

BOARD ACTION SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA:5.B.12
AGENDA DATE: October 9, 2018

SUBJECT:

Approval to Adopt a Resolution Opposing the State Water Resources Control Board
Substitute Environmental Document

BOARD ACTION AS FOLLOWS:

RESOLUTION NO. 2018-0507

On motion of Supervisor Chiesa, Seconded by Supervisor Withrow
and approved by the following vote,

Ayes: Supervisors: Olsen, Chiesa, Withrow, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST: 
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Chief Executive Office

BOARD AGENDA:5.B.12
AGENDA DATE: October 9, 2018

CONSENT:

CEO CONCURRENCE: YES

4/5 Vote Required: No

SUBJECT:

Approval to Adopt a Resolution Opposing the State Water Resources Control Board Substitute Environmental Document

STAFF RECOMMENDATION:

1. Adopt the resolution opposing the State Water Resources Control Board Substitute Environmental Document.

DISCUSSION:

The State Water Board has developed final amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan). The proposed amendments include new and revised flow objectives for the Lower San Joaquin River and its tributaries; the Stanislaus, Tuolumne, and Merced Rivers, for the purported purposes of providing reasonable protection of fish and wildlife beneficial uses, revised salinity water quality objectives for the reasonable protection of southern Delta agricultural beneficial uses, and a program of implementation for achieving the objectives. As part of Phase 1 of the Bay-Delta Plan amendment process, the Water Board staff has proposed that the tributary streams to the lower San Joaquin River (the Merced, Tuolumne and Stanislaus Rivers) be required to release 40% to 60% of the February through June full natural flow (unimpaired flow) from these watersheds each year. An environmental document, called the Substitute Environmental Document (SED), describes the actions and the potential environmental and economic impacts of the proposal to the region. The proposed flow objective reduces the reliable surface water supply in the tri-County Merced-Stanislaus-San Joaquin area, severely undercuts the reliable surface water supply in the region and will have a demonstrated devastating, long-term impact on the local and regional economy.

A resolution formally opposing this water grab by the State Water Resources Control Board has been prepared for Board of Supervisors consideration.

POLICY ISSUE:

Protecting our water is a critical element of our Stanislaus County public policy agenda.

FISCAL IMPACT:

The economic impact of the proposed flow objective is substantial. Before the implementation of the Sustainable Groundwater Management Act (SGMA), which allows groundwater pumping to increase in order to offset lost surface water, the average annual loss of economic output is \$102 million per year, 60% greater than the State Water Board estimate. After the SGMA, the average annual loss of economic output is \$189 million, three times greater than the estimated by the State Water Board. Average annual impacts mask the volatility.

The job losses from the proposed flow objective are also substantial. Before SGMA implementation, the average annual job loss is 705, 60% greater than the SWRCB staff estimate. After SGMA, the average annual job loss is 1,299, three times greater than the SWRCB staff estimate. Average annual impacts mask the volatility. Before SGMA implementation, annual job losses often exceed 2,000 and peak at 4,528. After SGMA implementation, annual job losses often exceed 3,500 and peak at 5,723.

BOARD OF SUPERVISORS' PRIORITY:

This resolution is consistent with the Board of Supervisors Legislative Platform and commitment to *Delivering Efficient Public Services and Community Infrastructure*.

STAFFING IMPACT:

None

CONTACT PERSON:

Amy Vickery, Director Legislative Affairs & Communications

Phone:209-525-6333

ATTACHMENT(S):

1. Resolution

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA

Date: October 9, 2018

2018-0507

On motion of Supervisor Chiesa Seconded by Supervisor Withrow
and approved by the following vote,

Ayes: Supervisors: Olsen, Chiesa, Withrow, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

THE FOLLOWING RESOLUTION WAS ADOPTED: Item # 5.B.12

Resolution Opposing the State Water Resources Control Board Substitute Environmental Document and Calling for Sustainable Solutions

WHEREAS, the State Water Resources Control Board's (SWRCB) Bay-Delta Plan, Phase 1 Draft Substitute Environmental Document (SED) issued in December 2012 proposed to require the Stanislaus, Tuolumne, and Merced rivers release 35 percent of unimpaired flows from February to June each year for environmental benefit; and

WHEREAS, the SWRCB, after a hearing in March 2013 and submittal of comments regarding the adequacy and sustainability of the SED, has now revised and increased the recommendations of the Draft SED to 40% unimpaired flows, with the ultimate intention of finalizing the SED and updating the Bay-Delta Water Quality Control Plan with its Board for adoption at a date to be determined; and

WHEREAS, flows described in the SED will create "significant and unavoidable" lasting impacts that will harm the socioeconomic welfare of those within Stanislaus, San Joaquin and Merced county as well as Northern California counties who will be impacted under Phase 2; and

WHEREAS, water supply impacts of flows described in the SED include the loss of hundreds of thousands of acre-feet of surface water that is used to supply drinking water, and water for agriculture - the region's economic engine. This loss of water would destroy communities and have the most severe impacts on the drinking water for some of our poorest minority communities; and

WHEREAS, groundwater impacts of flows described in the SED include increased groundwater pumping at a time when California is working to implement the landmark Sustainable Groundwater Management Act. The SED estimates additional and significant groundwater impacts resulting from an increased reliance on groundwater pumping. The reduced surface water deliveries proposed in the SED will severely hamper the ability to conjunctively use surface water deliveries on farms to provide adequate groundwater recharge; and

WHEREAS, electrical power impacts of flows described in the SED include public power agencies being resigned to generating more hydropower at a time of low demand, meaning less water is available to generate hydropower in summer when power demand is at its peak. This has economic impacts to public power agencies, and such impacts bear a direct relation to local customer utility rates; and

WHEREAS, there is reasonable and significant doubt that the flows described in the SED will benefit native fish populations or promote ecosystem restoration. The SED focuses narrowly on flows as a solution to environmental concerns while ignoring non-flow alternatives such as predator suppression and fish habitat restoration. Such non-flow management measures are often less costly and more effective; and

WHEREAS, the cities and Irrigation Districts within San Joaquin, Stanislaus and Merced Counties have made significant investments in diversifying their drinking water sources to include the use of water from the Stanislaus, Tuolumne and Merced rivers. With the implementation of the SED, the use of river water for drinking water is threatened, leaving local communities even more vulnerable to the impacts of drought and potentially stranding significant investments in these vital assets.

THEREFORE BE IT RESOLVED THAT the Stanislaus County Board of Supervisors urges the State Water Resources Control Board to pursue a comprehensive solution, which takes into account, rather than dismisses, the impacts listed above. This solution must prioritize non-flow measures to protect native fish species, such as predation reduction programs, before requiring flow increases that would threaten the economic vitality of our region's counties, cities and small family farms. Furthermore, the Stanislaus County Board of Supervisors opposes any action by the SWRCB that does not take these factors into account and opposes any plan that does not directly address these items.

ATTEST: ELIZABETH A. KING, Clerk
Stanislaus County Board of Supervisors,
State of California

A handwritten signature in black ink, appearing to read "Elizabeth A. King", is written over a horizontal line.

File No.