

**California Bay-Delta Public Advisory Committee  
Environmental Justice Subcommittee Meeting Summary  
October 11, 2002  
Resources Building, 1416 Ninth Street, Room 1142  
Sacramento, CA  
10:00 a.m. – 12:p.m.**

- Welcome and Introductions by Dan Wermiel, Acting EJ Coordinator. Dan also welcomed members of the Subcommittee that were joining the meeting via teleconference from the alternate meeting locations -- Association of Bay Area Governments, Oakland and Metropolitan Water District of Southern California, Los Angeles. (A partial list of attendees is included at the end of this summary.)

**Integration with CALFED Program Activities**

**CALFED Water Supply and Management Program – guest speaker:**

Steve Roberts, Chief

Surface Storage Investigations Branch, California Department of Water Resources (DWR)

- The Water Supply and Management Program aims to increase water storage capacity in both surface reservoirs and groundwater/conjunctive use storage projects. CALFED seeks not only to meet the needs of California's growing population, but also to provide much-needed flexibility to improve water quality and restore ecosystems.
- The Program is considering both groundwater management and conjunctive use and surface storage projects. The five surface storage investigations under consideration by the CALFED Agencies include In-Delta Storage, Los Vaqueros Expansion, North of Delta Offstream Storage (Sites), Upper San Joaquin Storage, and Shasta Reservoir Expansion. Steve Roberts further expanded on the goals of each program area:
  - Groundwater Storage and Conjunctive Use – The CALFED ROD states that the CALFED Program will “facilitate and fund legally supported, managed and controlled” projects for storage and conjunctive use. Funding for these projects has come from the General Fund and Proposition 13. According to Steve Roberts, this program has been crippled by lack of funding. Consequently, this year will be the last year for the proposal solicitation program. Projects will include a combination of purchase, lease or sharing of water storage space and will include consideration of existing groundwater storage facilities.
  - Shasta Expansion – The objective of this project is to investigate increasing the pool of cold water available in Shasta Reservoir to maintain lower Sacramento River temperatures needed by certain fish species.
  - Los Vaqueros Reservoir Expansion Studies – The Studies are investigating water quality and water supply reliability benefits of an expansion for Bay Area water users and storage for Environmental Water Account (EWA) water.
  - North of Delta Offstream Storage – The goal of this project is to enhance water management flexibility and reliability in Sacramento Valley while reducing water diversion off the Sacramento River (in order to protect fish). Stored water will also contribute to improving Delta water quality, and to EWA assets.
  - Storage Investigations (In-Delta Storage) – The CALFED Program is exploring the lease or purchase of the Delta Wetlands Project (and also completing a feasibility study for redesigning or improving the exiting project). The goal is to improve state and federal water project (SWP/CVP)

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flexibility and provide fishery benefits. The EJ Subcommittee discussed the fact that the Army Corps of Engineers' early environmental document on this project did not address EJ issues; hence EJ issues will need to be addressed in the supplemental report.

- Upper San Joaquin River Storage (Friant) – This project seeks to contribute to the restoration of the San Joaquin River fisheries, improve water quality in San Joaquin River, improve water supply reliability, and provide estuary benefits in the region.

