



**County Administrative
Office
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One
PETE VANDER POEL
District Two
AMY SHUKLIAN
District Three
EDDIE VALERO
District Four
DENNIS TOWNSEND
District Five

AGENDA DATE: March 17, 2020

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
CONTACT PERSON: Denise England PHONE: 559-636-5000				

SUBJECT: Resolution opposing State of California Lawsuit

REQUEST(S):
That the Board of Supervisors:
Approve a resolution opposing the State of California lawsuit concerning water deliveries from the Central Valley Project and State Water Project.

SUMMARY:
The Central Valley Project and the State Water Project are the two largest water projects in California. The Central Valley Project, operated by the US Bureau of Reclamation (“Reclamation”), consists of 20 dams and reservoirs that deliver water to 29 of California’s 58 counties for agricultural, municipal, and industrial uses, primarily in the Central Valley and the San Francisco Bay Area. The Central Valley Project delivers approximately 5.6 million acre-feet of water a year on average to 270 water supply contractors, much of the water coming from the Sacramento/San Joaquin River Delta area.

The California Department of Water Resources (“DWR”) operates the State Water Project. The State Water Project’s main storage facilities are Oroville Dam and San Luis Reservoir, which DWR operates jointly with Reclamation. DWR operates these facilities along with pumping plants, connecting canals, and aqueducts to deliver water to the Feather River Area, North Bay Area, South Bay Area, San Joaquin Valley, Central Coast, and Southern California for agricultural, municipal, and industrial uses. The State Water Project delivers on average 2.6 million acre-feet of water a year to 29 public water agencies.

Because of extensive litigation, court rulings, and settlement negotiations,

SUBJECT: Resolution opposing State of California Lawsuit

DATE: March 17, 2020

Reclamation and DWR have restricted the amount of water that can be exported from the Delta in order to protect certain species of fish that were deemed to be endangered by normal operations of the Central Valley Project. The restrictions were supported by expert biological opinions finding that the restrictions were scientifically necessary to protect the fish under the federal Endangered Species Act.

Recently, the Trump Administration revisited those biological opinions and reached different conclusions, finding that a more flexible approach to operations of the Delta pumping system could be taken without harming the fish species. As a result, the administration has proposed to allow more water to flow south to the Central Valley through the Central Valley Project. In response, the California Attorney General and State Natural Resources Agency have filed a lawsuit in US District Court asking for declaratory and injunctive relief to prevent the Administration from taking such actions. The lawsuit argues that the new biological opinions are scientifically flawed and so the proposed actions violate the Endangered Species Act and must be stopped until the opinions are corrected.

The new lawsuit was filed on February 20, 2020 and has not yet been scheduled for any hearings. The County is not a party to the lawsuit. The County has an agreement with the Bureau of Reclamation allowing the County to receive Central Valley Project water in its role as Cross Valley Canal Contractor, on behalf of County subcontractors that include Alpaugh Irrigation District, Atwell Island Water District, City of Lindsay, City of Visalia, Hills Valley Irrigation District, Sausalito Irrigation District, Frasinetto Farms, Stone Corral Irrigation District, Strathmore Public Utility District and Styro Tek Incorporated. Thus, the County would be effected by the outcome of the new lawsuit. Staff recommends the Board adopt a strong resolution in support of the Administration's actions and opposition to the lawsuit.

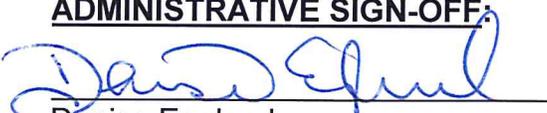
FISCAL IMPACT/FINANCING:

There is no cost to the County to approve the letter.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's Strategic Plan includes an initiative to provide for the safety and security of the public, which includes the goal of providing an adequate and safe water supply.

ADMINISTRATIVE SIGN-OFF:



Denise England

Water Resources Director

cc: County Administrative Office

BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA

In the Matter of *The California Natural Resources Agency, etc. vs. Wilbur Ross, etc., et al., USDC, ND Cal., Case # 3:20-cv-01299*) **Resolution No. _____**
)
)

WHEREAS, California is an agricultural giant — the fifth largest ag producer in the world; and

WHEREAS, much of that produce comes from Tulare County, with the total gross value of agricultural products and crops for 2018 being \$7.2 billion, an increase of approximately \$173.3 million (2.5%) from the total gross value in 2017; and

WHEREAS, Tulare County leads the nation in dairy production, with milk being the first agricultural commodity worth \$1.68 billion in the County’s 2018 Annual Crop Report; and

WHEREAS, Tulare County also ranks again in the top 3 of all farm counties in America; and

WHEREAS, agriculture is the largest private employer in Tulare County, with farm employment accounting for nearly a quarter of all jobs. Processing, manufacturing, and service to the agriculture industry provide many other related jobs. Six of the top fifteen employers in the County are food handling or processing companies, which includes fruit packing houses and dairy processing plants. 1 in every 5 jobs in the San Joaquin Valley is directly related to agriculture; and

WHEREAS, the County’s climate and geography enable local farmers to be extremely productive and produce many unique specialty crops including numerous varieties of citrus, stone fruits (nectarines, peaches, plums), nut crops, berries, livestock, hay and silage crops, and of course milk and milk products. Tulare County produces over 240 agricultural crops for human consumption, livestock feed, and seed crops; and

