Bringing Water Together

Submitted via electronic mail to LSJR-SD-Comments@waterboards.ca.gov

November 7, 2025

Ms. Courtney Tyler, Clerk to the Board
State Water Resources Control Board
1001 I Street
Sacramento, CA 95812

Re: Comment Letter – Draft TVA Scientific Basis Report

Dear Ms. Tyler:

The Association of California Water Agencies (ACWA) appreciates the opportunity to provide public comments to the State Water Resources Control Board (State Water Board) on the draft Scientific Basis Report Supplement for the Tuolumne River Voluntary Agreement Proposal (draft SBR). ACWA represents more than 465 public water agencies that collectively deliver approximately 90% of the water in California for domestic, agricultural, and industrial uses.

The Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan) update will have significant water supply and cost impacts to many of ACWA's members and California's water users. ACWA and our member agencies have been actively engaged in the State Water Board's amendments to the Bay-Delta Plan, including the Sacramento River and Delta (Sacramento/Delta) and Lower San Joaquin River (LSJR) watershed updates, to support a solution that will improve water supply reliability for the 35 million people and nearly 8 million acres of farmland dependent on the San Fransico Bay/Sacramento-San Joaquin Delta watershed and its water supply, while improving habitat for native species.

ACWA strongly supports the Healthy Rivers and Landscapes (HRL) Program as the preferred pathway for updating and implementing the Bay-Delta Plan. The HRL Program can be expeditiously implemented to establish a holistic and integrated approach to improving the Bay-Delta ecosystem for fish and wildlife by aligning a broad spectrum of habitat, science, and adaptive management tools. Concurrently, it would help secure water supply reliability for other beneficial uses of water, including California's communities, farms, recreation, and hydropower.

Specific to the Tuolumne River HRL Program (Tuolumne HRL), ACWA offers the following input to the State Water Board.

1. Consider the Tuolumne HRL alongside the Sacramento/Delta update.

The HRL Program was developed using the best available science, with direct engagement from the California Environmental Protection Agency, California Natural Resources Agency, Department of Water Resources, Department of Fish and Wildlife, and U.S. Bureau of Reclamation, and is carefully packaged to meet the requirements for the Bay-Delta Plan update. As part of this effort, the Tuolumne HRL provides a balanced, science-based approach that

advances the coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem.

The HRL Program is designed to function as a coordinated, holistic framework—not as fragmented, stand-alone efforts. The State Water Board should evaluate the Tuolumne HRL alongside the Sacramento/Delta Bay-Delta Plan update, as it is an integral component of the HRL Program. ACWA recommends that the State Water Board ensure the Tuolumne HRL is fully considered within this comprehensive context.

2. Recognize the benefits of the Tuolumne HRL as a reasonable and implementable alternative for the Bay-Delta Plan.

A. Environmental and Flow Benefits: According to the Delta Stewardship Council's (DSC) March 15, 2017, letter to the State Water Board regarding the LSJR amendments to the Bay-Delta Plan, "[a] successful Bay-Delta Plan amendment should include both flow and non-flow actions. Because the LSJR ecosystem is substantially modified from its pre-20th century state, providing greater unimpaired flows without non-flow, ecosystem restoration actions may be inadequate and inefficient for the recovery of some native species…To the extent implementation of a combination of flow and non-flow measures is only feasible through voluntary negotiated settlements, we strongly support that approach as long as the outcomes are in keeping with the furtherance of the coequal goals."[1]

ACWA strongly agrees that an integrated approach with both functional flow and non-flow actions is necessary for native species recovery. ACWA appreciates that the State Water Board's regulatory authority is limited to requiring increased flows for fish and that many non-flow actions are within the jurisdiction or control of other agencies or water users. However, like the DSC, we have significant concerns that an overreliance on unimpaired flow as the only management tool will be ineffectual in generating the desired ecological outcomes. Applying multiple tools, such as flow and habitat improvements synergistically, can increase species' resiliency and promote population persistence, even in low-flow years.[2] The benefits of these habitat improvements can be maximized when used in conjunction with appropriately timed flow actions, activating these habitat types at specific flow regimes and enhancing connectivity.

The Tuolumne HRL would deliver 77 acres of new floodplain and rearing habitat, add 100,000 tons of spawning gravel, and restore critical side channels. These measures support a projected 150% increase in juvenile salmonid production compared to current conditions, and a 93% increase compared to the State Water Board's unimpaired flow approach. In addition, the Tuolumne HRL commits to increased flow releases in every water year type, including critically dry years, from just under 30,000 acre-feet of greater flows to approximately 169,000 acre-feet above current requirements. The

[1] Delta Stewardship Council Comment Letter to the State Water Board. March 2017. *RE: Recirculated Draft SED in Support of Potential Changes to the Bay-Delta Plan: San Joaquin River Flows and Southern Delta Water Quality.* Page 3.
[2] Herbold, B., et al. 2018. *Managing for Salmon Resilience in California's Variable and Changing Climate*. San Francisco Estuary and Watershed Science 16(2).

