



# Westlands Water District

## House Committee on Natural Resources Subcommittee on Water, Wildlife, and Fisheries

Field Hearing on Water Abundance: Opportunities and Challenges in California

*September 6, 2024, 10:30am PDT*

### Testimony of Allison Febbo, General Manager, Westlands Water District

Good afternoon, Chairman Bentz, Ranking Member Huffman, and members of the Subcommittee. It is a great privilege to appear before you.

My name is Allison Febbo, and I bring over 25 years of expertise and leadership in California Central Valley water supply operations and conflict management to the Subcommittee. I presently serve as General Manager of Westlands Water District (Westlands). Additionally, I hold several key leadership positions, including as board member to the San Luis & Delta-Mendota Water Authority, and as an advisory committee member to the Family Farm Alliance. I am dedicated to public service as well as the farms, farmworkers, and communities that rely on water supply exports from the Sacramento-San Joaquin Delta for their livelihoods.

Today, I am honored to testify as the General Manager of Westlands Water District.

Westlands and its farmers know first-hand the value of water and the importance of water conservation. Those instrumental in the formation of the Westlands are responsible for its existing water conveyance system, which is comprised entirely of efficient, pressurized and buried pipeline (approximately 1,100 miles of pipe). Over time, Westlands and its farmers continued to invest in this sophisticated system. All surface water diversions are metered, and Westlands is just completing its efforts to install meters on all groundwater wells. In many of the fields within Westlands, farmers employ highly efficient and technically advanced surface and subsurface drip irrigation or micro-sprinklers. The result of these investments is that farmers achieve some of the highest water use efficiencies in the world.

Farmers in Westlands are also incredibly productive, in large part due to the specific soils found in our service area. They grow approximately 60 different high-quality, nutritious crops under some of the highest environmental standards in the world – producing crops with a value of \$2 billion and generating more than \$4.7 billion in farm related economic activity each year, supporting nearly 35,000 jobs, and benefitting local communities in the San Joaquin Valley and across the state. Westlands' ability to grow food and provide economic benefits is completely dependent on the federal Central Valley Project.

## Challenges

While there are abundant opportunities to assist with California's water supply challenges, I must first spend some time discussing the challenges which include the evolving influence of changes in climate, changes in the regulatory environment at both the Federal and State levels, and constraints on our infrastructure. First let me discuss climate change. California has experienced several record breaking dry hydrologic years in the past several decades, as well as shifts in the accumulation and melt of snowpack that are symptomatic of a changing climate. These changes affect the performance of water supply infrastructure, such as dams, pump stations, and canals which were designed to operate under the climate conditions when constructed. Perhaps even more challenging, these changes in temperature and hydrology are adding new stressors to species that are adapted to historical conditions, and which are already tremendously stressed by the compounded changes of a modern, developed State of California.

A second challenge comes from the regulatory environment, which has several components including the way the laws are organized and how various agencies are charged with implementing the laws. Most frustrating perhaps are the incongruencies between the laws, agencies, and critical challenges facing endangered species.

The most significant Federal laws include the Endangered Species Act (ESA, although notably California has its own approach - CESA), and the Clean Water Act (enforcement of which has been delegated to the State under the auspices of the California State Water Resource Control Board's Water Quality Control Plan). Enforcement of these laws has been delegated among several State and Federal regulatory agencies, each with overlapping authorities and missions. These authorities, separately and in combination, do not address the key constraints to species recovery – as demonstrated by the lack of recovery or even conservation despite the high cost to California's water supply over the past three decades. The result is a disorganized and convoluted regulatory system which often confuses roles, hampers communications, and frustrates innovation and nimbleness.

Westlands recognizes the urgency to act to support conservation and recovery of California's endangered species. We acknowledge the State-led efforts to go beyond conservation and attain recovery, and do not believe this goal inherently conflicts with a reliable water supply for Delta exporters. However, this year has produced several examples of where the current regulatory framework for environmental compliance decision-making has prevented nimble action, at a high cost to water supply. Further, the Central Valley Project and State Water Project have long been the simplest to assign regulatory burdens, leaving many sources of stress on listed species unaddressed, likely resulting in an outsized cost to the two Projects because of the comparative ease of prescribing mitigation requirements for them. The proposed solution to this was included in the Water Infrastructure Improvements for the Nation (WIIN) Act, which requires more clarity on how specific mitigation measures prescribed by regulatory agencies relate to actions of storing and delivering water supply.

For the past several decades, updates to achieve ESA compliance have gradually reduced the reliability of water supply exports from the Sacramento-San Joaquin Delta, which are the foundational water supply for Westlands. Environmental review to ensure compliance with all these laws are currently underway, with scheduled completion dates at the end of this calendar year. For the past several months, Westlands and water agencies throughout the State have been reviewing upwards of 23,000 pages of documents explaining the proposed plans for the operation of the Central Valley and State Water

projects (Projects) and their anticipated effects on endangered species, consistent with Federal and State Endangered Species acts and the State's Water Quality Control Plan update.

