

Appendix G
Achieving Reduced Reliance on the Delta
and Improved Regional Self-Reliance

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In 2009, the State of California (State) further defined its water policy priorities, including express recognition that the Sacramento-San Joaquin Delta (Delta) crisis cannot be resolved by actions in the Delta alone.

Given the interconnected nature of the Delta with the water use patterns of large parts of Northern, Central, and Southern California, the new coequal goals of statewide water supply reliability and an improved, protected, and restored Delta ecosystem will fundamentally reshape California water management over the course of this century. Achieving these coequal goals is expected to be done, in significant part, through compliance with the Delta Reform Act's various mandates and goals relating to statewide water conservation, efficiency, and sustainable water use, including the State's new policy to reduce reliance on the Delta and related mandate to improve regional self-reliance.

The Delta Reform Act promotes many statewide strategies to address coequal goals, including water efficiency and conservation, wastewater reclamation and recycling, desalination and advanced water treatment technologies, improved water conveyance, surface and groundwater storage, improved water quality, and implementation of local and regional water supply projects (see Water Code sections 85004(b), 85020(d) and (f), 85021, 85023, 85303, and 85304).

These strategies are consistent with Water Code section 85021, which declares that the State's policy is "to reduce reliance on the Delta in meeting California's future water supply needs through a statewide strategy of investing in improved regional supplies, conservation, and water use efficiency." That section also mandates that "(e)ach region that depends on water from the Delta watershed shall improve its regional self-reliance for water through investment in water use efficiency, water recycling, advanced water technologies, local and regional water supply projects, and improved regional coordination of local and regional water supply efforts."

Individual actions by water suppliers throughout the state to increase water efficiency, and develop local and regional water supplies are vital to achieving the coequal goals, and complying with new State policies to reduce Delta reliance and improve regional self-reliance. To promote these actions, the Delta Plan includes a regulatory policy, WR P1, Reduce Reliance on the Delta through Improved Regional Water Self-Reliance, which specifies the measures that must be taken by water suppliers under certain conditions to reduce their reliance on the Delta and improve regional self-reliance. In addition, the Delta Plan recommends that all water suppliers within the Delta watershed voluntarily implement the measures contained in WR P1 to reduce their reliance on the Delta and improve regional self-reliance.

The Delta Plan includes performance measures for assessing the state's progress in achieving the coequal goals and objectives of the Delta Plan. At the statewide level, California's success in achieving reduced

reliance on the Delta and improving regional self-reliance will be demonstrated through a significant reduction in the amount of water used or in the percentage of water used from the Delta watershed.

An Example of Achieving Compliance with WR P1, Reduce Reliance on the Delta through Improved Regional Water Self-Reliance

The intent of WR P1, Reduce Reliance on the Delta through Improved Regional Water Self-Reliance, is to ensure that urban and agricultural water suppliers that would receive water from the Delta as a result of a proposed covered action are implementing appropriate measures to contribute to the achievement of the State’s policy of reducing reliance on the Delta and the related mandate of improving regional self-reliance. An example for how water suppliers can comply with WR P1 is provided in the sidebar, An Example of Compliance with WR P1, Reduce Reliance on the Delta through Improved Regional Water Self-Reliance.

WR P1 potentially applies to a proposed action to export water from, transfer water through, or use water in the Delta; but the measures required by WR P1 are not triggered unless one or more water suppliers would receive water as a result of the proposed action (see 23 California Code of Regulations [CCR] Section 5003 (b)).

WR P1 specifically states that water shall not be exported from, transferred through, or used in the Delta if all of the following apply (see 23 CCR Section 5003 (b)):

- (1) One or more water suppliers that would receive water as a result of the export, transfer or use have failed to adequately contribute to reduced reliance on the Delta and improved regional self-reliance consistent with all of the requirements listed in paragraph (1) of subsection (c) of 23 CCR Section 5003;
- (2) That failure has significantly caused the need for the export, transfer or use; and
- (3) The export, transfer, or use would have a significant adverse environmental impact in the Delta.

