

# A Roadmap To Achieving the Voluntary Agreements

January 2021

## CALL TO ACTION

### The Biden Administration Should Embrace the Voluntary Agreements

Public water agencies across California call on the Biden Administration to embrace the Voluntary Agreements (VAs) and engage in negotiations with the Newsom Administration and stakeholders to successfully complete the VAs. To implement this modern water management approach, the Association of California Water Agencies (ACWA) asks the Biden Administration to take the following actions:

#### ACTION

## 1

Resolve the litigation between the federal government, State of California, public water agencies and NGOs regarding the Incidental Take Permit and the Biological Opinion.

#### ACTION

## 2

Work with California to convene all parties to complete the VAs and the related efforts to advance the implementation of the State's Water Quality Control Plan through the VAs.

#### ACTION

## 3

Support and assist water agencies that have proposed early implementation projects to accelerate improvements for fish and wildlife, including with direct funding, a mechanism to collect fees and streamlined permitting processes.

# A Watershed-Wide Approach



The VAs would encompass the Sacramento-San Joaquin Delta and each of the following tributaries to improve reliability for the 35 million people and nearly 8 million acres of farmland dependent on the Delta watershed and its water supply.

- American River
- Feather River
- Mokelumne River
- Putah Creek
- Sacramento River
- San Joaquin River Settlement Upstream of the Merced River (Friant Diversion)
- Tuolumne River
- Yuba River

## Background

The Voluntary Agreements (VAs) represent a collaborative, modern and holistic approach to improving the California Bay-Delta ecosystem and water supply reliability. Through the VAs, a group of public water agencies are proposing a comprehensive suite of actions that will improve habitat and flows in the Sacramento- San Joaquin Delta and its tributaries to help native fish and wildlife species. This integrated approach presents a historic opportunity to protect and restore the Bay-Delta ecosystem, while improving habitat for native species and water reliability for the 35 million people, nearly 8 million acres of farmland, and remaining California wetlands dependent on the Delta watershed and its water supply.

Governor Gavin Newsom's *Water Resilience Portfolio* recognizes the VAs as an alternative to the California State Water Resources Control Board's unimpaired flows approach to updating the State's Bay-Delta Water Quality Control Plan and that the VAs hold "the promise to adaptively manage enhanced flows and habitat to improve conditions for fish and wildlife." The *Water Resilience Portfolio* is intended to provide a blueprint to meet the

water needs of California's communities, economy, and the environment through the 21st Century. It includes several actions to support the VAs to meet the goal of protecting and enhancing natural ecosystems, including to "bring together regulators, tribes, water users, public water agencies, non-governmental organizations, and other stakeholders to develop innovative, voluntary solutions to water supply, water quality, and ecosystem protection" [Action 9.3], to "identify opportunities to meet legal standards in creative, collaborative ways, such as through voluntary agreements that enhance flows and habitat" [Action 13.7], and to "complete the update to the Bay-Delta Water Quality Control Plan for San Francisco Bay and the Delta, as required by law, and implement the Plan, potentially through voluntary agreements" [Action 18.2].

ACWA embraces this new path forward to support a "California for All" and the coequal goals of protecting, restoring and enhancing the Delta ecosystem and providing more reliable water supplies for California. Public water agencies are actively uniting to implement progressive and innovative 21st Century water management.

The decades old regulatory approach has not served any interests well. Species have continued to decline, and water supplies have continued to diminish. California cannot afford to adhere to a regulatory and operational framework solely based on additional flows which will result in years of protracted litigation, while at-risk fish populations continue to decline, and California's water supply becomes less resilient to the increasing effects of climate change. Now is the time to complete the VAs to put California on a path of success for the environment, the public, farms and businesses.

