

DATE: February 18, 2020
TO: RWA Executive Committee
FROM: RWA Voluntary Agreement Ad-hoc Committee
SUBJECT: Voluntary Agreement Ad-hoc Committee Recommendations

Background:

A number of RWA member agencies have been working together under a Joint Defense Agreement (JDA) to participate in the Bay-Delta Water Quality Control Plan Voluntary Agreement (VA) process for the last several years, which has involved a significant time investment to cover the necessary meetings. The participating agencies include:

- Sacramento County Water Agency
- City of Sacramento
- Placer County Water Agency
- El Dorado Irrigation District
- City of Roseville
- Carmichael Water District
- San Juan Water District
- City of Folsom
- Sacramento Suburban Water District

The majority of the representation for these efforts was provided by staff from Placer County Water Agency (PCWA) and the City of Sacramento, with support from the Water Forum, San Juan and the City of Roseville. The City of Sacramento and PCWA are no longer able to provide this level of involvement in the VA process, and it has been suggested that RWA have some role moving forward.

During the June 26 2019 Executive Committee (EC) meeting, the EC Chair created a Voluntary Agreement Ad-hoc Committee (VA Committee) to investigate the possibility of an RWA program to provide the necessary consultant support for the VA process. The VA Committee developed a consultant scope of work and engaged ICF Consultants (specifically Pablo Arroyave) through PCWA to support the water purveyors engaged in the VA process, with the plan of transitioning the contract to RWA in the future as part of a subscription program. Shortly thereafter, Pablo took a position with another company, and is no longer available for this role.

During the December 11 2019 Executive Committee (EC), the VA Committee updated the EC on the status of committee efforts in an effort to move the VA subscription program forward. At that meeting, Andy Fecko from PCWA brought up difficulties relative to consultant assistance as well as that given the multiple processes/challenges to surface water rights in particular, perhaps RWA should contemplate staff resources rather than consultant resources. The EC then gave direction to the Executive Director to investigate the need for a staff position that could take lead on matters that affect the surface water reliability of the member water agencies.

Purpose and Need:

RWA's membership consists of water providers in the El Dorado, Sacramento, Placer, Sutter and Yolo county areas who provide water to their customers from a variety of sources including water rights, CVP contracts, SWP contracts and groundwater. Currently the State of California is beginning an initiative titled the Water Resilience Portfolio that is intended to change water policy moving forward to work toward better statewide water supply reliability. This initiative has the potential to impact RWA member agency access to water supplies through regulatory actions, legislation and budget decisions. It would be beneficial to dedicate RWA resources to engaging with state and federal entities on water issues to protect RWA member agency interests.

The management of surface water resources is enormously complex and prone to conflict, but our region's ability to thrive is dependent on our continued access to reliable surface water supplies. The region needs to continue to engage collectively and in a coordinated fashion to ensure continued access to the water agencies water rights, contracts and entitlements. RWA provides a forum to address these issues, and may want to consider expanding its efforts on existing and future water supply issues facing the region.

Potential areas of coordinated engagement:

1. **VA Process** – currently engagement is covered by representatives from the member agencies. Coordinating this engagement through RWA would provide better organization and more consistent representation. Consists of engagement with Bureau of Reclamation, State agencies, local and state environmental organizations among others. This is a statewide effort and has the potential to need considerable staff or consultant resources over the next two years.
2. **VA Implementation** – once the VA is adopted, RWA member agencies will need to determine how to implement the VA. This will include regional agreements, funding arrangements for infrastructure improvements, coordination of water transfers, reporting, etc. RWA is the best organization to help facilitate this process for the region.
3. **Coordination with Water Forum** – RWA member agencies are also members of the Water Forum and as part of the VA, will make commitments to habitat improvement projects and the funding of these projects. Close coordination between Water Forum habitat efforts and water purveyor efforts will be required to ensure compliance with terms of VA.
4. **Sacramento Regional Water Bank (Groundwater Bank)** – RWA member agencies are interested in creating and utilizing a regional water bank to make the most efficient use of local water resources and infrastructure while complying with the Sustainable Groundwater Management Act. This effort will require coordination among the local partners in addition to coordination with external partners, environmental interests, Bureau of Reclamation, etc. [The effort would support the existing Manager of Technical Services in development and implementation of the Water Bank]
5. **SWRCB Actions** – As the State moves forward with the Resiliency Portfolio, it is likely that there will be actions considered at the SWRCB that could affect RWA member agency water supplies. If RWA had the resources, it could take the lead on engagement in these issues for the member agencies.
6. **Climate Change** – RWA member agencies have worked closely with the Bureau of Reclamation to analyze the impacts of climate change to the American River basin. These impacts will have significant impacts to local water supplies, and responding to this issue should be a focus of RWA in the future.

