

## **Why Are Conservationists, Commercial Fishermen, Tribes and Environmental Justice Groups Protesting the SFPUC?**

Despite being considered one of the nation's greenest cities, San Francisco has an abysmal record on protecting aquatic ecosystems. The San Francisco Public Utilities Commission (SFPUC), which owns and operates the Hetch Hetchy Water System, is causing more harm to the San Francisco Bay-Delta than almost any other water agency.

### **Who Is Harmed by SFPUC Water Policies?**

- Salmon and the 100+ species that depend on salmon-based ecosystems.
- Commercial and recreational fishing communities.
- Frontline Delta communities that suffer from toxic algae blooms, fueled by excessive nutrients and inadequate freshwater flows. Freshwater water flows are needed to dilute nutrients and flush them out to the bay and ocean.
- California tribes that depend on salmon for sustenance and cultural practices.
- SFPUC ratepayers who already pay the highest water rates in the state. They're now being forced to pay even more for extremely expensive alternative water supplies that will not be needed. Rates will increase, consumers will respond by using less water, fixed costs will stay the same, so rates will increase even further. Economists refer to this as a "Death Spiral."

### **Why Is San Francisco Fighting Environmental Protections?**

- In 2018, the State Water Board adopted Phase 1 of the Bay-Delta Water Quality Control Plan update, focusing on the lower San Joaquin River and its three major tributaries – the Tuolumne, Stanislaus, and Merced. The Tuolumne is where the SFPUC gets its Hetch Hetchy Water.
- San Francisco, along with several Central Valley agricultural irrigation districts, sued the State Water Board over the Plan because it would require higher flows in the Tuolumne River to support salmon and the entire ecosystem that depends on the nutrients they transport from the ocean.
- On March 15, 2024, following five years of delay on implementation of the Plan, a judge ruled against the water agencies, striking a major blow to their misguided cause. They still could appeal the decision, delaying relief for the beleaguered Bay-Delta ecosystem even longer.
- The SFPUC's opposition to the Bay-Delta Plan is unsupported. At current water demand, they could manage the worst drought on record – with the higher flows in place – without requiring any rationing or developing any new alternative water supplies. Rationing (which we're all used to) could stretch our supply to cover a drought far worse than any on record.
- To support their claim that the Bay-Delta Plan could lead to severe rationing, the SFPUC disseminates disinformation (see below).

### **Producing More Fish with Less Water Doesn't Work**

- In an attempt to derail the Bay-Delta Plan, the SFPUC and its agricultural allies have proposed an alternative plan, called the Tuolumne River Voluntary Agreement (TRVA). They claim they can produce more fish with less water, contrary to science and common sense.

- A peer review of the TRVA commissioned by the National Marine Fisheries Service found major flaws in the science upon which it is based. Those problems were never acknowledged or addressed.

### **The SFPUC Can Be a Good Environmental Steward without Risking Running Out of Water**

- The SFPUC's terrible water policies are driven by a manufactured mega-drought referred to as the Design Drought. This arbitrary drought combines two of the worst droughts from the last century sequentially, leading the SFPUC to believe it needs to stretch out six years-worth of water to last eight years. SFPUC consultants calculated that a drought as severe as the Design Drought might occur once in 25,000 years.
- By simply removing one-year from the Design Drought (it would still be the most conservative drought planning policy in the state) and using reasonable demand projections, with a stroke of the pen the SFPUC could easily manage the Bay-Delta Plan without any fear of running out of water.
- See additional points on the next page. —>

**For more information, contact Peter Drekmeier, Policy Director for the Tuolumne River Trust, at [peter@tuolumne.org](mailto:peter@tuolumne.org).**

## Further Background

### The SFPUC Disseminates Disinformation

- Shortly after the draft Bay-Delta Plan was released in 2016, the SFPUC claimed it could lead to \$49 billion in economic losses. That figure came from a rushed 2009 study that was extremely flawed. The same author updated the study in 2014, reducing the potential impacts by more than half, but the SFPUC intentionally chose to use the more extreme figure. Regardless, the 2012-2016 drought proved that both figures were way off – jobs increased by 27% while water use decreased by 23%.
- In 2020 the SFPUC attempted to use unmet contractual obligations with its wholesale customers to represent actual demand in their Urban Water Management Plan. This was an attempt to make potential rationing appear much more extreme. They were caught, but it wasn't until a Commissioner intervened that a correction was made. Simply using honest figures reduced potential rationing by 15 percentage points.
- For years, the SFPUC has been using two different sets of salmon counts to make it appear that recent spawning populations are better off than they really are. Up until 2009 they used CA Dept. of Fish and Wildlife counts, but then switched to a different counting system that registers more than twice as many salmon as does Fish and Wildlife.
- Ever since former City Attorney Dennis Herrera took over as GM of the SFPUC, transparency has gotten much worse. Simple Public Records Act requests related to data and methodology used to determine rationing projections and internal communications related to moving public comment from the beginning of meetings to the end have been denied based on supposed “attorney client communications.” Even after losing a decision before San Francisco’s Sunshine Ordinance Task Force, the SFPUC continues to refuse to produce documents they are legally required to release.

### The SFPUC Can Be a Good Environmental Steward without Risking Running Out of Water

- The SFPUC’s terrible water policies are driven by a manufactured mega-drought referred to as the Design Drought. This arbitrary drought combines two of the worst droughts from the last century sequentially, leading the SFPUC to believe it needs to stretch out six years-worth of water to last eight years. SFPUC consultants calculated that a drought as severe as the Design Drought might occur once in 25,000 years.
- The SFPUC is also planning for water demand to increase to 265 million gallons per day (mgd). Demand has declined steadily over the last three decades (largely due to escalating water rates), and has been under 200 mgd for the past nine years. With water rates continuing to skyrocket, along with declining population growth, demand is more likely to decrease than increase.
- The SFPUC has exceptional water rights. In an average year, they’re entitled to enough water to last three years, so low reservoirs fill quickly. To make it through extended dry periods, the SFPUC built a number of reservoirs (Hetch Hetchy holds just one quarter of their water). The SFPUC has enough reservoir storage to last six years.
- During the 2012-2015 drought, the SFPUC never had less than three years-worth of water in storage. During the 2020-2022 drought, they never had less than four years-worth of water in storage.
- The SFPUC manages its reservoirs in a fashion referred to as “hoard and spill.” Whenever their reservoirs aren’t totally full, they only release the minimum amount of water required. Between 2012 and 2016 (5 years) only 12% of the Tuolumne’s natural flow made it all the

way down the river. Then in 2017 (a wet year), all the reservoirs topped off, forcing them to spill. 79% of the river's natural flow made it down the river. The Tuolumne experienced one exceptional year at the expense of five terrible years. It's no wonder the Tuolumne River salmon population is worse off than on any other Central Valley river.

- By simply removing one-year from the Design Drought (it would still be the most conservative drought planning policy in the state) and using reasonable demand projections, with a stroke of the pen the SFPUC could easily manage the Bay-Delta Plan without any fear of running out of water.