

April 22, 2021

Assembly Member Jim Frazier  
California State Assembly  
State Capitol, Room 3091  
Sacramento, CA 95814

Re: AB 979 (Frazier) - **OPPOSE**  
Sacramento-San Joaquin Delta: Projects: Sea Level Rise Analysis Report

Date of Hearing: April 26, 2021  
Assembly Water, Parks and Wildlife Committee

Dear Assembly Member Frazier:

On behalf of the State Water Contractors (SWC) and the thirteen signatories below, we regret to inform you of our opposition to your bill, AB 979. By way of background, the SWC is an organization representing 27 of the 29 public water entities that hold contracts with the California Department of Water Resources (DWR) for the delivery of State Water Project (SWP) water.<sup>1</sup> Collectively, the SWC members provide a portion of the water supply delivered to approximately 27 million Californians, roughly two-thirds of the state’s population, and to over 750,000 acres of irrigated agriculture. Water

<sup>1</sup> The SWC members are: Alameda County Flood Control & Water Conservation District, Zone 7; Alameda County Water District; Antelope Valley East Kern Water Agency; Central Coast Water Authority; City of Yuba City; Coachella Valley Water District; County of Kings; Crestline-Lake Arrowhead Water Agency; Desert Water Agency; Dudley Ridge Water District; Empire-West Side Irrigation District; Kern County Water Agency; Littlerock Creek Irrigation District; Metropolitan Water District of Southern California; Mojave Water Agency; Napa County Flood Control & Water Conservation District; Oak Flat Water District; Palmdale Water District; San Bernardino Valley Municipal Water District; San Gabriel Valley Municipal Water District; San Geronio Pass Water Agency; San Luis Obispo County Flood Control & Water Conservation District; Santa Clara Valley Water District; Santa Clarita Valley Water Agency; Solano County Water Agency; Tulare Lake Basin Water Storage District.

supply delivered to the Bay Area, San Joaquin Valley, Central Coast and Southern California from the SWP is diverted from the Sacramento-San Joaquin River Delta.

AB 979 would require state and local agencies, and even private developers, with projects located in the Delta region that have any impact whatsoever on the physical environment and who need state or local agency permits or that receive any state or local agency funding, to prepare and submit extensive sea level rise (SLR) analyses on such projects to the Delta Stewardship Council, Delta Protection Commission and the Legislature. The analyses would have to include, at a minimum, an analysis based on the SLR scenarios contained in the “Ocean Protection Council’s Sea-Level Rise Guidance 2018 Update” which lists 138 SLR scenarios over 13 timeframes, including a high risk scenario for the year 2150 of nearly 22 feet of SLR. The analyses required would be onerous and highly speculative since no one knows how California, countless local jurisdictions, regulatory agencies and private landowners would respond to such extreme SLR in the next 130 years. The bill would impose a tremendous burden of time and resources to gather, model and synthesize all the data.

The bill also applies to projects exempt from CEQA and actions that are not considered “covered actions” as defined in 2009 Delta Reform Act. The bill would impose considerable costs and undue burden on the project proponents to conduct such a complex SLR analysis, which requires experts with specific niche experience.

There is significant litigation risk associated with AB 979. Defending project SLR analyses in court will be a bonanza for expert witnesses, environmental consulting firms and law firms, adding years and millions of dollars to the very type of projects that the Delta Reform Act and the Delta Plan are intended to further, including ecosystem restoration.

The bill is unnecessary. The Delta Plan already requires the application of best available science to covered actions, including an evaluation of climate change effects and sea level rise. In addition, the specific analysis called for in this bill may become quickly outdated in the future as new scientific information is becoming available rapidly. On July 28, 2020, Governor Gavin Newsom released the Water Resilience Portfolio, “the Administration’s blueprint for equipping California to cope with more extreme droughts and floods, rising temperatures, declining fish populations, over-reliance on groundwater and other challenges.”<sup>2</sup> The Delta Stewardship Council is well underway in its Delta Adapts process, which will include a comprehensive climate change vulnerability assessment and adaptation strategy for the Sacramento-San Joaquin Delta and Suisun Marsh.<sup>3</sup> The California Department of Water Resources has developed a robust Climate Change Program, which includes climate mitigation and adaptation measures to ensure that Californians have an adequate water supply, reliable flood control, and healthy ecosystems, now and in the future.<sup>4</sup> Sea level rise analysis is critical to improve climate change planning. But the application of a static 2018 approach, applied in a piecemeal fashion to every single activity occurring in the Delta, would impede achieving the

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<sup>2</sup> Governor Newsom Releases Final Water Resilience Portfolio, <https://waterresilience.ca.gov/>.

<sup>3</sup> Delta Adapts: Creating a Climate Resilient Future, <https://deltacouncil.ca.gov/delta-plan/climate-change>.

<sup>4</sup> Climate Change Program, <https://water.ca.gov/Programs/All-Programs/Climate-Change-Program>.

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state's coequal goals for the Delta of ecosystem restoration and reliable water supplies for California by imposing excessive expenditures of time and money on piecemeal reports filled with speculation, not useful information.

For all of the above reasons, we must OPPOSE your bill and will ask members of the Assembly Water, Parks and Wildlife Committee to vote NO on the measure. If you have any questions or wish additional information, please do not hesitate to contact me at (916) 447-7357 or by email at [jpierre@swc.org](mailto:jpierre@swc.org).

Sincerely,



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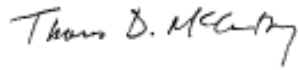


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cc: Members of the Assembly Water, Parks and Wildlife Committee  
Pablo Garza, Chief Consultant, Assembly Water, Parks and Wildlife Committee  
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