



DELTA STEWARDSHIP COUNCIL
A California State Agency

980 NINTH STREET, SUITE 1500
SACRAMENTO, CALIFORNIA 95814
WWW.DELTACOUNCIL.CA.GOV
(916) 445-5511

October 10, 2014

Chair
Randy Fiorini

Mr. Ted Alvarez
State Water Project Analysis Office
Department of Water Resources
1416 Ninth Street, Room 1620
Sacramento, CA 95814

Members
Aja Brown
Frank C. Damrell, Jr.
Phil Isenberg
Patrick Johnston
Larry Ruhstaller
Susan Tatayon

Executive Officer
Jessica R. Pearson

RE: Water Supply Contract Extension Project, Notice of Preparation

Dear Mr. Alvarez:

The Delta Stewardship Council (Council) welcomes the opportunity to comment on the Notice of Preparation (NOP) for the Environmental Impact Report (EIR) of the Water Supply Contract Extension Project being prepared by the Department of Water Resources (DWR). The Council has appreciated the opportunities to observe and participate in the Contract Negotiation Sessions starting in May of 2013, and looks forward to continuing to engage with DWR on this project as it moves forward.

The Delta Stewardship Council is an independent agency tasked with furthering the State's coequal goals through the adoption and implementation of the Delta Plan, the regulatory portions of which became effective on September 1, 2013. As you know, the State's coequal goals for the Delta, improve statewide water supply reliability and protect and restore a vibrant and healthy Delta ecosystem, must be achieved in a manner that preserves, protects and enhances the unique agricultural, cultural, and recreational characteristics of the Delta.

In developing the forthcoming EIR, we suggest DWR consider the following comments:

- **Please consider the entire geographical range of the project's study area when developing alternatives.** This project will extend the 29 State Water Project (SWP) long-term water supply contracts for an additional 50 years beyond the current contract term, and will do so without modifying the existing Table A water entitlements. As described in the NOP, those contracts – through which the 29 contractors receive SWP water in return for payment of capital and maintenance costs – have a significant statewide reach. *“Over 25 million Californians and 750,000 acres of agricultural land utilize water from the SWP...The SWP is also operated to improve water quality in the Sacramento-San Joaquin Delta, control flood waters, generate electricity, provide recreation, and enhance fish and wildlife.”* Therefore, the geographical study area and potential range of alternatives should include not only the SWP facilities and the SWP Contractor service areas, but should also include the Sacramento-San Joaquin Delta and the

“Coequal goals” means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place.”

Delta watershed which serves as the source of the water delivered to the 29 Contractor service areas.

- **When updating the environmental setting and baseline, the EIR should consider and incorporate, as appropriate, all relevant scientific, environmental and other information developed in connection with recently completed and pending water management plans and projects.** The previous EIR containing baseline information pertaining to changes to the Water Supply Contracts was completed in 2003. However the baseline information referenced in this document was from 1995. There have been significant changes in the environmental and regulatory settings in the past decade and this should be reflected in the upcoming EIR. In updating the environmental setting and baseline, the Council suggests DWR also consider: the baseline presented in the Delta Plan's EIR, relevant studies conducted for the Bay Delta Conservation Plan (BDCP); any significant state or federal storage projects that could impact the SWP's operations; any other significant state or federal plan which may affect the Delta; and the effects of climate change and possible sea level rise to this region.
- **When updating the regulatory setting, the EIR should consider and incorporate all the recent state and federal Delta-related regulations.** The Council suggests DWR also consider: the most recent federal Delta Smelt and Salmonid Biological Opinions; the Sacramento-San Joaquin Delta Reform Act of 2009, which defines the States policies with respect to coequal goals and managing the Delta's water resources over the long term; and the Delta Plan and its regulatory policies.
- **The EIR should evaluate how the project contributes to the achievement of the coequal goals.** The Delta Plan defines the achievement of the coequal goals in Title 23 of the California Code of Regulations, Sections 5001(h)(1) and (2):
 - (1) "Achieving the coequal goal of providing a more reliable water supply for California" means all of the following:
 - (A) Better matching the state's demands for reasonable and beneficial uses of water to the available water supply. This will be done by promoting, improving, investing in, and implementing projects and programs that improve the resiliency of the state's water systems, increase water efficiency and conservation, increase water recycling and use of advanced water technologies, improve groundwater management, expand storage, and improve Delta conveyance and operations. The evaluation of progress toward improving reliability will take into account the inherent variability in water demands and supplies across California;
 - (B) Regions that use water from the Delta watershed will reduce their reliance on this water for reasonable and beneficial uses, and improve regional self-reliance, consistent with existing water rights and the State's area-of-origin statutes and Reasonable Use and Public Trust Doctrines. This will be done by improving, investing in, and implementing local and regional projects and programs that increase water conservation and efficiency, increase water recycling and use of advanced water technologies, expand storage, improve groundwater

management, and enhance regional coordination of local and regional water supply development efforts; and

- (C) Water exported from the Delta will more closely match water supplies available to be exported, based on water year type and consistent with the coequal goal of protecting, restoring, and enhancing the Delta ecosystem. This will be done by improving conveyance in the Delta and expanding groundwater and surface storage both north and south of the Delta to optimize diversions in wet years when more water is available and conflicts with the ecosystem are less likely, and limit diversions in dry years when conflicts with the ecosystem are more likely. Delta water that is stored in wet years will be available for water users during dry years, when the limited amount of available water must remain in the Delta, making water deliveries more predictable and reliable. In addition, these improvements will decrease the vulnerability of Delta water supplies to disruption by natural disasters, such as, earthquakes, floods, and levee failures.
- (2) "Achieving the coequal goal of protecting, restoring, and enhancing the Delta ecosystem" means successfully establishing a resilient, functioning estuary and surrounding terrestrial landscape capable of supporting viable populations of native resident and migratory species with diverse and biologically appropriate habitats, functional corridors, and ecosystem processes.

If the project results in significant impacts to the achievement of the coequal goals, and DWR determines that this project is a covered action under the Delta Plan, DWR would need to certify consistency with the Delta Plan's regulatory policies.

- **The Project description should include the specific projects or actions that DWR anticipates will require the selling of bonds and those that will benefit from the extended contract term.** Under the current Water Supply Contracts all the outstanding bond debt would be repaid when the current contract terms expire. To better put in perspective the need for this long term extension a description of the projects or actions related to capital improvements and operation and maintenance of the existing facilities would be helpful, as would, a description of any anticipated new facilities or significant rehabilitation of existing facilities.

We look forward to working with DWR on this project. If you would like to discuss any of the suggestions included in this letter, please contact Kevan Samsam at ksamsam@deltacouncil.ca.gov or (916) 445-5011.

Sincerely,



Cindy Messer
Deputy Executive Officer