



December 15, 2023

Delivered by email: [cwc@water.ca.gov](mailto:cwc@water.ca.gov)

Ms. Laura Jensen  
Assistant Executive Officer  
California Water Commission

RE: Draft White Paper: *Potential State Strategies for Protecting Communities and Fish and Wildlife in the Event of Drought*

Dear Ms. Jensen,

The State Water Contractors (SWC) and the San Luis & Delta-Mendota Water Authority (SLDMWA) appreciates the opportunity to review and comment on the California Water Commission's (Commission's) draft white paper, *Potential State Strategies for Protecting Communities and Fish and Wildlife in the Event of Drought* (Draft White Paper). On behalf of our 51 member agencies,<sup>1</sup> we are writing to inform and recommend improvements to the Draft White Paper. But given the concerns expressed below and the potential use of the final White Paper to inform the Secretary and other policymakers about drought planning, we request that the Commission postpone its proposed January 2024 action to adopt a final White Paper and perform additional outreach to ensure all viewpoints are sufficiently reflected in the recommendations provided in the Commission's White Paper.

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<sup>1</sup> Alameda County Flood Control District Zone 7, Alameda County Water District, Antelope Valley – East Kern Water Agency, Banta-Carbona Irrigation District, Broadview Water District, Byron Bethany Irrigation District, Central California Irrigation District, Central Coast Water Authority, City of Tracy, Coachella Valley Water District, Crestline – Lake Arrowhead Water Agency, Del Puerto Water District, Desert Water Agency, Dudley Ridge Water District, Eagle Field Water District, Empire West Side Irrigation District, Firebaugh Canal Water District, Fresno Slough Water District, Grassland Water District, Henry Miller Reclamation District #2131, James Irrigation District, Kern County Water Agency, Kings County, Laguna Water District, Littlerock Creek Irrigation District, Mercy Springs Water District, Metropolitan Water District of Southern California, Mojave Water Agency, Napa County Flood Control and Water Conservation District, Oak Flat Water District, Oro Loma Water District, Pacheco Water District, Palmdale Water District, Panoche Water District, Patterson Irrigation District, Pleasant Valley Water District, Reclamation District #1606, San Benito County Water District, San Bernardino Valley Municipal Water District, San Gabriel Valley Municipal Water District, San Geronio Pass Water Agency, San Luis Obispo County Flood Control and Water Conservation District, San Luis Water District, Santa Clara Valley Water District, Santa Clarita Valley Water Agency, Solano County Water Agency, Tranquillity Irrigation District, Tulare Lake Basin Water Storage District, Turner Island Water District, Ventura County Watershed Protection District, West Stanislaus Irrigation District, Westlands Water District, and Yuba City.

California’s new reality represents extreme weather events and climate trends—including intense but unpredictable storms, extended and more frequent droughts, rising sea levels, increasing temperatures, and an earlier winter runoff.<sup>2</sup> This is making water management in California much more challenging and requires a suite of actions at the state, regional, and local levels, including improved supply forecasting, new and expanded water surface and groundwater storage, modernization of our infrastructure, and improved planning to meet these challenges. We appreciate the Commission’s work to date and solicitation of comments on the draft White Paper.

We represent water agencies throughout California that contract with the California Department of Water Resources (DWR) and the U. S. Bureau of Reclamation (Reclamation) for a portion of their water supply from the State Water Project (SWP) and the Central Valley Project (CVP). Our members provide water to 28 million Californians—1 in every 12 Americans—and nearly 2 million acres of farmland, which produces 33% of the nation’s vegetables and 67% of its fruits and nuts and generates over \$21 billion in agricultural exports, as well as approximately 150,000 acres of wetland habitat – critical habitat for threatened and endangered species and millions of migratory waterfowl on the Pacific Flyway. The reliability of SWP and CVP supply and the facilities that provide it is critically important not only to the people, farmland, and wildlife its water serves, but to all Americans.

