



November 7, 2025

Courtney Tyler, Clerk to the Board
Division of Water Rights Mail Room
Attn: San Joaquin Unit
State Water Resources Control Board
1001 I Street, 2nd Floor, Sacramento, CA 95814
Transmitted via e-mail to: LSJR-SD-Comments@waterboards.ca.gov

Re: Comment Letter – Draft TVA Scientific Basis Report

Dear Ms. Tyler:

The Bay Area Water Supply and Conservation Agency (BAWSCA) submits the following comments regarding the Draft Scientific Basis Report Supplement for the Tuolumne River Voluntary Agreement Proposal (Draft SBR). The Draft SBR is a necessary prerequisite before the State Water Board considers the proposed voluntary agreement for the Tuolumne River, which is also referred to as the Tuolumne Healthy Rivers and Landscape Plan or Tuolumne HRL. Incorporation of the Tuolumne HRL will require potential updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan or Plan), most recently adopted by the State Water Board in 2018.

BAWSCA has expressed its support of a thorough, robust and defensible analysis of the Tuolumne HRL. A robust review would help to bring all parties together and potentially move forward a unified approach to meeting the needs of all Tuolumne River parties and beneficiaries. BAWSCA is pleased to see that the Draft SBR provides sufficient documentation to warrant moving the Tuolumne HRL forward as part of an updated Bay-Delta Water Quality Control Plan.

The Tuolumne HRL is designed to provide tangible environmental benefits, including new floodplain and rearing habitat, restored spawning areas, and increased flows in all hydrologic year types. It is also predicted to result in a 150% increase in juvenile salmon compared to current conditions. The San Francisco Public Utilities Commission (SFPUC) together with the Modesto Irrigation District and Turlock Irrigation District are self-funding the implementation of the Tuolumne HRL, committing over \$80M. This will deliver immediate results without delay by reliance on State or Federal funding.

The Draft SBR confirms that the Tuolumne HRL proposal is 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. The State Water Board now has the scientific basis it needs to move the Tuolumne HRL proposal forward without delay so that it can be considered as an alternative update to the Bay-Delta Plan.

BAWSCA represents the twenty-six wholesale customers of the SFPUC, who collectively contribute to the funding of the Tuolumne HRL through water rates, totaling more than \$320M annually, paid to San Francisco. For the BAWSCA agencies, the Tuolumne HRL helps ensure a continuing reliable supply of high-quality water at a fair price for the health, safety, and economic well-being of BAWSCA's water users in the Bay Area.

BAWSCA's Interest in the Draft SBR and Tuolumne HRL

BAWSCA represents the wholesale water agencies that purchase two-thirds of the water delivered by the San Francisco Regional Water System (Regional Water System) and pays for two-thirds of its costs. The Regional Water System relies on the Tuolumne River for 85 percent of its water supply. The BAWSCA member agencies, in turn, provide water to 1.8 million residents, 40,000 businesses, and hundreds of community organizations in Alameda, San Mateo, and Santa Clara counties. It is important to understand that BAWSCA was created 22 years ago by the California legislature (AB 2058) to protect and assure a reliable water supply for its constituents (Water Code § 81300 *et seq.*). Attachment 1 illustrates the BAWSCA service area and member agencies.

BAWSCA has been engaged in the process to update the Bay-Delta Plan and continues to support its objectives. However, BAWSCA cannot support the Plan adopted by the State Board in December 2018 due to the significant negative impacts to the water customers BAWSCA represents. The Plan adopted in 2018 would result in a very serious loss of up to 90 million gallons of water every day during times of drought from the Regional Water System. These are the same unacceptable impacts that BAWSCA described to the State Board in detailed written and oral comments¹ when it adopted the Bay-Delta Plan update and Substitute Environmental Document (SED) in 2018.

