



THE METROPOLITAN WATER DISTRICT  
OF SOUTHERN CALIFORNIA

## MWD MEETING AGENDA

### Special Board of Directors Meeting - Final - Revised 2

**April 26, 2022**

**12:30 PM**

Tuesday, April 26, 2022 Meeting Schedule
09:00 am - Sp OP&T
10:30 am - OWC
11:30 am - Break
12:00 pm - Exec
12:30 pm - Sp BOD
02:00 pm - Sp WP&S

Teleconference meetings will continue through the end of the year. Live streaming is available for all board and committee meetings on [mwdh2o.com](http://mwdh2o.com) ([Click Here](#))

A listen only phone line is also available at 1-800-603-9516; enter code: 2176868#. Members of the public may present their comments to the Board on matters within their jurisdiction as listed on the agenda via teleconference only. To participate call (404) 400-0335 and enter Code: 9601962.

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MWD Headquarters Building - 700 N. Alameda Street - Los Angeles, CA 90012

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1. **Call to Order**
2. **Roll Call**
3. **Determination of a Quorum**
4. **Opportunity for members of the public to address the Board limited to the items listed on the agenda (As required by Gov. Code Section 54954.3(a))**
  - a. Public hearing on proposed declaration of a Water Shortage Emergency Condition and adoption of an Emergency Water Conservation Program for portions of Metropolitan's service area. [21-1059](#)  
[Subject Revised]
5. **CONSENT CALENDAR ITEMS - ACTION**

- 7-1** Conduct a public hearing and adopt a resolution to (1) declare a Water Shortage Emergency Condition; (2) adopt the framework of an Emergency Water Conservation Program and authorize the General Manager to finalize the Program consistent with the framework; and (3) express support for the Governor's Executive Order N-7-22; the General Manager has determined the proposed actions are exempt or otherwise not subject to CEQA. [SUBJECT REVISED 4/22/2022]

[21-1080](#)

**Attachments:** [04262022 BOD 7-1 B-L.pdf](#)  
[04262022 BOD 7-1 Presentation](#)

## **6. FOLLOW-UP ITEMS**

None

## **7. FUTURE AGENDA ITEMS**

## **8. ADJOURNMENT**

### **NOTE:**

Each agenda item with a committee designation will be considered and a recommendation may be made by one or more committees prior to consideration and final action by the full Board of Directors. The committee designation appears in parenthesis at the end of the description of the agenda item e.g. (E&O, BF&I). Committee agendas may be obtained from the Executive Secretary.

Requests for a disability related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting should be made to the Executive Secretary in advance of the meeting to ensure availability of the requested service or accommodation.



- Board of Directors  
*Board of Directors*

4/26/2022 Board Meeting

7-1

## Subject

Conduct a public hearing and adopt a resolution to (1) declare a Water Shortage Emergency Condition; (2) adopt the framework of an Emergency Water Conservation Program and authorize the General Manager to finalize the Program consistent with the framework; and (3) express support for the Governor's Executive Order N-7-22; the General Manager has determined the proposed actions are exempt or otherwise not subject to CEQA

## Executive Summary

As a result of record drought and limited State Water Project (SWP) allocations, insufficient supply exists this year to meet normal Member Agency demand in the SWP Dependent Area. The SWP Dependent Area represents the current portion of Metropolitan's service area that can only receive the district's supplies from the SWP system. If Metropolitan mandates robust conservation measures in the SWP Dependent Area, the California Department of Water Resources (DWR) will provide additional supplies to meet human health and safety (HH&S) needs. Metropolitan staff has coordinated closely with the affected Member Agencies as the drought worsened, meeting with them more than 17 times since August 2021. Metropolitan has received extensive feedback on alternative approaches to increase supply or constrain demand.

As a result, staff proposes that the Board adopt the Resolution in **Attachment 1**, which authorizes the following actions to reduce demands and preserve supplies in the SWP Dependent Area:

1. Declare that a Water Shortage Emergency Condition exists in the SWP Dependent Area.
2. Adopt a framework for an Emergency Water Conservation Program to reduce non-essential water use and preserve available supply for the greatest public benefit in the SWP Dependent Area. The framework includes two paths for affected Member Agencies to reduce the use of Metropolitan's SWP supplies and achieve compliance with the program.
  - a. The first path allows a Member Agency to restrict outdoor irrigation to one day per week (or its equivalent) beginning June 1, 2022. However, the General Manager is authorized to modify this restriction to ban all non-essential outdoor irrigation or enforce volumetric limits should conditions warrant as the year develops. Member Agencies that document enforcement of these restrictions will be deemed compliant with the Emergency Water Conservation Program. Non-compliant Member Agencies will face volumetric penalties of \$2,000 per acre-foot on any water supplied by Metropolitan from the SWP system that exceeds certain monthly allocation limits.
  - b. The second path allows a Member Agency to comply with monthly allocation limits directly. As described more fully below, the specific limit for each agency is based on an allocated share of the HH&S water provided by DWR and certain additional SWP supplies delivered through the SWP system. Member Agencies that meet these limits will be deemed compliant with the Emergency Water Conservation Program; non-compliant Member Agencies will face the same volumetric penalties as under the first path.

Importantly, under this framework, penalties will only be applied to Metropolitan supplies delivered from the SWP system. As such, if an affected Member Agency fully shifts its demands to other local supplies or Metropolitan's Colorado River connections, it will not face penalties in a given month.

The General Manager would be authorized to finalize terms of the Emergency Water Conservation Program consistent with this framework and the Board's authorization, and in conformance with DWR's requirements to access SWP water for HH&S purposes. The General Manager would be required to finalize these terms within 30 days of Board adoption.

As a final element of the framework, the General Manager would be required to report regularly to the Board on the Emergency Water Conservation Program's effectiveness and to notify the Board and Member Agencies of any need to implement more stringent conservation requirements.

3. Express support for the Governor's Executive Order N-7-22 on March 28, 2022, set forth in **Attachment 2**, calling for all urban water suppliers to implement actions to reduce water use by 20-30 percent, depending on local conditions.

Staff will actively monitor and report on water usage by each Member Agency within the SWP Dependent Area. Regardless of the method of compliance chosen by each affected Member Agency, staff will report to the Board on water usage metrics in both volumes delivered and per capita for each agency.

The Board will consider these actions at a public hearing and Special Board Meeting on April 26, 2022. These actions would be taken pursuant to Water Code section 350 et seq., Water Code section 375 et seq., and other applicable authorities, and in accordance with Metropolitan's Urban Water Management Plan (UWMP) and Water Shortage Contingency Plan (WSCP), the Governor's Executive Orders related to the drought, and recent directives from DWR concerning the use of SWP supplies.

## Details

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### Need to Access Human Health and Safety Supply from the SWP

For decades, Metropolitan has worked to improve its conveyance and distribution system to ensure flexibility in delivering SWP and Colorado River water throughout much of its service area. **However, due to the depth and duration of the current drought, Metropolitan cannot meet normal demands in the SWP Dependent Area with existing resources.** Despite best efforts to maximize available resources and operational flexibility this year, and to provide the greatest public benefit, Metropolitan must seek additional HH&S water allocated from DWR.

Beginning in water year 2020 (October 2019 through September 2020), watersheds supplying the SWP received well-below-average precipitation. Despite substantial precipitation in October and December 2021, precipitation in Northern California from January through March 2022 fell to the driest levels on record. In addition, California's warming climate is shifting the historical relationships between temperature, precipitation, and runoff. In 2021, DWR's snowmelt runoff forecast overestimated actual runoff by 68 percent. In 2022, the runoff forecast has already dropped by 42 percent.

Deteriorating hydrologic conditions led DWR to reduce the SWP Table A allocation for 2022 from 15 to five percent of contract amounts on March 18, 2022. This follows a five percent SWP Table A allocation in 2021. Coming in the third year of drought, this extremely low Table A allocation cannot meet minimum HH&S needs in the SWP Dependent Area. Accordingly, DWR will exercise a never-before-invoked provision of the SWP contract (Article 18a) that allows SWP water to be allocated on some other basis than Table A to meet minimum demands for domestic supply, fire protection, or sanitation. To that end, in October 2021, Metropolitan submitted a letter to DWR requesting delivery of certain HH&S supplies to the SWP Dependent Area. DWR accepted, in modified form, Metropolitan's request for these deliveries on April 15, 2022.

DWR expects SWP contractors receiving these HH&S supplies to mandate substantial reductions in water use consistent with these emergency drought circumstances. Further, DWR requires any water taken in 2022 for HH&S purposes to be returned within five years, thus creating a water supply debt that effectively trims future Table A allocations and slows any storage recovery once the drought eases. DWR based these guidelines on curtailment regulations previously adopted by the California State Water Resources Control Board (SWRCB). These guidelines could be further modified.

It should be noted that the boundaries of the SWP Dependent Area have not been fixed and other Metropolitan supplies (such as previously stored SWP supplies from groundwater banking, carryover, flexible storage in Castaic Lake or Perris Lake, or north-of-Delta transfers) are also delivered through this system. Metropolitan's



drought-mitigation actions have shrunk the SWP Dependent Area in recent years with a new ability to supply the Mills Water Treatment Plant from Diamond Valley Lake (May 2021) and through new water management programs such as the Operational Shift Cost Offset Program (May 2021) and the Reverse Cyclic Storage Program (February 2022).

### **Need for Demand Management in the SWP Dependent Area**

In 2014, the Board adopted an updated Water Supply Allocation Plan (WSAP) for use when regional shortages exist. The WSAP established baseline usage for each Member Agency, regional shortage levels, and a surcharge for a Member Agency's aggregate water use above a predetermined allotment. The WSAP included provisions, based on the *Water Conservation Act of 2009* (Senate Bill X7-7), setting a minimum water use threshold of 100 gallons per capita per day (gpcd) for total water use.

However, the WSAP was designed and intended only for use during regionwide water shortages and requires a more extended period to implement. Staff has determined that the current WSAP cannot effectively or efficiently alleviate the circumstances of the current emergency in the SWP Dependent Area. Rather than reconstructing the WSAP for this rapidly developing emergency condition, a more expedient manner to preserve existing water supplies in the SWP Dependent Area is to reduce or eliminate non-essential uses in the directly affected areas. These non-essential uses of potable water (e.g., water for outdoor landscapes, filling swimming pools or fountains, or washing cars) could be curtailed through either price or non-price mechanisms.

To that end, on November 9, 2021, Metropolitan's Board adopted a resolution recognizing the statewide drought emergency, declaring specified emergency conditions to exist within portions of its service area, and calling on Member Agencies to take various actions to preserve Metropolitan's supply from the SWP. Among other things, Member Agencies were urged to make all reasonably practicable changes in their operations and to implement mandatory conservation and efficiency measures to reduce the use of SWP supplies. That resolution further stated, "*should drought conditions persist or worsen in the coming months, Metropolitan's Board of Directors will consider declaring a water shortage emergency condition and imposing appropriate regulations, restrictions, and penalties pursuant to California Water Code section 350 et seq., so as to conserve Metropolitan's water supplies for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection.*" Unfortunately, current hydrologic conditions require this emergency action.

### **Framework for the Emergency Water Conservation Program**

The Emergency Water Conservation Program is intended to adaptively preserve supplies by reducing non-essential uses of water delivered through the SWP system<sup>1</sup>. Based on continued feedback from the Member Agencies, the framework outlined in the April 12, 2022, Board Information Letter 9-2 was modified to incorporate another more flexible alternative for agencies to achieve compliance based on monthly volumetric limits of SWP water available to Metropolitan.

The Emergency Water Conservation Program now includes two paths for affected Member Agencies to reduce use of Metropolitan's supplies delivered from the SWP system. A penalty of \$2,000 per acre-foot for all usage above certain limits would be enforced on Member Agencies for non-compliance. Penalties would be enforced monthly beginning in June.

### ***Compliance with Outdoor Use Limits***

Under the first compliance path, a Member Agency must adopt restrictions (via an ordinance or other appropriate means) that limit outdoor watering to one day per week (or its equivalent). Metropolitan will not specify the day of the week or any method of even/odd house numbering rotation to moderate distribution system impacts. Metropolitan will, however, require that Member Agencies limit watering times to prevent substitution of water use from newly banned days to permitted days. In addition, the Member Agency must adopt a mechanism for

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<sup>1</sup> Metropolitan accesses the SWP system to deliver Table A, carryover storage, flexible storage, north-of-Delta transfers, and previously stored Table A supplies pumped or exchanged through water management programs along the California Aqueduct.

banning all outdoor watering in the event the General Manager later determines that such a ban is necessary to preserve SWP supplies.

Of course, it is not sufficient simply to have these restrictions on paper. Member Agencies must be willing and able to impose meaningful penalties for non-compliance. As such, a Member Agency choosing this compliance path also must submit to Metropolitan an enforcement plan with real consequences to the consumer or end user for failing to abide by the one-day-per-week restriction or ban on outdoor water use. This enforcement plan must be auditable, with a clear and transparent way to verify enforcement if expected water use reductions fall short.

**Both the watering restrictions and the plans for enforcing them at the retail level must be in place no later than June 1, 2022.** If the affected Member Agency is not a retail water supplier, then it must coordinate with the appropriate retail agency(ies) within its service area to ensure that those agencies also adopt the requisite restrictions and enforcement plans prior to the deadline. Non-compliant Member Agencies will face volumetric penalties on water supplied by Metropolitan from the SWP system above certain limits. The volumetric limits are further described as part of the second compliance path below.

There are some important exceptions to these outdoor watering restrictions. The primary exception is to allow hand-watering of trees or other perennials to support their health and ability to recover once the outdoor watering restrictions are lifted. A second exception is to allow drip or other high-efficiency irrigation systems to apply water at a weekly volume consistent with the one-day watering restriction imposed on less efficient irrigation systems. Metropolitan will continue to coordinate with the affected Member Agencies on an appropriate formulation of these types of exemptions if a complete ban on outdoor watering is imposed.

If all water providers within a wholesale Member Agency choose the watering restrictions path, then no volumetric penalties would be assessed. If water providers within a wholesale Member Agency select different compliance paths, then the Member Agency would initially be assessed penalties calculated using the volumetric limits. Metropolitan would then work in good faith with the Member Agency to determine the appropriate volume of water to be assessed for any of the wholesale Member Agency's water providers.