We agree with some of the recommended actions in the Draft White Paper, but there are some changes needed to address several issues. In some cases, the recommendations appear to dismiss proper water management principles followed by Public Water Agencies (PWAs), others do not identify a responsible implementing entity, some require more detail, and in some cases, current law regarding water rights and regulation is not considered, and those recommendations should be deleted as they are likely infeasible or at least should be identified as legally infeasible. In addition, several factual assertions are unfounded, misleading, or lack any citation to evidence, which weakens the credibility of the Draft White Paper and should be corrected and/or supported with citations to published, preferably peer-reviewed literature.

While the Draft White Paper asserts that extensive outreach and interviews were held with water districts, local governments, special districts, and agriculture, it is unclear if any PWAs, including the largest water supplier in the state, the Metropolitan Water District of Southern California or the SWP and the CVP operators were consulted. While the SWC was asked to weigh in on a set of slides for the Commission, the perspective of PWAs who are on the ground managing the effects of droughts in their communities should have also been sought and incorporated. This letter is intended to provide such input. Broad stakeholder outreach is laudable and needed, but the gap in outreach renders some of the sweeping general assertions in the document suspect, such as: “These themes came up nearly universally, across geographies

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<sup>2</sup> California Governor’s Office of Planning and Research, California Energy Commission, and California Natural Resources Agency. 2018a. *Statewide Summary Report*. California’s Fourth Climate Change Assessment. Publication number: SUM-CCA4-2018-013. Prepared by Bedsworth, L., D. Cayan, G. Franco, L. Fisher, and S. Ziaja, at pp. 24-27, available at [www.energy.ca.gov/sites/default/files/2019-11/Statewide\\_Reports-SUM-CCCA4-2018-013\\_Statewide\\_Summary\\_Report\\_ADA.pdf](http://www.energy.ca.gov/sites/default/files/2019-11/Statewide_Reports-SUM-CCCA4-2018-013_Statewide_Summary_Report_ADA.pdf).

and interest groups: [¶¶] Climate change requires adapting water infrastructure, water rights, watersheds, groundwater, and all aspects of water systems, as well as protecting the fundamental value of ecosystems benefits.” (Draft White Paper at p. 4.) While there may be broad support for the contention that climate change requires adaptation, there is no consensus across interest groups that “all” aspects of water systems require adaptation or that water rights must be “adapted” to address climate change. Bills purporting to do the latter currently in the legislature, including AB 460 and AB 1337, drew opposition from the water supply community, including ACWA, which has a staff member in the working group.

Indeed, the way water rights function, if supplies cannot meet all right holder’s entitlements, the State Water Resources Control Board (SWRCB) curtails diversions in order of seniority, with the junior most rights curtailed first, and perhaps completely.<sup>3</sup> In that sense, water rights are a drought response tool that is used to adapt to climate change just as they adapt to variable weather. In addition, the Draft White Paper claims nearly universal agreement with its recommendations but inconsistently (but correctly) notes that water users would oppose some of its recommendations.

**1. Water that is “freed up” by demand management may be stored for use during dry periods, including drought, and should not automatically be considered “extra” that the state can direct use of outside of water rights priorities during drought.**

On page 3, under Drought Management, the White Paper asks what is to be done with water “freed up” by demand management actions, mischaracterizing such actions as “inexpensive” and the water saved as “extra” that could be repurposed for environmental needs in times of drought or served to other communities. Water suppliers that fund and implement demand management measures do so to ensure the supplies they have can meet demands over the long run, and many store the water for use during dry periods, including droughts, when surface water supplies may be critically low. Demand management measures do not create “extra water” for the state to use as it sees fit.

PWAs could not justify using member or ratepayer funds to incentivize or implement demand management measures to “free up” water they pay for and are legally entitled to for other purposes. They do so to manage supplies over multiple years to meet demands, including during droughts, consistent with their statutory and regulatory obligations.

Demand management does not generally “free up” water that can then be redistributed to other uses. Demand management helps water suppliers manage supply shortages, times when there are deficits in supplies relative to demands. The Draft White Paper should acknowledge that the demand management has diminishing returns, and many of the PWAs have already taken significant strides to reduce demands.