## Commitment of Public Water Agencies at the VAs Table

ACWA and the 450 California public water agencies it represents recognize the VAs as the superior approach to achieving the coequal goals of protecting, restoring and enhancing the Delta ecosystem and increasing water supply reliability throughout California. ACWA's water agencies together serve water for millions of Californians, the safest and most productive agricultural economy in the world, the wildlife refuges and ricelands that serve birds and wildlife along the Pacific Flyway, salmon and many other fish, hydro-electric generation, and recreation. The public water agencies participating in the VAs stand ready to begin the implementation of the VAs, pledging to contribute hundreds of millions of dollars and an extensive series of restoration projects to enhance fish and wildlife habitat. ACWA and its members recognize that more can be accomplished for California when the state, federal and local agencies work together. The public water agencies which have been at the VAs table are eager to continue working with state and federal agencies, conservation groups, and other stakeholders in an open and transparent process to achieve the VAs and advance California on a path toward water resilience.

- **Early Implementation** - As part of the VAs, the group of public water agencies is committed to the immediate implementation of a list of "no-regrets" habitat restoration and creation projects and related flow actions. Some of these actions could begin or otherwise be implemented within the next 12 to 18 months. The VAs have the added co-benefit of immediately injecting tens of millions of dollars into California's economy at this critical time.

- **Integrated Actions** - The group of public water agencies commit to the implementation of a broad spectrum of tools, coordinated to maximize benefits to the Delta ecosystem and native fish and wildlife species. These tools include improving targeted tributary flows and Delta outflows, restoration projects and the collection of funds from these water agencies to begin building the accounts necessary to implement the long-term program.
- **NGO Participation in the Governance Framework** - Water agencies remain committed to a collaborative decision-making approach that includes non-governmental organization participation in the governance structure.

## Essential Elements of a Watershed-Wide Agreement

The VAs hold the potential to achieve meaningful solutions that comprehensively manage the Delta watershed as a whole. A Delta watershed-wide agreement should incorporate the following essential elements.

- **Watershed-Wide Coordination** - A solution must encompass a Delta watershed-wide approach with coordinated operations to efficiently and effectively protect native fish and wildlife species. The VAs would facilitate coordination of restoration, operations, and research across all participating tributaries and Delta operations to provide improved ecosystem functions across major California waterways.
- **Collaborative Approach** - Partnership among diverse stakeholders must be the cornerstone of this durable solution. The VAs would establish a 15-year framework that includes participation from state and federal agencies, public water agencies, and conservation groups to help guide funding and management actions to improve water supply and environmental conditions in the Delta. A path of continued litigation would negatively affect water reliability and ratepayers across California, while delaying vital investments to restore and enhance the Delta ecosystem.

- **Integrated Solutions** - A Delta watershed-wide solution should provide a substantial “budget” of water for the environment, coupled with significant new habitat, an integrated science program, and adaptive management to provide a more comprehensive framework to recover fish populations, as opposed to a flows-only approach.
- **Coequal Goals** - A Delta watershed-wide solution must recognize the coequal goals of increasing water supply in California and improving the Delta ecosystem for hundreds of native fish and wildlife species.
- **Expedited Implementation** - The VAs commitment of functional flows and habitat can help fish populations recover more quickly, holistically and with fewer negative social and economic impacts than traditional regulatory requirements. As water agencies stand ready to implement a comprehensive series of ecological restoration and stewardship projects, state and federal agencies must also work to increase permitting effectiveness, expedite project review and approval, and improve cross-jurisdictional collaboration.
- **Governance** - Consistent with the VAs, a structured decision-making process that informs the implementation of flow and non-flow measures to achieve outcomes should be the foundation of any solution. This process



should be collaborative and informed by a robust science program. To the extent possible, the governance structure should coordinate with and be implemented through any existing management structures in the Delta tributaries.

- **Science and Adaptive Management** - A Delta watershed-wide agreement should include the development of a sound, shared, modern science program that explores all assets available to manage the Delta and monitors and evaluates their success in achieving the biological and environmental outcomes. This will serve as the basis for adaptive management decision-making. The VAs would establish both a Science Program and Independent Science Advisory Team to address uncertainties in current science using testable hypotheses to refine management solutions over time.
- **Funding Portfolio** - A Delta watershed-wide agreement should identify resources from a variety of agencies and programs for a large sustained investment for fish and wildlife measures, habitat restoration projects and science programs. Under the VAs approach, the total estimated contributions from the public water agencies to a Water Revolving Fund are projected to be \$1 billion. The state and federal financial commitment should be commensurate to the local investment.

