

UNITED STATES HOUSE OF REPRESENTATIVES  
COMMITTEE ON NATURAL RESOURCES  
SUBCOMMITTEE ON WATER, POWER, AND OCEANS

TESTIMONY OF JON D. RUBIN, GENERAL COUNSEL  
SAN LUIS & DELTA-MENDOTA WATER AUTHORITY

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Chairman Fleming, Ranking Member Huffman, members of the Subcommittee, I greatly appreciate the invitation to testify today on behalf of the San Luis & Delta-Mendota Water Authority (“Water Authority”). My name is Jon D. Rubin, and I am with Water Authority’s General Counsel.

The Water Authority is comprised of 28 entities, 26 of which contract with the United States Bureau of Reclamation (“Reclamation”) for water from the Central Valley Project. The members of the Water Authority represent more than 2,000,000 acres of highly fertile agricultural land, the largest contiguous wildlife refuge within the western United States, and “Silicon Valley” – the world’s high-tech capital.

I am honored to express to the Subcommittee the Water Authority’s support for House of Representative bill number 2749 (“H.R. 2749”), the Dam Authorization, Maintenance, and Safety (“DAMS”) Act of 2015.

If it becomes law, H.R. 2749 would improve upon the Reclamation Safety of Dams Act of 1978, as amended, by allowing Reclamation to study and develop dam modifications to address potential safety issues concurrent with modifications that improve the capabilities of the dam. The improvements would provide Reclamation with a “new tool” that enhances its ability to achieve the purposes of the Central Valley Project in a manner that minimizes the fiscal burden on taxpayers.

It is important to enhance the ability of Reclamation to serve the purposes of the Central Valley Project. Reclamation operates and maintains the Central Valley Project for multiple purposes, which include providing water for irrigation, domestic use, and fish and wildlife, providing flood control, improving navigation, improving recreation, improving water quality, and generating power. Unfortunately, the Central Valley Project has not been adequately meeting the needs of urban, agricultural, and wildlife areas served by the members of the Water Authority. Over the last 25 years, the supply and reliability of Central Valley Project water for urban, agricultural, and wildlife areas has been significantly compromised, in large part, by legislative action and policy decisions intended to improve conditions for fish, such as the Delta smelt and Winter-run Chinook salmon. Unfortunately, during this period of reduced water supply and reliability, threatened and endangered fish populations have continued to decline and the aquatic ecosystems upon which they depend have continued to degrade.

The current drought crisis in California has highlighted the importance of dam modifications that improve the resiliency and the capabilities of Central Valley Project facilities. As a result of the drought, the public has a heightened awareness of the effects water shortages have on the social and economic fabric of the State. The drought has also illuminated the consequences of failing to modernize the Central Valley Project and other water infrastructure in California.

Infrastructure, including water storage projects like B.F. Sisk Dam which impounds San Luis Reservoir, is the cornerstone of the Central Valley Project. In California, the majority of water falls in the northern part of the State, whereas the majority of demands are in the central and southern regions. Also, most of the precipitation in California occurs in the winter months as a result of a small number of storms, while the greatest demands for water occur later in the year, during the summer months. The Central Valley Project, among other federal, state and local projects in California, serve to regulate flow of water in the rivers resulting from storms, protecting against flood damage and ensuring that water is available during the times of greatest demand. Dam modifications that increase project benefits, including additional conservation storage capacity, in particular to B.F. Sisk Dam, have the ability to improve water supply and reliability for urban, agricultural, and wildlife areas and to improve conditions for fish species. For example, additional storage in San Luis Reservoir as a result of improvements to B.F. Sisk Dam, should increase the supply of Central Valley Project water available to the Water Authority's member agencies, while increasing the flexibility for Reclamation to re-operate its Central Valley Project facilities for the intended benefit of the aquatic ecosystem and threatened and endangered fish species.

Indeed, the importance of Central Valley Project reservoirs in meeting the human and environmental needs is enormously clear in this fourth year of drought. For the second year in a row, many of the Water Authority's members will not receive any water from the Central Valley Project. Reclamation will allocate to other members, including the wildlife refuge areas served by member agencies of the Water Authority, a fraction of the Central Valley Project water to which they are entitled. As a result, many of the Water Authority's members are relying on water they were able to conserve from last year and water they were able to purchase and transfer from willing sellers this year. Central Valley Project reservoirs are playing a critical role in maintaining system operability during this unprecedented crisis by providing a place to store conserved and purchased transfer water and will, in the face of dynamic hydrologic conditions in California and across the west, continue to serve this role well into the future. Also, water held by Reclamation in the Central Valley Project reservoirs is serving multiple beneficial uses, including being used to provide temperature and protect water quality for fish species in the Sacramento River and in the Sacramento-San Joaquin River Delta. By providing Reclamation the authority to increase project benefits when performing needed dam safety work, the Central Valley Project will be better prepared during the next drought we all know that California will face.

In addition to the infrastructure benefits, authorizing Reclamation to consider those modifications with dam safety modification is fiscally prudent. Rather than Reclamation conducting separate planning, design, and construction activities for the same facilities, H.R. 2749 would allow those activities to be conducted in unison. Reclamation could prepare a single feasibility study, a single design, and a single study of environmental impacts that

consider dam safety with other improvements, rather than having to conduct separate studies. And, if Reclamation recommends and Congress authorizes those modifications, Reclamation could perform the modifications simultaneously, rather than undertaking two separate construction projects on the same facility. The savings associated with these efficiencies are savings for the taxpayers, including those who benefit from the Central Valley Project and would be responsible for repayment of allocated costs.

For all of these reasons, the Water Authority supports H.R. 2740.

Thank you for the honor to testify before you.