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<sup>3</sup> This ties into one recommendation SWC supports, which is improved data. But the fundamental data needed to monitor and enforce water rights must come from metering points of diversion consistent with SB 88. The state cannot regulate what it cannot measure.

The draft White Paper correctly recognizes that demand management is part of the solution to coping with extended droughts, but the final White Paper should not suggest such measures create a new source of supplies “freed up” for use by the state or others without heavy qualification that such a proposal would be infeasible without legislation and potential changes to the constitution (Prop 218, Prop 26, etc.,) to fundamentally alter the rights and obligations of PWAs throughout the state including overriding the beneficiary pays principle.

## **2. Increased groundwater storage is needed, but should not come at the expense of existing water rights.**

We agree that groundwater storage should be expanded to help water agencies meet demands in dry periods, including more severe droughts to come, and that such projects should not come at the expense of existing water rights. However, the Draft White Paper cites a pair of executive orders and SB 122 as progress toward expanding groundwater storage. While we support policies and actions that improve opportunities for flexible diversion of surplus water to storage, the Draft White Paper should acknowledge shortcomings of SB 122 that the Legislature should address.

SB 122 authorizes no-permit diversions to groundwater whenever a local flood agency determines a river or stream is nearing flood stage, thus giving such diverters de facto seniority over all other lawful water rights holders on the same stream system. Under SB 122, diverters are exempted from having to comply with environmental protections afforded by the lake and streambed alteration agreement statute, California Fish & Game Code section 1600, et seq. Moreover, (1) SB 122 diverters are not required to measure diversions, just provide estimates, thus exempting them from the state’s water diversion measurement and reporting requirements; (2) there is no system for tracking compliance with the minimal statutory requirements SB 122 imposes on no-permit diverters; (3) no system for accurately tracking and reporting cumulative diversions, which could significantly diminish stream flows; and (4) no protection for SWP or CVP water rights, though those Projects serve two-thirds of the state’s population and two million acres of prime farmland, and currently are responsible to meet the Bay-Delta Water Quality Control Plan standards.

The Draft White Paper should not endorse expanded groundwater storage that is consistent with existing water rights while at the same time endorsing without qualification legislation that gives de facto water right seniority and several exemptions to flood flow diverters, potentially at the expense of the environment and water supplies developed and funded by other lawful water right holders.

The Commission should also consider that flood flows diverted to groundwater storage do not give the state the right to draw upon them in dry periods or to direct how the stored water is used. Unless a groundwater bank has been established or the basin has been adjudicated, overlying individual landowners are entitled to pump as much as they can put to beneficial use, consistent with SGMA requirements. While using public funds to help fight floods or provide other public benefits may be warranted, it is questionable whether public funds should provide benefits to private landowners, which is among the effects (if not the intent) of the Draft White Paper’s

recommendations. (Draft White Paper at p. 9, Potential State Actions 2 and 4.c.) As with the Water Storage Investment Program (WSIP), any recommended public funding should be limited to those actions that provide broad public benefits; otherwise, the beneficiary pays principle should apply.

**3. The Draft White Paper should acknowledge that expanded groundwater storage should be prioritized by proximity to existing water conveyance infrastructure.**

Groundwater recharge can be most expeditiously and economically implemented near existing water conveyance infrastructure, so the Draft White Paper should recommend prioritizing in that manner, which can help benefit groundwater-dependent habitat and vulnerable communities.

Groundwater banking and conjunctive use programs associated with existing water conveyance infrastructure have proven mechanisms (contractual agreements, permitting, infrastructure) for getting water into and out of the ground. Programs with access to conveyance can conduct in-lieu storage and return via exchanges of surface water supplies. Incentivizing such programs would limit the permitting/construction/cost of new infrastructure that would be needed to recharge additional groundwater in more remote locations. It would limit the power demands and costs of conveying water to more remote locations for recharge, facilitating statewide power and greenhouse gas emissions targets. Existing programs utilizing existing conveyance infrastructure have learned to address water quality issues and can achieve more reliable water quality, given their access to surface supplies for blending.