Of particular concern for BAWSCA member agencies is how reduced supplies resulting from implementation of the Bay-Delta Plan adopted in 2018 will impact housing needs in the Bay-Area. The Porter-Cologne Water Quality Control Act requires that the State Board evaluate “the need for developing housing within the region” when establishing water quality objectives (Water Code § 13241(e)). Furthermore, the State’s Housing Accountability Act declares: “The availability of housing is of vital statewide importance” (Gov. Code § 65580(a)) and “California has a housing supply and affordability crisis of historic proportions” (*id.* § 65589.5(a)(2)(A)). And the housing crisis is particularly acute in the Bay Area.² See Attachment 2 for a discussion of SF Bay Area housing requirements.

BAWSCA member agencies have adopted State-required UWMPs that show they would suffer up to a 50-percent loss of water supply from the Regional Water System during multi-year droughts if the adopted Bay-Delta Plan was in force. The UWMPs provide the long-term resource planning of each agency and ensure that adequate water supplies are available to meet existing and future needs (Water Code §§ 10610.2, 10610.4.). BAWSCA member agencies’ most recent UWMPs can be found on BAWSCA’s website at https://bawasca.org/members/urban_water_management.

BAWSCA member agencies' foreseeable responses to a water shortage derived from the UWMPs include, but are not limited to:

- Increased reliance on local groundwater, increasing the probability for groundwater basin overdraft, saltwater intrusion, and land subsidence.

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https://www.waterboards.ca.gov/public_notices/comments/2016_baydelta_plan_amendment/nicole_sandkulla.pdf

² <https://www.sfchronicle.com/bayareahousingcrisis/>

- Expanded use of local surface water supplies, which could be greatly depleted or completely unavailable during times of drought.
- Seeking to acquire new water supplies through transfer or alternative supplies.
- Implementing a development (e.g., "no new hook up") moratorium which would cause environmental and economic impacts and impacts from displaced growth and urban sprawl.

Based on the history of BAWSCA member agencies' actions during past droughts, it can be reasonably assumed that agencies would require increasing levels of rationing and they may need to impose moratoria on new development if the Bay-Delta Plan flow requirements reduce water supplies. Moratoria on new development will exacerbate the existing Bay Area housing crisis and cause affordability issues that will cripple Bay Area communities.

BAWSCA member agencies already have some of the lowest residential per capita water users in the State. Specifically, nine of the twenty-six member agencies have average residential indoor and outdoor water use at or below 47 gallons per person per day, the State's standard for efficient indoor residential water use. For these agencies, a 50% reduction in water supplies equates to an average per person water use of 25 gallons per day or less. Such water restrictions may be impossible to achieve without punitive and prescriptive measures and would certainly result in unacceptable negative impacts on job growth, a slowdown in the economy, and health, safety and economic risks for people, businesses and communities. Importantly, the adopted Bay-Delta Plan could limit the ability for cities to approve State-mandated construction of new affordable-housing for residents and employees of vital businesses and institutions.

The Bay-Delta Plan must take into account these substantial impacts to the Bay Area. The 2018 adopted Plan did not do so, which is why BAWSCA could not support the 2018 adopted Plan. The Tuolumne River HRL, however, can reduce these substantial impacts and thus is better aligned with Water Code section 13241, requiring the State Board to evaluate the need for developing housing when establishing water quality objectives. That is why BAWSCA appreciates the work by the State Water Board in developing the Draft SBR for amending the Bay-Delta Plan. While BAWSCA opposed the 2018 adopted Plan, it has consistently supported voluntary agreements. These voluntary agreements can reduce the impacts to the Bay Area's water supply while providing tangible environmental benefits and improving the fisheries. This balanced outcome is of vital importance to BAWSCA. A thorough, robust and defensible analysis of the proposed Tuolumne River HRL is critically necessary to bring all parties together and in moving forward with a solution that meets our shared objectives. The Draft SBR is a reasonable alternative that balances the beneficial use of water on the Tuolumne and, the State Board should continue to advance the Tuolumne River HRL forward so that it can be implemented as soon as possible.

