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## COMMENT ON NEWLAND SIERRA PROJECT'S PAPER WATER

The California Water Impact Network (C-WIN, online at [www.c-win.org](http://www.c-win.org)) advocates for the just and environmentally sustainable use of California's water, including instream flows, through research, planning, public education, media outreach, and litigation. The information presented in the Draft Environmental Impact Report for the Newland Sierra Project, including the Vallecitos Water District's Water Supply Assessment and its Urban Water Management Plan, demonstrates that the District lacks adequate water for the project. Further, the relatively cavalier attitude taken by the District and others<sup>1</sup> similarly demonstrates the lack of understanding regarding the dangers of "paper water" and, unfortunately, dismisses the importance of long-term water supply planning. This cavalier attitude with which many districts—including the Vallecitos District—approaches long-term planning is an important reason why, during times of water scarcity, communities often find themselves to be dangerously short of water when they most need it.

As disclosed in the Draft EIR for the Newland Sierra Project and the District's 2015 UWMP,<sup>2</sup> the District receives most of its water from the Colorado River and the State Water Project, directly or indirectly through the San Diego County Water Authority. (UWMP at p. 6-4.) As an initial note, the Draft EIR contains severe informational deficiencies and clearly inaccurate information. For example, on page 2.14-14, the Draft EIR states that the Metropolitan Water District receives "water from the Colorado River via the Central Valley Project." The Draft EIR compounds on this error on the next page, stating that MWD's water from the Colorado River is received "through a 242-mile aqueduct. The aqueduct system is known as the Central Valley Project, which is operated by the U.S. Bureau of Reclamation." This clearly erroneous and inaccurate information reflects a fundamental misunderstanding regarding water supply in California—the Central Valley Project does not transport water from the Colorado River. Further, starting in 2015, some of VWD's water supply (about 6,300 acre-feet per year) will come from desalinated water purchased from the SDCWA (3,500 AF) or from treated raw water from Olivenhain Municipal Water District (about 2,800 AF, originally from SDCWA). Notably, even the treated raw water from Olivenhain MWD will originally come from the Colorado River and the State Water

<sup>1</sup> Ry Rivard, Environment Report: Pure Water Project's Financial Future Is Cloudy, Voice of San Diego (Apr. 9, 2018), <https://www.voiceofsandiego.org/topics/science-environment/environment-report-pure-water-projects-financial-future-is-cloudy/> (dismissing the District's structural supply deficit as a "goof-up by the water district").

<sup>2</sup> Vallecitos Water District, Urban Water Management Plan (UWMP) 2015, <http://www.vwd.org/departments/engineering/capital-facilities/urban-water-management-plan-uwmp-copy>.

Project (UWMP at p. 6-5). And with desalinated water, most of the water (5/6) supplied from the SDCWA will be still sourced originally from water imports from the Colorado River and northern California. (See Draft EIR at p. 2.14-70.)

The Draft EIR, WSA, and UWMP concede that the District faces significant shortfalls in water supply in normal water years from 2020 to 2035 (between roughly 24 and 35%).<sup>3</sup> (VWD UWMP at p. 7-3.) District clearly cannot provide full deliveries to all potential customers in the District, especially during drought, even accounting for desalinated water from SDCWA. (Draft EIR at p. 2.14-70.)

Comparing total demand (i.e., actual water available) to the potential water claims in the District clearly illustrates the problem of over-allocation and insufficient supply, frequently referred to as “paper water.”

Water rights are a form of property that entitles someone to use water from a specific source like a stream. In this case, the District has allocated far more demand for water than is naturally provided by nature or human engineering.

California’s water code has evolved over a period of more than 150 years through prior practices, lawsuits, legislation, and water projects. The current over-allocation of water supply reflects that evolving jumble. Human promises of water exceed Nature’s provisions, which results in creation of “paper water.” This over-allocation is similar to “clouded titles” for real estate and leads to the continuous disputes and pressures on water agencies to “produce” more water that doesn’t exist. This problem is a serious, if not existential, crisis for many water users. As one commenter on this issue noted recently, “uncertainty of water supplies looms as a systemic threat to California’s livelihood.”<sup>4</sup>

For the Newland Sierra project, it is clear that the water supply allocated in the District exceeds the water available in all future years, as shown in the following chart, which is reproduced directly from the UWMP, the Draft EIR, and WSA.