**4. Potential State Action 4.d. reoperating state and federal reservoirs for groundwater recharge should be changed to a recommendation for more state incentives for voluntary groundwater banking and conjunctive use opportunities.**

The U.S. Bureau of Reclamation (Reclamation) owns and operates the CVP and other water supply dams in California. In addition, CVP contractors and others who contract for water supplies from Reclamation pay water supply project costs, and should not be forced to bear the costs to recharge groundwater basins. The same is true for SWP supplies provided by the DWR, and any locally owned and operated reservoirs. These reservoirs often have significant regulatory constraints, multiple obligations and specific parties responsible for the operations and maintenance costs, and would require significant legal, regulatory and financial changes to modify the purpose or reoperate for other benefits.

4.d. should be changed to a recommendation that the state provide financial incentives or assistance as grants, low-interest loans or other incentives to develop expanded or additional groundwater banking or conjunctive use programs. Many of SWC's members and many of the water users across California have successfully developed groundwater banking and conjunctive use projects to store water during times of abundant surface water supplies for dry periods and droughts.

**5. The recommendation to expand groundwater recharge should not be limited to basins in overdraft under SGMA because expanded storage in any basin will assist in drought water management and recharge in other basins can assist in reliable supplies that can benefit basins in overdraft.**

Other basins that aren't identified as being critically overdrafted under SGMA, including adjudicated groundwater basins, should be considered/not limited in accessing recharge supplies. This overlaps somewhat with SWC's third comment above, some basins may have advantages in terms of location, cost, water quality, in-lieu ability, overlying demand base, existing banking program structures, etc. that should be considered in addition to overdraft status.

**6. Expanded surface water storage can complement expanded groundwater storage as part of an overall strategy to address weather whiplash.**

Consistent with the Commission's efforts to expand surface storage through WSIP, the Draft White Paper should recommend identifying opportunities to build off-stream surface storage or expand existing surface storage. This added surface storage capacity can help with groundwater recharge opportunities in addition to allowing storing of water during wet conditions.

Partnerships with PWAs through public funding can enable the state's use of water supply from the expanded storage in drought conditions to provide critical supplies for human and ecosystem needs.

**7. The Draft White Paper should be revised to avoid calling for automatic priority of fish and wildlife beneficial uses over human health and welfare and other beneficial uses in droughts.**

The Draft White Paper rightly recognizes the human right to water. It should be recommended that human health and safety and ecosystem needs be carefully balanced during the drought. In addition, when considering critical human needs, the Draft White Paper should recognize that most communities, including urban disadvantaged communities with high concentrations of people and not just the rural, disadvantaged, and tribal communities, are vulnerable during droughts. Additionally, to the extent that the Draft White Paper discusses rural communities explicitly, the discussion should be expanded to acknowledge that these communities are impacted in many ways during drought, not only by a lack of access to drinking water but also decreases in economic opportunity, increased poverty levels, decreases in public health due to interactions between fallowed lands and increased incidents of respiratory disease, decreased school enrollment impacting education and future upward mobility<sup>4</sup>, amongst other impacts.

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<sup>4</sup> See <https://wwd.ca.gov/wp-content/uploads/2022/03/economic-impact-report-2022-update.pdf> and [https://waterblueprintca.com/wp-content/uploads/2021/09/Blueprint.EIA\\_.PhaseOne.2.28-v41.pdf](https://waterblueprintca.com/wp-content/uploads/2021/09/Blueprint.EIA_.PhaseOne.2.28-v41.pdf)

**8. The Draft White Paper should not call for the Department of Fish and Wildlife and SWRCB to establish minimum instream flows and adopt new regulations requiring them because a flows-only approach ignores ecosystem loss, channelization of rivers that disconnect floodplains, pollution, invasive species, and other stressors that must be addressed holistically.**

