

Feinstein Introduces Bill to Restore San Joaquin Valley Canals

Office of United States Senator Dianne Feinstein, 06/22/23

Senator Dianne Feinstein (D-Calif.) today introduced the Canal Conveyance Capacity Restoration Act, a bill to authorize more than \$653 million to restore the capacity of three San Joaquin Valley canals. Restoring these canals would improve California's drought resilience and help farmers comply with limits on groundwater pumping under the state's Sustainable Groundwater Management Act.

Congressman Jim Costa, with support from Congressmen John Garamendi and Josh Harder (all D-Calif.), previously introduced a companion bill in the House of Representatives.

The bill also authorizes an additional \$180 million to restore salmon runs on the San Joaquin River. The funding is for fish passage structures, levees and other improvements that will allow the threatened Central Valley Spring-run Chinook salmon to swim freely upstream from the ocean to the Friant Dam.

"Damage to canals in the San Joaquin Valley has significantly reduced their capacity to carry water, increasing the risk of drought and making farmers' jobs even harder," Senator Feinstein said. "We can work together at the federal, state and local levels to ensure there will be more water for Californians. In addition to being a win for farmers, our bill would also restore runs vital to the Chinook salmon, helping protect this threatened species."

"We must increase storage in wet years like this one to ensure we can withstand the next long dry spell," Congressman Costa said. "My bill would provide federal funding to restore the Friant-Kern Canal, Delta-Mendota Canal and California Aqueduct to their full carrying capacity. Restoring this infrastructure is critical to delivering water to our farms and communities across the San Joaquin Valley."

"Nature gave us a lifeline this year and California's water managers are working to replenish our depleted reservoirs and groundwater basins following three years of drought. Unfortunately, subsidence has reduced the capacity of our water conveyance system and it is impacting how we can respond to the record rain and snow we received this year. This legislation authorizes repairs to California's water conveyance infrastructure to ensure a more resilient water supply future, one that can withstand the impacts of climate whiplash and continue to deliver clean, reliable and affordable water to Southern California," said Adel Hagekhalil, CEO of the Metropolitan Water District of Southern California.

“ACWA is pleased to support the reintroduction of Senator Feinstein’s Canal Conveyance Capacity Restoration Act. With the impacts of subsidence and climate change, this is a much-needed bill to improve water storage and delivery to support communities throughout California,” said Dave Eggerton, executive director of the Association of California Water Agencies.

“The Canal Conveyance Capacity Restoration Act would provide much needed federal financial assistance in restoring the original conveyance capacity to the major canals affected by subsidence in the San Joaquin Valley, improving California’s drought resilience through reconstruction of reaches on the Friant Kern Canal, the Delta Mendota Canal and the California Aqueduct,” said Jason Phillips, CEO of the Friant Water Authority. “While this water delivery infrastructure was built decades ago, it is still the heart and soul of the water delivery system on the east and west sides of the San Joaquin Valley and to Southern California. Restoring these major canals would also help to move the floodwaters to groundwater recharge areas to store as much runoff as possible during good water years like 2023.”

What the bill does:

- The bill would authorize a one-third federal cost share for restoring canal capacity.
- The bill would authorize \$833.4 million for four major projects:
 - \$180 million to restore the Friant-Kern Canal.
 - \$183.9 million to restore the Delta Mendota Canal.
 - \$289.5 million to restore the California Aqueduct.
 - \$180 million to restore salmon runs on the San Joaquin River.
- The funding may not be used to build new surface storage or raise existing reservoirs. It may also not be used to enlarge the capacity of any canal, except for a temporary increase to mitigate anticipated future subsidence.

Federal Agencies Will Revise WOTUS Rule To Comply With Supreme Court Ruling

ACWA News, 06/29/23

The Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps) recently announced their plan to revise the Biden Administration’s “waters of the United States” (WOTUS) rule and issue a new final rule by Sept. 1.

The new rule is meant to comply with the recent U.S. Supreme Court ruling in Sackett v. EPA. This revised final rule will not be subject to public comment.

The Biden WOTUS rule was originally published on Jan. 18, with the effective date of March 20. However, due to various court challenges, the rule is currently effective in less than half of the states. The Biden rule covers adjacent wetlands if they meet either the “relatively permanent” or “significant nexus” tests set forth in the 2006 U.S. Supreme Court case Rapanos v. United States. Post-Sackett, the “significant nexus” test is out. The Supreme Court narrowed federal jurisdiction over wetlands to only those with a continuous surface connection with larger navigable water bodies.

As a result of the Sackett ruling, the Corps has temporarily halted determining whether streams and wetlands proposed for development fall under federal jurisdiction as WOTUS. It is unclear how the agencies will regulate wetlands and waterways between now and September.

ACWA staff previously submitted comments on the rulemaking and continues to track developments.

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California Lawmakers, Gavin Newsom Hammer Out \$311 Billion Budget — Without Major Water Project

The Sacramento Bee, 06/29/23

California lawmakers and Gov. Gavin Newsom agreed on a \$310.8 billion budget deal Monday, a compromise reached by dropping the governor's proposal to fast-track a 45-mile Delta water tunnel that would pump water from the Sacramento River to other parts of the state.