Sincerely,



Tom Smegal
Chief Executive Officer/General Manager

Enclosures

cc: San Francisco City Attorney's Office
Mr. Steve Ritchie, SFPUC, Assistant General Manager, Water Enterprise

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ATTACHMENT 1
BAWSCA Service Area Member Agencies

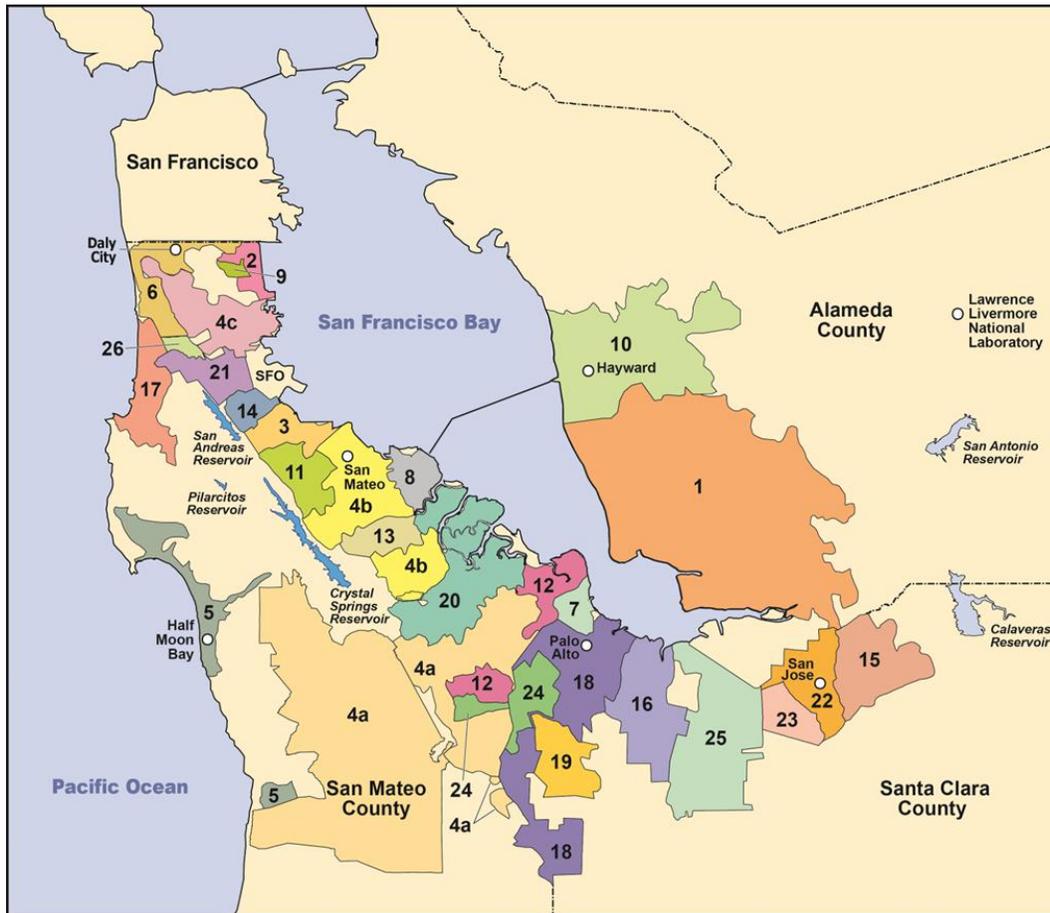


Figure 1: BAWSCA Member Agency Service Area

Legend

| | | |
|--------------------------|-------------------------|-----------------------------|
| 1 Alameda County Water | 9 Guadalupe Valley | 19 Purissima Hills Water |
| 2 City of Brisbane | 10 City of Hayward | 20 City of Redwood City |
| 3 City of Burlingame | 11 Town of Hillsborough | 21 City of San Bruno |
| 4a CWS – Bear Gulch | 12 City of Menlo Park | 22 San Jose Municipal Water |
| 4b CWS – Mid-Peninsula | 13 Mid-Peninsula Water | 23 City of Santa Clara |
| 4c CWS – SSF | 14 City of Millbrae | 24 Stanford University |
| 5 Coastside County Water | 15 City of Milpitas | 25 City of Sunnyvale |
| 6 City of Daly City | 16 City of Mountain | 26 Westborough Water |
| 7 City of East Palo Alto | 17 North Coast County | |
| 8 Estero Municipal | 18 City of Palo Alto | |

Source: BAWSCA FY 2023-24 Annual Survey

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ATTACHMENT 2 **SF Bay Area Housing Requirements**

The California Sustainable Communities and Climate Protection Act of 2008 (California Senate Bill 375, Steinberg) requires the Bay Area to plan for housing that can accommodate all projected growth, by income level, so as to reduce the pressures that lead to in-commuting from outside the nine-county region (Plan Bay Area 2050, adopted on October 21, 2021, by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC))³. Plan Bay Area 2050 encompasses the entire Bay Area, including the nine counties and the 101 cities and towns that make up the region. Plan Bay Area 2050 provides a roadmap for accommodating projected household and employment growth in the nine-county Bay Area by 2050 as well as a transportation investment strategy for the region. It details how the Bay Area can make progress toward the region's long-range transportation and land use goals. As detailed in Plan Bay Area 2050, the Bay Area has 2.5 million homes and counting throughout its nine counties. To accommodate a growing population expected to reach 10 million by 2050, more housing will need to be built throughout the region.⁴

