in Southern California," Brown said years later, in an oral history interview conducted by UC Berkeley's Bancroft Library. "As a matter of fact, they wanted to control the water in California."

What ensued was an extraordinary spell of public feuding in the run-up to the 1960 election. Addressing a Sept. 14 Metropolitan board meeting, Brown pounded the table and told directors they were ignoring the will of the people. "You've been on a high horse," the governor said.

Jensen accused Brown of employing scare tactics about water shortages – and suggested that if Metropolitan needed more water, it could build its own aqueduct to bring supplies from the Eel River, off the North Coast.



On Oct. 4, the board voted to refuse to purchase water from the Feather River Project, and fired off a telegram to Brown saying his plan was “wholly unacceptable” and “neither fair, just or equitable” to Southern Californians. Brown shot back the next day with a letter warning Metropolitan about the consequences of not falling in line.

“It is your right to refuse, but if you exercise that right, I think should be conscious that you are risking responsibility for a long and crippling delay in bringing urgently needed new supplies of water into Southern California – and just as urgently needed flood control to Northern California,” he wrote.

Splitting his time between two causes – the water bond and Democratic presidential candidate John F. Kennedy – the governor campaigned furiously through the fall. Three more times, the Metropolitan board rejected the water project, but its resolve was crumbling. Brown pointedly lined up support from Los Angeles’ mayor and the region’s business community.

Finally, on Nov. 1, just a week before the election, the Metropolitan board caved in and voted for the project, despite Jensen’s objections.

“We really shoved it down Metropolitan’s throat because they had to have water, and we were the bosses,” Brown boasted to the UC Berkeley interviewer.

Brown went to Los Angeles a few days later to sign the agreement with Metropolitan. Jensen was a no-show at the ceremony. When Election Day arrived Nov. 8, he voted against the water bond, just as he had at the board meetings. But with Metropolitan’s support, the bond passed by a scant 173,944 votes, out of 5.8 million ballots cast.

In the decades since, Metropolitan’s reluctant endorsement for the State Water Project has become a warm embrace. The major reason is that other water sources have faltered. A landmark 1994 victory for environmentalists cost Los Angeles half of its Owens Valley water, and less than ten years later Metropolitan had to surrender a significant portion of its Colorado River supply to California’s neighbors. The agency’s customer base has nearly tripled since 1960, to more than 19 million.

“Instead of having a soft landing on the cutback on Colorado River surplus water, they had to take a hard landing,” said Tim Brick, who was Metropolitan’s chairman from 2006 to 2010. “That really changed Metropolitan’s attitude.”

Another jolt came from a 2007 federal court case in Fresno. Judge Oliver Wanger, in a pair of historic rulings aimed at saving the endangered Delta smelt, ordered a substantial reduction in the amount of water that could be pumped out of the Delta. It was a wake-up call for water agencies south of the Delta.

“It was like, this really doesn’t work any more, we’re in a downward spiral,” Kightlinger said.

Kightlinger said the Wanger rulings focused Metropolitan’s attention on finding a way to repair the Delta. The answer, he said, lies in the tunnels – a \$17.1 billion project that Brown’s administration says will improve water flows through the Delta, protect fish from the perils of the pumping stations, and enable the pumps to deliver water to the southern half of the state more reliably. Opponents say WaterFix will actually worsen the estuary’s ecosystem.

Few water agencies have advocated for WaterFix as enthusiastically as Metropolitan. Besides contributing more than \$58 million toward project planning, last year it spent \$175 million to buy five islands in the Delta to use as possible staging grounds for tunnels construction.

But with the board vote approaching, pockets of opposition, or at least skepticism, still exist within the sprawling water district.

Michael Hogan, a board member from the San Diego area, said he and other board members from San Diego think Metropolitan’s staff hasn’t answered all their questions about “what the risk and what the benefit is.” Mark Gold, a board member representing Los Angeles, said he and other L.A. directors aren’t sold on WaterFix in part because the city has a directive to reduce its reliance on imported water and create more local sources. Metropolitan’s board uses a “weighted” voting system, and the Los Angeles and San Diego contingents control a combined 37 percent share of the voting board.