First, the Draft White Paper states that the Department of Fish and Wildlife sets and enforces instream flow requirements along with the SWRCB. This is inaccurate. SWRCB and Regional Water Quality Control Boards are charged with adopting water quality control plans designating beneficial uses of water and establishing water quality objectives for the reasonable protection of such uses, balancing the protection of public trust resources with the public interest in human consumptive beneficial uses.<sup>5</sup>

Second, while the Draft White Paper correctly notes that the state “needs to explore and advance nimble, collaborative environmental water management” (page 11), it should be broadened to recommend more holistic, watershed-wide ecosystem management and adaptive, scientifically informed *natural resource* management. This would include habitat restoration and enhancement, reconnecting fish and rivers with floodplains,<sup>6</sup> pollution reduction, measures to address non-native invasive species, and voluntary flow actions to make the aquatic and riparian ecosystems and species more resilient to drought. The focus on flows aquatic strongholds is unduly narrow and inadequate to the task.

Third, the Draft White Paper should not recommend that the state “[a]nalyze ecosystem water supply needs to understand the *amount* of water required to sustain functioning ecosystems as water scarcity increases.” (Draft White Paper at p. 12, Potential State Action 1.) There is no volume of water that the ecosystem “needs,” as California ecosystems, including riverine aquatic and riparian ecosystems that appear to be the focus of this action, have evolved in a highly variable hydrology from month-to-month, season-to-season and year-to-year. Those ecosystems respond to the timing, rate, rate of change, depth, temperature, water quality, nutrients, turbidity and velocity of water, among countless other variables, not shear volume, as this draft action assumes.

**9. The Draft White Paper should not call for establishing a block of water in state and federal reservoirs for use by an unspecified “trustee” for fish and wildlife as it is legally infeasible and premature given the proposed Agreements for Healthy Rivers and**

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<sup>5</sup>Water Code, §§ 13050, subd. (j) [defining “water quality control plan”]; 13170, 13245 and 13248, subd. (b) [State Water Board authority to adopt or approve WQCPs]; 13240-13244 [regional boards’ authority and duties to adopt WQCPs]; *United States v. State Water Resources Control Bd.* (1986) 182 Cal.App.3d 82, 109-110, .).

<sup>6</sup> The Draft White Paper correctly includes recommendations to restore habitat and reconnect and reactivate floodplains. (Draft White Paper at pp. 13-14, Potential State Action 6.)

**Landscapes that includes habitat restoration, biologically meaningful flows, science and adaptive management.**

Draft Potential State Action 4 on page 12 recommends that the state “[c]onsider identifying and securing assets for the environment [meaning water stored in state and federal reservoirs] that can be flexibly deployed, assigning a trustee to manage those assets, and integrating them into environmental water plans that allow for flexible management of water resources to benefit ecosystems broadly.”

While the Draft White Paper notes that some proposals likely would be controversial, this being one, it should not recommend consideration of legally or politically infeasible potential state actions. Reclamation owns and operates the CVP. No state agency or trustee could preempt federal law and reoperate the CVP or other Reclamation reservoirs. DWR owns and operates the SWP. Both Reclamation and DWR hold water rights, and PWAs that contract with those agencies hold contractual rights to certain supplies in exchange for paying the water supply costs of the projects. Any move by the state to condemn Reclamation’s or DWR’s water rights likely would be politically infeasible, no matter how well intentioned. The same is true of the water rights and reservoirs owned and operated by other PWAs up and down the state, including the San Francisco Public Utilities Commission, which owns and operates the Hetch Hetchy Regional Water System.

One politically feasible approach is the Agreements to Support Healthy Rivers and Landscapes under consideration by the SWRCB for Phase 2 of the Bay-Delta Plan update. Voluntary, collaborative, science-based programs with buy in from the water rights holders and public agencies that fund the projects and governance open to all stakeholders are more stable, less vulnerable to protracted litigation, and promise the same or greater benefits to aquatic ecosystems than any plan to take water rights and partial control of federal, state and local reservoirs to continue to advance the theory that more water equates with more fish and wildlife.