Obviously, these environmental compliance processes are slow, tedious, and burdensome. They are also limited in that they are required to focus on the discretionary operations of the two Projects and have no mechanism to address uncertainty. These limitations can be frustrating in dealing with a species that is declining rapidly in the face of climate change and a host of other stressors that go beyond operation of the Projects. Further complications exist in the incomplete understanding that we have of the species, environment, and cumulative effects on the species. A critical outcome of this situation, from the perspective of Westlands and other water users, is that these laborious environmental compliance processes still result in: (a) a constant erosion of water supply reliability, (b) an unabated decline of the species, perhaps because the sacrifices in water supply are ineffectual, (c) lack of clear connections between species decline and Project operations in the context of all other stressors such as climate change and oceanic conditions, and (d) a complete inability to move swiftly to tailor operations to the benefit of both water supply and fisheries recovery.

## Opportunities

This leads me to the opportunities, which include improvements to the governance of fisheries recovery efforts, investments in infrastructure, and legislative assistance to safeguard the agricultural productivity of California for the nation and the world.

At present, Westlands is working with other Public Water Agencies to build in mechanisms to address uncertainty, to better govern water supply decision making, to clarify where water supply management is affecting species relative to all other stressors, and to monitor and improve actions taken to mitigate for those effects. The pathway to this is through robust adaptive management, which is an intended part of both the ESA compliance proposal for two Projects as well as for Healthy Rivers and Landscapes (formerly the Voluntary Agreements) that are proposed for compliance with the State's Water Quality Control Plan and the Clean Water Act.

If properly formulated, these "adaptive management" programs could provide a pathway to address uncertainty while also providing clarity on the success or lack of success from actions made with the intent to recover species and/or fully address impacts of the Projects. Adaptive management may also provide a pathway to modify efforts that are shown to be ineffective toward something more effective for both the species of concern and water supplies. The success of this will hinge on the commitment of agencies to use open and transparent information, dedication to critical review of actions taken with the intent to improve upon them for multiple purposes, and commitment to objective and transparent decision-making processes. Our experience from this year demonstrates that there is room to improve here: requests by Westlands and other water users for information on decisions made this Spring went entirely ignored. Another key to success in this area will come from our inclusion in the process – from information gathering to decision making – such that we can proactively assist where agencies may be less nimble. Westlands has valuable resources to offer and intends to be a part of the solution.

As a last note on transparency. Reclamation's current proposed action for ESA compliance includes several, seemingly voluntary actions to benefit species and prevent a jeopardy determination. While described as voluntary measures in the proposed action, they are not clearly tied to effects of a specific project, stated species, or specific state or federal legal requirements. It is Westland's opinion that, as

these actions are clearly being included to avoid a jeopardy determination by the Federal resource agencies, they ought to be considered as such. Under a standard process, if a Federal action results in a jeopardy determination, the resources agencies have the option to craft Reasonable and Prudent Alternatives that avoid or manage the causes of jeopardy. As is evident in the title of the alternative, being “Multi Agency Consensus”, the process has resulted in the action agency including voluntary reductions as part of the proposed action. Section 4004 of the WIIN Act requires that any such Reasonable and Prudent Alternatives have a burden of proof and explanation offered to the affected water agencies that is higher than what is being provided under the current document. There may not be sufficient authority for Reclamation to take this approach and ignore the requirements placed by the WIIN Act on Reasonable and Prudent Alternatives.

Separate from governance improvements, infrastructure investments are needed to deal with changes in climate and water needs for the environment. Public investments at all levels are needed to restore existing conveyance systems that are the backbone of California’s water supply. A broad array of efforts are required to repair and maintain conveyance facilities including addressing capacity constraints through subsidence corrections and dredging to restore natural conveyances. The Sacramento-San Joaquin Delta is an example where these actions can have multiple benefits (e.g., flood control, habitat restoration, fisheries survivorship, and water supply improvements).

New infrastructure is also required to adapt to climate change and the related changing needs from our current infrastructure. Moving high volumes of water when available and reducing water diversions during periods of high stress on aquatic species requires additional conveyance capacity and storage throughout the State. I’m proud to report that Westlands has made significant investments already in groundwater storage development within its own boundaries, with significant assistance by the Bureau of Reclamation and the State of California.

Additional investments are needed to further guard against drought in the future. Westlands is exploring long term water supply portfolio enhancements through collaborations and partnerships with other South of Delta diverters, such as Friant Water Authority and coastal municipalities. Water supply diversification could play an important role for agricultural communities.

I’ve been talking about solutions, and I’ll end on one challenge that likely requires leadership to protect the long-term viability of agriculture, which is affordability. Unfortunately, most of the effective solutions being conceived for California’s water supply issues cost a billion dollars or more – and that includes the maintenance projects. Further, the pathway to funding these projects is based on an investor-pays framework that challenges participation by agriculture, even for the maintenance of infrastructure that has been fully paid for by the agricultural water users. Urban areas have a far more reliable source of revenue compared with agriculture, which relies on revenues from crops that must compete on a global marketplace. We need help with a solution for funding water supply reliability enhancements that maintain crop diversity at home, where we grow the crops safely and with protections for our labor. Just this week, a USDA study was released and reported that food scarcity was on the rise. As food prices rise, more communities, including the ones that harvest our domestic food supplies, suffer from food scarcity. The burden of additional costs to maintain existing infrastructure is unlikely to help agriculture, national food security, or the disadvantaged communities that rely upon agriculture.

## Conclusion

I thank you again for coming to the San Joaquin Valley to learn first-hand about the challenges we are facing, and the opportunity to share our thoughts with the Committee. I look forward to working collaboratively to find long-sought solutions for recovery of endangered species, security and reliability for California water supply, and preservation of California agriculture that supports our local communities and our Nation's food supply and security.