

To: Members of the Ballot Simplification Committee  
Cc: Barbara Carr, San Francisco Department of Elections  
From: Spreck Rosekrans and Lance Olson  
Drafters, Water Sustainability and Environmental Restoration Act of 2012  
Date: August 1, 2012

**RE: REQUESTED CHANGES TO DRAFT DIGEST FOR THE WATER AND ENVIRONMENT PLAN**

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As drafters of this proposition, we respectfully request consideration of several factual inaccuracies and omissions contained in the City Attorney's draft digest for the "Water and Environmental Plan." We believe that any digest which contains these inaccuracies and omissions would be neither fair nor impartial and would be misleading to San Francisco voters.

We outline below these factual inaccuracies and omissions, and have incorporated corrections into a revised digest for your consideration (Attachment A).

#### **FACTUAL CORRECTIONS FOR "THE WAY IT IS NOW"**

1. **There are 9 reservoirs in the water system.** The current draft incorrectly uses the ambiguous term "reservoirs," rather than the more specific and exact numerical description. It is important voters understand how the Hetch Hetchy Reservoir fits in to the larger water system.
2. **The source of San Francisco's water is the Tuolumne River.** The ballot digest incorrectly states that the Hetch Hetchy Reservoir "supplies" water; it would be more accurate to state that it "stores" water. This is a key distinction for voters, as where we store our water is a much different issue than the originating source or supply of that water.
3. **The Hetch Hetchy reservoir holds only 22% of the system's water.** The current draft incorrectly states that the reservoir holds 85% of the system's water. This is inaccurate, as shown by data from the Department of Water Resources (see Attachment B).
4. **The Don Pedro reservoir is the largest reservoir in the system.** The current draft incorrectly states that the Hetch Hetchy reservoir is the largest. It is actually the second largest, according to data from the Department of Water Resources (see Attachment B).
5. **In addition to Hetch Hetchy Reservoir, the system includes 3 reservoirs in Tuolumne County, 2 in Alameda County, and 3 in San Mateo County.** The current draft incorrectly and vaguely states "reservoirs in Alameda County and the Peninsula provide additional water." It is important voters understand how the Hetch Hetchy Reservoir fits in to the larger water system.
6. **There is no hydroelectric power generated at Hetch Hetchy reservoir. Power is generated at three separate sites in the Tuolumne watershed.** The current draft states that the Hetch Hetchy Reservoir "generates hydroelectric power for city purposes." This is important to correct because much of that power could still be generated independently of the reservoir.
7. **Only one-third of the power generated by the water system is used for City purposes. The remaining two-thirds is sold to irrigation districts in the Central Valley.** The current draft incorrectly and vaguely states that the system "generates power for city purposes." Our suggested changes in Attachment A rewrite this section accordingly. (*Data from Environmental*

*Defense Fund's 2004 study "Paradise Regained: Solutions for Restoring Yosemite's Hetch Hetchy Valley," p xvi.)*

8. **The Water Improvement Project is irrelevant to the consideration of this ballot measure. It does not contain significant funding for water conservation, local water supplies, environmental restoration or any other aims of the proposition.** The current draft misleadingly characterizes these issues as central to the project. Our edits remove mention of this project, and instead summarize San Francisco's progress to date on water conservation measures.

#### **CORRECTED OMISSIONS FROM "THE WAY IT IS NOW"**

1. **San Francisco relies on imported water for over 95% of our water supplies.** The digest omits from the "way it is" a vital piece of information for a ballot measure which seeks, as a primary aim, to increase local water supplies. Our edits insert this important point.
2. **San Francisco currently does not recycle any water.** The digest omits from the "way it is" a vital piece of information for a ballot measure which seeks, as a primary aim, to increase water recycling. Our edits insert this important point.
3. **San Francisco's groundwater use has dropped 75% from 1930 to 2012.** The digest omits from the "way it is" a vital piece of information for a ballot measure which seeks, as a primary aim, to increase the use of groundwater supplies. Use of groundwater is an important conservation measure, and San Francisco's historical performance in this area is important context for voters.

#### **CORRECTED OMISSION FROM "THE PROPOSAL"**

1. **The initiative requires voter approval of any plan prepared by the city.** The current draft incorrectly omits this fact, stating that the proposition "would require the City to prepare a two-phase plan." This should be more accurately written as "would require the City to prepare a two-phase plan to present to voters at a future election."

#### **FACTUAL CORRECTION TO "THE PROPOSAL"**

1. **The initiative requires a plan to consolidate San Francisco's 9 reservoirs into 8 to allow the restoration of Hetch Hetchy valley to Yosemite National Park.** The current digest incorrectly and misleadingly states that the proposition would require a plan to "stop using Hetch Hetchy Valley as a reservoir." We think the current drafting lacks context and is thus misleading. Our edits add language to provide that important context. Our edits also address this issue in the "A Yes Vote Means" section.