**10. The Draft White Paper should recommend enforcement of SB 88, the diversion measurement statute enacted in 2015 during the previous drought, and consider recommending financial assistance to implement water measurement for all covered diverters so the state can monitor and enforce water rights, including in droughts.**

While the State Water Resources Control Board developed a water unavailability methodology it used to issue curtailment orders in the last drought, the state needs to know when and how much water is being diverted by whom is as close to real-time as possible to monitor and enforce water rights, including curtailments during droughts. Compliance with the state’s water diversion measurement statute and regulations is low, with a mere 20 percent of diverters providing measurement data in 2022 despite the 2015 statute and 2016 regulations having been on the books for well over half a decade.<sup>7</sup>

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<sup>7</sup> See slides 20-21 of the State Water Resources Control Board’s August 2023 presentation available at [Water Measurement and Reporting Regulation - Public Listening Session \(ca.gov\)](https://www.waterboards.ca.gov/water_issues/programs/quality_control/2023/0823_public_listening_session/).



The state cannot manage what it cannot measure. The Final White Paper should strongly recommend financial assistance to diverters who cannot otherwise afford to comply with the law and stepped up enforcement (including the needed resources) to back up the State Board’s recently redoubled outreach and technical assistance.<sup>8</sup> Digitizing paper water rights records and modernizing the state’s water right data management system is needed, as the Draft White Paper recognizes on page 11, but even a user-friendly water rights database that’s only 20-percent full/80-percent devoid of accurate, timely diversion data is plainly inadequate.

#### **11. Some factual assertions would benefit from additional accuracy, clarification, or evidentiary support.**

The Commission’s recommendations should be based on the best available science to merit serious consideration by the requesting Secretaries and policymakers. Yet several assertions are inaccurate, lack citations to supporting evidence, or both.

For instance, in the Executive Summary on page 1, the assertion that fish and wildlife are “already impacted by human water development,” while true, ignores the abundant evidence that aquatic fish and wildlife are affected by multiple stressors, not just water development, including habitat loss and degradation due to other development and non-native invasive plants and animals, loss of connection to floodplains, pollution, commercial fishing, and climate change impacts on water temperatures, shifts in timing of runoff and ocean conditions for anadromous and catadromous species. The Draft White Paper should be revised to avoid stating or implying that water management, meaning diversion for human consumptive needs, is the only or even primary stressor on fish and wildlife, and should support any claims with citation to the best available science, including peer reviewed academic publications.

In addition, the Draft White Paper states, with no evidence, that “[f]requently, due to how water is managed, fish and wildlife do not have time to recover between droughts.” How frequently, in what watersheds, and which fish species were unable to recover the Draft White Paper does not say, and again, there are no citations or evidence to support it.

While the most recent two droughts were severe and arrived in relatively quick succession within a decade of one another, others have not been as severe or frequent. Thus, “frequently” is unwarranted and should be replaced with “in part”. Even if this statement were limited to the most recent two droughts, it ignores other well-publicized stressors, including extremely poor ocean conditions for salmon that occurred independent of water management and affected salmon in coastal river systems all along the northern California coast, not just Central Valley salmon, suggesting the Draft White Paper’s assertion that California fish species are not

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<sup>8</sup> See [Water Measurement and Reporting Regulation | California State Water Resources Control Board](#).

recovering between droughts due to “how water is managed” is an exaggeration and highly misleading oversimplification.<sup>9</sup>

Another misstatement appears on page 2: “For instance, the lack of water for fish – the right amount, at the right time, and of sufficient quality – is a challenge in most years due to the way water is managed in California, causing fish populations to suffer outside of drought.” As with the prior flow-centric assertions, this ignores the multiple stressors on fish from non-water-management sources, including loss of habitat, habitat degradation, proliferation of non-native invasive species, loss of floodplain connectivity, water pollution, poor hatchery management, commercial fishing and, for anadromous and catadromous fish, poor ocean conditions. While dams and diversions do impact stream systems and some sensitive fish species, the relevant, peer-reviewed scientific literature discussing flow-abundance relationships readily acknowledges that causal mechanisms for fish species decline are unknown or poorly understood.