The younger Gov. Brown met informally with several Metropolitan board members Thursday to urge acceptance of the tunnels project. Kightlinger said he thinks the board will agree to fund its share of WaterFix, but the vote could be close.

“I still have a lot of board members deeply concerned about the costs of this, the financing plan, whether or not we’re still subsidizing agriculture,” Kightlinger said. “The concerns are very reminiscent of where we were in 1960. ... It’s not a slam dunk.”

*Dale Kasler: 916-321-1066, @dakasler*



Former Gov. Pat Brown and his son, Gov. Jerry Brown, at a 1981 ceremony during Jerry Brown’s first stint as governor. Pat Brown fought with Southern California’s water agency over construction of the State Water Project. Jerry Brown needs Southern California’s support to keep the Delta tunnels project alive. **Michael Williamson** - Sacramento Bee file

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**Eric Garcetti still mulling run for governor** 1:03



### Capitol Alert

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CAPITOL ALERT

# Los Angeles mayor on Jerry Brown's tunnels plan: Just build one

BY CHRISTOPHER CADELAGO  
[ccadelago@sacbee.com](mailto:ccadelago@sacbee.com)

OCTOBER 10, 2017 1:44 PM

Los Angeles Mayor Eric Garcetti came out Tuesday against Gov. Jerry Brown's twin Delta tunnels project to carry water southward, saying he preferred just one tunnel.

Speaking at the Sacramento Press Club, the Democrat said he told the governor that he was taking the “Jerry Brown approach,” meaning making the correct, not the expedient, policy decision.

Garcetti said he worried that under Brown’s plan Los Angeles ratepayers would be burdened with a disproportionate share of the infrastructure costs, “And I think that’s unfair,” he said. “Secondly, I want to make sure that there are environmental protections that are much more aggressive,” he added.

ADVERTISING



Garcetti announced his position on the controversial, nearly \$17 billion project just ahead of a crucial vote by the Metropolitan Water District of Southern California.

The mayor, who is hosting a fundraiser for U.S. Sen. Dianne Feinstein Tuesday in Beverly Hills, signaled to ambitious Democrats considering a challenge that they should stand down in her re-election. He criticized the focus from the progressive left on finding an opponent for Feinstein as “ripped from the corrosive playbook of our enemies.”

He said Democrats should instead keep the focus on seven vulnerable House Republicans that will be key to the party’s efforts to retaking the House in 2018. Among those weighing a challenge to Feinstein is Senate President Pro Tem Kevin de León, another Los Angeles Democrat.

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Garcetti, who has not ruled out a run for governor next year, suggesting that the polls “are crystal clear that it’s open,” also denounced the Hollywood mogul Harvey Weinstein after several women alleged he sexually assaulted them. He redirected a donation Weinstein had made to the Downtown Women’s Center in Los Angeles.

“I hope more women feel empowered to speak out,” Garcetti said, adding that for all it’s progressive credentials Hollywood has not been a bastion of woman’s empowerment.