On behalf of the Member Agencies, Metropolitan submitted a request in October 2021 for supplemental HH&S deliveries for water necessary to prevent or suppress wildfires, particularly at the wildland-urban interface. The Department of Water Resources initially excluded these volumes from the HH&S allocation. However, DWR is now developing a mechanism for variances that may supplement the allocated water. Metropolitan will work with the Member Agencies and relevant fire authorities to submit a request for supplemental deliveries for these important public safety uses, if needed.

Because of uncertainty in the drought's persistence and the speed and scale of demand response, the General Manager is authorized to ban all non-essential outdoor irrigation as early as September 1, should conditions warrant. The General Manager is further authorized to impose volumetric limits on all Member Agencies that originally chose this first path if regional demand response continues to lag. Imposition of volumetric limits would not occur prior to December 1.

### ***Compliance with Volumetric Allocation Limits***

The second path allows an affected Member Agency to achieve compliance by meeting an agency-specific volumetric delivery limit from Metropolitan every month. The volumetric limit for each agency will be based on their equivalent share of HH&S water available from DWR (roughly based on 55 gallons per person per day offset by available local supplies) plus any additional water Metropolitan is able to provide from the SWP system, allocated to each agency based on proportionate population. Member Agencies using Metropolitan's supplies within these volumetric limits would not pay penalties. Any Member Agency that exceeds its volumetric limit would pay a \$2,000 per acre-foot penalty on any water provided by MWD from the SWP system in excess of the limit for that month. Volumetric penalties would accrue and be billed monthly.

Staff has provided the Member Agencies with an initial estimate of their monthly volumetric limit. The General Manager will finalize this limit, along with all other elements of the Emergency Water Conservation Plan, within 30 days of Board adoption.

### ***Penalty Structure***

The same penalty structure applies to both compliance paths. If an affected Member Agency chooses the outdoor use limit path and submits acceptable documentation before June 1, no penalties would be assessed. If the agency does not submit acceptable documentation, then volumetric penalties of \$2,000 per acre-foot of use above certain volumetric limits will accrue beginning June 1.

Penalties will be assessed and billed monthly. If an agency misses the June 1 deadline for compliance, penalties will be charged for that entire month. Once in compliance, penalties stop accruing at the beginning of the following month. Penalties will be charged to the Member Agency independent from all rates and charges for water service, as it is not a charge for service.

These penalty structures are designed to send a strong economic signal to incentivize action. Any penalties collected will be returned to the affected Member Agencies through the Member Agency Administered Program (MAAP) to help defray enforcement or other costs incurred in conjunction with the proposed Emergency Water Conservation Program.

Importantly, this Emergency Water Conservation Program only applies penalties on Metropolitan supplies delivered from the SWP system. As such, any Member Agency that fully shift demands to other local supplies or to Metropolitan's Colorado River connections will not face penalties in a given month. Under no circumstances would a penalty be paid on any Colorado River water delivered to that agency.

The General Manager will establish procedures for reviewing or redetermining any penalties assessed on the Member Agency pursuant to the Emergency Water Conservation Program. The General Manager shall review any appeals submitted in a timely manner. The General Manager shall also establish reasonable procedures for the filing of appeals to the Board from his determination.

### ***Monitoring and Reporting***

Staff will report to the Water Planning and Stewardship Committee each month on progress achieved by the Emergency Water Conservation Program. This will include, at a minimum, monthly tracking of Metropolitan water deliveries and remaining available supplies to the SWP Dependent Area. Metropolitan will also inform the Board of the compliance status of the affected Member Agencies and of any penalties assessed.

Through monthly monitoring and regular communication, the General Manager will inform the Member Agencies and the Board in advance of any need to implement a ban on all outdoor watering (for implementation no earlier than September 1) or a need to implement volumetric limits for all affected agencies (for implementation no earlier than December 1).

### ***Termination of the Emergency Water Conservation Program***

The Emergency Water Conservation Program shall continue through June 30, 2023, unless the Board of Directors lifts the action before that date.

### ***Assistance Provided to Member Agencies***

Metropolitan will assist the Member Agencies in their complying with the watering restrictions and amplifying the serious message to consumers within the SWP-dependent areas. Assistance will take these forms:

- (1) **Member Agency Administered Program.** Metropolitan will make MAAP funds fully available to the affected Member Agencies for enforcement activities in the FY 2020/21 and 2021/22 budget. For the FY 2022/23 and 2023/24 biennial budget, approximately \$4.2 million of funding is available for the affected agencies. These funds would be made immediately available beginning July 1, 2022. In addition, any penalties paid would likewise be made available to agencies for enforcement. A Member Agency wishing to access these funds must submit a proposal for approval by Metropolitan. Uses of MAAP funding could include drought-related actions, messaging, and code enforcement. Upon termination of the Emergency Water Conservation Program, MAAP funding and procedures would revert back to the previously established guidelines.
- (2) **Assistance with Public Messaging for Drought Awareness and Water Conservation.** In March 2022, the Board authorized staff to enter into a three-year contract with a media placement firm. Through

June 30, 2022, up to \$4.5 million is available to develop and purchase advertising. Likewise, up to \$7.4 million is available in the subsequent biennial budget. Metropolitan staff will coordinate closely with the public affairs staff of the affected Member Agencies to send an amplified and unified message to consumers about the one-day-per-week watering restrictions. Metropolitan will stand with the Member Agencies in communicating these emergency conditions. Staff expects many opportunities to amplify the message also through the earned media of press conferences and news media stories.

### **Support of the Governor's Executive Order N-7-22**

The Board is requested to support Governor Newsom's Executive Order N-7-22 of March 28, 2022 (**Attachment 2**). This Executive Order incorporates orders and provisions contained in the Governor's earlier proclamations of April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021. Though Metropolitan will not mandate compliance on a Member Agency's conformance with Executive Order N-7-22, the affected Member Agencies are strongly called upon to do the following:

- Implement at least Level 2 of their Water Shortage Contingency Plans to achieve at least a 20 percent reduction in water use.
- Adopt and enforce the State Water Resources Control Board's (SWRCB) emergency regulations prohibiting wasteful water uses.
- Adopt and enforce the SWRCB's proposed prohibition (once adopted) of the use of potable water for irrigating non-functional turf at commercial, industrial, and institutional sites.

### **Other Activities Supporting the SWP Dependent Area**

Staff regularly reported to the Board and sought authority and funding to address system and supply shortages affecting the SWP Dependent Area. The Emergency Water Conservation Program is intended only as a short-term, stop-gap measure until lasting relief can be provided. A selection of the main operational, physical, and supply actions taken to improve the supply constraints include:

- Adjusted distribution system operations to minimize SWP use and draw heavily on the Colorado River and stored supplies (January 2021).
- Increased pumping on the Colorado River Aqueduct to the total capacity of eight pumps (intermittent operation since April 2021).
- Initiated the Operational Shift Cost Offset Program (May 2021) and Reverse Cyclic Program (February 2022), which removed financial barriers to switching from or deferring SWP deliveries.
- Switched the source water feed to the Mills Water Treatment Plant from SWP to Diamond Valley Lake storage (May 2021).
- Rebuilt and started up the Greg Avenue facility to pump ~100 acre-feet per day of Colorado River and stored supplies into the western portion of the distribution system (June 2021).
- Expanded conservation programs (December 2021).
- Authorized agreements with other water agencies to improve management of SWP supplies (San Bernardino Valley MWD, San Diego County Water Authority, December 2021).
- Amended the capital investment plan to start planning and implementing infrastructure projects for the western portion of the distribution system (February 2022).
- Authorized purchase of transfer supplies (April 2021 and April 2022)

These actions are accelerating with the development of infrastructure and water supply portfolios through the Extreme Drought Assessment, which includes as its design condition three SWP allocations of five percent.

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## Policy

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Metropolitan Water District Administrative Code Section 6410: Powers and Duties

Metropolitan Water District Administrative Code Section 6412: Delegation of Executive and Administrative Powers

Metropolitan Water District Administrative Code Section 11104: Delegation of Responsibilities

Operating Policy A-06, Emergency Management and Business Continuity

By Minute Item 50824, dated May 9, 2017, the Board adopted a resolution which declared a “Condition 1 –Water Supply Watch.”

By Minute Item 51166, dated April 10, 2018, the Board authorized changes to Member Agency Administered Program.

By Minute Item 52481, dated August 17, 2021, the Board adopted a resolution which declared a “Condition 2 – Water Supply Alert.”

By Minute Item 52581, dated November 9, 2021, the Board adopted a resolution which declared specified emergency conditions within the Metropolitan service area.

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## California Environmental Quality Act (CEQA)

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### CEQA determination for Option #1:

The proposed actions are being taken to address a water shortage emergency condition in portions of Metropolitan’s service area and are intended to conserve scarce water supplies in those areas to ensure that near-term human health and safety needs can be met. Accordingly, these actions are necessary to prevent or mitigate an immediate emergency and are not subject to CEQA pursuant to Public Resources Code Section 21080(b)(4) and Section 15269(c) of the State CEQA Guidelines. Furthermore, the proposed actions are being taken in accordance with Executive Order EO N-7-22 issued by the Governor on March 28, 2022, which directs that specific actions be taken in response to the extreme drought conditions in California. Among other things, all urban water suppliers must, at a minimum, implement the actions identified in their Water Shortage Contingency Plans (WSCP) for a shortage level up to 20 percent. This order expressly suspends the requirements of CEQA and the State CEQA Guidelines with respect to this directive. Likewise, Water Code Section 10652 statutorily exempts implementation of actions listed in and taken pursuant to an agency’s WSCP. Finally, where it can be seen with certainty that there is no possibility that the proposed actions may have a significant impact on the environment, those actions are not subject to CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

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## Board Options

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### Option #1

Adopt the Resolution shown in **Attachment 1** and:

- a. Declare that a Water Shortage Emergency Condition exists in the SWP Dependent Area
- b. Adopt the framework of an Emergency Water Conservation Program and authorize the General Manager to finalize the Program consistent with the framework.
- c. Express support for the Governor’s Executive Order N-7-22.

**Fiscal Impact:** Upon adopting the Emergency Water Conservation Program, revenues from water transactions will likely decrease as Member Agencies reduce water demands. At the March 22, 2022, budget workshop, staff presented a scenario with 100,000 acre-feet fewer transactions each year. This scenario—realistic in the magnitude of the needed demand management activity—could reduce revenues by approximately \$100 million in fiscal year 2022/23.

**Business Analysis:** Implementing the Emergency Water Conservation Program would preserve available water supplies for the greatest public benefit and would avoid the potential use of emergency storage from DWR reservoirs

**Option #2**

Modify the Resolution in **Attachment 1** and the recommended actions to modify actions or penalties to conserve available water supplies for the greatest public benefit.

**Fiscal Impact:** Unknown fiscal impact of water shortage

**Business Analysis:** Adjusting the proposed action may accelerate or slow demand management activities initiated by the Emergency Water Conservation Program. Depending on the modification, changes may also preclude Metropolitan from receiving needed human health and safety supplies from DWR

**Option #3**

Do not adopt the Resolution in **Attachment 1** nor take the recommended actions.

**Fiscal Impact:** Unknown fiscal impact of water shortage

**Business Analysis:** Delaying the decision to implement an Emergency Water Conservation Program would reduce the opportunity to conserve scarce supplies available to the region in 2022. Delaying the implementation may also preclude Metropolitan from receiving needed human health and safety supplies from DWR

**Staff Recommendation**

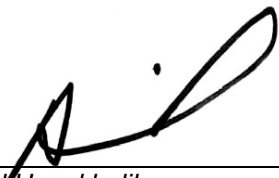
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Option # 1

  
\_\_\_\_\_  
Brad Coffey  
Manager, Water Resources Management

4/22/2022

Date

  
\_\_\_\_\_  
Adel Hagekhalil  
General Manager

4/22/2022

Date

**Attachment 1 – Resolution of the Board of Directors of the Metropolitan Water District of Southern California Declaring a Water Shortage Emergency Condition and Implementing an Emergency Water Conservation Program in Portions of its Service Area**

**Attachment 2 – Executive Department State of California Executive Order N-7-22**

Ref# wrm12687675

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

**DECLARING A WATER SHORTAGE EMERGENCY CONDITION AND IMPLEMENTING AN  
EMERGENCY WATER CONSERVATION PROGRAM IN PORTIONS OF ITS SERVICE AREA**

**WHEREAS, Severe Drought Conditions Are Constraining Available Water Supplies from Northern California.**

Beginning in water year 2020 (October 1, 2019, to September 30, 2020), the watersheds supplying the California State Water Project (SWP) received below-average precipitation. The California Department of Water Resources (DWR) classified water years 2020 and 2021 as dry and critically dry, respectively. Persistent dry conditions will likely result in a critically dry designation for water year 2022.

The three-year sequence of water years 2020 - 2022 (October 1, 2019, through September 30, 2022) is projected to be the driest on record in California for statewide precipitation. Precipitation in Northern California during the three months from January through March 2022 was the driest on record for that region.

In addition to reduced precipitation since 2020, California's climate is transitioning to a warmer setting in which historical relationships among temperature, precipitation, and runoff are changing. In 2021, the DWR's snowmelt runoff forecast over-estimated the runoff that occurred by 68 percent. In 2022, DWR's median runoff forecast for the Sacramento River dropped from 16.7 to 9.7 million acre-feet, a reduction of 42 percent.

**WHEREAS, Governor Newsom Has Declared a State of Emergency to Exist in All California Counties Due to These Severe Drought Conditions.**

On October 19, 2021, Governor Gavin Newsom declared a state of emergency to exist in all California counties due to worsening drought conditions. This proclamation follows other increasingly expansive drought declarations and executive orders that have been issued since April 2021.

At that time, Governor Newsom called on Californians to re-double their efforts to reduce water use by 15 percent and for local and regional water agencies to implement their Water Shortage Contingency Plans (WSCPs) "at a level appropriate to local conditions that takes into account the possibility of a third consecutive dry year."

**WHEREAS, Governor Newsom Has Issued an Executive Order Calling on Urban Water Suppliers to Activate Their Water Shortage Contingency Plans.**

As part of their Urban Water Management Plans (UWMPs), local and regional water providers are required to prepare and adopt WSCPs. These plans identify voluntary and mandatory response actions that will be taken under various water shortage conditions. These actions include mandatory conservation activities to reduce water use by 10 to 50 percent, depending on the severity of the shortage.

