

January 16, 2024

Delivered by email: cwc@water.ca.gov

Mr. Joseph Yun
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 Mr. Yun,

I am writing to follow up on the comments that the State Water Contractors (SWC) provided to the California Water Commission (Commission) in a letter dated December 15, 2023 regarding the Commission's Draft White Paper entitled "*Potential Strategies for Protecting Communities and Fish and Wildlife in the Event of Drought*" (Draft White Paper). In our letter, we identified a number of what we believe are problems with the document and concerns with its statements and conclusions. We also requested that the Commission postpone making a final decision on the Draft White Paper in January to allow SWC to meet with Commission staff and talk about some of our concerns in more detail.

We appreciate that Commission staff made a number of edits to the latest version of the Draft White Paper that appear to be in response to some of our comments and the draft has many positive recommendations that we support. However, we continue to have a number of concerns. As a result, on behalf of our 27 member agencies, we respectfully request that the Commission postpone taking action on the Draft White Paper until after we have an opportunity to more meaningfully engage with you and your staff.¹

To reiterate a few of our concerns, while we understand that the Commission conducted significant outreach to inform the report, we are not aware that any of SWC's members, which provide water to 27 million people and 750,000 acres of farmland and pay for virtually all of the costs of the State Water Project, were consulted. This includes the Metropolitan Water District of Southern California, which is the largest wholesale water provider in the State.

¹ Alameda County Flood Control District Zone 7, Alameda County Water District, Antelope Valley – East Kern Water Agency, Central Coast Water Authority, Coachella Valley Water District, Crestline – Lake Arrowhead Water Agency, Desert Water Agency, Dudley Ridge Water District, Empire West Side Irrigation District, Kern County Water Agency, Kings County, Littlerock Creek Irrigation District, Metropolitan Water District of Southern California, Mojave Water Agency, Napa County Flood Control and Water Conservation District, Oak Flat Water District, Palmdale 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, Santa Clara Valley Water District, Santa Clarita Valley Water Agency, Solano County Water Agency, Tulare Lake Basin Water Storage District, Ventura County Watershed Protection District, and Yuba City.



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Mr. Joseph Yun
January 16, 2024
Page 2

I was asked to weigh in on a general set of slides about the report, but was under the impression that there would be much more opportunity for input before a draft report was produced and considered by the Commission. Given our significant concerns, we do not feel that it is reasonable to finalize the report until there is time for SWC and its members to meet with Commission staff to review our concerns.

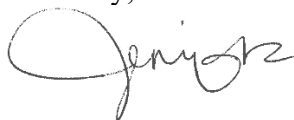
With regards to the content of the Draft White Paper, we continue to be concerned with broad statements about water rights needing to be changed to address drought and climate change without providing much detail on how existing water rights are administered and function during times of shortage. There is no consensus across interest groups on how or if water rights need to be changed and the Draft White Paper does not adequately recognize the complexities involved in such a discussion.

In addition, the Draft White Paper's recommendation to set instream flows for the environment fails to acknowledge that a more holistic, watershed-wide ecosystem management is required. One that includes habitat restoration and enhancement, reconnecting fish and rivers with floodplains, pollution reduction, measures to address non-native invasive species and voluntary flow actions to make the aquatic and riparian ecosystems more resilient to drought. This approach is exactly what is being considered with the Agreements to Support Healthy Rivers and Landscapes, which is only discussed briefly in the report. How the Commissions' recommendations interact with this effort and updates to Water Quality Control Plans is unclear and deserves more discussion.

Overall, we have a number of issues we would very much appreciate having an opportunity to speak with the Commission about in more detail before the Draft White Paper becomes final. The Draft White Paper is an important document that when final may be looked to as a basis for policy changes, including changes that could significantly impact the State Water Project, which the Commission is tasked with reporting on and is critical to our entire State. As a result, we are requesting a delay to allow us to work with your staff and provide additional input, which we believe will result in a more informed and useful final report.

Thank you for your consideration and if you have questions, please contact me at 916-562-2583.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Pierre". The signature is fluid and cursive, with a large initial "J" and "P".

Jennifer Pierre
General Manager

cc: Karla Nemeth, DWR Director