

February 6, 2020

The Honorable Governor Gavin Newsom
1303 10th Street, Suite 1173
Sacramento, CA 95814

Submitted via email to: input@waterresilience.ca.gov

Dear Governor Newsom:

Thank you for this opportunity to comment on the draft Water Resilience Portfolio (draft Portfolio) issued in January 2020. California's current water use practices are unsustainable, as evidenced by unacceptable drinking and environmental water quality, declining fisheries, endangered aquatic species, and extreme land subsidence in numerous areas of the state. As your April 29 Executive Order (N-10-19) makes clear, California needs a comprehensive and progressive statewide plan for sustainable water use. Our organizations contributed many recommendations to the portfolio planning process in the belief that California must invest in water efficiency, demand reduction, and maintenance of the current water system before considering construction of new, expensive, and outdated water management facilities. We appreciate that several of our proposals have been incorporated into the draft Portfolio.

Unfortunately, the draft Portfolio fails to define key goals and objectives, fails to prioritize proposed actions, and fails to set timelines for implementation of many of its most promising ideas. As we wrote in our July 2, 2019 letter, "the Water Portfolio must be more than a list of ideas and projects to improve water use efficiency, storage, and transport". Unfortunately, the draft Portfolio is a list, not a roadmap for sustainability that the state desperately needs. Because it fails to define its central objectives with any specificity, the draft Portfolio does not establish the foundation for the human right of access to safe drinking water or the environment's right to adequate water supplies. The draft Portfolio tilts strongly toward generation of new water supplies and gives much less attention to elements that reduce demand and increase water use efficiency. And, because the draft Portfolio fails to link the water saved or generated through its action elements to its highest priorities -- the human and environmental rights to water -- there is no guarantee that any of the actions will increase the sustainability or resilience of the state's economy.

The draft Portfolio's call to streamline the permitting process of new dams, a Delta conveyance, and other supply-side "fixes" is unacceptable and emblematic of the failure to plan for a sustainable water future. The Portfolio should be used to determine whether the need for such facilities remains after efficiency and other demand reduction opportunities have been pursued vigorously. If demand for such projects remains after California implements a full suite of efficiency and demand reduction initiatives (i.e., the water Portfolio), then we will have much more sober analysis of the size and operational rules for these new projects.

Below, we describe important modifications to the draft Portfolio that will provide much needed guidance to, and structure for, water sustainability efforts across the state.

The final Portfolio must include specific, measurable, and time-bound targets for increasing water supply for aquatic ecosystems and the access to clean water for human communities, especially those that are economically disadvantaged. At a minimum, the Portfolio should identify processes for developing such targets and timelines.

The final Portfolio must provide the framework and specific actions that will allow California to live within its means. As described in our recommendation to *“Adopt and Implement a Decision-Making Framework for Prioritizing Actions in the California Water Resilience Portfolio¹”* and in our July 2, 2019 letter, the Portfolio must articulate specific, measurable, and time-bound targets for:

- 1) guaranteeing safe and affordable clean drinking water for all Californians; and
- 2) protecting and restoring healthy rivers and the public benefits that they provide.

In order to describe how the state plans to achieve water use sustainability, the Portfolio must describe how much water will be needed (and where) to accomplish these two goals and by when the goals will be attained. The Portfolio needs to articulate what volumes of water are needed to restore the aquatic ecosystems and human health and safety, and then determine what actions are necessary to allow us to live within those boundaries.

For example, we appreciate that the draft Portfolio identifies completion of the State Water Resources Control Board’s long-overdue updates to the Bay-Delta Water Quality Control Plan as an essential element of the portfolio (draft Portfolio element 18.1)². If these updates are based in the best available science, as we expect they will be, then the revised water quality standards for the Bay-Delta will define time-bound targets for environmental water supply in this watershed. Definition of how much water is needed (and when and where it is needed) will allow evaluation and prioritization of Portfolio elements based on their contribution to the goal of a healthy Bay-Delta watershed, their cost, and the speed with which they can be implemented.

¹ Submitted to the Governor’s Water Portfolio planning process in September 2019.

² We specifically appreciate that the draft Portfolio acknowledges that voluntary agreements are one of several potential implementation vehicles for updated Bay-Delta water quality standards

However, the draft Portfolio does not identify targets needed to restore watershed health elsewhere in the state³. Similarly, the draft Portfolio fails to establish targets for clean, reliable drinking water supplies for economically disadvantaged communities. Neither does it define important terms, such as: “reduced dependence on imported water”, “water supply reliability”, “increased reliance on local supplies”. Without such targets and definitions, it is not possible to know which of the many good ideas in the draft Portfolio should be prioritized (e.g. for funding) or how they should be sequenced. We strongly recommend that the final Portfolio define sustainability (or define specific processes for developing such definitions) for humans and environmental resources throughout the state; these definitions are necessary to clarify the scale of effort that will be required to achieve those timelines.