Due to worsening drought conditions, including a record-breaking dry period in January and February, Governor Newsom issued Executive Order N-7-22 on March 28, 2022, specifically requiring all urban water suppliers to implement, at a minimum, the response actions identified in their WSCPs for a shortage level of 20 percent (Level 2).

This executive order further encouraged urban water suppliers to conserve more than the minimum required and to voluntarily activate more stringent local requirements based on a shortage level of up to 30 percent (Level 3).

**WHEREAS, Metropolitan's State Water Project Supplies Have Been and Are Being Curtailed.**

On March 18, 2022, DWR reduced the SWP Table A allocation for 2022 from 15 to only five percent of contract amounts. Table A allocations for 2020 and 2021 were 20 and five percent, respectively. The last three years marks the lowest three-year combined deliveries of allocated water in the history of the SWP.

Three consecutive years of low Table A allocations have strained water supplies for portions of Metropolitan's service area that currently are served primarily through the SWP. Referred to as the "SWP Dependent Area," this area has limited or no access to Colorado River Supplies.

As a result, there will be insufficient SWP supplies this year to meet the minimum human health and safety (HH&S) needs in the SWP Dependent Area. HH&S needs are defined as "the amount of water necessary for prevention of adverse impacts to human health and safety, for which there is no feasible alternative supply." In general, HH&S needs are limited to domestic supply, sanitation, public health and fire protection purposes, and cannot exceed 55 gallons per person per day.

To supplement the low Table A allocation, DWR has agreed to provide additional SWP supplies to SWP contractors if necessary to fulfill their unmet HH&S needs. However, DWR is requiring any SWP contractor receiving such supplies to impose mandatory restrictions on water use within its service area consistent with these emergency circumstances. DWR also is requiring any SWP water accessed for HH&S purposes be returned to the state within five years or as wetter conditions return.

**WHEREAS, Metropolitan's SWP Supplies Are Essential to Meet the Total Demands of Its Member Agencies.**

Over the past 20 years, the SWP has provided about 30 percent of the region's total water needs and a portion of the supply delivered to each of Metropolitan's 26 Member Agencies.

Diamond Valley Lake, Metropolitan's largest surface water reservoir and source of dry-year and emergency water supplies, has only been replenished with SWP supplies since the discovery of Quagga mussels in Colorado River water in Jan. 2007.

Under a five percent Table A allocation, Metropolitan cannot meet normal demands in the SWP Dependent Area, serve SWP supplies to other Member Agencies, or replenish storage in Diamond Valley Lake.

**WHEREAS, Metropolitan, Its Member Agencies, and Others in the Region Have Taken Extraordinary Steps to Reduce Demands and Bolster Supplies.**

In conjunction with its Member Agencies, counties, cities, and wholesale and retail water suppliers, Metropolitan decreased potable water demands within the service area by 40 percent, roughly 80 gallons per person per day, since 1990.

Metropolitan has invested \$1.5 billion in conservation, local water recycling, and local groundwater recovery since 1990, resulting in a cumulative savings of nearly 7.6 million acre-feet.

Metropolitan has invested more than \$3 billion in increasing storage capacity with Diamond Valley Lake and conveyance capacity with the Inland Feeder to capture SWP supply when available for later use in dry years.

Local water suppliers and communities have also made multi-billion-dollar strategic and forward-looking investments in water conservation (within and outside the MWD service area), water recycling, stormwater capture and reuse, groundwater storage, and other strategies to improve drought resilience.

Water conserved throughout the service area, among other things, has helped preserve storage in Metropolitan's diverse storage portfolio during these dry conditions.

Continued action by Southern California residents to conserve water and extend local groundwater and surface water supplies will provide greater resilience if the drought continues in future years.



Metropolitan established the Member Agency Administered Program (MAAP) to assist Member Agencies in implementing local conservation activities. A portion of the funded projects can be used when water savings are not readily quantifiable, such as drought messaging and local water-use related code enforcement programs.

**WHEREAS, Metropolitan and Its Member Agencies Have Taken Specific Actions to Preserve SWP Supplies.**

Metropolitan and its Member Agencies have invested billions of dollars to preserve and enhance the availability and utilization of local supplies and, in turn, to decrease the overall use of Metropolitan's imported supplies.

Metropolitan has established water management programs to increase Member Agency flexibility to shift from or temporarily defer taking Metropolitan's supply from the SWP.

In 2021 and 2022, Metropolitan made targeted investments in its delivery system to reduce Member Agency dependency on SWP supplies. These investments have significantly improved operational flexibility, allowing delivery of water from either of Metropolitan's two imported supply sources to most of the service area.

Metropolitan's Member Agencies have, where feasible, operated their systems to reduce dependency on Metropolitan's supply delivered through service connections fed from the SWP system.

On August 17, 2021, Metropolitan's Board adopted a resolution declaring a "Condition 2 – Water Supply Alert" to preserve Metropolitan's supply for the region.

On November 9, 2021, Metropolitan's Board adopted a resolution recognizing the statewide drought emergency, declaring specified emergency conditions to exist within portions of its service area, and calling on Member Agencies to take various actions to preserve Metropolitan's supply from the SWP. Among other things, Member Agencies were urged to make all reasonably practicable changes in their operations and to implement mandatory conservation and efficiency measures to reduce the use of SWP supplies.

**WHEREAS, Metropolitan Has Determined that It Must Take Additional Actions Immediately to Conserve the Remaining Available SWP Supplies.**

In December 2014, Metropolitan's Board adopted a revised Water Supply Allocation Plan (WSAP) pursuant to which it may determine that a regional shortage exists, establish a regional shortage level, and impose an Allocation Surcharge on Member Agencies for water use above a predetermined allotment. The WSAP was designed and intended only for use during periods of regionwide water shortages and requires a more extended period to implement. As such, the current WSAP cannot effectively or efficiently address the water shortages anticipated to occur this year in the SWP Dependent Area.

Likewise, while actions being taken pursuant to the November 9, 2021, Board resolution are helpful, they are not sufficient to address in a timely manner the urgent circumstances present in the SWP Dependent Area. That resolution specifically noted that if drought conditions persisted or worsened, Metropolitan's Board would consider declaring a Water Shortage Emergency Condition and imposing appropriate regulations, restrictions and penalties to conserve Metropolitan's water supplies.

Unfortunately, drought conditions have persisted, and the water supply outlook has worsened, particularly with respect to SWP supplies. Accordingly, Metropolitan believes it is necessary, desirable, and in the best interests of Metropolitan and its Member Agencies to declare that a Water Shortage Emergency Condition exists in the SWP Dependent Area, to adopt the framework for an Emergency Water Conservation Program encompassing the SWP Dependent Area, and to take certain other actions as set forth below and described in Board Letter 7-1 dated April 26, 2022, so as to reduce water use and preserve remaining SWP supplies.

Adopting an Emergency Water Conservation Program is consistent with actions taken by our Member Agencies and other retail agencies and will assist Metropolitan and its Member Agencies in public outreach efforts to communicate the severity of the current drought and the need for conservation and collective action.

Metropolitan further believes that it is necessary, desirable, and in the best interest of Metropolitan to work closely with Member Agencies to identify near-term actions to address this drought emergency and to grant the General Manager certain additional powers and authorities to assist in carrying out such activities promptly.

**WHEREAS, Metropolitan Is Authorized and Required to Take These Additional Actions.**

Article X, Section 2 of the California Constitution requires all water resources in the state to be put to beneficial use and prohibits the waste or unreasonable use of such resources. What constitutes reasonable use is dependent on exigent circumstances, and may change during periods of drought.

Water Code Section 350 et seq. requires the distributor of a public water supply to declare that a water shortage emergency condition exists “whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply needed for human consumption, sanitation, and fire protection.” Upon making such a declaration, the water supplier is authorized to adopt such regulations and restrictions as will, in its sound discretion, “conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection.”

Water Code Section 375 et seq. authorizes retail and wholesale water providers to adopt water and enforce conservation programs, which may include specific water-use limitations. Water providers may impose civil and criminal penalties for violating the requirements of such programs and/or may enforce water-use limitations by imposing “a volumetric penalty in an amount established by the public entity.”

Water Code Section 10620 et seq. requires every urban water supplier to prepare and adopt an UWMP, which must include a WSCP to be implemented during times of shortage. Governor Newsom has directed all urban water suppliers to implement, at a minimum, the response actions identified in their WSCPs for a shortage level of 20 percent (Level 2).

DWR is requiring any SWP contractor receiving HH&S supplies to impose mandatory restrictions on water use within its service area consistent with these emergency circumstances.

The Metropolitan District Act and Metropolitan’s Administrative Code authorize and support taking specific actions to address the current drought emergency. In particular, Administrative Code Section 4512 provides that deliveries of water “shall be subject to operational, supply or demand conditions, as determined by the General Manager.”

**WHEREAS, Metropolitan Held a Noticed Public Hearing to Receive Input on These Additional Actions.**

On April 26, 2022, a public hearing was held to receive input, comments, and/or protests on the proposed declaration of a Water Shortage Emergency Condition and adoption of the framework of an Emergency Water Conservation Program for the SWP Dependent Area, as well as the other actions set forth below and described in Board Letter 7-1 dated April 26, 2022. A copy of Board Letter 7-1 was posted on Metropolitan’s website (<https://mwdh2o.legistar.com/Calendar.aspx>) and was available for review prior to the hearing.

Notice of this hearing was published on April 14, 2022, in six different newspapers of general circulation encompassing all six counties within Metropolitan’s service area: *Los Angeles Times* (Los Angeles County), *Orange County Register* (Orange County), *Inland Valley Daily Bulletin* (San Bernardino County), *Ventura County Star* (Ventura County), *Press Enterprise* (Riverside County), and *San Diego Union Tribune* (San Diego County).

At this public hearing, Metropolitan’s Board received information, comments, testimony, and other evidence provided by Board members, Member Agency representatives, staff, and the public pertaining to these matters, and all persons present were given an opportunity to be heard.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of The Metropolitan Water District of Southern California hereby declares a **Water Shortage Emergency Condition** to exist in the SWP Dependent Area. Per this declaration, the Board calls on all Member Agencies to:

- (1) Make all possible changes in their operations to reduce their use of Metropolitan's SWP supplies.
- (2) Immediately mandate and implement such conservation requirements, water-use efficiency measures, and drought-related limitations consistent with their WSCPs and substantively conforming to the Emergency Water Conservation Program.

**BE IT FURTHER RESOLVED** that the General Manager is hereby authorized and directed to finalize and implement an **Emergency Water Conservation Program** in the SWP Dependent Area, subject to the following conditions:

- (1) The Emergency Water Conservation Program shall conform to the framework outlined in Board Letter 7-1, dated April 26, 2022. (A copy of this Board Letter may be accessed through Metropolitan's website at <https://mwdh2o.legistar.com/Calendar.aspx>.) This framework includes volumetric penalties for non-compliance of up to \$2,000 per acre-foot for use exceeding specified allocation limits.
- (2) The Emergency Water Conservation Program shall include a provision for Member Agencies in the SWP Dependent Area to use 100 percent of their MAAP allocations for any conservation-related activities and projects, even where the water savings from such activities and projects are not readily quantifiable. Uses of MAAP funding could include drought-related actions, messaging, and code enforcement. Upon termination of the Emergency Water Conservation Program, the MAAP allocations would revert back to the previously established formula for non-documented water-saving program funding requests.
- (3) The General Manager shall consult with all affected Member Agencies on the final terms of the Emergency Water Conservation Program.
- (4) The General Manager shall finalize the Emergency Water Conservation Program within 30 days of Board adoption of this resolution.
- (5) The Emergency Conservation Program shall continue through Jun. 30, 2023, unless otherwise terminated as described below.

**BE IT FURTHER RESOLVED** that the General Manager is hereby directed to continue the actions and activities specified in August 17, 2021, and November 9, 2022, Board resolutions, except as expanded or limited herein.

**BE IT FURTHER RESOLVED** that the Board hereby declares Metropolitan's support for the Governor's Executive Order N-7-22 and directs staff to work with the relevant state agencies to implement the Executive Order.

**BE IT FURTHER RESOLVED** that, should drought conditions persist in the coming months, or should demand management actions not sufficiently preserve available supplies, the General Manager may impose additional conditions or requirements as part of the Emergency Water Conservation Program described in Board Letter 7-1, which may include a prohibition on all outdoor uses of water or a requirement for affected Member Agencies to conform to specified volumetric limits.

**I HEREBY CERTIFY** that the foregoing is a full, true, and correct copy of a resolution adopted by the Board of Directors of The Metropolitan Water District of Southern California at its meeting held on Apr. 26, 2022.

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Secretary of the Board of Directors  
of The Metropolitan Water District  
of Southern California

**EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA**

**EXECUTIVE ORDER N-7-22**

**WHEREAS** on April 12, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, I proclaimed states of emergency that continue today and exist across all the counties of California, due to extreme and expanding drought conditions; and

**WHEREAS** climate change continues to intensify the impacts of droughts on our communities, environment, and economy, and California is in a third consecutive year of dry conditions, resulting in continuing drought in all parts of the State; and

**WHEREAS** the 21st century to date has been characterized by record warmth and predominantly dry conditions, and the 2021 meteorological summer in California and the rest of the western United States was the hottest on record; and

**WHEREAS** since my October 19, 2021 Proclamation, early rains in October and December 2021 gave way to the driest January and February in recorded history for the watersheds that provide much of California's water supply; and

**WHEREAS** the ongoing drought will have significant, immediate impacts on communities with vulnerable water supplies, farms that rely on irrigation to grow food and fiber, and fish and wildlife that rely on stream flows and cool water; and

**WHEREAS** the two largest reservoirs of the Central Valley Project, which supplies water to farms and communities in the Central Valley and the Santa Clara Valley and provides critical cold-water habitat for salmon and other anadromous fish, have water storage levels that are approximately 1.1 million acre-feet below last year's low levels on this date; and

**WHEREAS** the record-breaking dry period in January and February and the absence of significant rains in March have required the Department of Water Resources to reduce anticipated deliveries from the State Water Project to 5 percent of requested supplies; and

**WHEREAS** delivery of water by bottle or truck is necessary to protect human safety and public health in those places where water supplies are disrupted; and

**WHEREAS** groundwater use accounts for 41 percent of the State's total water supply on an average annual basis but as much as 58 percent in a critically dry year, and approximately 85 percent of public water systems rely on groundwater as their primary supply; and

**WHEREAS** coordination between local entities that approve permits for new groundwater wells and local groundwater sustainability agencies is important to achieving sustainable levels of groundwater in critically overdrafted basins; and



**WHEREAS** the duration of the drought, especially following a multiyear drought that abated only five years ago, underscores the need for California to redouble near-, medium-, and long-term efforts to adapt its water management and delivery systems to a changing climate, shifting precipitation patterns, and water scarcity; and

**WHEREAS** the most consequential, immediate action Californians can take to extend available supplies is to voluntarily reduce their water use by 15 percent from their 2020 levels by implementing the commonsense measures identified in operative paragraph 1 of Executive Order N-10-21 (July 8, 2021); and

**WHEREAS** to protect public health and safety, it is critical the State take certain immediate actions without undue delay to prepare for and mitigate the effects of the drought conditions, and under Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Proclamation would prevent, hinder, or delay the mitigation of the effects of the drought conditions.