7. **Water Quality Regulations** – Water quality regulations continually evolve and become more stringent, and RWA could provide more engagement in this process. [Note: this is in the job description for the Legislative and Regulatory Affairs Manager (LRAM). This effort could support the LRAM but it would need to be developed more]
8. **Federal Legislation** – The effort would support the Legislative and Regulatory Affairs Manager by reviewing Federal Legislation that is specific to the operation of the Central Valley Project or the State Water Project. The effort would coordinate input from the member agencies.
9. **Water Transfers** – as the Water Bank becomes a reality, the region would benefit from RWA taking the lead in water transfers.
10. **2020 Water Resilience Portfolio** – this is the State’s latest effort to prioritize projects and programs related to water supply. This document will drive decisions related to funding of projects and programs in future years and it is important that RWA member agencies are positioned to be eligible for funds from this program.
11. **Groundwater** – RWA could play a larger role in groundwater management if the SCGA looks to change the current staffing arrangement.
12. **Reclamation Coordination** – Maintain and enhance the region’s relationship with the Great Basin Office and the Central California Area Office to further the region’s goals, preferred regional projects and help local Reclamation Offices accept regional projects and work to take advantage of additional Reclamation funding. This is funding by chance and also by virtue of purposeful advocacy in Washington DC by the region. RWA could help to successfully implement these funding opportunities, working through Reclamation processes, to benefit the American River region. RWA would facilitate relations between American River Division contractors and Reclamation.

Discussion Summary

The Committee discussed three options for fulfilling the identified needs, and did not reach consensus on a single recommendation. The options are as follows:

1. Status quo – RWA should continue to rely on participation in the VA by agency representatives and not consider engagement in the broader suite of issues identified.
2. Create a new RWA subscription program to carry out functions that will be part of the implementation of the Region’s VA proposal and address the water supply reliability issues identified in this document. Per RWA Policy 100.1, a subscription program can be created for two or more members.
3. Create a new RWA core program to address the issues identified in this document since all of the membership agencies would benefit from the program.

The committee discussed the three options and members expressed the following concerns and opinions:

- Concerned with status quo option – relying on volunteer labor is not sustainable or best for the region.
- RWA should focus on current priorities rather than take on something new.
- Concerned that it would be difficult to find consultant with needed skill set (mix of technical/policy).
- Need solid justification for staff or consultant to provide resources for new RWA program.

- Need to better define the need, and perhaps wait until resolution of VA to fully understand the need.
- Delta issues will not go away. Climate change, water supply reliability, north/south conflict – even if the VAs go away, this work will continue.
- Our region needs a policy face – who is this? MWD has Roger Patterson for example. RWA should be this face but currently does not have capacity to fill the role. Need to expand RWA capacity to provide leadership to be a regional powerhouse, which will provide benefit to all RWA member agencies.
- VA is an extremely important process, and success is critical. We need to be working as a region in order to achieve success and make ourselves known.
- This should be a core program rather than subscription since all RWA member agencies would benefit.
- It was discussed that a subscription program can be developed if two or more agencies are willing to support it. Several agencies expressed a readiness to support a subscription program.
- With respect to the VA, the region has been successful in managing these activities under the JDA and has adjusted staffing and consultant support to address personnel transitions.
- Others expressed that staffing is not the intent of the JDA, and this is not the appropriate vehicle for managing staff resources for the effort.

Recommendations

All committee members feel that the RWA Strategic Planning process is the appropriate venue for considering changes to the RWA objectives and most members of the committee are willing to consider a program to address the issues summarized in this document. However, committee members feel that additional work is needed to better define the program before any action is taken. For this reason the committee recommends that the Executive Director work with the committee to:

- **Utilize the Strategic Planning process to learn about member agency priority issues.**
- **Better define the purpose and need of the program using information provided in Strategic Planning process while considering work that is being performed by RWA staff currently.**
- **Consider resource options and if a program is recommended, provide a recommendation for consultant assistance or staff resources.**
- **Provide a recommendation as to whether any new program should be a core program, a subscription program, or a combination of the two.**