Appendix P
Demonstrating Consistency with the Delta Plan Regarding Reduced Reliance on the Delta and Improved Regional Self-Reliance

THIS PAGE INTENTIONALLY BLANK

Appendix P: Demonstrating Consistency with the Delta Plan Regarding Reduced Reliance on the Delta and Improved Regional Self-Reliance

In 2009, California further defined its water policy priorities, including express recognition that the 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 this coequal goal is expected 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.

In particular, the Delta Reform Act mandates 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."

Consequently, to achieve the statewide water supply mandates and the coequal goal of statewide water supply reliability, regions located outside the Delta also must take action outside the Delta to increase water efficiency and develop sustainable local and regional sources of water that will contribute to improved water supply reliability.

Individual actions by water suppliers throughout the state will be vital to achieving the coequal goals, complying with new State policies to reduce Delta reliance, and improving regional self-reliance. To be consistent with the Delta Plan, urban and agricultural water suppliers that use water from the Delta and/or the Delta watershed are expected to contribute to reduced reliance on the Delta and to improved regional self-reliance.

- **What Do Urban and Agricultural Water Suppliers Need To Do?**
  The Delta Plan specifically calls upon urban and agricultural water suppliers[1] to identify, evaluate, and implement locally cost-effective and technologically feasible measures that will contribute to reducing reliance on the Delta and improved regional self-reliance. Water suppliers are expected to meet the existing requirements of SB X7 7 and to comply with applicable urban water management plan and agricultural water management plan laws and other water management statutes.

- **What Types of Measures Should Urban and Agricultural Water Suppliers Consider?**
  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 management, local and regional water supply projects, watershed management, and regional coordination of local and regional water supply efforts (Water Code section 85021). The State Water Plan identifies 27 potential water resource measures that water suppliers should consider when developing their water management programs (DWR 2009).

- **How Will Progress in Reducing Reliance/Improving Regional Self-Reliance be Assessed?**
  The State's progress in reducing reliance on the Delta and improving regional self-reliance will be demonstrated through a significant reduction in the amount of water used, or the percentage of water used, from the Delta watershed. Advancement toward this goal will be evaluated at the local, regional, and statewide levels.

- **What Is the Baseline for Evaluating Progress Toward Reducing Reliance/Improving Regional Self Reliance?**
  The baseline for documenting progress in reducing reliance on the Delta and improving regional self-reliance will be existing water use as documented in the most recently adopted 2010 urban and 2012 agricultural water management plans.

- **Does Water Efficiency Count Toward Reducing Reliance/Improving Regional Self-Reliance?**
  In evaluating actions that contribute to reduced reliance Delta and improved regional self-reliance, water conservation and efficiency is considered a new source of water supply, consistent with Water Code section 1011(a). State water efficiency goals and metrics have been established through SB X7 7 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.

[1] Water suppliers, as used in this Delta Plan, refer to both "urban water supplier" and "agricultural water supplier." "Urban water suppliers" as used in this Delta Plan refers to both "urban retail water suppliers" and "urban wholesale water suppliers" under the Water Code. 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 (Water Code section 10608.12(p)). 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. (Water Code section 10608.12(r)). "Agricultural water supplier" as used in this Delta Plan refers to both "agricultural retail water suppliers" and "agricultural wholesale water suppliers" under the Water Code. An "agricultural water supplier" means a water supplier, either publicly or privately owned, providing water to 10,000 or more irrigated acres, excluding recycled water. An "agricultural water supplier" includes a supplier or contractor for water, regardless of the basis of right that distributes or sells water for ultimate resolve to customers. "Agricultural water supplier" does not include DWR (Water Code section 10608.12(a)). Any agricultural water supplier that provides water to less than 25,000 irrigated acres is not required to comply with SB X7 7 requirements unless sufficient funding is provides to the supplier to implement these provisions (Water Code section 10853).

Demonstrating Compliance with WR P1, Reduced Reliance on the Delta

The intent of WR P1 is to ensure that urban and agricultural water suppliers are taking appropriate action to contribute to the achievement of reduced reliance on the Delta by complying with the statutory requirements of SB X7 7 and other water management laws, and by implementing programs and projects that are locally cost effective and technologically feasible for urban and agricultural water suppliers to increase water use efficiency and conservation and diversify local water supply portfolios.

The Delta Stewardship Council recommends that all urban and agricultural water suppliers comply with WR P1, Reduced Reliance on the Delta. However, WR P1 is a potential regulatory policy only for urban and agricultural water suppliers that receive Delta water as the result of the export of water from, transferred water through, or used in the Delta. See the sidebar for an example of how a water supplier would comply with WR P1.

Documenting Improved 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 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 the Delta.

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 are expected to meet the existing requirements of SB X7 7, to comply with applicable urban water management plan and agricultural water management plan laws and other water management statutes, and to report on the expected outcome for reducing the amount of water used, or the percentage of water used, from the Delta watershed.

One approach to demonstrating improved regional self-reliance is to conduct a regional level assessment, consistent with the "regional compliance" guidelines provided by the California Department of Water Resources (DWR) in its 2010 guidebook (DWR 2010) and incorporate information from the relevant urban and agricultural water management plans into the regional assessment. 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 those identified in Water Code sections 85004(b), 85020(d) and (f), 85021, 85023, 85303, and 85304, and the resource management strategies identified in the State Water Plan (DWR 2009). The baseline for assessing progress is existing water use and supplies as documented in the most recently adopted 2010 urban and 2012 agricultural water management plans. A regional plan would report on expected outcome for reducing the amount of water used, or in the percentage of water used, from the Delta watershed.

AN EXAMPLE OF WR P1 COMPLIANCE

The following scenario, in which Water Supplier A applies for a multi-year water transfer, illustrates how Water Supplier A would comply with WR P1.

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

- If NO, Water Supplier A is urged to comply with WR P1 voluntarily.
- IF YES, the Water Supplier A would need to determine whether the proposed action 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 action, 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 self-certification form to document this finding.
- If YES, then Water Supplier A would need to address the three compliance requirements listed in WR P1 for all the water suppliers that would receive water as a result of the proposed transfer.

Third: ***Have one or more urban or agricultural water suppliers (consistent with Water Code sections 10608.12(a), (p) and (r), and section 10853) 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 covered action self-certification form on 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 water management laws*. Each water supplier has a current water management plan that has been reviewed for compliance with applicable laws by DWR.
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 in 2015, each water supplier will report on the expected outcome for measureable reduction in Delta reliance and improvement in regional self- reliance.

Water Supplier A can gather the information that will be included in its self-certification in a number of ways. The supplier can send out a letter requesting that each water supplier that will receive water as a result of the proposed action certify the status of their compliance. 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 self-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 who will receive water as a result of the proposed action as the basis for making the determination. Water Supplier A will have the opportunity in the certification form to describe how regional trends and water efficiency demonstrate that the region or service is reducing reliance on the Delta.

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

- 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 WRP1 compliance requirements to 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.

DP-367

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.

THIS PAGE INTENTIONALLY BLANK