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

**IT IS HEREBY ORDERED THAT:**

1. The orders and provisions contained in my April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021 Proclamations remain in full force and effect, except as modified by those Proclamations and herein. State agencies shall continue to implement all directions from those Proclamations and accelerate implementation where feasible.
2. To help the State achieve its conservation goals and ensure sufficient water for essential indoor and outdoor use, I call on all Californians to strive to limit summertime water use and to use water more efficiently indoors and out. The statewide Save Our Water conservation campaign at [SaveOurWater.com](https://www.SaveOurWater.com) provides simple ways for Californians to reduce water use in their everyday lives. Furthermore, I encourage Californians to understand and track the amount of water they use and measure their progress toward their conservation goals.
3. By May 25, 2022, the State Water Resources Control Board (Water Board) shall consider adopting emergency regulations that include all of the following:
  - a. A requirement that each urban water supplier, as defined in section 10617 of the Water Code, shall submit to the Department of Water Resources a preliminary annual water supply and demand assessment consistent with section 10632.1 of the Water Code no later than June 1, 2022, and submit a final annual water

supply and demand assessment to the Department of Water Resources no later than the deadline set by section 10632.1 of the Water Code;

- b. A requirement that each urban water supplier that has submitted a water shortage contingency plan to the Department of Water Resources implement, at a minimum, the shortage response actions adopted under section 10632 of the Water Code for a shortage level of up to twenty percent (Level 2), by a date to be set by the Water Board; and
- c. A requirement that each urban water supplier that has not submitted a water shortage contingency plan to the Department of Water Resources implement, at a minimum, shortage response actions established by the Water Board, which shall take into consideration model actions that the Department of Water Resources shall develop for urban water supplier water shortage contingency planning for Level 2, by a date to be set by the Water Board.

To further conserve water and improve drought resiliency if the drought lasts beyond this year, I encourage urban water suppliers to conserve more than required by the emergency regulations described in this paragraph and to voluntarily activate more stringent local requirements based on a shortage level of up to thirty percent (Level 3).

- 4. To promote water conservation, the Department of Water Resources shall consult with leaders in the commercial, industrial, and institutional sectors to develop strategies for improving water conservation, including direct technical assistance, financial assistance, and other approaches. By May 25, 2022, the Water Board shall consider adopting emergency regulations defining "non-functional turf" (that is, a definition of turf that is ornamental and not otherwise used for human recreation purposes such as school fields, sports fields, and parks) and banning irrigation of non-functional turf in the commercial, industrial, and institutional sectors except as it may be required to ensure the health of trees and other perennial non-turf plantings.
- 5. In order to maximize the efficient use of water and to preserve water supplies critical to human health and safety and the environment, Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended, with respect to the directives in paragraphs 3 and 4 of this Order and any other projects and activities for the purpose of water conservation to the extent necessary to address the impacts of the drought, and any permits necessary to carry out such projects or activities. Entities that desire to conduct activities under this suspension, other than the directives in paragraphs 3 and 4 of this Order, shall first request that the Secretary of the Natural Resources Agency make a determination that the proposed activities are eligible to be conducted under this suspension. The Secretary shall use sound discretion in applying this Executive Order to ensure that the suspension serves the purpose of accelerating conservation projects that are necessary to address impacts of the drought, while at the same time



protecting public health and the environment. The entities implementing these directives or conducting activities under this suspension shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.

6. To support voluntary approaches to improve fish habitat that would require change petitions under Water Code section 1707 and either Water Code sections 1425 through 1432 or Water Code sections 1725 through 1732, and where the primary purpose is to improve conditions for fish, the Water Board shall expeditiously consider petitions that add a fish and wildlife beneficial use or point of diversion and place of storage to improve conditions for anadromous fish. California Code of Regulations, title 23, section 1064, subdivisions (a)(1)(A)(i)-(ii) are suspended with respect to any petition that is subject to this paragraph.
7. To facilitate the hauling of water for domestic use by local communities and domestic water users threatened with the loss of water supply or degraded water quality resulting from drought, any ordinance, regulation, prohibition, policy, or requirement of any kind adopted by a public agency that prohibits the hauling of water out of the water's basin of origin or a public agency's jurisdiction is hereby suspended. The suspension authorized pursuant to this paragraph shall be limited to the hauling of water by truck or bottle to be used for human consumption, cooking, or sanitation in communities or residences threatened with the loss of affordable safe drinking water. Nothing in this paragraph limits any public health or safety requirement to ensure the safety of hauled water.
8. The Water Board shall expand inspections to determine whether illegal diversions or wasteful or unreasonable use of water are occurring and bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water. When access is not granted by a property owner, the Water Board may obtain an inspection warrant pursuant to the procedures set forth in Title 13 (commencing with section 1822.50) of Part 3 of the Code of Civil Procedure for the purposes of conducting an inspection pursuant to this directive.
9. To protect health, safety, and the environment during this drought emergency, a county, city, or other public agency shall not:
  - a. Approve a permit for a new groundwater well or for alteration of an existing well in a basin subject to the Sustainable Groundwater Management Act and classified as medium- or high-priority without first obtaining written verification from a Groundwater Sustainability Agency managing the basin or area of the basin where the well is proposed to be located that groundwater extraction by the proposed well would not be inconsistent with any sustainable groundwater management program established in any applicable Groundwater Sustainability Plan adopted by that Groundwater Sustainability



Agency and would not decrease the likelihood of achieving a sustainability goal for the basin covered by such a plan; or

- b. Issue a permit for a new groundwater well or for alteration of an existing well without first determining that extraction of groundwater from the proposed well is (1) not likely to interfere with the production and functioning of existing nearby wells, and (2) not likely to cause subsidence that would adversely impact or damage nearby infrastructure.

This paragraph shall not apply to permits for wells that will provide less than two acre-feet per year of groundwater for individual domestic users, or that will exclusively provide groundwater to public water supply systems as defined in section 116275 of the Health and Safety Code.

10. To address household or small community drinking water shortages dependent upon groundwater wells that have failed due to drought conditions, the Department of Water Resources shall work with other state agencies to investigate expedited regulatory pathways to modify, repair, or reconstruct failed household or small community or public supply wells, while recognizing the need to ensure the sustainability of such wells as provided for in paragraph 9.
11. State agencies shall collaborate with tribes and federal, regional, and local agencies on actions related to promoting groundwater recharge and increasing storage.
12. To help advance groundwater recharge projects, and to demonstrate the feasibility of projects that can use available high water flows to recharge local groundwater while minimizing flood risks, the Water Board and Regional Water Quality Control Boards shall prioritize water right permits, water quality certifications, waste discharge requirements, and conditional waivers of waste discharge requirements to accelerate approvals for projects that enhance the ability of a local or state agency to capture high precipitation events for local storage or recharge, consistent with water right priorities and protections for fish and wildlife. For the purposes of carrying out this paragraph, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division, and Chapter 3 (commencing with section 85225) of Part 3 of Division 35 of the Water Code and regulations adopted pursuant thereto are hereby suspended to the extent necessary to address the impacts of the drought. This suspension applies to (a) any actions taken by state agencies, (b) any actions taken by local agencies where the state agency with primary responsibility for the implementation of the directives concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b). The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.
13. With respect to recharge projects under either Flood-Managed Aquifer Recharge or the Department of Water Resources Sustainable

Groundwater Management Grant Program occurring on open and working lands to replenish and store water in groundwater basins that will help mitigate groundwater conditions impacted by drought, for any (a) actions taken by state agencies, (b) actions taken by a local agency where the Department of Water Resources concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b), Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended to the extent necessary to address the impacts of the drought. The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.

14. To increase resilience of state water supplies during prolonged drought conditions, the Department of Water Resources shall prepare for the potential creation and implementation of a multi-year transfer program pilot project for the purpose of acquiring water from willing partners and storing and conveying water to areas of need.
15. By April 15, 2022, state agencies shall submit to the Department of Finance for my consideration proposals to mitigate the worsening effects of severe drought, including emergency assistance to communities and households and others facing water shortages as a result of the drought, facilitation of groundwater recharge and wastewater recycling, improvements in water use efficiency, protection of fish and wildlife, mitigation of drought-related economic or water-supply disruption, and other potential investments to support short- and long-term drought response.

**IT IS FURTHER ORDERED** that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 28th day of March 2022.



GAVIN NEWSOM  
Governor of California

**ATTEST:**

\_\_\_\_\_  
SHIRLEY N. WEBER, PH.D.  
Secretary of State





## Special Board Meeting

Declare Water Shortage Emergency Condition;  
Adopt Emergency Water Conservation Program;  
Express Support for Governor's Executive Order

Item 7-1

April 26, 2022

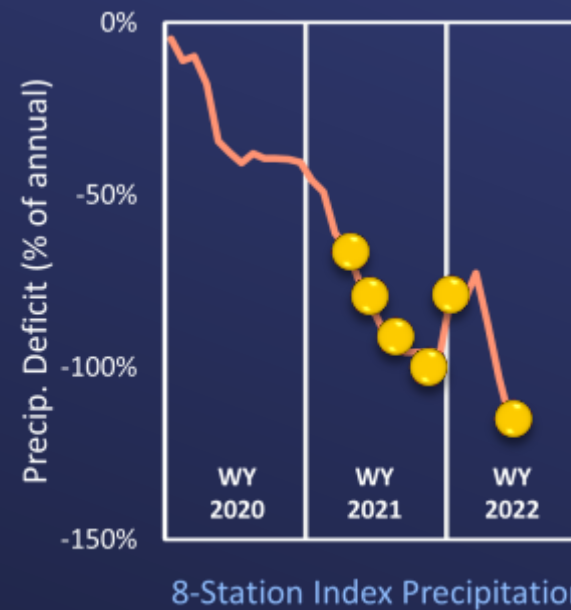
# Elements of Board Action

1. Declare Water Shortage Emergency Condition for SWP Dependent Area
2. Adopt framework of Emergency Water Conservation Program
3. Express support for Governor's Executive Order

# How did we get here?

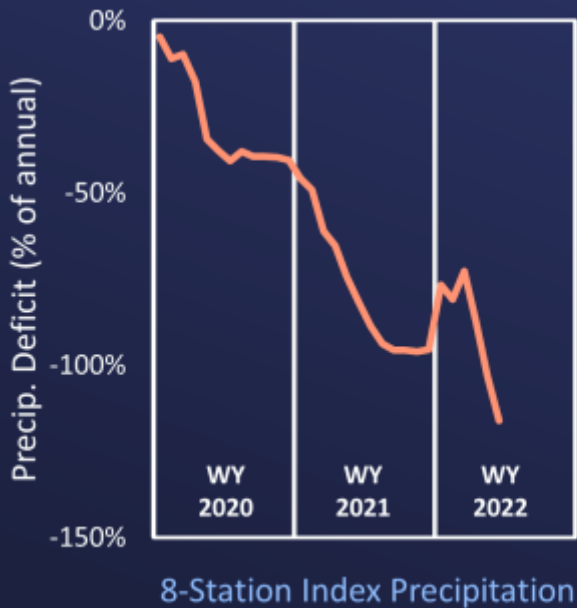
## Third Year of Drought

- Driest 3 years
- Driest 3 months (Jan. – Mar.)



