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COMMENTARY

A 'regulatory drought' is looming here in the Valley



BY ADAM GRAY

Recent rains and snowfall in the Sierra have been welcome signs of improving drought conditions here in California. While much more will be needed to make a lasting impact, it is easier to hope for an end to the drought when rain is falling.

Unfortunately, while the rains might make an impact on the natural drought, a "regulatory drought" is looming here in the northern San Joaquin Valley.

The State Water Resources Control Board will soon release an updated Bay Delta plan, which proposes an increase in unimpaired flows from the Merced, Tuolumne and Stanislaus rivers. Based on the 2012 draft of the report, we know the proposal will have what the board calls "significant, but unavoidable impacts" on our area. As to specific impacts, the 2012 draft was mostly silent.

In October, the board conducted an informational meeting at the request of representatives of many of the local jurisdictions who had questions about impacts of the proposal. (It was recorded and is available at soundcloud.com.) Our local representatives came prepared with serious questions. Still, significant questions remained unanswered following the meeting.

The board assured those who attended that their questions would be addressed in writing, but later wrote the attendees to say they would have to wait for answers until the upcoming report is released.

We are still waiting.

During the October meeting, the board's assistant deputy director for water rights said the impact of the increased-flow proposal could be likened to a "regulatory drought." We do not know if the upcoming report will address the long-term consequences to our local economy that will come along with seemingly permanent water-use restrictions. Neither the 2012 draft of the plan nor the meeting in October addressed those consequences.

The previous draft also did not account for how the loss of irrigation water will affect the recharge of our groundwater basins.

Further degradation of our groundwater basins is a direct threat to the

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drinking water of the more than 800,000 people who live in this area. The 2012 draft was silent on how that threat would be mitigated – if at all.

The draft also failed to address the fact that our area is also under a mandate to attain groundwater sustainability. Most of the experts who have looked at the impacted basins concur that sustainability is not possible if the area is not allowed to use surface water for irrigation.

The 2012 draft contained an assumption that water for *any* urban or industrial growth in the basins would come from an equivalent reduction in developed water (irrigated agricultural acres), not from groundwater resources. The draft did not address what that would mean for the planned expansion of UC Merced or Beard Industrial Park in Modesto.

Under the draft's assumption, implementation of economic growth projects would require losses in our agricultural sector, our area's largest economic engine. We have asked if the board plans to include these issues in the upcoming draft's economic impact report. But, as with our other questions, it appears that we will have to wait to see.

In addition to the more obvious impacts on our drinking water and agricultural economy, dramatic increases of unimpaired flows from our rivers will impact our local governments and school dis-



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tricts.

Steven Gomes, superintendent of the Merced County Board of Education, has asked the state water board what will happen to students like those at Floyd Shelby School in Livingston if the plan is implemented. A well on campus is the only source of drinking water and water levels are already dropping. The school is 10 miles from the city water supply. Again, we will have to wait for the upcoming draft to see if the board will address these concerns.

All of these questions must be answered in the upcoming draft. While we cannot control a natural drought, we do have the ability to control a "regulatory drought" and demand better outcomes.

It is clear that the plan has the potential to significantly impact our economy, our water supply and our way of life. I encourage you to join me in looking for answers to these questions in the state water board's upcoming report and demanding the board mitigate the impacts to our area.

Share your concerns by writing to the State Water Resources Control Board, P.O. Box 100, Sacramento, CA 95812-0100.

Adam Gray, D-Merced, represents in the 21st California Assembly District, including all of Merced and parts of Stanislaus counties.



CHRISTOPHER WINTERFELDT Merced Sun-Star file

Assemblyman Adam Gray, right, meets with local leaders near a well in Le Grand in 2014 to discuss water issues.

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