

House Natural Resources Water, Wildlife and Fisheries Subcommittee

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Statement of

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Good Morning Chairmen Westerman and Bentz, Ranking Member Huffman and all other congressional members. First, let me welcome all of you and thank you for holding this hearing here in the Central Valley. And thank you for this opportunity to present testimony on behalf of the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors). My name is Chris White and I am the Executive Director of the Exchange Contractors. Our organization is a joint powers authority formed under California law in 1992 by four member agencies, the Central California Irrigation District, San Luis Canal Company, Firebaugh Canal Water District, and Columbia Canal Company. We are responsible for administering conservation plans, transfer programs, and resource planning, as well as advocating for dependable water supplies for our agencies and the 240,000 acres of agricultural land they represent.

Before I talk about the bills on the agenda for this hearing, I would like to express our great appreciation to Congressmn Calvert and Congressman Valadao, the authors of the bills we are discussing today, for their unflagging efforts to pursue water supplies for California during their careers in Congress. We understand how difficult it can be to shepherd legislation through the U.S. Congress. We thank them for their tireless efforts and for the efforts of their excellent staff. I also greatly appreciate the newest member of our valley delegation, Congressman Duarte, and his knowledge and deep interest on our water issues.

California's Climate Extremes – The need for more water supply adaptive management tools

This has been an extraordinary three and a half months in California. In that short time frame, record precipitation fell, and record snowpack accumulated in this part of the state. This enormous volume of precipitation followed a three-year period of extreme drought, during which time we were all fearful of a continued drought with the limited tools available to us. The 2022 drought was broken with an extraordinary string of precipitation events, and we went from one extreme to the present, with flood flows now expected to extend well into the summer. Looking at historical weather patterns, climate extremes are obviously the norm in California. Those extremes, combined with the current regulatory environment, make providing reliable water supplies for all water users throughout the state very challenging, if not impossible. Environmental, urban and agricultural water users need more tools to be able to adaptively manage through these extremes if we ever hope to develop a truly drought resilient water supply.

H.R. 215 and H.R. 872

What's needed to manage between these weather conditions is the type of regulatory certainty, investment in water resilience projects, and the forward-thinking tools provided in H.R. 215 and H.R. 872.

The Exchange Contractors support advancing the two bills which are the focus of this hearing: H.R. 215, the “Working to Advance Tangible and Effective Reforms for California (WATER) Act.” and H.R. 872, “Federally Integrated Species Health Act (FISH Act.)”

H.R. 215

I would first note that H.R. 215 is the product of countless hours of work by a wide array of stakeholders in the last Congress. The Exchange Contractors were closely involved in these efforts, and we appreciate the opportunity to be included. The end product that we see in this Congress, H.R. 215, reflects a tremendous amount of negotiation and compromise. It is a common-sense and much needed approach to the management of water here in the Central Valley.

This bill would help provide long-term water supply and regulatory certainty to California. The certainty afforded to the project operators of both the Central Valley Project (CVP) and the State Water Project (SWP), and ultimately their customers, would provide the opportunity for better water management planning for a changing climate. It would also allow for investments in water resilience projects such as water use efficiency, groundwater banking, increased surface water storage, and conveyance projects.

The bill would provide the flexibility for voluntary agreements to continue to be developed and implemented, which we all recognize could serve a very important role in the operation of both the CVP and the SWP in the years ahead.

H.R. 872

With respect to H.R. 872, Congressman Calvert's bill, the Exchange Contractors believe the change envisioned under this bill is long overdue. Combining ESA implementation responsibilities of both NMFS and FWS within one federal agency would be a win-win for the fish, the environment, the federal government, and all stakeholders. The current two-agency approach makes the management operations of the Central Valley Project cumbersome and inefficient. One key example in our region is the Delta Smelt Biological Opinion prepared by FWS, which requires releasing flows from storage to manipulate habitat, while the NMFS Biological Opinion for salmon requires keeping water *in* storage for temperature control. Even a person with little expertise in water management can see that this leads to a confusing and dysfunctional approach, which is harmful for all stakeholders.

Storage and Conveyance

So what do we believe should be the takeaway from the last three and a half months? We suggest at least two intertwined concepts should be prioritized: storage and conveyance. Regarding storage, the important point is we do not need larger storage projects with multibillion-dollar price tags. Instead, we believe we need, and could make very good use of, strategically positioned smaller-size storage projects. Also, as our present flood circumstance demonstrates, we need to enhance direct groundwater recharge through the use of smart multi-benefit floodplain habitat projects that provide fish and wildlife habitat while increasing transitory storage of flood flows to reduce downstream flood damage.

With respect to conveyance, we need to invest in the best maintenance and improvement possible for conveyance capability. When I use the word “conveyance,” I mean all forms of conveyance – from canals to our rivers and flood control systems. An investment in conveyance will pay off greatly, for it will open channels so that more water can be moved when needed but can also be stored until that time of need. I would be happy to go into more detail on this point if anyone would like me to do so.

That leads me to make some comments on a project I am very familiar with, the planned storage facility in Del Puerto Canyon. Let me first note we are immensely grateful for the support this project has received to date from the U.S. Bureau of Reclamation. It would have been very difficult to reach the point of planning we have reached without that vital financial support.

We believe the planned storage reservoir in Del Puerto Canyon is precisely the kind of above-ground storage project that is needed in California. It will provide off-stream storage in a location that will not hinder fish passage or migration in any way. The reservoir, when completed, will allow for the storage of up to 82,000 acre-feet of water in a year such as this one. That water will help to replenish groundwater, as well as provide water that can be transported and delivered to farmers and municipalities in the region. It will also solve the recurring issue of flooding on Del Puerto Creek. This flooding, when it occurs, has a negative impact on neighboring farms, residential areas, and commercial activity. The reservoir will also provide important habitat for a variety of species of migrating birds. We started the planning in earnest for this project in 2019; we are hopeful construction will begin in 2028.

We believe there are numerous additional locations in California where similar projects could be built.

Additional Projects Underway

I also want to briefly describe two of the projects the Exchange Contractors are working on, on different stretches of the San Joaquin River. These are innovative, relatively low cost, and intended to provide a range of multiple benefits. They are:

- 1) Orestimba Creek Recharge and Recovery Project: This project will receive water to be stored for future use, by creating a series of storage basins and recharge ponds, with the necessary infrastructure. This project should accelerate the recharging of groundwater in the underlying aquifer.

- 2) Los Banos Creek Detention and Diversion Projects: In the Detention project, the current dam, which is used only as a flood control facility, would be re-purposed to serve also as a water storage (and release) facility. In the Diversion project, a structure would be installed to allow water to better move through Los Banos Creek and the Delta-Mendota Canal, recharging creek flows. This would allow for better management of flood control and increase the reliability of the water in the creek, as well as improve the recreational possibilities of the creek.

The Exchange Contractors also continue to work, as we have since 2006, on projects under the umbrella of the San Joaquin River Restoration Program. These include a control structure and fish screen at Mendota Pool, as well as a fish screen and fish passage project at Arroyo Canal. These projects, once complete, will allow fish to survive and make their journey to the Delta. The projects also include building a well-designed flood plain habitat/transitory storage project with benefits accruing to fish rearing, flood control, and groundwater recharge. It includes the installation of control structures which will ensure that the floodplain benefits will occur across a wide range of river flows.

Again, thank you for the opportunity to appear here today and share some of our thoughts with the Subcommittee. We will be happy to provide more information and details on any of the points or projects I have mentioned today.