● Declarations and  
Executive Orders by  
Governor Newsom

## How did we get here?



## Third Year of Drought

- Driest 3 years
- Driest 3 months (Jan. – Mar.)
- Lowest 3-year total deliveries from State Water Project

**Average Expectation for SWP**

**3.2 million AF**

**DWR's Lowest Forecast**

**1.0 million AF**

**Current 3 yrs**

**0.6 million AF**

# What did we do as the drought intensified?



8-Station Index Precipitation

## Increasing Response Since Mar. 2020



Mar. 2020

Minimized SWP flow to areas that can receive both SWP and CRW



Mar. 2021

Started pump-in from Semitropic and Kern Delta storage programs

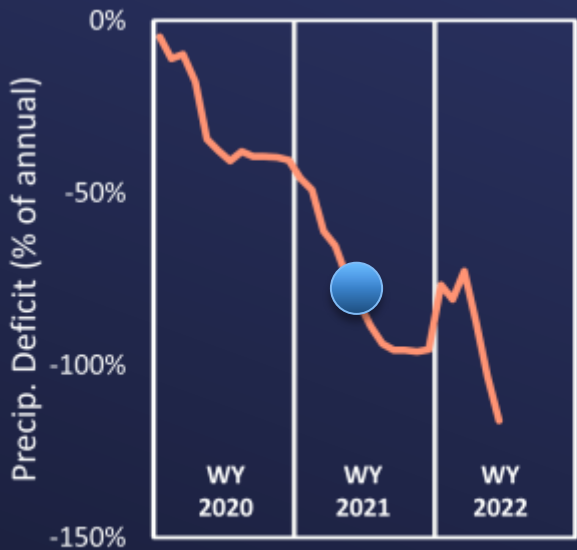
Apr. 2021

Operated Colorado River Aqueduct at full capacity



Board approved North-of-Delta water transfers up to \$44 million

# What did we do as the drought intensified?



8-Station Index Precipitation

## Increasing Response Since Mar. 2020

● May 2021

Board approved new Operational Shift Cost-Offset Program

Fed Mills Plant from DVL for the first time



Jun. 2021

Rehabilitated Greg Avenue pumps began operation



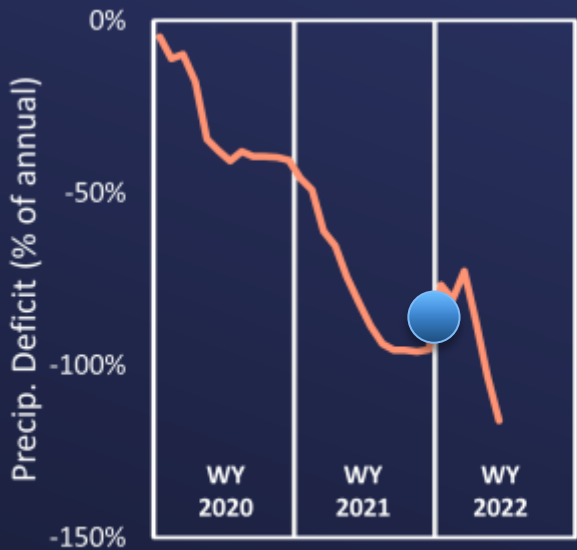
Aug. 2021

Board declared Water Supply Alert, calling for consumers & businesses to voluntarily reduce water use

Intensive coordination meetings begin with SWP Dependent Area Member Agencies (17 meetings to date)



# What did we do as the drought intensified?



8-Station Index Precipitation

## Increasing Response Since Mar. 2020

Oct. 2021

Governor Newsom declares State of Emergency for all California counties

Zero percent SWP allocation expected

Metropolitan requests supplies for human health and safety\* if drought persists



Nov. 2021

Board declares drought emergency for SWP dependent area and warns of further action if drought continues

Board expands conservation programs

Dec. 2021

More than 16 feet of snow falls in December



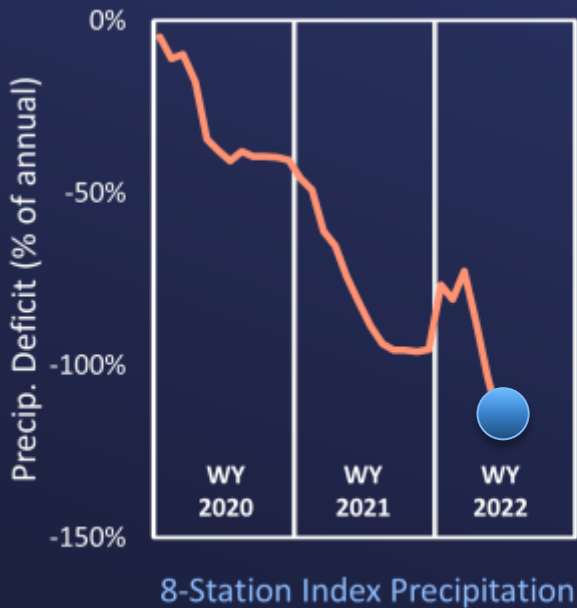
Board approves SDCWA & San Bernardino Valley Water District agreements

Board amends Capital Investment Plan to improve east area infrastructure reliability

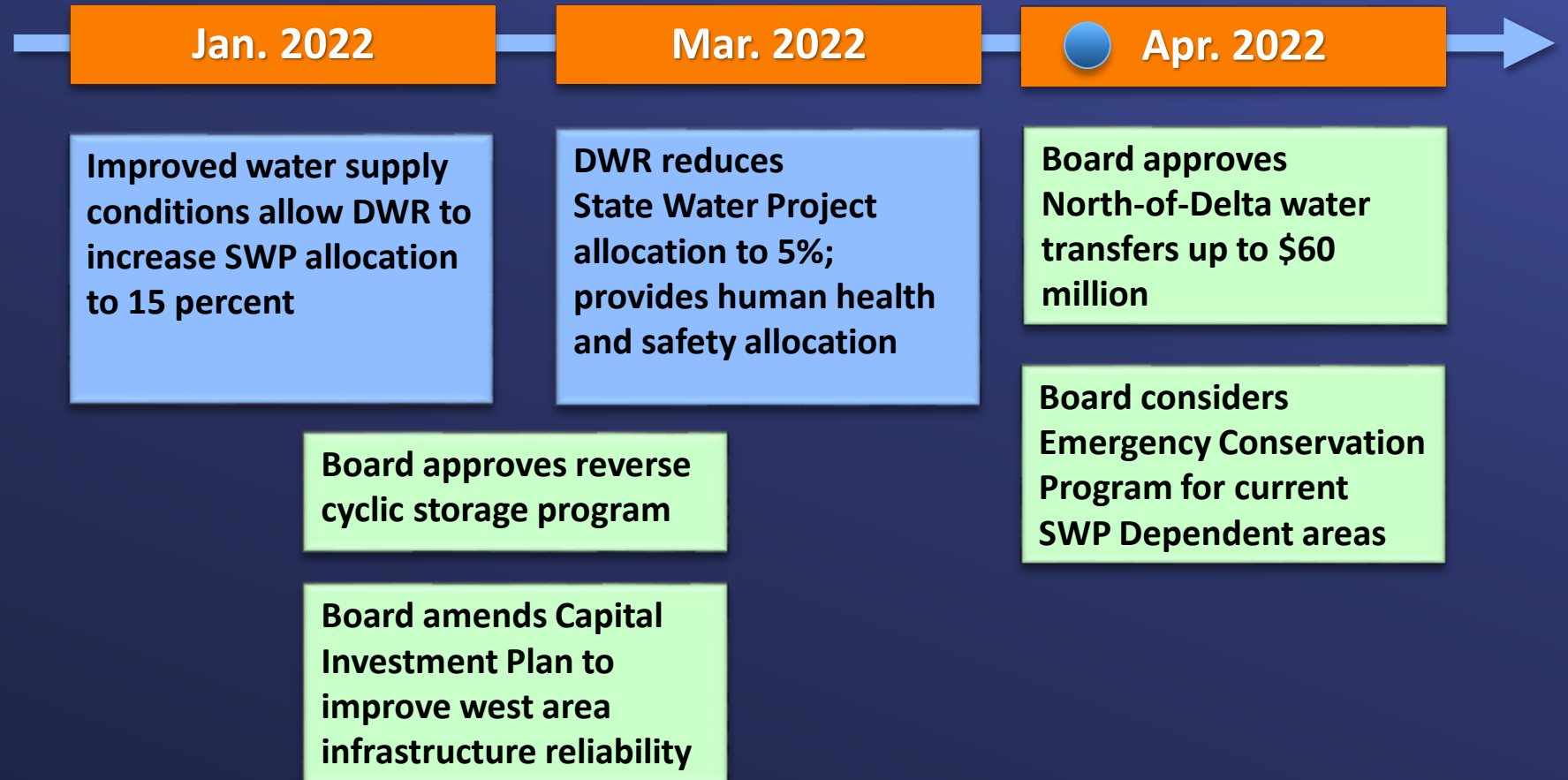
\*domestic supply, fire suppression, or sanitation

Special Board Committee

# What did we do as the drought intensified?



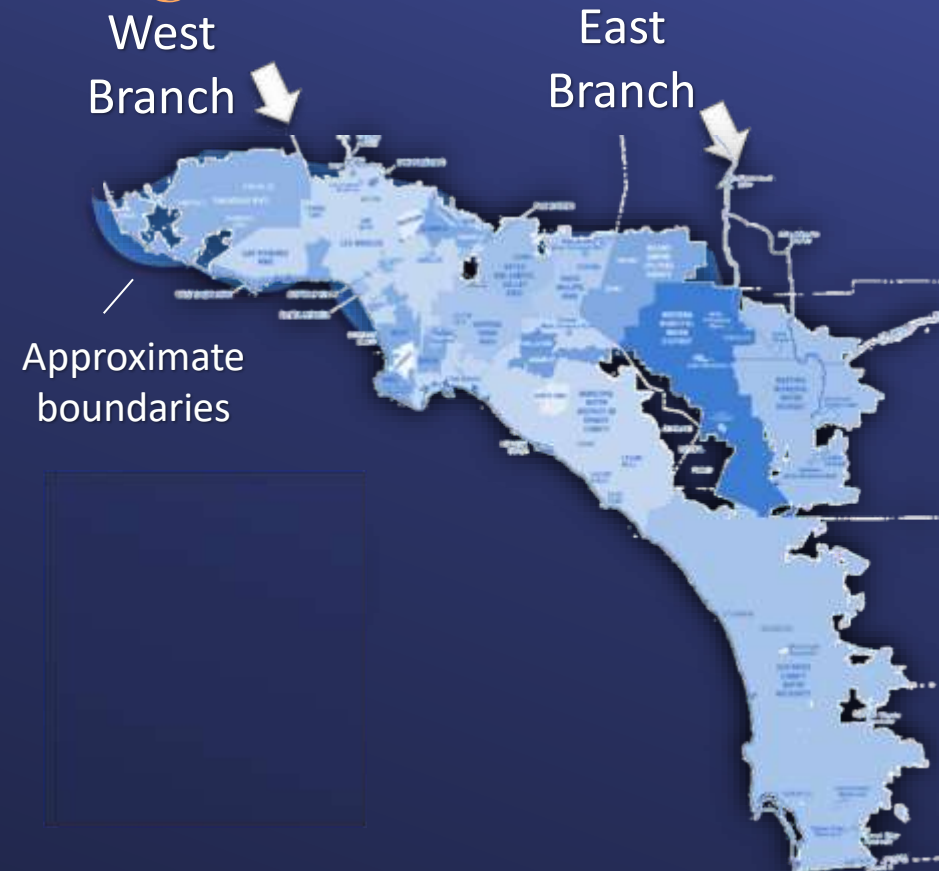
## Increasing Response Since Mar. 2020



Water Shortage Emergency

What is the  
SWP  
dependent  
area?

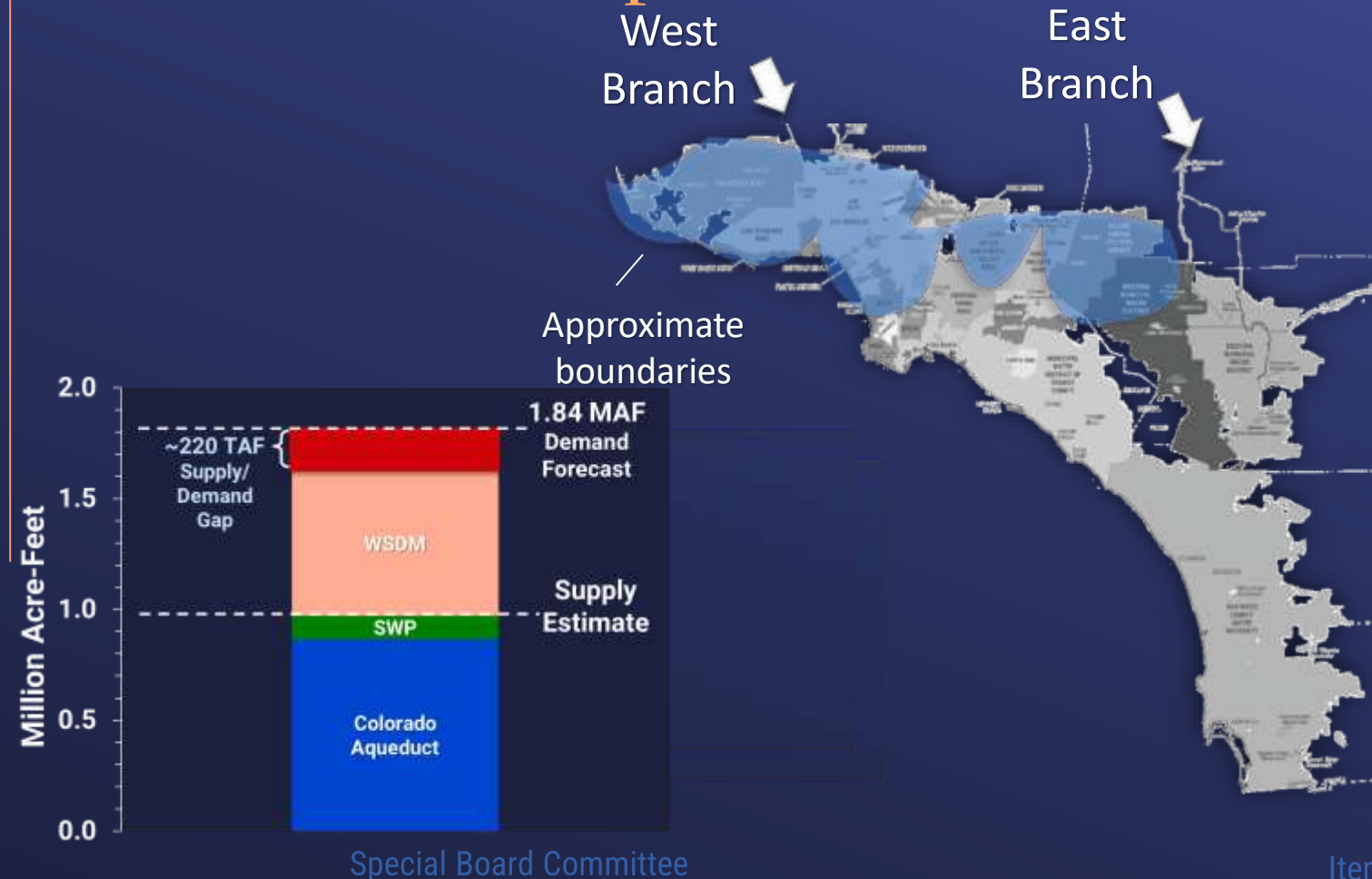
Areas currently served by Metropolitan  
primarily through the State Water Project



