

## CALIFORNIA LEGISLATURE

STATE CAPITOL  
SACRAMENTO, CALIFORNIA  
95814

October 3, 2016

Joseph Byrne, Chairman  
Members of the Commission  
California Water Commission  
901 P Street, Room 314  
P.O. Box 924836  
Sacramento, CA 94326

Sent electronically to [Rachel.Ballanti@water.ca.gov](mailto:Rachel.Ballanti@water.ca.gov)

Dear Chairman Byrne and Members of the Commission:

We write to share our comments and concerns regarding the September 2<sup>nd</sup> draft of the Water Storage Investment Program ("WSIP") regulations.

We would like to thank the Commission and staff for taking our previous comments into consideration, especially the concern with funding for environmental documentation and funding timelines.

The Commission and staff should be applauded for the substantial progress made in the draft regulations. There are a few outstanding issues, however, that need to be clarified. As representatives who were intimately involved in the 2009 Water Action Plan and Proposition 1, we are compelled to comment on a few remaining significant issues. We ask you to address the following:

- The prior draft regulations included the requirements of CWC §79753 (b) to allow funding for public benefits that improve ecosystem and water quality. This key provision was purposely included by the Legislature and signed by the Governor. This should not be changed as it goes against the intention of the authors, the Governor and the voters. Removing this provision is unacceptable and would undermine public confidence by changing a key provision of what voters approved when they passed the bond.

We urge the Commission to restore this section.

- We urge the Commission to focus on essential selection criteria and avoid mandating significant and costly documentation and analysis on the front end. For example, requiring complex CALSIM modeling in such a short time frame will not allow applicants to refine results and accurately show public benefits. The requirement of extensive documents such as all available environmental and feasibility documents would result in the Commission receiving tens of thousands of paper that will not only be impossible for the Commission to effectively review, but is also unnecessary for the initial project evaluation.

This massive inclusion is not necessary and will delay projects.

- Lastly, we believe the Commission's current proposed unit water values are inaccurately based on projections of water transfers resulting from fallowing of crop land. Not only is this an unrealistic projection long-term, but if used, the Commission must also consider the enormous damaging economic costs that would result. If this was the alternative, over 16 percent of rice production in Colusa and Glenn counties would go out of production. Not only would this drastically affect the agricultural economy of California, but it would also hurt the Sacramento National Wildlife Refuge Complex and wildlife management areas that rely on this water and habitat. Both of these factors must be taken into consideration if the Commission uses this as the alternative water source.

Additionally, the impact the Sustainable Groundwater Management Act (SGMA) will have on future water values and climate change mitigation costs do not appear to be considered. Ground water replenishment cannot be maximized without surface water. One of the purposes of Proposition 1 is to assure regional stability and more reliability of water supplies for beneficial uses.

If the regulations move forward as drafted, this could lead to the dictation of crop rotation, a totally unacceptable precedent.

The bond specifically included \$2.7 billion for surface storage. One of the purposes of Proposition 1 is to assure regional stability and more reliability of water supplies for beneficial uses.

The Legislature and the Administration exhaustively negotiated the language before it went to the voters for approval. The promise to have above ground water storage made by the Governor must be kept.

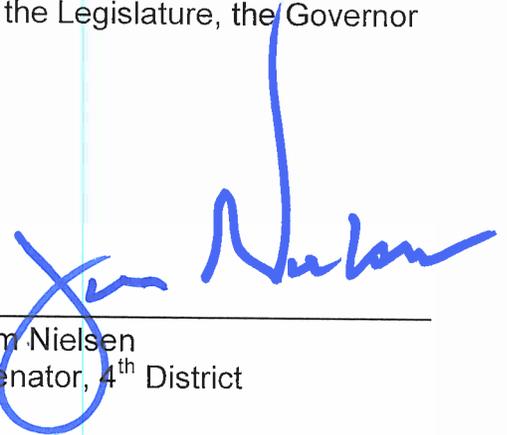
We appreciate the opportunity to comment and to work with you. It is absolutely critical that the decisions of the commission are consistent with the Legislature, the Governor and the voters who approved the bond.

Sincerely,



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James Gallagher  
Assemblyman, 3<sup>rd</sup> District



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Jim Nielsen  
Senator, 4<sup>th</sup> District

cc: Governor Jerry Brown  
Secretary John Laird, Natural Resources Agency  
Director Mark Cowin, Director of Water Resources