WHEREAS, if Tulare County were a state, it would rank very high in the U.S. in agricultural production, with the county having 45 crops worth more than \$1 Million each in farm gate gross value; and

WHEREAS, the County also has an important role in exports, and in 2018 exported products to 80 countries, with leading export Countries for Tulare County being China, Republic of Korea, Japan, Mexico, Taiwan, Australia, Hong Kong, Philippines, New Zealand and India. Tulare County is the #1 exporting county in the nation, with over 26,790 federal phyto-sanitary certificates issued for shipments going to export in 2018; and

WHEREAS, such agricultural bounty is only possible when water is available to irrigate our crops; and

WHEREAS, Tulare County farmers rely on supplies of surface water from the Central Valley Project operated by the US Bureau of Reclamation (“Reclamation”), and the State Water Project operated by the California Department of Water Resources (“DWR”), with much of the water coming from the Sacramento/San Joaquin River Delta area; and

WHEREAS, the Central Valley Project and the State Water Project are the two largest water projects in California, with the Central Valley Project consisting of 20 dams and reservoirs that deliver water to 29 of California’s 58 counties for agricultural, municipal, and industrial uses, primarily in the

Central Valley and the San Francisco Bay Area. The Central Valley Project delivers approximately 5.6 million acre-feet of water a year on average to 270 water supply contractors; and

WHEREAS, the State Water Project's main storage facilities are Oroville Dam and San Luis Reservoir, which DWR operates jointly with Reclamation. DWR operates these facilities along with pumping plants, connecting canals, and aqueducts to deliver water to the Feather River Area, North Bay Area, South Bay Area, San Joaquin Valley, Central Coast, and Southern California for agricultural, municipal, and industrial uses. The State Water Project delivers on average 2.6 million acre-feet of water a year to 29 public water agencies; and

WHEREAS, because of extensive litigation, court rulings, and settlement negotiations, Reclamation and DWR have restricted the amount of water that can be exported from the Delta in order to protect certain species of fish that were deemed to be endangered by normal operations of the Central Valley Project. The restrictions were supported by expert biological opinions finding that the restrictions scientifically were necessary to protect the fish under the federal Endangered Species Act; and

WHEREAS, the restrictions on surface water deliveries to Tulare County and the Central Valley have resulted in once productive farmland being fallowed, many farmworkers losing their jobs, and, in part, causing an overreliance on groundwater pumping which in turn has led to dropping water tables, land subsidence, and serious damage to the Friant-Kern Canal and its capacity for delivering contracted water to our farmers; and

WHEREAS, recently, the Trump Administration revisited the biological opinions supporting the water delivery restrictions and reached different conclusions, finding that a more flexible approach to operations of the Delta pumping system could be taken without harming the fish species. As a result, the Administration has proposed to allow more water to flow south to the Central Valley through the Central Valley Project; and

WHEREAS, the Administration has also proposed steps promoting the reliable supply and delivery of water in California and the Central Valley, including expanding California water storage by replacing old, failed regulations with new ones based on the latest science, ensuring that more water can be stored during wet years for use in dry ones. In turn, these actions will help provide immense relief to farmers and families in the Central Valley and communities across the state who've been devastated by drought throughout the years; and

WHEREAS, in response to the new biological opinions, the California Attorney General and California Natural Resources Agency have filed a lawsuit in US District Court asking for declaratory and injunctive relief to prevent the Administration from taking such actions (*The California Natural Resources Agency, etc. vs. Wilbur Ross, etc., et al., USDC, ND Cal., Case # 3:20-cv-01299*). The lawsuit argues that the new biological opinions are scientifically flawed and so the proposed actions violate the Endangered Species Act and must be stopped until the opinions are corrected; and

WHEREAS, such action is contrary to Governor Newsom's expressed desire to work cooperatively with the Administration in finding common solutions to the water issues facing California and bring more water to the Central Valley; and

WHEREAS, such action does nothing to help ensure that California's water supply, and in turn America's food supply, remains steady and secure while continuing to protect the environment; and

WHEREAS, such action is unacceptable and sends a clear signal that the Governor does not understand where our food comes from. Unfortunately, this lawsuit is another unnecessary attack on California's hardworking farmers, farmworkers, and families; and

WHEREAS, Tulare County farmers and their employees and business partners desperately need reliable and certain sources and amounts of surface water if they are to continue to lead the nation in food production.

NOW, THEREFORE, BE IT RESOLVED that the Tulare County Board of Supervisors hereby urges and requests Governor Newsom and Attorney General Becerra to drop their lawsuit challenging the Trump Administration's actions promoting the delivery of more water to Tulare County farmers and instead to use their time to work cooperatively with the Administration in finding common solutions to the water issues facing California and bringing more water to the Central Valley.

* * * * *

The foregoing resolution was adopted on motion of Supervisor _____, seconded by Supervisor _____, at a regular meeting of this Board of Supervisors held on _____, 2020, by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

ATTEST: JASON T. BRITT, COUNTY ADMINISTRATIVE OFFICER/
CLERK OF THE BOARD OF SUPERVISORS

By: _____
Deputy Clerk

APPROVED AS TO FORM:
COUNTY COUNSEL

By _____
Deputy
Matter No. 2020 _____