Water Shortage Emergency

# Insufficient Supply to Meet Normal Demands

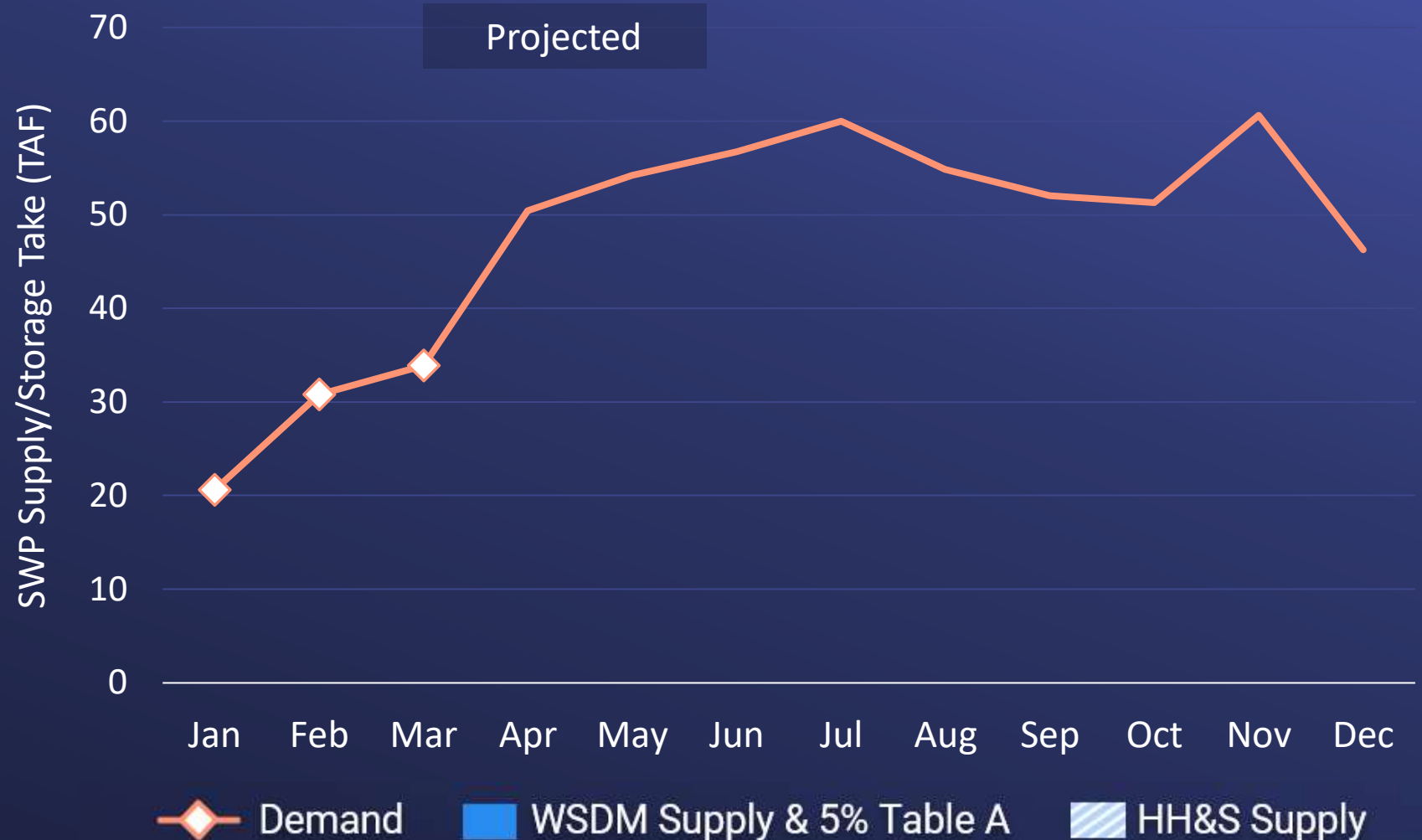
## Normal water demands cannot be met in the SWP dependent area



# SWP Dependent Area

## Demand Projection

### 2022 SWP Dependent Area Monthly Supply/Demand

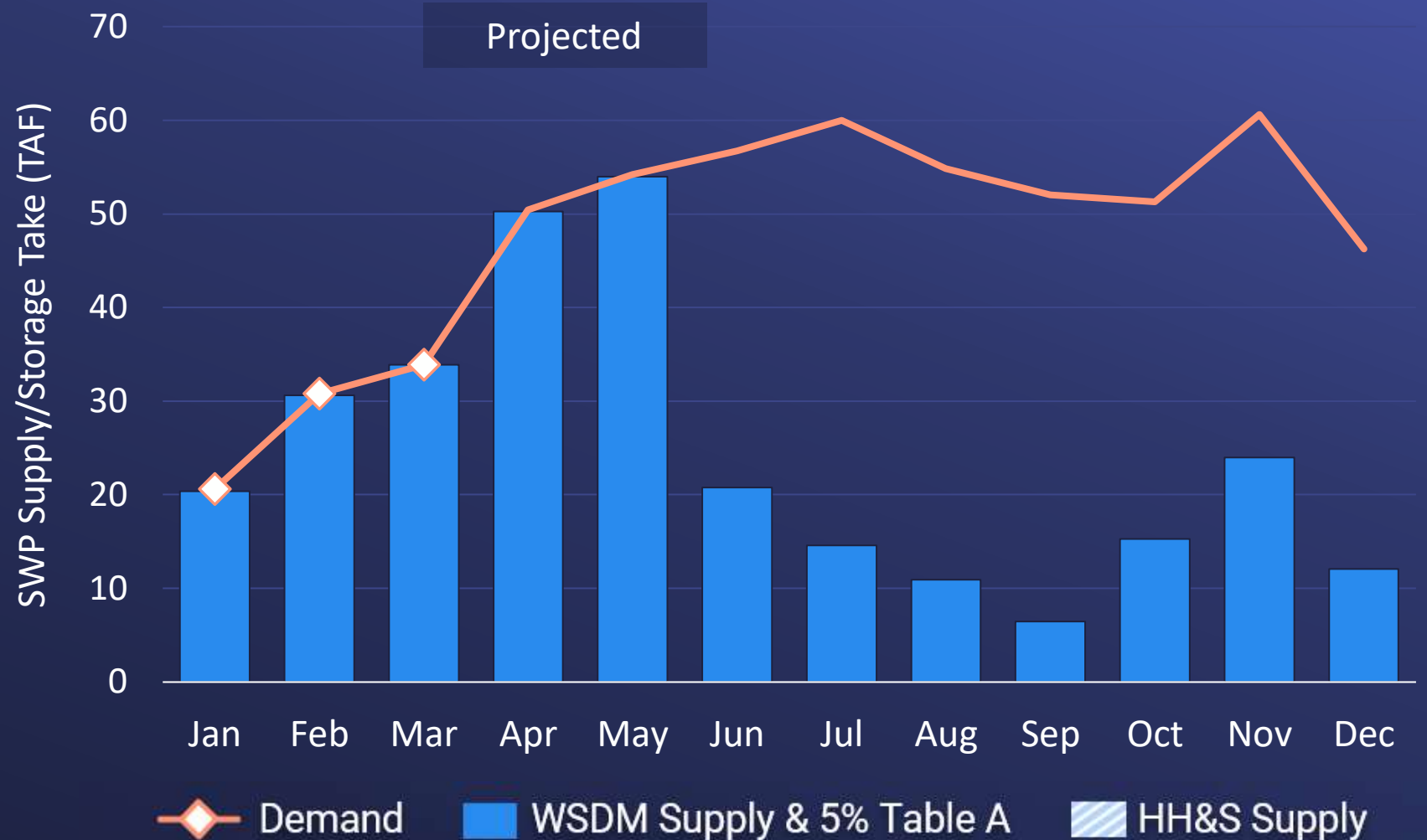




# SWP Dependent Area

Available  
Supply

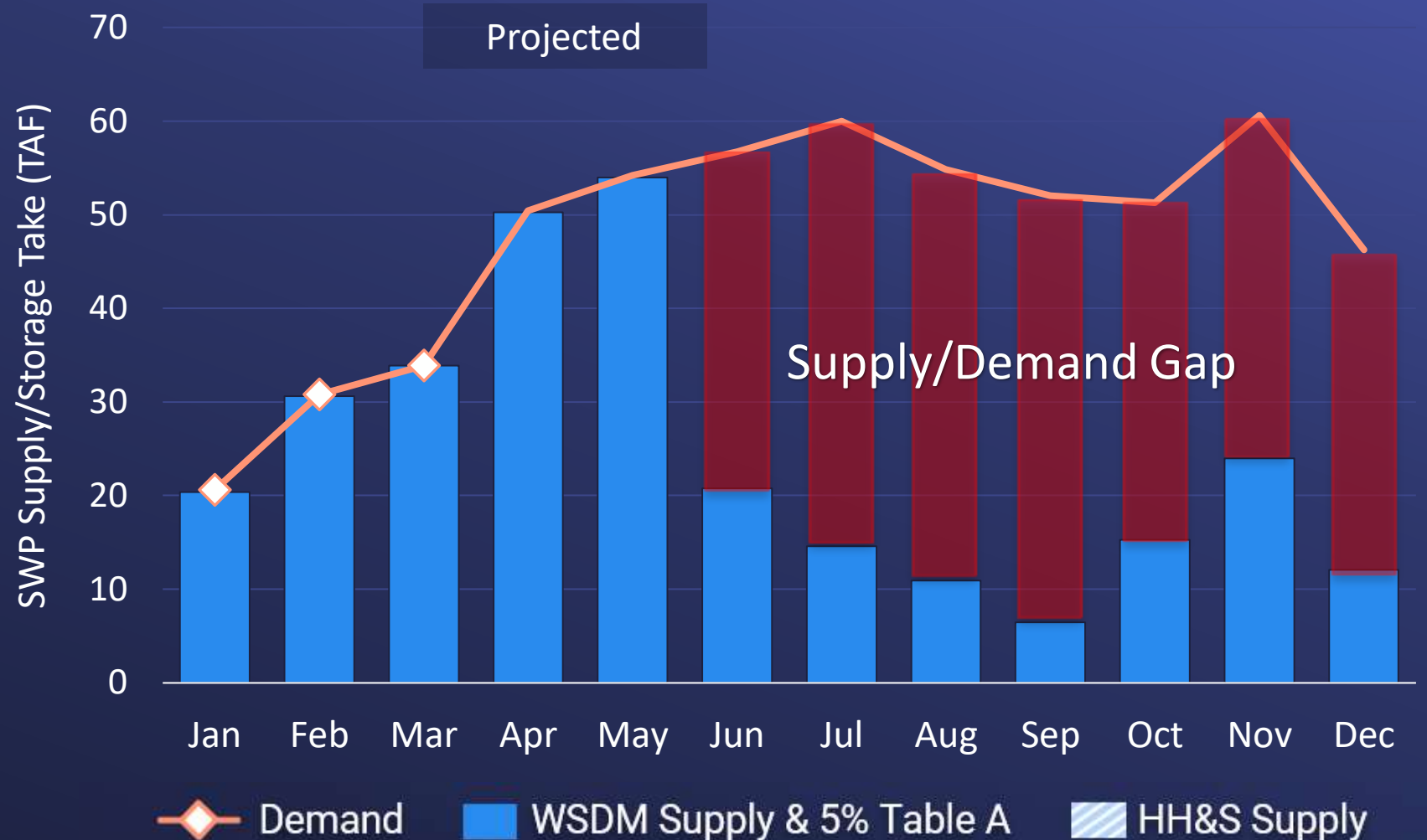
## 2022 SWP Dependent Area Monthly Supply/Demand



# SWP Dependent Area

Insufficient  
supply to meet  
normal  
demand

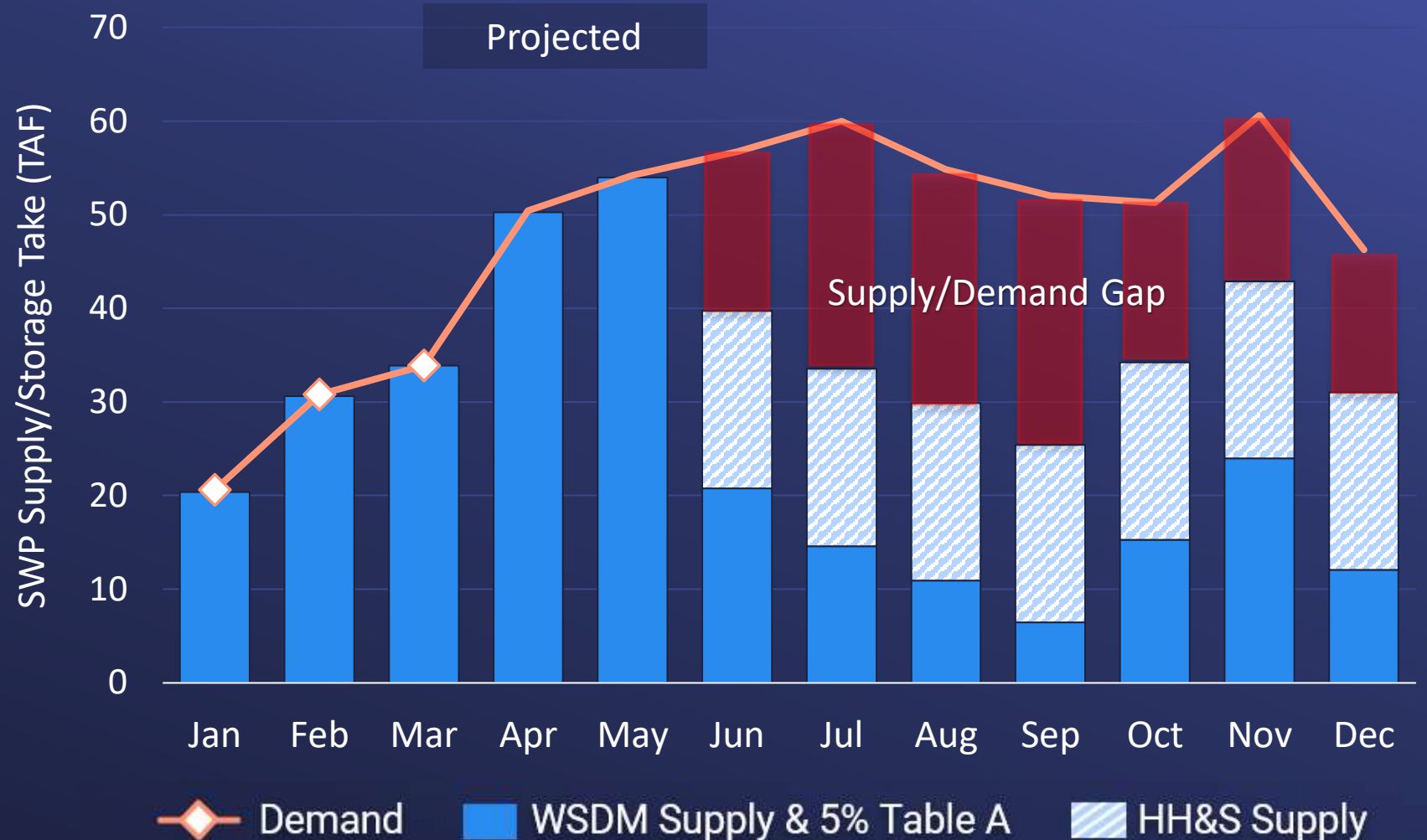
## 2022 SWP Dependent Area Monthly Supply/Demand