### EJ Education and Collaboration with EJ Subcommittee:

- Steve committed to regular participation by the Water Supply and Management Program in the EJ subcommittee. Designated DWR Department of Planning and Local Assistance (DPLA) staff contacts for EJ issues include Susan Oldland and Michiyo Sakamoto. Steve added that EJ training for his staff is in progress through the Office of Planning and Research.
- Steve inquired as to whether the EJ Subcommittee could provide advice on scoping and identifying EJ issues for storage and other CALFED projects. He added that no comments on EJ-related issues had been submitted during the public scoping process for the North of Delta Offstream Storage project, for the CALFED Drinking Water Program EIS, or for review of the In-Delta Storage Draft Feasibility study. Martha Guzman, EJ Subcommittee co-chair, stated that the CALFED programs should not look to the Subcommittee to provide all the answers on what EJ issues might be associated with individual projects. She advised that instead, these issues would be better identified by the potentially affected communities.
- The Subcommittee discussed EJ representation on the CALFED BDPAC Water Supply Subcommittee. Leslie Lohse, EJ Subcommittee co-chair, also serves on the Water Supply Subcommittee. Steve stated that the Water Supply Subcommittee has a more formal membership than the EJ Subcommittee (the list of members is available on the CALFED web site). Steve Roberts will ask the Subcommittee co-chairs, Steve Hall and Jerry Meral, if there are available seats on the Subcommittee.
- The EJ Subcommittee discussed the need for CALFED to investigate the potential cumulative effects of the EWA and the proposed storage projects on job loss for low-income farm workers in the Delta.
- The Subcommittee discussed potential EJ issues associated with specific storage/transfer projects including Shasta Expansion, North of Delta Storage, Los Vaqueros, and the EWA. A Subcommittee member stated that increased reservoir levels might affect sacred sites. Steve Roberts responded that the CALFED Agencies are considering these issues; DWR is consulting with tribes on the North of Delta Offstream Storage Project and the Bureau is conducting tribal consultation on the Shasta Expansion project. A Subcommittee member recommended that the CALFED Program work to safeguard public access and control of public assets (i.e. not allow public assets to be converted to private benefits). Steve responded that the CALFED Agencies attempt to provide public access to facilities as long as public health and safety and water quality are preserved. Marguerite Naillon, Contra Costa Water District, mentioned that poor water quality is an EJ issue because communities with limited income are impacted financially when they have to buy bottled water for drinking. She added that the CALFED Program is investigating how projects like Los Vaqueros could supply water that is not only safe to drink and high quality but also tastes better. Improved water quality also reduces side costs including the need to repair and replace plumbing systems damaged by corrosion from high salinity. The group also discussed that the potential impacts of EWA transactions on adjacent lands are being considered, as are the potential EJ impacts of displacing workers by crop idling. Steve responded that as EWA process through their EIR/EIS process, they will set establish best management practices in regards to water transfers.
- Martha Guzman, EJ Subcommittee co-chair, asked if there has any thought as to how much “new water” from the proposed storage projects would be dedicated to the public trust. She also asked if there was potential to set up an “EJ water account” for communities that can no longer use their groundwater because of contamination. Steve responded that the CALFED Program has concluded

that the state needs more water and that the list of beneficiaries is broad and undefined. He said the Program is looking how to market water to where it is most needed.

- The Subcommittee discussed the overall need for locally-driven, community-based outreach for addressing EJ communities and the benefits of identifying EJ issues early in the process to help avoid impacts and help create effective mitigation. Dan Wermiel, Acting EJ Coordinator, requested that the Water Supply and Management Program identify for the EJ Subcommittee key decision points in the environmental review processes for the storage projects so that EJ Subcommittee can provide timely input and comments.

**CALFED Water Transfers Program – guest speakers:**

Jerry Johns, DWR, CALFED Environmental Water Account

Richard Hunn, DWR, CALFED Water Transfers

Allan Highstreet, CH2M Hill, Consultant to CALFED

- Jerry Johns explained that water transfers are a change in the way water is allocated. From a water rights perspective, a transfer is a change in the point of use (POU), point of diversion (POD), or purpose. Water transfers cannot increase the amount of water or change the season when the water is diverted.
- General policies on water include:
  - Water belongs to the people of the State of California
  - A water right is a usufruct right
  - Prohibition against waste or unreasonable use
  - Water rights can be lost through non use
  - A water transferor must have rights to the water
- There are two main types of water transfers: surface water (including stored water, reduction in direct use of water, and are related to injury issues described below) and groundwater (including direct use, “banked” groundwater, and the use of groundwater in lieu of surface water).
- Three rules that apply to water transfers are:
  - 1) “No injury” to any legal user of water
    - This rule includes the prohibition of causing injury to any other legal users, including prior users and protects “junior users” from “senior users”
  - 2) “No unreasonable effects” to fish or wildlife
  - 3) “No unreasonable economic impacts” to the overall economy of the county from which the water is transferred.
- DWR principles relating to water transfers are:
  - Local leadership
  - Assuring adequate local water supplies
  - No injury to legal users
  - Protection of fish and wildlife
  - Economic Effects: Water management strategies will be designed to avoid unreasonable countywide economic impacts.

Three papers are available regarding DWR water transfers in 2002 at:

[http://www.watertransfers.water.ca.gov/docs/WTO\\_Papers\\_2002\\_3\\_8\\_02.doc](http://www.watertransfers.water.ca.gov/docs/WTO_Papers_2002_3_8_02.doc).

- Jerry mentioned that crop idling injuries are more difficult to address than other water transfer injuries. In the past, DWR has used “in-plan” models to investigate how idling might affect the regional economy. DWR has not yet developed a threshold for injury, but will have to devise some mechanism to offset or address economic impacts. Potential options include giving financial assistance directly to counties, to specific programs in counties, or to organizations that deal with affected populations (i.e. housing programs, California Endowment); and/or the creation of a claims program for affected individuals.

