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GENERAL FARM COMMODITIES AND RISK MANAGEMENT

January 16, 2014

Governor Edmund G. Brown  
c/o State Capitol, Suite 1173  
Sacramento, California 95814

Dear Governor Brown,

As you are aware, calendar year 2013 was the driest year on record for the State of California. Three years of extremely dry conditions have significantly depleted the carryover storage in all of the state's reservoirs, including those that are operated for the benefit of the Central Valley Project and the State Water Project. Water storage levels have fallen to historically low levels, below levels in 1977. To compound the situation, on Friday, January 3<sup>rd</sup>, the California Department of Water Resources (DWR) performed a snowpack survey that confirmed the severity of the water crisis that is gripping our state, showing that the snowpack is approximately 20 percent of statewide average for this time of year and only seven percent of statewide average peak snowpack. This means that as dire as the picture is given current storage levels, 2014 is shaping up to be the worst water year ever unless snowpack and runoff forecasts improve dramatically.

We have ahead of us an incredible challenge that will require the highest levels of engagement and flexibility on the part of water and regulatory agencies in order to avoid devastating socioeconomic and environmental impacts to many regions of California, particularly the agricultural heart of our state, the Central Valley.

Your administration's commitment to achieving a long-term solution to our state's water reliability challenges is beyond question, and I thank you for that commitment. Notwithstanding objections expressed by my colleagues from northern California, which can and should be addressed, achieving the co-equal goals of water supply reliability and ecosystem restoration advanced in the Bay Delta Conservation Plan is a significant step towards resolving the decades long challenges that have been facing California. However, the immediate water crisis gripping California demands an equal commitment to immediate and measurable actions to avoid catastrophic human and economic consequences.

This water year will require unprecedented levels of planning, coordination and flexibility among state and federal agencies, water managers and other stakeholders. The step of

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convening a task force to develop strategies and to prioritize actions that state agencies can take to address the ongoing hydrologic and regulatory drought impacting my constituents and other areas within California is welcomed, but the ongoing dry conditions call for the declaration of a drought emergency that will facilitate actions and convey the sense of urgency that the existing situation demands.

There are numerous actions that can, and must, be taken within the existing authorities provided to state agencies and all opportunities to extend the maximum amount of regulatory flexibility will need to be pursued to address the challenges facing California this year. The following are just some of the actions that should be immediately explored and supported by the State Water Resources Control Board (SWRCB) and their associated time of action:

1. In response to the ongoing dry hydrological conditions, the Dry Year program can be initiated immediately, with an increased level of inspection and enforcement of water rights terms.
2. Staff should be reassigned to focus on 2014 conditions and possible regulatory solutions
3. Regulatory relief should be immediately facilitated through flexibility within the State Water Resources Control Board's existing Bay Delta Water Quality Control Plan (WQCP), pursuant to the following items:
  - i. March Outflow: Table 3, FN 11 – *“If the best available estimate of the Eight River Index for February is less than 500 TAF, the standard may be further relaxed in March upon the request of the DWR and the USBR, subject to the approval of the Executive Director of the State Water Board.”*
  - ii. April-May Exports: Table 3, FN 19 - *“Variations to this maximum export rate may be authorized if agreed to by the USFWS, the NOAA Fisheries and the DFG. ... Any variations will be effective immediately upon notice to the Executive Director of the State Water Board. If the Executive Director does not object to the variations within 10 days, the variations will remain in effect.”*
  - iii. Export/Inflow Ratio: Table 3, FN 21 - *“The percent Delta inflow diverted values can be varied either up or down. Variations are authorized subject to the process described in footnote 19.”*
  - iv. Cross Channel Gate (May21-June 15): Table 3, FN 24 – *“For May 21-June 15 period, close the Delta Cross Channel gates for a total of 14 days. ... The process for approval of variations shall be similar to that described in footnote 19.”*

Additionally, through your own gubernatorial authority, the following actions can be directed and implemented:

1. You can explicitly direct the SWRCB to conduct hearing(s) on Water Rights to:
  - i. Consider Water Right Order or issue a Decision for Implementing of the existing WQCP in such a fashion so as to optimize existing water supplies during the drought emergency. Existing fisheries and water quality releases from upstream reservoirs should be reduced to preserve upstream reservoir storage and be dedicated with a primary priority of water supply
2. Expand SWB Power: *Pursuant to the California Administrative Procedures Act, the authority of the SWRCB may be expanded to issue "emergency decisions,"*
3. Remove CEQA-related Responsibility for Transfers/Exchanges: *Pursuant to the California Emergency Services Act, you may suspend requirements under the California Environmental Quality Act for water transfers and/or exchanges, rapidly accelerating the time under which such transfers and/or exchanges could be completed.*

These are only examples of various actions that can and must be explored given the increasing and drastic challenges that are facing California in this critically dry water year.

Time is of the essence given the unprecedented situation we face. Delays in decision making could destroy the few opportunities we have to salvage what is left of the water still available.

I urge you to declare a statewide drought emergency and look forward to continuing to work with you, your administration, and our federal partners to address the water challenges facing California.

Sincerely,



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Jim Costa  
MEMBER OF CONGRESS