



Delta Stewardship Council

A CALIFORNIA STATE AGENCY

June 12, 2023

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RE: Metropolitan Water District of Southern California's Updated Bay-Delta Policies

Dear Ms. Hawk:

As you are aware, on October 11, 2022 Metropolitan Water District of Southern California (Metropolitan) board members adopted internal policies regarding the Sacramento-San Joaquin River Delta (Delta) known as the Bay-Delta Policies. The Bay-Delta Policies were last updated in the mid-2000's and the Board updated them to respond to changed conditions in water resources management, the Delta, Metropolitan's service area, and Board prerogative. The Bay-Delta Policies are used as general guidance for Metropolitan staff in performing daily duties related to the Delta.

The Delta Stewardship Council (Council) recognizes the efforts made by Metropolitan staff to respond to comments on the initial draft Bay-Delta Policies by including numerous commitments to advance the Delta Reform Act of 2009, the state's coequal goals for the Delta, and the legislative objective to reduce reliance on the Delta and to increase regional self-reliance. We write to draw your attention to existing state Delta Plan regulatory requirements for demonstrating *how* water suppliers seeking to export water from or transfer water through the Delta must

demonstrate reduced reliance and increased regional self-reliance and comply with regulatory policy **WR P1**, *Reduce Reliance on the Delta through Improved Regional Water Self-Reliance*. (Cal. Code Regs., tit. 23, § 5003.)

For suppliers seeking to export water from or transfer water through the Delta, WR P1 requires specific data and information be included in Urban and Agricultural Water Management Plans (UWMPs/AWMPs) prepared by water suppliers every five years. UWMP/AWMP plans for these suppliers should describe the expected outcome of measurable reductions in the reliance upon Delta water and the improvement in regional water self-reliance by reporting the volumetric reduction or the reduced percentage of water received from the Delta as a part of the water suppliers' water portfolio. (See Cal. Code Regs., tit. 23, § 5003(c)(1)(C).) The California Court of Appeal has recently reviewed and affirmed the validity of WR P1. (*Delta Stewardship Council Cases* ((2020) 48 Cal.App.5th 1014, 1056-1064.) The court found that WR P1 "clearly falls within the scope of the regulatory authority delegated to the Council under the Delta Reform Act" and advances the coequal goal of providing a more reliable water supply for California. (Id. at pp. 1059-1064.) The court further recognized that to achieve the objective of reduced reliance, the Act "mandates" improvements in regional self-reliance from regions dependent on the Delta Watershed, even if the region is outside the geographical boundaries of the Delta. (Id. at p. 1060.)

To support efforts by water suppliers who receive Delta water to demonstrate reduced reliance, Department of Water Resources staff collaborated with Council staff and Metropolitan staff to craft [Appendix C](#) of the 2020 Urban Water Management Plan Guidebook. Similar to Metropolitan's Bay-Delta Policies, Appendix C refers to the Delta Reform Act of 2009 and the State's coequal goals, but further describes the Delta Plan and WR P1. It also provides an example approach for how a water supplier using data and information in its UWMP/AWMP plan could demonstrate consistency with WR P1 to support certification of a project, plan, or program as consistent with the Delta Plan. Even absent a covered action certification, the Delta Plan still recommends that water suppliers that receive water from the Delta watershed include an expanded water supply reliability element that details how water suppliers are reducing reliance on the

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Delta and improving regional self-reliance through investments in local and regional programs and projects, and document the expected outcome (Delta Plan Recommendation **WR R4**).

We appreciate the interaction and collaboration with you and Metropolitan staff on these matters to date. As you continue to implement the newly adopted Bay-Delta Policies, we invite Metropolitan staff to continue to engage with Council staff, and to increase such engagement to discuss how your new policies and the One Water approach can be advanced through the application of the Delta Plan and WR P1 and WR R4 to ongoing policy initiatives. Please contact me or my Deputy Executive Officer Jeff Henderson at jeff.henderson@deltacouncil.ca.gov with any questions or to discuss further.

Sincerely,

Jessica R. Pearson
Executive Officer
Delta Stewardship Council