*Christopher Cadelago: 916-326-5538, @ccadelago*

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## Dams in California

► **Dams play a crucial role in California's water management.**

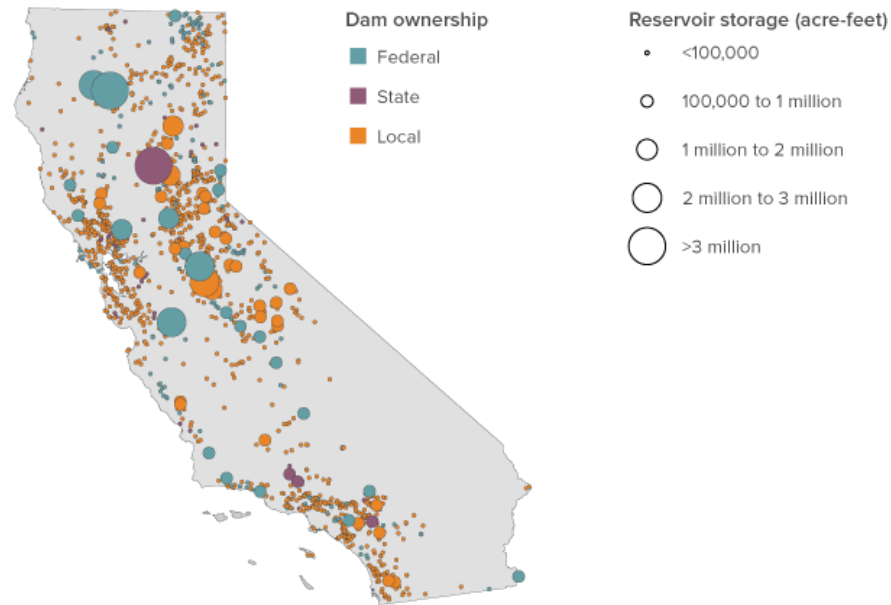
California relies heavily on nearly 1,500 reservoirs for managing water supply. The state's dry summers and frequent droughts require abundant storage to meet water demands. In an average year, roughly 70% of the water used by cities and farms comes from rivers, and dams play a key role in regulating this supply. Most dams and their reservoirs are owned and operated by local agencies and private companies. But state and federal agencies manage 240 large reservoirs that account for 60% of the state's storage capacity.

► **Dams are operated to meet multiple objectives ...**

The state's dams provide multiple benefits in addition to storing water for cities and farms. Dams generate 15% of the state's electricity supply on average. Some are operated to capture runoff from winter storms, reducing flood risk on the state's large floodplains—this is essential for cities in the Central Valley and Southern California. Dams support a large reservoir-based recreation industry. And in California's highly managed water system, flow releases from dams are essential to meeting the habitat needs of fish and wildlife.



## Dams vary in size and ownership



SOURCE: US Army Corps of Engineers National Inventory of Dams.

NOTE: Local dams include those operated by local agencies and private companies, such as power utilities.

### ► ... but these objectives are often in conflict.

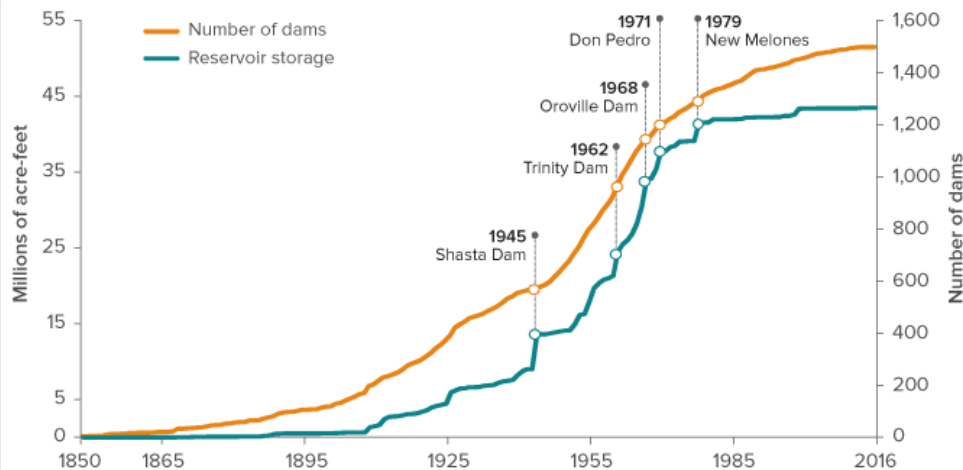
Many large multipurpose dams are operated with conflicting goals. For example, to manage floods, operators must release enough water to create space in reservoirs for winter floodwaters, which increases the chances that reservoirs will not be full in spring. Over the summer, when recreation demands are highest, reservoirs are drawn down rapidly to meet water and hydropower demands. Finally, many dams are required to conserve and slowly release cold water—which collects at the bottom of reservoirs—to support downstream salmon and steelhead habitat. Managing these trade-offs is becoming increasingly challenging as California's climate warms and precipitation becomes more variable.