To comply with WR P1, the regulation specifies that water suppliers have done the following: (see 23 CCR Section 5003 (c)):

- (A) Completed a current Urban or Agricultural Water Management Plan (Plan) which has been reviewed by the Department of Water Resources for compliance with the applicable requirements of Water Code Division 6, Parts 2.55, 2.6, and 2.8;
- (B) Identified, evaluated and commenced implementation, consistent with the implementation schedule set forth in the management Plan, of all programs and projects included in the Plan that are locally cost effective and technically feasible which reduce reliance on the Delta; and,
- (C) Included in the Plan, commencing in 2015, the expected outcome for measurable reduction in Delta reliance and improvement in regional self-reliance. The expected outcome for measurable reduction in Delta reliance and improvement in regional self-reliance shall be reported in the Plan as the reduction in the amount of water used, or in the percentage of water used from the Delta watershed. For the purposes of reporting, water efficiency is considered a new source of water supply, consistent with Water Code Section 1011(a).

AN EXAMPLE OF COMPLIANCE WITH WR P1, REDUCE RELIANCE ON THE DELTA THROUGH IMPROVED REGIONAL WATER SELF-RELIANCE

The following scenario illustrates how Water Supplier A would comply with WR P1, Reduce Reliance on the Delta through Improved Regional Water Self-Reliance.

In this example, Water Supplier A applies for a multiyear transfer of water through the Delta. Water Supplier A will receive water from the proposed transfer, as will several other water suppliers.

For the proposed water transfer to be inconsistent with WR P1, Water Supplier A would have to make three findings in the certification of consistency form:

- The proposed transfer will have a significant adverse environmental impact on the Delta.
- One or more water suppliers that will receive water from the proposed transfer have failed to complete the three WR P1 compliance requirements that demonstrate how they are contributing to reduce reliance on the Delta.
- The failure of those water suppliers was a significant cause for the need for the proposed transfer.

The steps that Water Supplier A would follow in making these findings are the following:

First: *Is the proposed water transfer a covered action?*

- If NO, then Water Supplier A is urged to comply with WR P1 voluntarily.
- If YES, then Water Supplier A would need to determine whether the proposed transfer would have a significant adverse environmental impact in the Delta.

Second: *Will the proposed transfer have a significant adverse environmental impact in the Delta?*

Water Supplier A, as the applicant for the proposed transfer, will make this determination based upon the environmental assessment it prepares for the project.

- If NO, then Water Supplier A provides the necessary documentation in the consistency certification form to substantiate this finding. Although no further action to comply with WR P1 is required, Water Supplier A is urged to implement WR P1 voluntarily.
- If YES, then Water Supplier A would need to address the three compliance requirements listed in WR P1 for all of the water suppliers that would receive water as a result of the proposed transfer.

Third: *Have one or more urban or agricultural water suppliers (see 23 CCR sections 5001(b), (c)(1) and (2), (hh)(1) and (2), and (ii)) that will receive water as a result of the proposed transfer failed to comply with the three requirements listed in WR P1?*

Water Supplier A will need to provide a finding in the consistency certification form as to whether one or more water suppliers that will receive water as a result of its proposed transfer have failed to comply with the three requirements. The three compliance requirements are:

1. *Comply with specified water management laws.* Each water supplier has a current water management plan that has been reviewed for compliance with applicable laws by the California Department of Water Resources.
2. *Analyze and implement.* Each water supplier has identified, evaluated, and commenced implementation, consistent with the schedule they identify in their plan, of the technically feasible, locally cost-effective programs and projects that will reduce reliance on the Delta.
3. *Report.* Commencing with the 2015 plan, each water supplier has documented in its current plan the expected outcome for measurable reduction in Delta reliance and improvement in regional self-reliance from the implementation of their programs and projects. This shall be reported as the reduction in the amount of water used, or in the percentage of water used, from the Delta watershed.

Water Supplier A can gather the information from other water suppliers that will be included in its consistency certification form in a number of ways. The supplier can send out a letter requesting that each additional water supplier that will receive water as a result of the proposed transfer certify the status of their compliance with WR P1. If Water Supplier A is a wholesale agency, it could request its member agencies to be responsible for submitting their own information and for obtaining the information from their sub-agencies (and the sub-agencies would be responsible for their own sub-agencies).