Also on page 2, the Draft White Paper asserts: “Climate change creates hotter and drier baseline conditions....” Global Climate Models show little agreement on future precipitation, with many projecting overall wetter conditions in northern California, including the Sacramento-San Joaquin Bay-Delta watershed.<sup>10</sup> As noted at the outset, these oversimplifications could be avoided by imposing the rigor of citing the relevant peer-reviewed scientific literature the Commission is relying on for consequential factual assertions like this.

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<sup>9</sup> For instance, the National Marine Fisheries Service recently explained that “while the abundance of some [Central California Coast Coho Salmon] populations has improved slightly since the previous status review, long-term trends have generally continued downward and remain a concern.” (2023 5-Year Review: Summary & Evaluation of Central California Coast Coho Salmon National Marine Fisheries Service West Coast Region at p. 17, available at [noaa\\_55491\\_DS1.pdf](#) [citing, among other things, the Southwest Fisheries Science Center (SWFSC) 2022 DRAFT Viability assessment for Pacific salmon and steelhead listed under the Endangered Species Act].) The 2023 5-year review noted that “[o]cean conditions remain a critical component to salmon survival and reproductive success since they spend the majority of their lives in the ocean.” (*Id.* at p. 57.) And “unprecedented warm ocean temperatures and associated marine ecosystem impacts . . . began in 2014 and have persisted most years since.” (*Id.* at p. 17.) Moreover, “[i]n fall and winter of 2019, Chinook salmon populations in the Central Valley of California (fall-, spring-, and late fall-run) were diagnosed with thiamine deficiency complex (TDC) (SWFSC 2022)” believed to result from a reorganization of the ocean food web off the California coast to one in which salmon prey was dominated by northern anchovy, and the effects of TDC “can appear as high mortality or serious sublethal effects in subsequent progeny.” (*Id.* at pp. 57-58.)

<sup>10</sup> California Governor’s Office of Planning and Research, California Energy Commission, and California Natural Resources Agency. 2018a. *Statewide Summary Report*. California’s Fourth Climate Change Assessment. Publication number: SUM-CCA4-2018-013. Prepared by Bedsworth, L., D. Cayan, G. Franco, L. Fisher, and S. Ziaja, at pp. 25-26 [showing increased overall precipitation in northern California under both the low and high Representative Concentration Pathways (RCPs)], available at [www.energy.ca.gov/sites/default/files/2019-11/Statewide\\_Reports-SUM-CCCA4-2018-013\\_Statewide\\_Summary\\_Report\\_ADA.pdf](#).]

SWC and SLDMWA agree that both supply and demand management actions will be needed to address climate change. But the assertion on page 3 that “[m]any of these [water supply] approaches require the use of infrastructure to develop and move water supplies, and generally take more time and money to develop than demand management strategies” lacks citation to authority and is misleading.

Likewise, the assertion that demand management is a fast and inexpensive way to “free up” water during a drought is misleading. A recent blog post by the Public Policy Institute of California outlines how calls for conservation can be costly and have disproportionate impacts on lower-income and inland communities.<sup>11</sup>

In light of the issues raised above, we request that the Commission put a hold on finalizing the White Paper while its staff address the issues and to perform additional information gathering from water suppliers throughout the state to interview their relevant staff, to better inform the final product. If the Commission insists on finalizing the White Paper at its January 2024 meeting, at a minimum, the Commission should include a list of all those interviewed and what tribe, public, private or non-profit entity each represents, and it should revise the White Paper to remove any suggestion of universal agreement or support by all stakeholders. Only that way will the Secretaries know whose views are reflected in the White Paper and whose were not. The themes and recommendations made are quite controversial and many would lead to vigorous opposition from water users if attempted as proposed in the draft.

If you have questions, please contact me at 916-562-2583.

Sincerely,



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State Water Contractors



Federico Barajas, Executive Director  
San Luis & Delta-Mendota Water Authority

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<sup>11</sup> Available at <https://www.ppic.org/blog/a-better-way-to-promote-urban-water-conservation/>.