### ► Many dams need infrastructure and operational upgrades.

Half of California's dams are at least 50 years old. Most dams were designed—and are currently operated—based on simplistic assumptions about hydrology and earthquakes. More than 90 need major upgrades to better handle large floods or withstand earthquakes. Dam operations also need to be updated to work with

improved weather forecasting technology and account for a changing climate. The 2017 Oroville Dam crisis—which led to the evacuation of nearly 200,000 downstream residents—highlighted many of these issues.

### Most of California's dams were built in the mid-20th century



SOURCES: US Army Corps of Engineers National Inventory of Dams, California Department of Water Resources California Data Exchange Reservoir Information.

NOTES: Figure does not include 86 dams for which the year of construction is unknown. The five largest dams in the state are listed by name. The number of dams includes main reservoir dams, but also spillways, dikes and other auxiliary dams.

- ▶ **New dams can improve flexibility, but costs are high.** Increased surface storage would improve supply reliability in some regions and allow greater flexibility in operations. State bond funding is available to help pay for more storage, and there are many proposals to build new dams or expand existing facilities. But California already has dams at the best locations and new dams will be costly to build and operate. The state also has opportunities to increase storage in its groundwater basins, in some cases at relatively low cost. Coordinating surface and groundwater operations—principally by moving water out of reservoirs and into aquifers during wet periods—can increase the total amount of water stored.
- ▶ **Some dams are ripe for removal.** Reasons to remove a dam include high environmental costs, earthquake safety hazards, and reduced benefits—for instance, when reservoirs fill with sediment, they lose their capacity to store

water. Over the past 30 years, 36 small dams have been removed in California. The 2015 breaching of San Clemente Dam on the Carmel River was the largest dam removal in state history. Several other large dams have been targeted for removal, including Matilija Dam in Southern California and four aging hydropower dams on the Klamath River in Northern California.

Sources: US Army Corps of Engineers (National Inventory of Dams); California Department of Water Resources (Listing of Dams, Dam Removals, California Water Plan Update 2013, California Data Exchange Reservoir Information); California Energy Commission (Energy Almanac).

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## AUTHORS



Alvar Escrivá-Bou  
Research Fellow



Jeffrey Mount  
Senior Fellow



Jelena Jezdimirovic  
Research Associate

# ATTACHMENTS IV.



We've made some changes to [EPA.gov](http://EPA.gov). If the information you are looking for is not here, you may be able to find it on the EPA Web Archive or the January 19, 2017 Web Snapshot.



## Outreach Meetings

On this page:

- [Schedule of Public Meetings](#)
- [Small Entities In-Person Meeting](#)
- [Submitting Recommendations](#)

The Environmental Protection Agency (EPA) and the U.S. Department of the Army (the agencies) will hold ten teleconferences to hear from stakeholders their recommendations to revise the definition of “Waters of the United States” under the Clean Water Act (CWA). Nine of the teleconferences will be tailored to a specific sector, i.e., agriculture (row crop, livestock, silviculture); conservation (hunters and anglers); small entities (small businesses, small organizations, small jurisdictions); construction and transportation; environment and public advocacy (including health and environmental justice); mining; industry (energy, chemical, oil/gas); scientific organizations and academia; and stormwater, wastewater management, and drinking water agencies. One of the teleconferences will be open to the general public at large.

The teleconferences will run throughout the fall on Tuesdays from 1:00 pm – 3:00 pm Eastern Time, beginning on September 19, 2017. In addition, the agencies will hold an in-person meeting with small entities on October 23, 2017 from 9:00 am – 11:00 am Eastern Time.

- [Read the press release](#)
- [Read the \*Federal Register\* notice - "Definition of 'Waters of the United States' - Schedule of Public Meetings"](#)
- [View the agencies' presentations from past listening session](#)

## Schedule of Public Meetings

The teleconferences, as scheduled below, are intended to solicit recommendations for the [Step 2](#) rulemaking to define “waters of the United States.” During the upcoming teleconferences, EPA will provide brief background information on the Step 2 rulemaking and progress to date. Stakeholders will have the opportunity to provide input, particularly with regard to the charge in the [Executive Order](#).