The final Portfolio must establish targets for water supply efficiency in all sectors (outdoor, indoor, industrial, for example) as a basis for accurately gauging future demand.

We are encouraged that the draft Portfolio identifies elements that will contribute to water-use efficiency across numerous sectors of the state’s economy. Furthermore, we support the effort to set efficiency targets for some sectors. For example, category 4 elements in the draft Portfolio specify a meaningful target for municipal water recycling and re-use (2.5 million acre-feet a year in the next decade). However, the draft Portfolio provides little guidance regarding the state’s targets for efficiency improvement in the agricultural sector. Agriculture uses approximately four times as much of California’s developed water supply as municipal and industrial uses combined, therefore, even in an “all of the above” approach, it makes sense that most of the increase in water-use efficiency would come from Portfolio elements in the agricultural sector. But because the draft Portfolio provides no sense of the absolute or even relative efficiency gains it seeks, it is not possible to tell whether the draft Portfolio contains too few or too many elements focused on agricultural water efficiency. We note that the draft Portfolio says little about the need for agricultural diversification and the need to help agricultural communities transition away from irrigated agriculture on marginal lands. This is a major omission. California cannot afford to allocate public water to inefficient agriculture (or agricultural practices that create costs for other sectors by generating pollution). The final Portfolio provides an opportunity to vision solutions for economic alternatives to farming degraded or low-quality agricultural lands⁴. We strongly encourage addressing this massive

³ If this is the intent of draft Portfolio element 9.2, then that intent should be clarified and described more completely.

⁴ The OWN provided several suggestions for areas where the state can and should provide a pathway for farming communities to transition from irrigated agriculture of marginal lands. See OWN proposal “Agricultural Land Use Diversification to Reduce Water Demand, Increase Local Self-Reliance, and Improve Climate Resilience”. That proposal identified hundreds of thousands of acres where irrigation could be eliminated or reduced, which would lead to significant decreases in demand for water exports and reductions in pollution associated with irrigation of marginal lands.

opportunity to improve economic, health, and environmental conditions in some of the state's poorest communities.

The final Portfolio must identify specifically how much and how quickly proposed action elements can contribute to attainment of water sustainability goals for underserved communities and environmental resources.

In order to evaluate the cost-effectiveness of elements in the final Portfolio and prioritize the most important ones, we need to understand the magnitude of each element's expected contribution to sustainable water supplies and how long they will take to fully implement. More than two dozen of the draft Portfolio's elements call for additional planning, collaboration, or investigation. We appreciate the potential value such efforts, however, far too many elements are left for further study and almost all of the action elements require more detail. It is critical that the Portfolio's action-based elements describe well-defined benefits and timelines – without this specificity, the draft Portfolio is simply a collection of ideas, at best, or, at worst, a plan to develop a plan. Several of the draft Portfolio's elements are of no obvious relevance to attaining water use sustainability.

The draft Portfolio provides spotty information on the actual effects of most of action elements. For example, although we are grateful that the draft Portfolio adopts our proposals to invest in soil health as a means of mitigating climate change and improving water storage in soils (e.g., elements 16.3 and 18.4), the draft Portfolio does not link these elements to targets for water savings or local water self-reliance in any specific way. The draft Portfolio fails to make clear what these welcome investments in soil management are expected to accomplish even where specifics are readily available⁵. As a result, it is unclear how much other elements of the draft Portfolio must contribute to water efficiency savings in the agricultural sector or overall.

⁵ By contrast, the OWN proposal to “Expand the State’s land-based carbon sequestration program” in the agricultural sector and develop similar programs in the municipal/residential sector called for investment engaging 50 percent of California’s agricultural acres by 2030 and 95 percent by 2045 with on-farm technical assistance, demonstration projects, and incentives. Our proposal cited a report prepared for the Resources Agency, Flint et al. (2018) documented benefits of increasing soil organic matter by 3% across all working lands in California that were as high as 4.7 million acre-feet of increased soil moisture storage per year. See https://www.energy.ca.gov/sites/default/files/2019-07/Agriculture_CCCA4-CNRA-2018-006.pdf at p. 81.

The final Portfolio must explicitly link water savings from action elements to progress towards attaining the Portfolio’s primary goals; portfolio elements that may further degrade environmental protection or the human right to safe drinking water (or that place those two goals at cross-purposes) must be eliminated.