The agreement reflects the broad outlines of a spending plan lawmakers released during the weekend, which includes more money for public transit, child care, prison reform and Medi-Cal. The deal also includes spending cuts and deferrals needed to close the state's estimated \$31.5 billion budget gap.

The compromise over the hotly contested Delta tunnel project allowed the spending plan to move forward just in time for leaders to meet state deadlines. Newsom announced the budget deal late Monday with Assembly Speaker Anthony Rendon, D-Lakewood, and Senate President Pro Tem Toni Atkins, D-San Diego.

"In the face of continued global economic uncertainty, this budget increases our fiscal discipline by growing our budget reserves to a record \$38 billion, while preserving historic investments in public education, health care, climate and public safety," Newsom said in a statement late Monday evening.

The governor must sign Tuesday what is essentially a placeholder budget that the Legislature approved June 15. Lawmakers will take up bills tied to the spending plan this week, before the new fiscal year begins Saturday.

The final accord was stymied by the Newsom's proposal to revise the California Environmental Quality Act and expedite the \$16 billion Delta Conveyance, which would divert water from the Sacramento River to a tunnel under the Sacramento-San Joaquin Delta for farms and cities in the south.

Legislators and Newsom ended the logjam by removing the project from the list of clean energy, transportation and water projects the governor wants to streamline, Sen. Susan Talamantes Eggman, D-Stockton, confirmed to The Sacramento Bee.

The Senate and Assembly have yet to officially release the details of the negotiated infrastructure package, which could change during legislative hearings this week.

DELTA TUNNEL OPPOSITION

Newsom has insisted the CEQA alterations are necessary to reduce the lengthy environmental review process that has slowed or killed large-scale projects.

The CEQA reforms and Delta tunnel are not technically a part of the state's budget package. However, Newsom tied them to his approval of the spending plan, irking lawmakers who felt he was trying to use it as a wedge during negotiations.

"They're calling it infrastructure streamlining, which is cute," said Eggman, who represents communities near the Delta. "But really it's just really an end-run around the process that has provided the Delta protection."

The highly controversial Sacramento-San Joaquin Delta tunnel project, in particular, became a major sticking point in discussions.

A group of lawmakers — including Eggman and Assemblyman Carlos Villapudua, who also represents the Stockton area — last week sent a letter to Newsom and legislative leaders urging them to remove the Delta tunnel from the infrastructure package.

The project is Newsom's version of a long-debated proposal for a tunnel to bypass the Delta by conveying water from the Sacramento River in Northern California to communities in Southern California.

The California Department of Water Resources says the project is necessary to adapt to the state's increasingly inconsistent water supply, which is subject to droughts and sudden severe storms. However, environmental groups and Native American tribes argue it would devastate the region's already threatened ecosystems and wildlife.

"If you think about pumping water from the Sacramento River underneath, 40 miles, to tunnel and divert that water from entering the Delta, I think you're talking about an ecological collapse of a really important estuary for the world but especially California," Eggman said.

The state Legislative Analyst's Office warned against rushing such complicated deliberations.

States are jockeying for money to fund clean energy and climate projects from a \$1 trillion infrastructure package President Joe Biden signed in 2021. Newsom is aiming to make California more competitive for that funding by streamlining the state's lengthy environmental permitting processes for big projects.

The governor wanted the Delta tunnel project in the budget as a way to appeal for those dollars, said Sonja Petek, an LAO fiscal and policy analyst. But it's unclear how much money is even on the line.

"When you get down to it, we're not exactly clear on how these particular proposals would really necessarily increase our chance of getting funding," Petek said.



CALIFORNIA DEPARTMENT OF WATER RESOURCES

SUSTAINABLE GROUNDWATER MANAGEMENT OFFICE

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July 6, 2023

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RE: Approved Determination of the Revised Groundwater Sustainability Plan Submitted for the San Joaquin Valley – Eastern San Joaquin Subbasin

Dear Fritz Buchman,

The Department of Water Resources (Department) has evaluated the resubmitted groundwater sustainability plan (GSP) for the San Joaquin Valley – Eastern San Joaquin Subbasin in response to the Department's incomplete determination on January 28, 2022 and has determined the GSP is approved. The approval is based on recommendations from the Staff Report, included as an exhibit to the attached Statement of Findings, which describes that the groundwater sustainability agencies (GSAs) have taken sufficient action to correct deficiencies identified by the Department and the Eastern San Joaquin GSP satisfies the objectives of the Sustainable Groundwater Management Act (SGMA) and substantially complies with the GSP Regulations. The Staff Report also proposes recommended corrective actions that the Department believes will enhance the GSP and facilitate future evaluation by the Department. The Department strongly encourages the recommended corrective actions be given due consideration and suggests incorporating all resulting changes to the GSP in the future.

Recognizing SGMA sets a long-term horizon for GSAs to achieve their basin sustainability goals, monitoring progress is fundamental for successful implementation. GSAs are required to evaluate their GSPs at least every five years and whenever the Plan is amended, and to provide a written assessment to the Department. Accordingly, the Department will evaluate approved GSPs and issue an assessment at least every five years. The Department will initiate the first periodic review of the Eastern San Joaquin GSP no later than January 29, 2025.

Please contact Sustainable Groundwater Management staff by emailing sgmps@water.ca.gov if you have any questions related to the Department's assessment or implementation of your GSP.

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