Persons or organizations wishing to provide verbal recommendations during the teleconference will be selected on a first-come, first-serve basis. Due to the expected volume of participants, individuals will be asked to limit their oral presentation to three minutes. Supporting materials and feedback from those who

did not have an opportunity to speak can be submitted to [Docket ID No. EPA-HQ-OW-2017-0480](#), at <http://www.regulations.gov>. **The agencies will not be formally responding to verbal or written recommendations.**

### **Small Entities (small businesses, small organizations, small governmental jurisdictions)**

Tuesday, September 19, 2017 - 1:00-3:00 pm Eastern  
[Presentation](#)

### **Environment and Public Advocacy (including health, environmental justice)**

Tuesday, September 26, 2017 - 1:00-3:00 pm Eastern  
[Presentation](#)

### **Conservation (hunters, anglers)**

Tuesday, October 3, 2017 - 1:00-3:00 pm Eastern  
[Presentation](#)

### **Construction and Transportation**

Tuesday, October 10, 2017 - 1:00-3:00 pm Eastern  
[Presentation](#)

### **Agriculture (row crop, livestock, silviculture)**

Tuesday, October 17, 2017 - 1:00-3:00 pm Eastern  
[Register here](#) - Registration closes on Monday, October 16, 2017 at 9 am Eastern.  
Speaker slots are full EXIT

### **Industry (energy, chemical, oil/gas)**

Tuesday, October 24, 2017 - 1:00-3:00 pm Eastern  
[Register here](#) - Registration closes on Monday, October 23, 2017 at 9 am Eastern  
EXIT

### **Mining**

Tuesday, October 31, 2017 - 1:00-3:00 pm Eastern  
[Register here](#) - Registration closes on Monday, October 30, 2017 at 9 am Eastern  
EXIT

### **Scientific Organizations and Academia**

Tuesday, November 7, 2017 - 1:00-3:00 pm Eastern

[Register here](#) - Registration closes on Monday, November 6, 2017 at 9 am Eastern EXIT

## **Stormwater, Wastewater Management, and Drinking Water Agencies**

Tuesday, November 14, 2017 - 1:00-3:00 pm Eastern

[Register here](#) - Registration closes on Monday, November 13, 2017 at 9 am Eastern EXIT

## **General Public**

Tuesday, November 21, 2017 - 1:00-3:00 pm Eastern

[Register here](#) - Registration closes on Monday, November 20, 2017 at 9 am Eastern EXIT

## **Small Entities In-Person Meeting**

Monday, October 23, 2017, from 9:00 to 11:00 am Eastern

U.S. EPA's Headquarters located at 1200 Pennsylvania Avenue NW, Washington, DC 20003.

To facilitate the building security process, and to request reasonable accommodation, those who wish to attend must contact Joan B. Rogers, EPA Small Business Ombudsman (202-564-6568 or [rogers.joanb@epa.gov](mailto:rogers.joanb@epa.gov)). RSVPs will be accepted until Friday, October 13, 2017, or until room capacity has been reached (100 max), whichever occurs first.

## **Submitting Recommendations**

EPA has established a docket to be included in the administrative record of the regulation revising the definition of "Waters of the United States" under the Clean Water Act. Follow the online instructions for submitting recommendations. Once submitted, your submission cannot be edited or removed from [Regulations.gov](http://www.regulations.gov). The agencies may publish any submission received to the public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

- **Written recommendations must be received on or before November 28, 2017.** Submit your recommendations, identified by [Docket ID No. EPA-HQ-OW-2017-0480](#), to <http://www.regulations.gov>. Please note that this docket is separate from the docket for the Step 1 proposed rulemaking to re-codify the pre-existing regulations, which closed on September 27, 2017. Click [here](#) for information on the Step 1 rulemaking.



## Commentary: Farmers seek clarity in rewrite of WOTUS rule

Issue Date: [October 4, 2017](#)

By Kari Fisher



Kari Fisher



As the administration looks to rewrite rules governing “waters of the United States,” farm organizations seek regulations that protect water quality without allowing federal agencies to regulate puddles in farm fields.  
Photo/Ching Lee



The ongoing confusion continues over what is a "water of the U.S." and about which waters can be regulated under the federal Clean Water Act, with farmers and ranchers hoping this current administration's actions will bring much-needed clarity and certainty.