# SWP Dependent Area

DWR will  
provide some  
deliveries for  
human health &  
safety needs

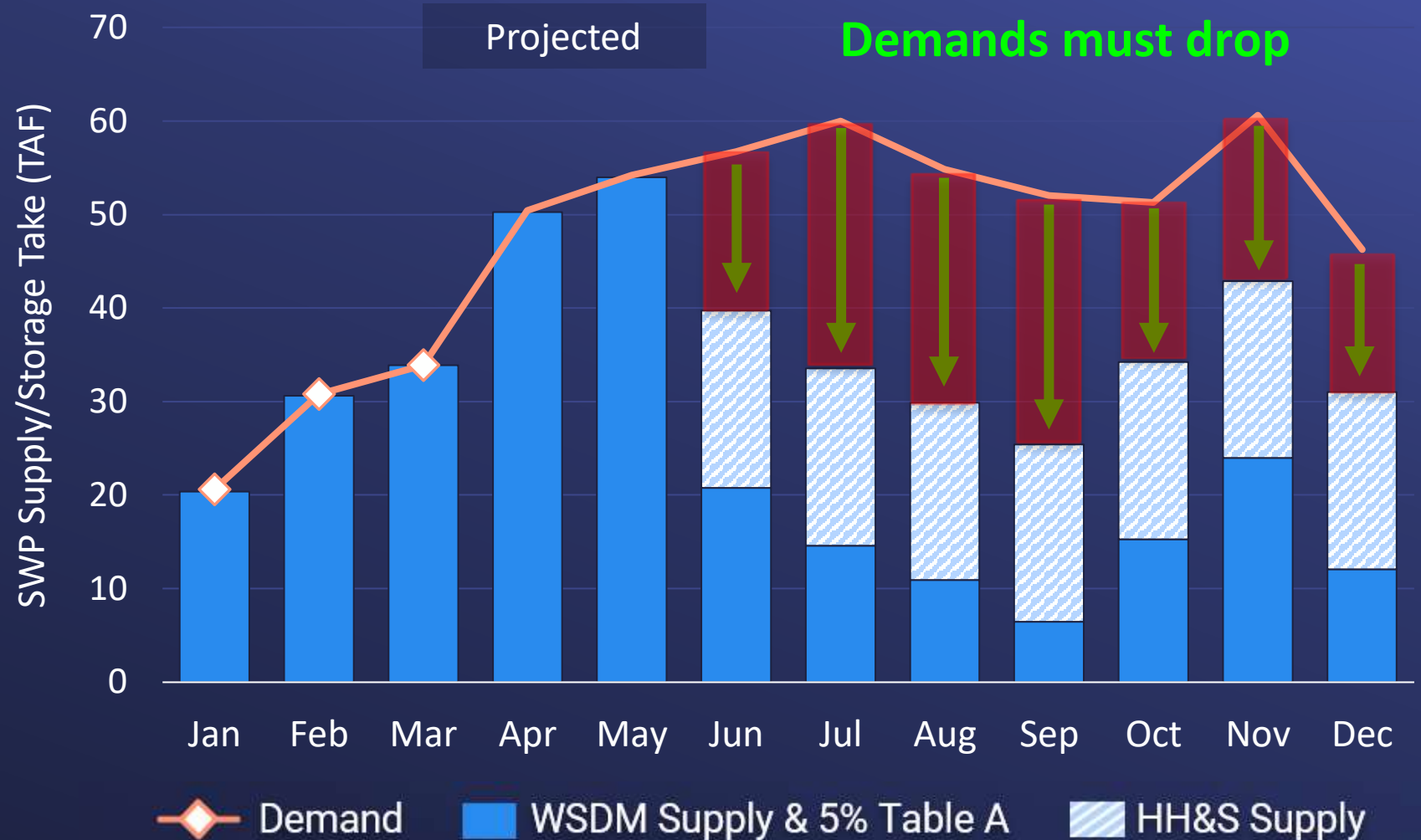
## 2022 SWP Dependent Area Monthly Supply/Demand



SWP  
Dependent  
Area

Demands  
Must  
Drop

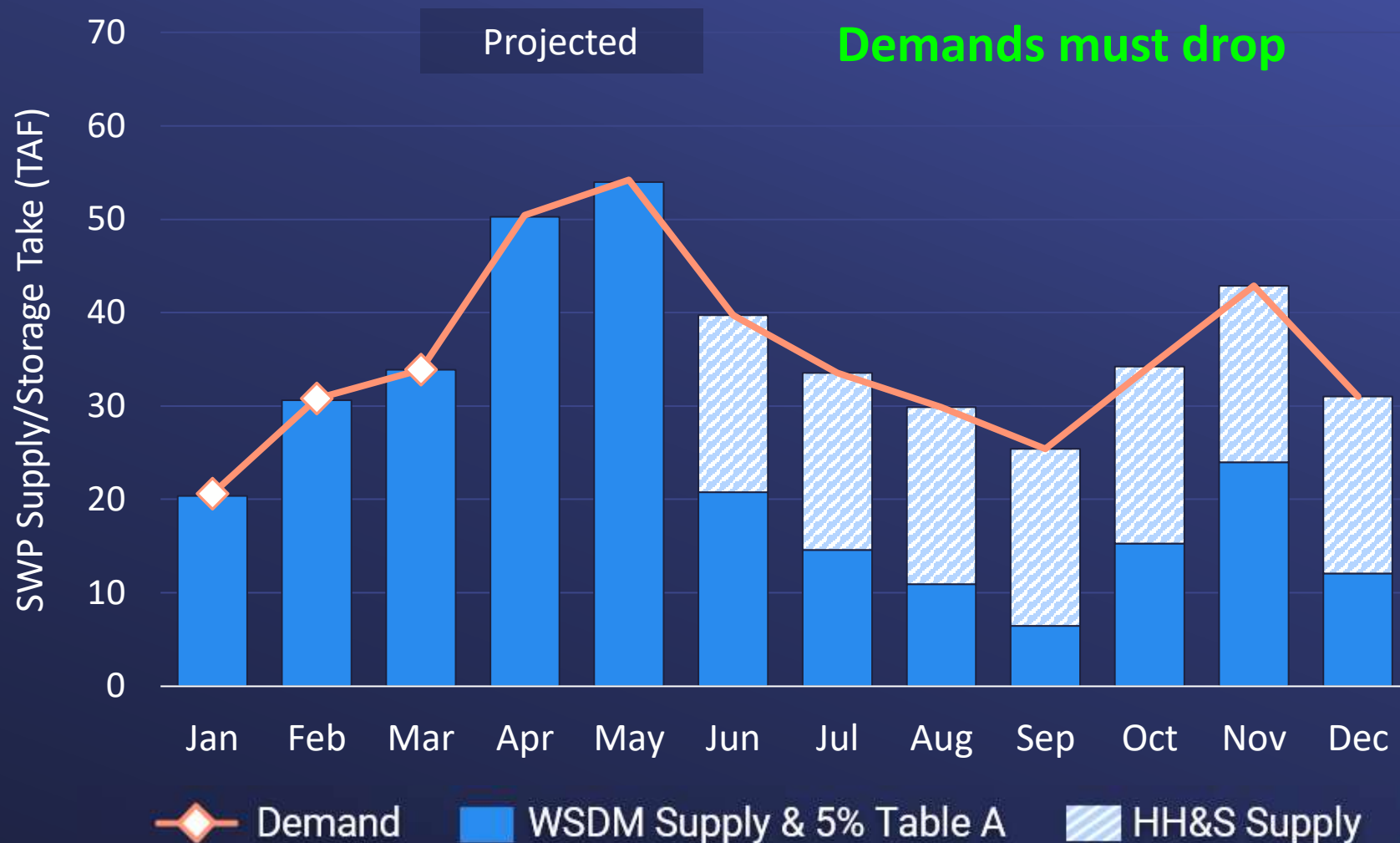
## 2022 SWP Dependent Area Monthly Supply/Demand



# SWP Dependent Area

Additional  
Conservation  
Needed  
to Balance  
Supply/  
Demands

## 2022 SWP Dependent Area Monthly Supply/Demand





# What is Human Health & Safety supply?

## Water needed for domestic supply, fire protection, or sanitation

- SWP contract provision allocating water on a basis other than Table A
- Implemented consistent with State Water Board curtailment regulations
- Primary basis is 55 gal/person/day, offset by available local supplies
  - Does not include commercial use
  - Does not include outdoor use

## Coordination Efforts

### Metropolitan staff advocated with DWR and sought Member Agency input

- DWR coordination to maximize use of stored supplies and transfers
- 17 meetings with directly affected Member Agency managers (since Aug. 2021)
- Monthly reporting to all Member Agency Managers and WP&S Committee of Board (through WSDM reports and presentations)

# Water Shortage Emergency Declaration & Emergency Water Conservation Plan

# What are our objectives?

- Preserve scarce supplies this year
- Prepare for a potential fourth year of drought
  - Use allocated human health and safety supplies in 2022 consistent with DWR directives
  - Create non-project carryover if supply conditions improve (e.g., transfers, Central Valley pump-ins, additional local supplies)

Water Shortage Emergency

# Water Shortage Emergency Condition

## Water Shortage Emergency Condition

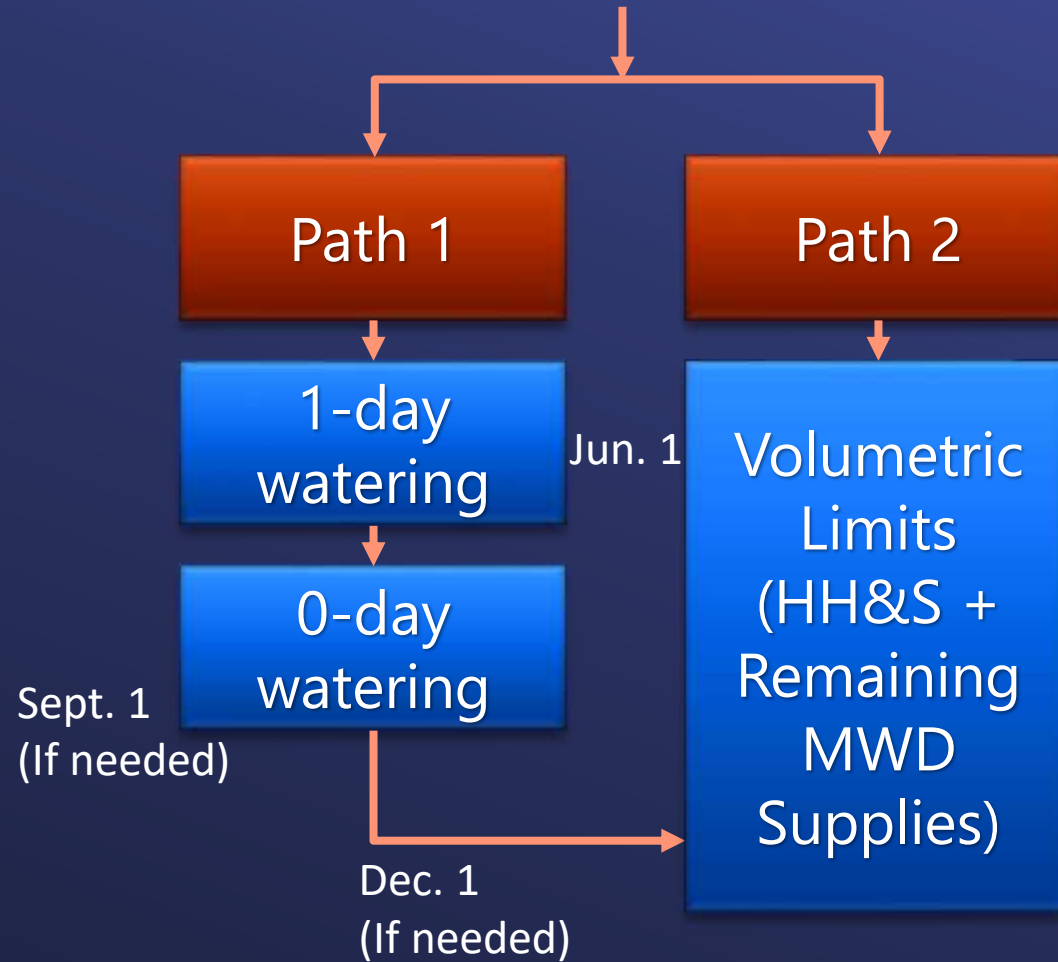
- Public Hearing
- Water Code Section 350
  - Declared when ordinary demands cannot be satisfied without depleting water for human consumption, sanitation, and fire protection
  - Conserve the water supply for the greatest public benefit with priority for human health and safety
  - Establish priorities in the use of water for other purposes
- Result: Limit non-essential, outdoor use