The consideration of the Plan Bay Area housing requirements is not optional. The Regional Housing Needs Allocation program, or RHNA, (Gov. Code § 65584 *et seq.*) addresses the housing crisis by assigning each local jurisdiction a number of housing units that represents its share of the state's housing needs for an eight-year period. (Gov. Code § 65588.) The California Department of Housing and Community Development allocates the state's anticipated housing needs on a regional basis at different levels of affordability based on data involving household demographics. (Gov. Code §§ 65584(a)(1); 65584.01; 65588.) The housing needs are distributed to individual localities by a regional council of governments. (Gov. Code § 65584.05.) Once the housing needs allocations are final, each locality must update its general plan's housing element to provide an inventory of sites available for residential development, and identify any constraints to development. (Gov. Code §§ 65583; 65583.2; 65585.) Any locality that does not adopt a compliant updated housing element is subject to accelerated rezoning and penalties. (Gov. Code §§ 65583(c)(1)(A); 65583.2(c); 65588(e)(4)(C); 65755(a)(1),(4).) Accordingly, cities and counties *must* comply with the RHNA numbers; participation is not optional.

It is critical that the State housing laws be considered when developing water quality control plans, especially when water supplies are impacted, such as with the Bay-Delta Plan. As a condition of tentative map approval, for instance, residential housing subdivisions require verification of a "sufficient water supply." (Gov. Code § 66473.7(b)(1).) By further example, large residential housing projects require water supply assessments that consider whether the applicable Urban Water Management Plans (UWMP) consider the added demand the project will impose and confirm whether water supplies can meet the housing project's current and future demand. (Water Code § 10910.) These verification and assessment requirements each require that local agencies consider whether a public water system's total projected water supply available during normal, single dry, and multiple dry water years during a twenty-year project will meet the proposed housing project's water demand. (Gov. Code § 66473.7(a)(2); Water Code § 10910(c)(3).) Disrupting water supply availability thus has a direct impact on the Bay Area cities' ability to develop housing.

³ <https://planbayarea.org/plan-bay-area-2050>

⁴ <https://planbayarea.org/2050-plan/final-plan-bay-area-2050/chapter-2-housing>