
***California Long-Term Provisions for Water Supply
and Short-Term Provisions for Emergency
Drought Relief Act (S. 2533)***

Water Supply Increase and Improvement Provisions

Below are just 14 of the ways in which the S. 2533 drought bill increases and improves water supply both during the drought emergency and for the future:

FOR THE SHORT-TERM:

1) The bill allows for increased pumping during winter storms (Section 303, pages 135-139):

- Goal is to capture peak flows from El Niño or other winter storms.
- Agencies must evaluate increased pumping above -5000 cfs in the Old and Middle Rivers during those storms.
- Agencies must comply with all applicable laws

2) The bill eliminates automatic “payback” of water supply gains (Section 303, page 139):

- By eliminating this “payback” requirement, the agencies can keep the water they pump during winter storms.
- Here is how “payback” works:
 - Over a 14-day period, agencies cannot average pumping at more than -5000 cfs in the Old and Middle Rivers.
 - In past years, this meant that if agencies pumped over -5000 cfs for a few days, they then had to reduce pumping below -5000 cfs to meet the average.

- As a result, **agencies had to lower pumping below -5000 cfs even if there was no environmental reason to do so.**
- **The bill eliminates mandatory “payback”:**
 - Agencies can decide to pump at levels above -5000 cfs.
 - Agencies do not have to reduce pumping later just to meet a 14-day average.
 - Thus, there is no automatic payback requirement.
 - Pumping only needs to be reduced if environmental factors (like the presence of fish and salinity, among others) requires it.
- **We worked closely with NOAA Fisheries on this language to ensure compliance with the ESA.**

3) The bill incentivizes increased water transfers through the use of a 1:1 transfer ratio (Section 302, page 127):

- Given this year’s El Niño storms, this provision could provide some relief. Under a “1:1 ratio,” if the river flows at 1,000 cubic feet per second, then water can be transferred at the same rate.
- Maintaining a 1:1 ratio for transfers through the spring and early summer will ensure that 100 percent of the water identified for a transfer goes to the communities that need it most.

4) This bill extends by five months the time period for transfers (Section 302, page 129):

- This extension will give willing sellers and willing buyers more time to move water, stretching supplies during the critical growing season.
- This allows water transfers to be available during the spring planting season.

- **How this provision works:** Transfers will occur between April 1 and November 30 (currently July 1 to September 30), to the extent consistent with the adaptive management part of the biological opinions.

5) Agencies must explain, in writing, reductions in pumping below -5000 cfs – the high end of the Delta Smelt biological opinion (Section 301, page 121-122):

- Like past drafts, agencies decide how much to pump under the smelt biological opinion.
- **If they pump below -5000 cfs, agencies must explain why this was necessary** to avoid “additional adverse effects on the listed fish species beyond the range of effects anticipated to occur to the listed fish species for the duration of the applicable biological opinion, using the best scientific and commercial data available.”
- **This required explanation uses the same language as prior drafts.**

6) The bill directs federal agencies to keep the Delta Cross Channel Gates open for as long as possible (Section 302, page 125-126):

- Requires the Secretary of the Interior and the Secretary of Commerce to take actions to ensure the Delta Cross Channel Gates remain open to the greatest extent possible, consistent with state and federal law.
- When the gates are closed, water no longer flows directly from the Sacramento into the interior Delta.
- The gates’ closures means that the agencies either must reduce pumping or used stored water to “flush” salty water back out through the Delta.
- **Keeping the gates open for longer** therefore helps control salinity in the interior Delta and avoid releases of CVP and SWP water supplies. This helps both Delta farmers and communities and south-of-Delta communities.

7) Maximize water supply consistent with environmental laws:

- During the drought, the agencies must maximize water supplies for the Central Valley Project and the State Water Project, consistent with applicable laws and regulations (Section 301, pages 120).
- This requirement works together with the requirement that agencies must explain adverse effects that require a reduction in water supplies (Section 301, pages 121-122).

8) The bill emphasizes real-time monitoring and requires federal agencies to operate the water system more precisely and efficiently by (Section 301, pages 115-117):

- Operating pumps at higher levels when no fish are present and reducing pumping levels when fish are nearby.
- Requiring **daily boat monitoring to survey for smelt near the pumps** when turbidity levels are high, so that pumping reductions are made based on the facts.
- Authorizing studies to **identify smelts' location in the Delta on a real-time basis.**
 - Authorizing a Delta Smelt Distribution Study to **identify how many smelt are in different parts of the Delta** in drier and wetter years (Section 301, pages 117-119).

9) The bill updates Army Corps dam operations to reflect cutting-edge weather science and forecasting, which could increase water supply while reducing flood risk (Section 113, pages 32-34):

- The bill directs the Corps to incorporate improved weather, snowpack, and run-off forecasting methods/data in its reservoir operations.
- This will allow the Corps to manage reservoir storage capacity more efficiently in advance of extreme weather events like severe storms, while also increasing water supplies to drought-stricken communities downstream.

10) **The bill establishes a new program under Reclamation for providing assistance to communities that have run out of water** (Section 101, pages 15-22):

- Allows rural and disadvantaged communities with fewer than 60,000 residents to apply for grants through a new Reclamation program to help stabilize their water supplies
- Funds can be used for both short-term solutions such as emergency bottled water supplies as well as long-term solutions such as water treatment facilities, wells, and connecting homes to centralized water distribution systems

FOR THE LONG TERM:

11) 137 water recycling and desalination projects identified by **this bill could produce upwards of 1.4 million acre-feet in “new” water**, if completed.

- The bill identifies **110 water recycling and reuse projects throughout California** with the potential to provide more than 1,060,334 acre-feet per year of “new” water (Section 121, pages 47-52).
- The bill authorizes \$200 million for water-recycling projects, through Reclamation’s Title XVI, that reclaim and reuse wastewaters as well as naturally impaired ground and surface waters. This would help more water agencies and districts utilize existing water supplies that currently are undrinkable or otherwise wasted (Section 123, page 66).
- The bill identifies **27 desalination projects throughout California** capable of producing more than 352,000 acre-feet per year of “new” water. The Secretary of the Interior would be required to consider these projects for funding under the bill, among others (Section 121, 53-55).
- The bill re-authorizes the Desalination Act to provide \$100 million for research, design, and construction of desalination projects. The Secretary of the Interior would be required to consider these projects for funding, along with any other eligible projects during the competitive grant-making process (Section 122, pages 57-62).

12) **The bill increases funding for WaterSMART from \$350 million to \$500 million, for water storage and conveyance, watershed management, and other water supply and environmental improvement projects (Section 101, page 19):**

- This will allow local water agencies and water districts to increase their total water storage as well as reduce inefficiencies and water loss in their conveyance systems and make other improvements to their overall water infrastructure.
- These types of projects, with the **nearly 43 percent federal funding increase provided by S.2533**, will improve existing water supplies for California communities.

13) **The bill funds RIFIA at \$200 million —a new Reclamation loan and loan guarantee program for local water supply projects (Section 131-141, pages 68-99):**

- Funding the RIFIA program will provide reliable, guaranteed financing that water supply projects need in order to start planning, scoping, and construction. More water supply projects moving toward completion means more water will be stored to meet California's future water needs.

14) **The bill also authorizes \$600 million for storage projects for storing water from the wet years for use during the dry ones (Section 112, pages 25-31):**

- Storing more water during wet years, taking advantage of California's weather patterns, will allow water agencies and districts to better meet California's future water needs during dry years.