Fourth: *Has the failure of one or more water suppliers to comply with the three requirements listed in WR P1 significantly caused the need for the proposed transfer?*

Water Supplier A will need to provide a finding in the consistency certification form on whether the failure of one or more water suppliers to comply with the three requirements significantly caused the need for the proposed transfer. Water Supplier A will use the information collected from each of the water suppliers that will receive water as a result of the proposed transfer as the basis for making the determination. Water Supplier A will also have the opportunity in the consistency certification form to describe the region's progress in reducing its reliance on the Delta and improving regional self-reliance, and to report on the regional reduction in the amount of water used, or in the percentage of water used, from the Delta watershed.

Key Questions Concerning Implementation of WR P1

- ◆ Which Urban and Agricultural Water Suppliers May Be Required to Comply with WR P1?

“Water suppliers,” as used in WR P1 and in the Delta Plan, refers to both “urban water” suppliers and “agricultural water” suppliers as defined by California law (see 23 CCR Section 5001(b), (c)(1) and (2), (hh)(1) and (2) and (ii)). WR P1 may only apply to water suppliers that receive or use water from the Delta that also meet the following definitions:

“Urban water supplier” refers to both “urban retail water suppliers” and “urban wholesale water suppliers.” An “urban retail water supplier” means a water supplier, either publicly or privately owned, that directly provides potable municipal water to more than 3,000 end users or that supplies more than 3,000 acre-feet of potable water annually at retail for municipal purposes. An “Urban wholesale water supplier” means a water supplier, either publicly or privately owned, that provides more than 3,000 acre-feet of potable water annually at wholesale for municipal purposes.

“Agricultural water supplier” refers to both “agricultural retail water suppliers” and “agricultural wholesale water suppliers” under the Water Code, but not the Department of Water Resources, the United States Bureau of Reclamation or agricultural water suppliers during the time that they may be exempted by Section 10853 of the Water Code from the requirements of Parts 2.55 and 2.8 of Division 6 of the Water Code. An “agricultural water supplier” includes both of the following:

A water supplier, either publicly or privately owned, providing water to 10,000 or more irrigated acres, excluding recycled water; and a water supplier or contractor for water, regardless of the basis of the water right, that distributes or sells water for ultimate resale to customers.

- ◆ What Do Urban and Agricultural Water Suppliers Need to Do to Comply with WR P1?

There are three core compliance requirements in WR P1. Water suppliers must:

1. **Comply with specified water management laws.** Water suppliers must have a current urban or agricultural water management plan that has been reviewed for compliance with applicable laws by the California Department of Water Resources (DWR).
2. **Analyze and Implement.** Water suppliers must have identified, evaluated, and commenced implementation, consistent with the schedule they identify in their plan, of the technically feasible, locally cost-effective programs and projects that will reduce their reliance on the Delta.
3. **Report.** Water suppliers must report on the expected outcome for measureable reduction in the amount of water used, or in the percentage of water used, from the Delta watershed, starting in 2015.

- ◆ What Types of Measures Should Urban and Agricultural Water Suppliers Consider Implementing to Reduce Their Reliance on the Delta?

Measures that reduce reliance on the Delta and improve regional self-reliance include programs and projects that improve water efficiency, water recycling, stormwater capture and use, conjunctive use projects, local and regional water supply and storage projects, watershed management, and regional coordination of local and regional water supply efforts. The State Water Plan identifies 27 different water supply and management measures that water suppliers may want to consider when developing their water management plans (DWR 2009).

- ◆ When Should Progress in Reducing Reliance on the Delta Be Reported?

Water suppliers must report on the expected outcome for measureable reduction in the amount of water used, or in the percentage of water used, from the Delta watershed, starting in 2015. Progress in reducing reliance on the Delta will be reported in subsequent urban or agricultural water management plans, which are due in years ending in five or zero (see Water Code section 10621(a) and Water Code section 10820 (a) and (b)).

- ◆ How Will Water Suppliers Report Their Progress in Reducing Reliance on the Delta?

Starting in 2015, water suppliers will report on the expected outcome of the measures they are implementing in their urban or agricultural water management plans to reduce reliance on the Delta and improve regional self-reliance. Their progress will be reported in these plans as a reduction in the amount of water used, or in the percentage of water used, from the Delta watershed.