As described in our July 2, 2019 letter, the unsustainability of California’s water use is reflected both in degraded aquatic ecosystems and in the number of the state’s residents that lack access to clean and reliable drinking water. Water savings and efficiencies generated by the final Portfolio must be used to solve these problems now. Until public resources and our communities are protected, the state should not be planning to increase the volume of water that is made available for private economic gain.

Projects like expanded use of desalination that utilize existing technology (draft Portfolio element 6.1), streamlined permitting for Sites Reservoir (element 7.1), and the Delta tunnel (element 19.1) have no place in the final Portfolio. These projects are fundamentally intended to increase water supply or (at best, maintain the current unsustainable pattern of water diversions) and do nothing to increase water use efficiency or protect our aquatic environment. In other words, these projects do not belong in the Portfolio because they do not increase sustainability or resilience. Indeed, it is ironic that these elements are some of the most specific and expensive proposals in the entire draft Portfolio. Similarly, the draft Portfolio relies heavily on “streamlining” of permits and environmental review for various projects that apparently have been pre-determined to be beneficial (e.g., draft Portfolio elements 3.4; 3.8; 7.1; 13.2; 21.4; 22.1; 25.1). In particular, the draft Portfolio’s emphasis on groundwater recharge (e.g., draft Portfolio elements 3.4; 3.6; 3.8) ignores the potential for conflict between recharge of localized groundwater basins and the legitimate needs of downstream users, including human communities and fish and wildlife populations. These elements are inappropriate and ill-advised as they seek to increase water supply at the potential expense of permitting processes that are intended to protect communities and aquatic ecosystems.

One of the main values of having a portfolio of water efficiency and resilience proposals is to limit the demand for such costly projects, especially when they carry a high probability of damaging communities and ecosystems. The appropriate time to propose water supply mega-projects such as these is only after the state:

- sets targets for environmental protection and provision of safe drinking water,
- identifies targets for water use efficiency across sectors, and
- inventories the intended improvements in water use efficiency and water supply reliability that can be achieved by elements of the water portfolio.

When the water Portfolio is completed in this way, we will have a much better idea of whether tunnels, dams, and desalination projects are actually needed. If the need for these projects remains, the specific definitions of water needs, reliability, self-reliance, etc. will be essential to

determining how these projects should be sized and operated to protect access to clean drinking water for all Californians and the state's aquatic ecosystems.

Specific Comments

- A. We appreciate the draft Portfolio's emphasis on protecting and restoring water quality, particularly elements 8.2-8.7. Clearly, California must strengthen efforts to protect our limited water supplies in parallel with elements that focus on efficient and sustainable use of that supply.
- B. Element 11.1 – Should be reworded as follows: Work with federal agencies to meet the water needs of ... wildlife refuges, which function together as a vital network for migratory shorebirds and waterfowl, with priority given to the Lower Klamath Basin National Wildlife Refuge on the California-Oregon border and refuges identified in the Central Valley Project Improvement Act.
- C. **For section 2.2** – Simplifying MWELO will not alone address the issue of water waste in landscaping. Urban carbon landscaping is an additional important opportunity for water health. Much is known about agriculture and compost application for carbon sequestration and water savings in healthy soil, but not much in urban landscapes.

Conventional landscaping practices contribute to global warming, by relying on coal, oil and natural gas for powering equipment, transporting landscape materials and waste over long distances, manufacturing pesticides and fertilizers, pumping and using water in the landscape.

Regenerative landscaping in urban areas that uses a holistic approach will save water and assure water and air quality. In healthy landscapes, water from rain or irrigation percolates through soil that is rich in organic matter and alive with organisms. Addressing the whole ecosystem creates drought resistant soils with compost and mulch and means selecting plants naturally adapted to summer-dry climates, using stormwater, greywater and recycled water in the landscape as much as possible; and using efficient irrigation systems that include self-adjusting, weather-based controllers. Living soils absorb and retain much of the water while also filtering out pollutants before the water reaches the aquifer or watershed.

Local creeks and the bay are impacted by inappropriate use of pesticides, affecting human health, food supply, habitat and wildlife populations. Conventional landscape construction and maintenance practices contribute to greenhouse gas emissions and air pollution. Biodiversity, ecosystem services, and aesthetic values of California natural resources are at risk.

Thank you again for this opportunity to collaborate on the development of the Water Resilience Portfolio for the State of California. The Portfolio needs to more clearly define its goals and objectives that prioritize solutions that uphold human and environmental rights to water so that it can be a critical roadmap for California to navigate a changing climate. We look forward to remaining engaged as partners to implement a strategic Portfolio to reach a sustainable water future that meets the needs of all Californians.

Sincerely,

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