- Richard Hunn, DWR, stated that CALFED is investigating how to implement a compensation package to mitigate impacts from crop idling. He added that a countywide idling program does not have a big regional impact but does have local and individual impacts. Currently there is not a good tool by which to investigate local impacts. Richard stated that from a CEQA standpoint there is no impact on the environment, so there is no obligation for mitigation. Under the Water Code, the impacts are not unreasonable so again, there is no obligation. However at the agency level, DWR believes that some type of mitigation is necessary. CDM, a consultant to CALFED, is currently investigating the economic effects of EWA for the EIR/EIS.
- Martha Guzman, EJ Subcommittee Co-chair, stated that the workers displaced by crop idling are generally more specialized workers and therefore job training and extended unemployment benefits during the training period would be appropriate. She recommended a program similar to that required under Clinton's forest plan in which workers with higher skills are compensated at a greater amount than lower-skilled workers are.
- Allan Highstreet, CH2M Hill, explained that existing data tells use which crops have the greatest impacts on jobs, what economic sectors would likely be impacted by crop idling, and the regional socioeconomic profile of the community in which the transfer is originating. CH2M Hill has been hired by the CALFED Water Transfers Program to further analyze program implementation on third party impacts and potential mitigation. CH2M Hill and the Water Transfers Program are developing a survey that will ask questions about:
  - How targeted does compensation need to be (in same county as impacts? to same economic sector? to same race or ethnicity?);
  - Should the Program consider net impacts between origin and destination areas?
  - Possible types of compensation (description of program, how would it be administered, who would administer?).The survey questionnaire will be distributed to interest groups over the next month and the results compiled in a report. The CALFED Agencies will be able to consider this information in structuring future water transfer programs. Allan and Richard asked that they be supplied the EJ Subcommittee mailing list so that they could contact members for this survey.

## **Planning for Next Environmental Justice Subcommittee Meetings**

### **Regional Meeting**

- The Subcommittee identified February 14, 2003 as a potential date for a regional EJ meeting to be hosted jointly with the Southern California Water Dialogue. Carlos Michelin, MWD, will coordinate with SCWD. Potential agenda items include a description of the EJ Subcommittee objectives, a discussion of southern California EJ issues that relate to water and CALFED, and an explanation of how the region could be interact with the Subcommittee.

### **Other**

The meeting was concluded early due to limited attendance. The remaining agenda items were deferred until the next meeting of the EJ Subcommittee.

### **Next meeting of the EJ Subcommittee**

- The Subcommittee agreed to meet from 10 to 3 p.m. on Friday, November 8<sup>th</sup>. The ABAG and MWD Conference Rooms will be made available for representatives to participate by teleconference. (Note: the next meeting will now be held on Thursday, November 14<sup>th</sup>.)

### **Meeting Adjourned: 12:00 p.m.**

**Action Items Chart**

<b>Meeting Participant</b>	<b>Action Item</b>
Steve Roberts, DWR	To check with Steve Hall and Jerry Merel if there is an available seat on the Water Supply Subcommittee for an additional EJ Subcommittee representative.
Steve Roberts, DWR	To provide the schedule for key opportunities for the EJ Subcommittee to comment and provide input on the environmental review processes for the storage projects.
Dan Wermiel, Acting EJ Coordinator	To provide the CALFED Water Transfers Program with the EJ Subcommittee mailing list.
EJ Coordinator , Sub-committee Co-chairs, and Carlson Michelan, MWD	To begin planning the February 14, 2003 regional meeting in Los Angeles and coordinate with the Southern California Water Dialogue.

**BDPAC Environmental Justice Subcommittee Voluntary Sign-In  
October 11, 2002**

<b>Name</b>	<b>Affiliation</b>
Adrienne Wilson	U.S. DOI/OEPC
Aaron Wilson	U.S. DOI/OEPC
Carlos Michelon	Metropolitan Water District of So. California
Dennis Fox	White River Crimp
John Ohlson	Yolo County Democratic Central Committee
Kristen LaVine	Public Affairs Management
Marguerite Naillon	Contra Costa Water District
Martha Guzman	United Farm Workers
Michael Warburton	EJ Coalition for Water
Michiyo Sukimoto	DWR-DPLA
Steve Roberts	DWR-DPLA