#### **CORRECTED INACCURACIES IN AND OMISSIONS FROM "A YES VOTE MEANS"**

- **The current draft of this question omits key parts of the initiative, including the need for future voter approval, plans for water recycling and conservation, and specificity of restoration projects.** Our edits insert these important points.

Thank you for your consideration. We look forward to discussing these issues with you at tomorrow's hearing, and are available at your request for questions or to provide additional information. We have provided our contact information to Ms. Carr should you wish to do so.

Sincerely,

Spreck Rosekrans

Lance Olson

## ATTACHMENT A

**Ballot Simplification Committee -DRAFT for Consideration on Thursday, August 2, 2012**

**Water and Environment Plan** *(working title only, subject to change)*

### **The Way It Is Now:**

San Francisco owns the Hetch Hetchy Regional Water System ("Water System"), which provides water to about 2.5 million people in San Francisco and neighboring areas. Nine Water System reservoirs collect water from the Tuolumne River and Bay Area watersheds.

The Water System's second largest reservoir is in Yosemite National Park's Hetch Hetchy Valley. San Francisco created the reservoir by damming the Tuolumne River in 1923. The Hetch Hetchy Reservoir ~~supplies stores~~ approximately 85.22% of Water System water. The Water System and also generates hydroelectric power at three locations. One-third of the power is used for City purposes. Eight Reservoirs in Tuolumne County, Alameda County and ~~the Peninsula~~ San Mateo County provide additional water. San Francisco does not filter Hetch Hetchy water but treats and tests it over 100,000 times annually.

~~San Francisco is currently undertaking a \$4.6 billion project to improve the Water System and develop additional groundwater, conservation, and reclaimed water supplies.~~

San Francisco currently recycles no water, relies on imported water for over 95% of its water supplies, and uses 3 million gallons per day of groundwater, down from 12 million gallons per day in 1930.

### **The Proposal:**

Proposition \_\_\_\_ would require the City to prepare a two-phase plan to present to voters at a future election.

The first phase would identify:

- additional local water supply options, including increased groundwater use, water recycling, storm water harvesting, gray water systems, and conservation;
- expanded water treatment systems to filter all drinking water supplies;
- additional regional water supply options, including storage, purchase, and conservation;
- and
- alternative renewable energy sources.

The second phase would evaluate how to:

- increase flows on the lower Tuolumne River to improve conditions for salmon;

- decrease storm water discharge into the Bay and the Ocean; and
- [Consolidate water system storage from 9 reservoirs to 8 and](#) stop using Hetch Hetchy Valley as a reservoir so it could be restored as part of Yosemite National Park.

The plan would include timelines to implement the first phase by 2025 and the second phase by 2035.

Proposition \_\_\_ would create a five-member task force to develop the plan. The members would be the PUC General Manager, the General Manager of the Bay Area Water Supply and Conservation Agency, and three experts appointed by the Board of Supervisors.

Proposition \_\_\_ would require the task force to complete the plan by November 1, 2015, and require the Board of Supervisors to consider proposing a Charter Amendment to implement the plan.

The Board of Supervisors could amend Proposition \_\_\_, without further voter approval, to advance the purpose and intent of the measure.

**A "YES" Vote Means:** If you vote "yes," you want the City to prepare a two-phase plan [to be presented to voters at a future election](#) that would (1) identify [increased water recycling and water conservation measures](#), and additional water and renewable energy sources, and (2) propose environmental restoration projects, including [how to stop using restoring](#) the Hetch Hetchy [Valley to its natural state. Reservoir.](#)

**A "NO" Vote Means:** If you vote "no," you do not want the City to prepare this plan.

word count: 406 [suggested word limit: 300]

## ATTACHMENT B

| Reservoir Name          | Water Source      | Maximum Storage<br>(acre-feet) | Percent<br>of Total |
|-------------------------|-------------------|--------------------------------|---------------------|
| 1 Don Pedro*            | Tuolumne River**  | 740,000                        | 45.3%               |
| 2 Hetch Hetchy          | Tuolumne River    | 360,000                        | 22.1%               |
| 3 Cherry Valley         | Tuolumne River    | 273,500                        | 16.8%               |
| 4 Calaveras             | Calaveras Creek   | 100,000                        | 6.1%                |
| 5 Lower Crystal Springs | San Mateo Creek   | 57,910                         | 3.5%                |
| 6 San Antonio           | San Antonio Creek | 50,500                         | 3.1%                |
| 7 Lake Eleanor          | Tuolumne River    | 27,800                         | 1.7%                |
| 8 San Andreas           | San Mateo Creek   | 19,027                         | 1.2%                |
| 9 Pilarcitos            | Pilarcitos Creek  | 3,100                          | 0.2%                |
|                         | Total             | 1,631,837                      |                     |

\*Don Pedro Reservoir is operated by the Turlock and Modesto Irrigation Districts but includes a water "bank" for San Francisco

\*\*Tuolumne River supplies can be stored in San Andreas, Crystal Springs and San Antonio Reservoirs