Water Shortage Emergency

# Framework of Emergency Water Conservation Program

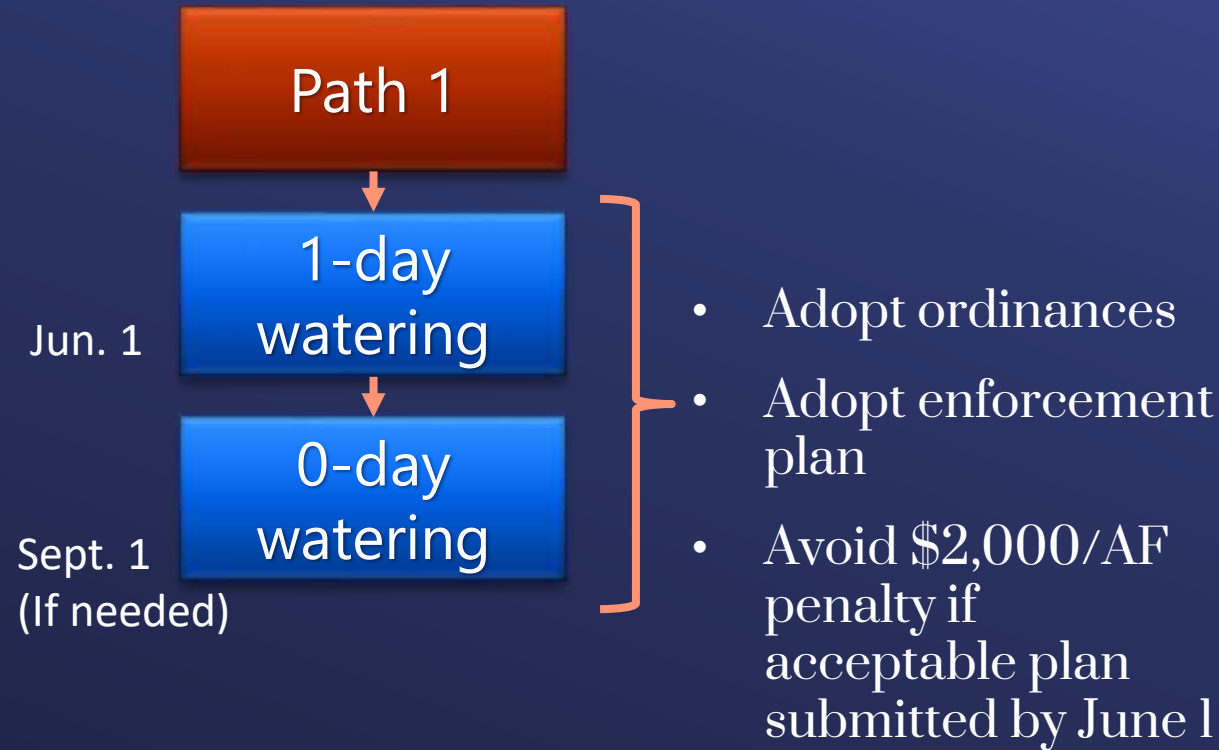
## Two Paths for Compliance



Water Shortage Emergency

# Framework of Emergency Water Conservation Program

## Two Paths for Compliance

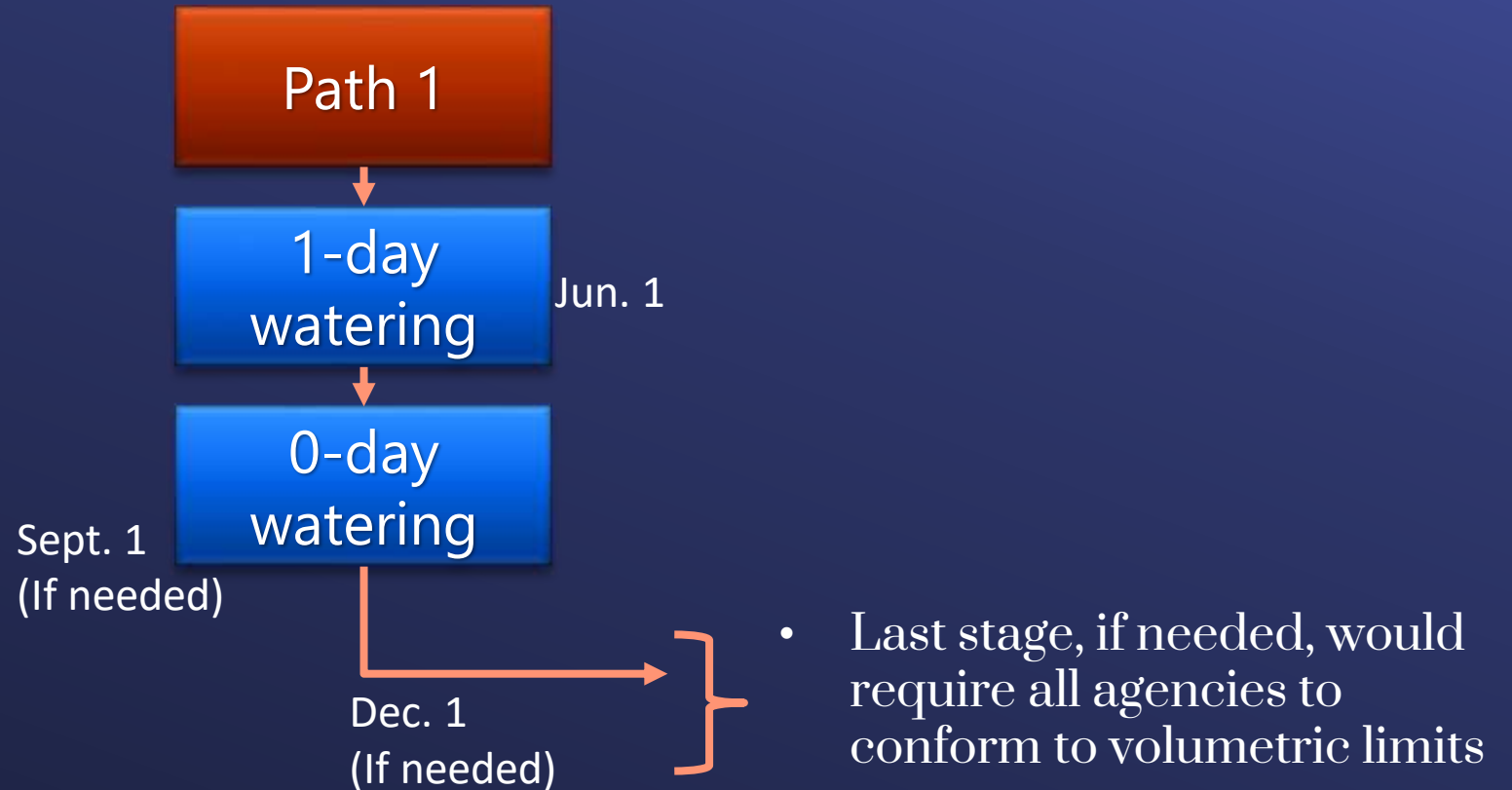


**Otherwise,  
same  
volumetric  
penalty as  
other path**

Water Shortage Emergency

# Framework of Emergency Water Conservation Program

## Two Paths for Compliance

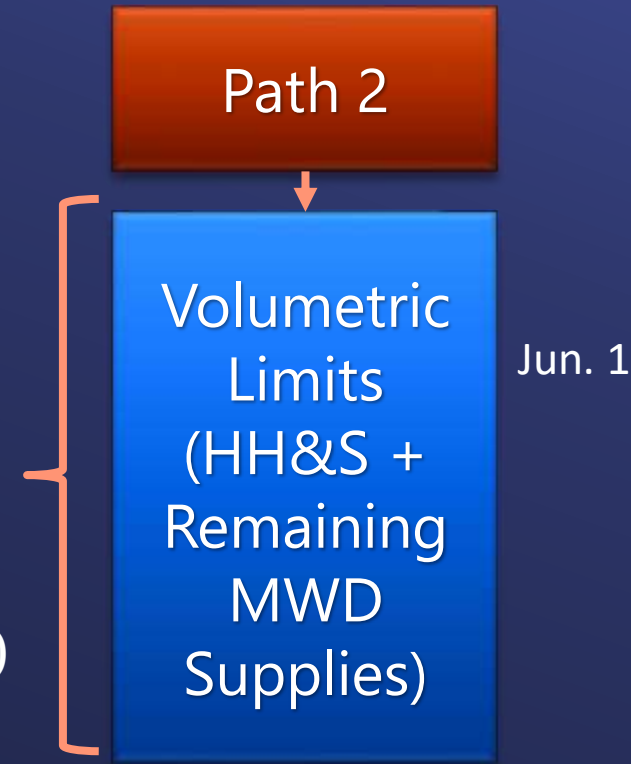


Water Shortage Emergency

# Framework of Emergency Water Conservation Program

## Two Paths for Compliance

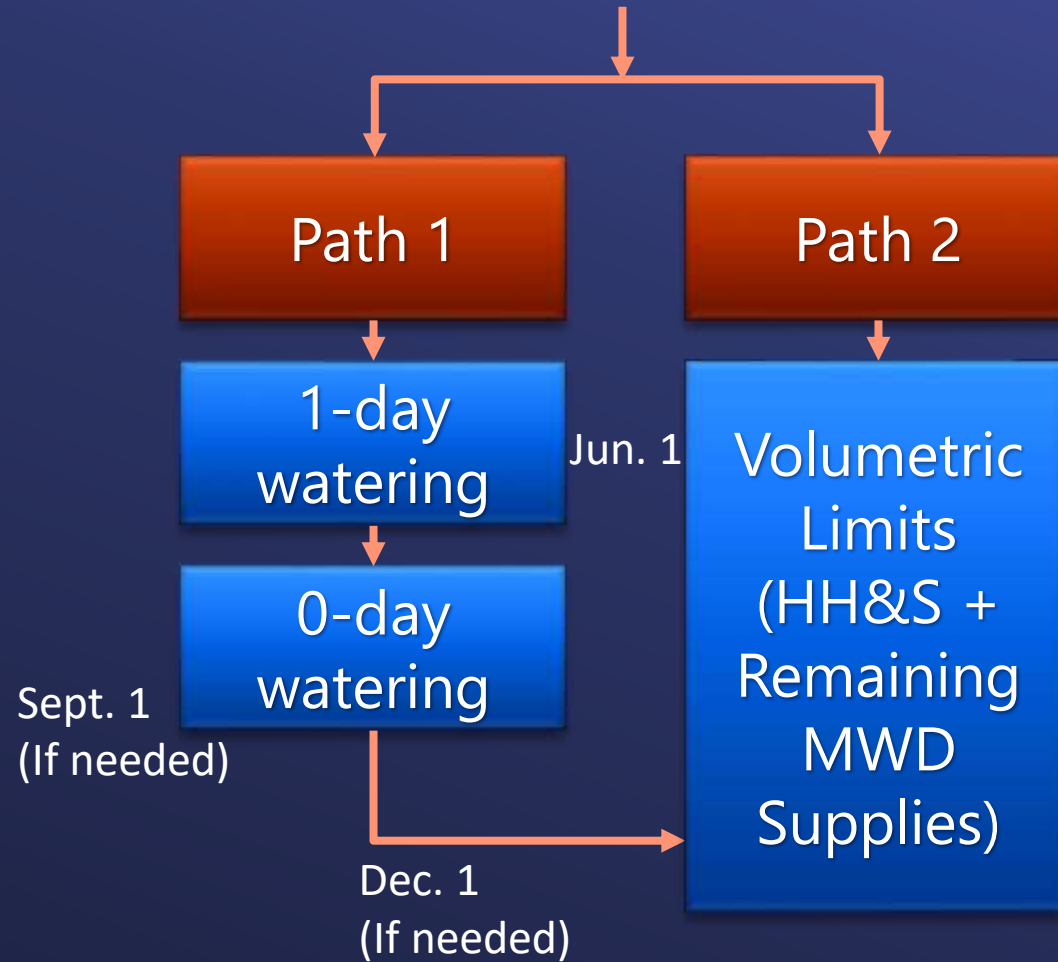
- Volume determined by HH&S need unmet by local supply + portion of remaining MWD supply
- Penalty only on monthly volume above this limit (supply from SWP system)



Water Shortage Emergency

# Framework of Emergency Water Conservation Program

## Two Paths for Compliance





Water Shortage Emergency

# Framework of Emergency Water Conservation Program

## Important Exceptions Under Path 1

- Hand watering of trees and perennials
- Drip irrigations system may operate equivalent to 1-day per week watering
- Coordination continuing for enforcement conditions and exemptions if outdoor watering is banned
- Staff will work with agencies to apply for exemptions for fire prevention/suppression

Water Shortage Emergency

# Framework of Emergency Water Conservation Program

## Reporting to Water Planning & Stewardship Committee

- Agencies adopting watering restrictions
- Measured performance
  - Volumetric targets
  - Per capita usage
- Supportive monitoring
  - SWRCB monthly residential conservation reporting
  - Flow-monitoring study with ~5,000 homes
  - Spatial analysis

Water Shortage Emergency

# Framework of Emergency Water Conservation Program

## Process and Timing

- Notifications to Board and Member Agencies
  - Change from 1-day to 0-day watering effective Sept. 1 (if needed)
  - Change to volumetric limits effective Dec. 1 (if needed)
  - Change to volumetric limits only after 0-day watering
- Minimum 30-day notice of changes

Water Shortage Emergency

# Framework of Emergency Water Conservation Program

## Volumetric Limits (Initial Estimate)

Agency	Affected Population	Allocation (AF/month)
Burbank	69,000	520
Calleguas	671,000	3,190
Las Virgenes	70,000	370
Los Angeles	3,766,000	21,880
San Fernando	25,000	60
IEUA	950,000	4,930
Three Valleys	69,000	520
Upper San Gabriel Valley	841,000	2,140

Water Shortage Emergency

Express  
support for  
Governor's  
Executive  
Order  
(N-7-22)

## Call on Affected Agencies to:

- Implement Level 2 (20%) or higher of Water Shortage Contingency Plans
- Adopt & enforce State Water Board's emergency regulations prohibiting wasteful water use
- Encourage agencies to ban watering of non-functional turf (consistent with State Water Board's developing regulations)

Water Shortage Emergency

## Assistance Provided to Member Agencies

### Areas of Support

- Member Agency Administered Program available for enforcement or other drought activities
- Assistance with public messaging for drought awareness and conservation
- Continued advocacy, coordination, and data sharing



# Board Options

## Option #1

- Adopt the Resolution and
  - Declare that a Water Shortage Emergency Condition exists in the SWP Dependent Area
  - Adopt the framework of an Emergency Water Conservation Program and authorize the General Manager to finalize the Program consistent with the framework
  - Express support for the Governor's Executive Order N-7-22.

## Board Options (cont'd)

### Option #2

- Modify the Resolution and the recommended actions to modify actions or penalties to conserve available water supplies for the greatest public benefit

### Option #3

- Do not adopt the Resolution in **Attachment I** nor take the recommended actions

Staff  
Recommendation

Option #1