Tuolumne HRL provides a variable flow schedule for every season to meet in-river life cycle needs of native fish species—providing meaningful and measurable environmental outcomes.

B. Integrated Solutions Through a Collaborative Process: The HRL Program represents an unprecedented watershed-wide coordination effort that provides unique partnership opportunities with diverse parties, including state and federal agencies, public water agencies, tribes, conservation groups, and willing landowners.

The HRL Program's robust governance and shared science programs will facilitate collaboration, streamline the review of data and hypotheses, direct science needs, and inform decision-making to advance and improve fish and wildlife restoration. The science program will rely on the most current scientific information to guide actions and support rapid adaptive management as decision-makers continue to learn about interactions between flow and non-flow measures, which is critical as climate change increases uncertainty and drives extreme environmental conditions. This adaptive management will occur through a structured, open, and transparent process through which the State Water Board will maintain oversight and assess progress.

C. Locally Led and Fully Funded: The Tuolumne HRL represents a practical, locally driven approach that advances environmental restoration and water reliability together. Its implementation will be fully self-funded by over $80 million in local investments, ensuring the program can move forward without relying on state or federal appropriations. Through this commitment, the Tuolumne HRL will deliver measurable habitat improvements and flow enhancements that provide immediate, lasting benefits for the watershed and the communities it supports.

3. Address the adverse impacts of the unimpaired flow-only approach and protect all beneficial uses of water.

The State Water Board is responsible for updating the Bay-Delta Plan in a manner that establishes water quality objectives that ensure the reasonable protection of all beneficial uses of water, including domestic, municipal, agricultural, and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources. In doing so, the State Water Board must consider past, present, and probable future beneficial uses; environmental characteristics; water quality conditions; and economic considerations, among other things. Thus, when setting water quality objectives, the State Water Board must consider "all demands being made and to be made on those waters." ACWA is concerned that the State Water Board's singular focus on flows for fisheries beneficial uses and the infeasible flow requirements of the unimpaired flow approach would not adequately protect other key beneficial uses, as required by the California Constitution.[3]

A flow requirement of 40% unimpaired flow would lead to significant water shortages, severely impacting water users dependent on the Tuolumne River's supplies. In Turlock Irrigation District and Modesto Irrigation District, a 40% unimpaired flow requirement in 2015 would have resulted in $1.6 billion in lost economic output; $167 million in lost farm-gate revenue; $330

[3] Cal. Constitution, art 10, § 2.

million in lost labor income; 6,576 lost jobs; and substantially diminished supplies for domestic, agriculture, and hydropower uses. For the 2.7 million Bay Area users of the San Francisco Public Utilities Commission's Regional Water System, the 40% unimpaired flow requirement would result in water shortages of 40% under current demand in drought years. These projected water shortages will impact the ability of these Bay Area communities to meet housing development requirements and will impact housing and water rate affordability. As calculated in 2017, these water shortages would also result in $21 billion projected economic output losses in the Bay Area and 80,000 lost jobs under current demand in drought years. These examples underscore the requirement of Water Code section 13241, which mandates that the State Water Board take into account "economic considerations" and other relevant factors when establishing water quality objectives. By failing to adequately address these concerns, the unimpaired flow approach risks causing irreversible harm to California's communities, industries, and economic stability.

In contrast, the draft SBR demonstrates that the Tuolumne HRL represents a reasonable, durable alternative that balances the coequal goals: it provides a balanced and adaptive pathway that advances environmental objectives while maintaining supply reliability for communities and protecting all beneficial uses on the Tuolumne River. For these reasons, ACWA recommends that the State Water Board advance the Tuolumne HRL to avoid the adverse impacts of the unimpaired flow approach.

Conclusion

ACWA appreciates the opportunity to provide comments. Please do not hesitate to contact Stephen Pang at StephenP@acwa.com or (916) 669-2369 if you have any questions or would like to discuss these comments further.

Sincerely,

Stephen Pang
State Relations Advocate
Association of California Water Agencies

cc: The Honorable Wade Crowfoot, Secretary for Natural Resources, California Natural Resources Agency
The Honorable Yana Garcia, Secretary for Environmental Protection, California Environmental Protection Agency
The Honorable E. Joaquin Esquivel, Chair, State Water Resources Control Board
The Honorable Dorene D'Adamo, Vice Chair, State Water Resources Control Board
The Honorable Laurel Firestone, Member, State Water Resources Control Board
The Honorable Sean Maguire, Member, State Water Resources Control Board
The Honorable Nichole Morgan, Member, State Water Resources Control Board
The Honorable Charlton Bonham, Director, California Department of Fish and Wildlife

The Honorable Karla Nemeth, Director, California Department of Water Resources
Mr. Eric Oppenheimer, Executive Director, State Water Resources Control Board
Mr. Marwan Khalifa, Interim Executive Director, Association of California Water Agencies
Ms. Cindy Tuck, Deputy Executive Director, Association of California Water Agencies