On June 27, the U.S. Environmental Protection Agency, Department of Army and Army Corps of Engineers published a proposed rule to withdraw the 2015 waters of the U.S. rule, otherwise known as the WOTUS rule. That marked the first step in a comprehensive, two-step process intended to review and revise the definition of "waters of the United States."

Comments on the first step were due on Sept. 27 and, at the deadline for public comments, there were 192,586 comments on the proposed repeal posted on the Federal Register, with that tally expected to rise as additional letters were counted.

Specifically, the first step proposes to rescind the 2015 WOTUS rule and its definition of "waters of the U.S." Additionally, it will recodify the pre-existing rules regarding what "waters of the U.S." would fall under the jurisdiction of the Clean Water Act. Recodification means the agencies would apply the definition of "waters of the U.S." as it is currently being implemented, meaning the current legal regime under which the agencies are operating consistent with U.S. Supreme Court decisions, the regulatory text and guidance documents that existed prior to the 2015 WOTUS rule. As you may recall, the 2015 rule has not taken effect because the 6th U.S. Circuit Court of Appeals issued a nationwide stay in October 2015.

The new administration's proposed recodification of pre-existing rules and regulations that existed before the 2015 rule will provide continuity and certainty for regulated people and entities, such as farmers and ranchers, states, agency staff and the public.

The 2015 WOTUS rule attempted to clarify which wetlands and waterways are covered by the Clean Water Act. For farmers and ranchers, however, the 2015 rule provided no clarity or certainty. Instead, through vague and overly broad definitions of terms such as "tributary," "adjacent" and "significant nexus," the 2015 rule made it extremely difficult for a farmer or rancher to know whether a federal regulator would ultimately determine water features on his or her farm to be covered by the act. Additionally, the 2015 rule has the potential to create unnecessary regulatory burdens for farmers, ranchers and others who depend on their ability to work the land. It would also require additional federal permits and increase costs for farmers, ranchers and others.

The second step of the new administration's proposed rule will consist of the agencies going back to the drawing board to develop a WOTUS definition that protects water quality without asserting federal regulatory power over puddles in farm fields.

Specifically, the agencies will pursue a notice-and-comment rulemaking in which they will conduct a substantive re-evaluation of the definition of "waters of the U.S." Farmers and ranchers are urging the agencies to move quickly to reissue a proposed new definition that is supported by and consistent with the text of the Clean Water Act, Supreme Court precedent, constitutional limits, and the balance of federal and states' rights with the responsibilities that Congress intended.

It is anticipated that the agencies will release a draft rulemaking in early 2018 in which a new WOTUS definition will be proposed. Be on the lookout for Farm Team alerts and information from CFBF regarding the new WOTUS definition and public comment periods.

Prior to the release of the new WOTUS definition and rulemaking, EPA and the Army Corps have been holding teleconferences to hear from stakeholders on their recommendations to revise the definition of "waters of the U.S." The weekly teleconferences started last month and will run through Nov. 21.

The session focusing on agriculture will be held Oct. 17, from 10 a.m. to noon, Pacific time. Registration for the webinar will close Oct. 10. Information and registration information for this and other webinars may be found on the EPA website at [www.epa.gov/wotus-rule/outreach-meetings](http://www.epa.gov/wotus-rule/outreach-meetings).

Repealing the 2015 WOTUS rule has been a priority for Farm Bureau and other agricultural organizations. We believe farmers and ranchers to be responsible stewards of the land and natural resources in their care, and that government regulations should encourage partnerships that enhance the environment while allowing the greatest flexibility of land use.

We encourage you to participate in the upcoming WOTUS webinars and to stay active and involved as the administration moves forward with its updated rulemaking.

(Kari Fisher is an associate counsel for the California Farm Bureau Federation. She may be contacted at [kfisher@cfbf.com](mailto:kfisher@cfbf.com).)

Read the full [CFBF comments](#) on the definition of "waters of the United States."

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