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<sup>3</sup> Newland Sierra Draft Environmental Impact Report, Chapter 2.14, Utilities and Service Systems, [https://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/Newland%20Sierra/Newland%20DEIR/2.14\\_Uilities%20and%20Service%20Systems.pdf](https://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/Newland%20Sierra/Newland%20DEIR/2.14_Uilities%20and%20Service%20Systems.pdf); Water Supply Assessment Report, Newland Sierra Specific Plan, November 2016, <https://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/Newland%20Sierra/Newland%20DEIR/S%20Water%20Supply%20Assessment.pdf>.

<sup>4</sup> Bryce McAteer, Where is the Water? How to deal with California’s Paper Water Discrepancies, <http://sites.nicholas.duke.edu/statsreview/env212-us-domestic-environmental-policy-blog/where-is-the-water-how-to-deal-with-californias-paper-water-discrepancies/> (2017).

<b>Table 7-2: Normal Year Supply and Demand Comparison</b>				
	2020	2025	2030	2035
Supply totals (from Table 6-9)	6,914	8,011	8,794	9,198
Demand totals (from Table 4-3)	10,644	11,187	11,569	12,330
Difference	(3,730)	(3,176)	(2,775)	(3,132)

*From VWD 2015 UWMP, at p. 7-3*

**Projected Water Supply and Demand During Normal Year (acre-feet)**

Description	2020	2025	2030	2035
Supply Totals <sup>1</sup>	21,219	24,586	26,989	28,229
Demand Totals <sup>2</sup>	32,666	34,333	35,505	37,841
Conservation Required	11,447	9,747	8,516	9,612
Required Percent Reduction in Demand	35.0%	28.4%	24.0%	25.4%

*From Draft EIR, Excerpt of Table 2.14-6, at p. 2.14-70*

Description	2020	2025	2030	2035
Supply Totals <sup>1</sup>	21,219	24,586	26,989	28,229
Demand Totals <sup>4</sup>	32,666	34,333	35,505	37,841
Conservation Required	11,447	9,747	8,516	9,612

*From 2016 WSA, Excerpt of Table 7.1, at p. 65*

Where, then, is the water for the proposed Newland Sierra Project? Based on the information presented in the UWMP, Draft EIR, and WSA, demand exceeds supply in all future years (2020 through 2035). The Draft EIR does not contain any information regarding whether there is enough water to support construction of the project, which will involve the movement of nearly 11 million cubic yards of cut and fill. Further, given that the project will draw most of its water from SDCWA, which in turn draws most of its water from the SWP and the Colorado River, the Draft EIR fails to adequately analyze the effect of climate change on the reliability of these supply sources. For example, reduced snowpack due to climate change can only further reduce SWP water deliveries.

The Draft EIR demonstrates why “paper water” is a dangerous problem that must be addressed and remedied. For example, the Draft EIR asserts that the project will “save” water because it ostensibly uses less water than full build-out of development as projected in the General Plan. This approach has serious problems. There is no

evidence in the General Plan that “full build-out” is even feasible or a reasonable possibility—indeed, because this property remains undeveloped, that is an indication that “full build-out” of the current General Plan zoning designations is not reasonably possible because it is not supported by market conditions. In effect, the Draft EIR is claiming water “savings” that are purely theoretical, i.e., “paper savings.” But when the UWMP, WSA, and Draft EIR all demonstrate an enormous supply deficit over the next 20 years, this supply deficit is ignored entirely and waved off as remedied by a vague future conservation requirement that is not specified in any meaningful detail. Nor is the District’s authority to implement District-wide, mandatory conservation requirements discussed. Since the project is claiming “paper savings,” then it needs to deal with the District’s supply deficit and not brush it off to future, unspecified conservation. Notably, even with the project’s “paper savings,” the District will still have an enormous supply deficit. In order to avoid and mitigate the District’s over-commitment of water supply, the project should be required to show that it does not exacerbate this supply deficit, i.e., the project should draw its water entirely from local water supplies or water that is not sourced from the State Water Project or the Colorado River. In other words, the County or the District “must act to mitigate, or in the best-case scenario, eliminate the Paper Water discrepancy.”<sup>5</sup>

The C-WIN Water Availability Analysis Report from 2012 clearly documents that claims to California’s water vastly exceed the actual amount of water available. The state and federal water projects are nearly last in line in terms of seniority of water rights and are the most likely to be cut back in the event of decreasing snowpack, drought, and dedication of water to meet the Public Trust, areas of origin, and other beneficial uses. It would be foolish for the County to approve moving forward with a massive new development project like the Newland Sierra project based on “paper savings” and “paper water” that don’t exist.

Respectfully Submitted:



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<sup>5</sup> McAteer, Where is the Water? How to deal with California’s Paper Water Discrepancies.