- ◆ Do Water Efficiency and Conservation Count Toward Reducing Reliance on the Delta?

For the purposes of reporting on a water supplier's progress in reducing reliance on the Delta and improving regional self-reliance, water conservation and efficiency measures are considered a new source of water supply, consistent with Water Code section 1011(a). State water efficiency goals and metrics have been established through State law for urban and agricultural water suppliers. Water saved through implementation of these measures counts as a new source of supply because this is water that otherwise would have been needed to meet future demand. Even if total water use is increasing as a result of population or economic growth, a water supplier can demonstrate that its water use is more efficient and is contributing to reduced reliance on the Delta and improved regional self-reliance.

- ◆ What Should Water Suppliers Do if They Want to Voluntarily Implement WR P1?

Water suppliers that do not receive water directly from the Delta, such as suppliers located in the Delta's upper watershed, are not subject to the regulatory provisions of WR P1. However, the Delta Plan recommends that all water suppliers located within the Delta watershed voluntarily implement the measures contained in WR P1 to reduce their reliance on water from the Delta watershed and improve regional self-reliance. An example of how water suppliers may voluntarily implement the measures in WR P1 is discussed below.

An Example of Voluntary Implementation of Measures to Reduce Reliance on Water from the Delta Watershed and Improve Regional Self-Reliance

Although WR P1 is a regulation that applies only under specific conditions, the Delta Plan recommends that all water suppliers within the Delta watershed voluntarily implement the actions contained in WR P1 to reduce their reliance on water from the Delta watershed and improve regional self-reliance.

It is important to recognize that reliance on water from the Delta and the Delta watershed varies throughout California, from region to region and water supplier to water supplier. Some water suppliers have greater access to alternative water supplies or have a greater ability to implement a diverse range of water efficiency and water supply projects. Others, particularly in the Delta's upper watershed, may have a narrower range of options; indeed, for many, the only source of water is out of the Delta watershed. The key is that every supplier must do its part and take appropriate action to improve regional self-reliance and contribute to reduced reliance on water from the Delta watershed.

Improvements in regional self-reliance may be assessed at a local, regional, and statewide level. Given the Delta Reform Act mandates to improve water supply reliability for California, reduce reliance on the

Delta, and improve regional self-reliance, water suppliers should meet the existing requirements of Senate Bill X7 7, comply with applicable urban water management and agricultural water management plan laws, and other water management statutes to identify, evaluate, and commence implementation of locally cost-effective and technically feasible measures, consistent with their water management plan schedules, that will reduce reliance and improve regional self-reliance and to report on the expected outcome of implementing these measures as the reduction in the amount of water used, or the percentage of water used, from the Delta watershed.

One approach to demonstrating improved self-reliance at the regional level is to conduct a regional assessment, consistent with the “regional compliance” guidelines provided by DWR in its 2010 guidebook (DWR 2010), which incorporates information from the relevant urban and agricultural water management plans. Regions may be described as the entire hydrologic region as defined by the State Water Plan (DWR 2009), a DWR-accepted integrated regional water management planning region, a region based on the boundaries of water supplier, or another appropriate scale.

The entity leading the development of a regional plan would identify the appropriate scale and all water suppliers (and other entities) that are participating in the regional plan. Measures to be considered include programs and projects that improve water efficiency, water recycling, stormwater capture and use, conjunctive use projects, local and regional water supply and storage projects, watershed management, and regional coordination of local and regional water supply efforts as well as the 27 different water supply and management strategies identified in the State Water Plan (DWR 2009).

Regional plans should document and report on the expected outcome for measureable reduction in reliance on water from the Delta watershed and improved regional self-reliance from the implementation of the identified programs and projects. This should be reported as the reduction in the amount of water used, or in the percentage of water used, from the Delta watershed.

References

- DWR (California Department of Water Resources). 2009. *California Water Plan Update 2009*. Sacramento, CA.
- DWR (California Department of Water Resources). 2010. *Guidebook to Assist Urban Water Suppliers to Prepare a 2010 Urban Water Management Plan, Methodology 9: Regional Compliance*.