

March 27, 2013

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Secretary John Laird  
California Natural Resources Agency  
1416 Ninth Street, Suite 1311  
Sacramento, California 95814

Re: *"BDCP Plus" is Needed to Accomplish Two Co-Equal Goals*

Dear Secretary Laird:

Congratulations on beginning the release of the Administrative Draft Bay-Delta Conservation Plan (BDCP). The Administrative Draft is a significant accomplishment for the Natural Resources Agency and its departments and it provides a comprehensive scientific basis for development of an overall Delta solution. The Delta Vision Foundation (DVF) preliminary review of the initial chapters finds that it is advancing important elements of a plan to address the challenges in the Delta. However, it falls short of the linked-actions approach set forth in the *Delta Vision Strategic Plan* and is insufficient to achieve the Two Co-Equal Goals: it does not include essential facilities to capture water when it is truly surplus to the environment to provide water supply reliability while leaving enough water for fish at critical times to restore the Delta ecosystem. A workable solution, referred to by DVF as "BDCP Plus" and described in the *2012 Delta Vision Report Card*, can be accomplished by establishing legal commitments and assurances for the other vital elements of the "Delta fix" without delaying implementation of BDCP. The Administration must move expeditiously to embrace a "BDCP Plus" strategy or risk increasing dissipation of stakeholder consensus for BDCP.

It is worth noting that several environmental and business organizations proposed in January a "Portfolio-Based Conceptual Alternative" to BDCP that includes conveyance, storage, water use efficiency, alternate regional water supplies, improved regional water systems integration, habitat restoration, independent science, and most importantly, an operational strategy for Delta exports and ecosystem restoration. These additional components are generally acknowledged as critical to achieving the Two Co-Equal Goals. Although the Portfolio Alternative lacks critical near-term actions for a Strategic Levee System and Improved Through-Delta Conveyance and proposes an isolated conveyance facility that is likely too small to optimize beneficial uses, its significant group of proponents have underscored the wisdom of linked actions and have signaled serious problems for a BDCP-only solution.

The Delta Vision Foundation urges the Governor's Administration, the Legislature, and stakeholders to develop legal commitments that will assure implementation of the linked integrated actions for a workable Delta solution. The Natural Resources Agency and the Delta Stewardship Council should collaboratively lead this effort, beginning immediately.

The Delta Vision Foundation was established by former members of the Delta Vision Blue Ribbon Task Force, the independent body convened under Governor's Executive Order S-17-06.

The mission of the Delta Vision Foundation is to encourage implementation and progress by the State of California toward achieving the Two Co-Equal Goals as defined in the *Delta Vision Strategic Plan*:

Restore the Delta Ecosystem

Ensure Water Supply Reliability

The Delta Vision Foundation monitors, evaluates, and provides information to government officials, policymakers, and the public about implementing the *Delta Vision Strategic Plan* recommendations as a set of integrated and linked actions.

*Delta Vision Foundation*

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The Delta Vision Foundation is concerned that the Governor's Administration continues to focus solely on conveyance and habitat restoration in BDCP without sufficient attention on the linked and integrated actions outlined in the *Delta Vision Strategic Plan* that are supported by the scientific evidence to 'fix' the Delta: fish need more water at the right time of the right temperature than conveyance alone will provide; and, unless both fish and farms are going to continue to suffer shortages in most years, then additional facilities are needed to capture water when it is truly surplus to the environment. For the Administration and some stakeholders to consider isolated conveyance as the equivalent to the "Delta fix" is to betray the scientific facts that fish need more water in most years. While BDCP was not initiated or developed as the comprehensive solution for water resource management, it has been held out as the "Delta fix" and, thus, its limited scope ignores both science and politics. BDCP cannot enjoy the broad support necessary for implementation without clear, concise linkages and commitments to the other actions and facilities that comprise a comprehensive Delta solution. That is, BDCP must be linked to facilities and investments to implement the big gulp-little sip strategy (storage, alternate supplies, and water use efficiency) and to protect and enhance Through-Delta Conveyance. Attachment A includes a summary of the critical linked components.

The Portfolio Alternative proposes the core concept of linked actions to identify efficient, effective means for accomplishing the Two Co-Equal Goals while protecting and enhancing the Delta as an evolving place. However, the conveyance facilities in the Portfolio Alternative are likely too small to effectively accomplish three important objectives: (1) minimize fish degradation; (2) divert more water in wet years and less in dry years; and (3) provide long-term security against seismic and flood catastrophes. It is interesting to note that the CALFED Bay-Delta Advisory Committee recommended a 5,000 cubic feet per second isolated conveyance facility combined with Improved Through-Delta Conveyance and storage north and south of the Delta.

Taken together, BDCP and the Portfolio Alternative present an opportunity to craft actions and commitments necessary to ensure immediate and long-term progress. Implementing conveyance improvements and substantial habitat restoration as part of BDCP is critically important and should move forward promptly. However, BDCP cannot and should not proceed without legal requirements and commitments to assure implementation of the other elements of "BDCP Plus" as a workable solution. The opportunity is now.

The Delta Vision Foundation recommends that the Natural Resources Agency and Delta Stewardship Council immediately begin discussions with stakeholders to develop specific policy, legal, and financial linkages through agreements, mitigation requirements, bond covenants, permit requirements, contract terms, and other mechanisms. Further, the two agencies should describe, and quantify where possible, the economic, cost, water supply reliability, ecosystem, and risk reduction benefits of the integrated, linked actions. The Governor and Legislature should validate this approach and direct the necessary resources to assure progress this year.

These actions will reinforce the critical concept of linked, integrated actions to address Delta conflicts and achieve the Two Co-Equal Goals. The "BDCP Plus" concept can be the framework for a broadly supported Delta solution. Stakeholders are finding common ground on the major elements of a true "Delta fix." It is important to capitalize on this opportunity.

The Delta Vision Foundation stands ready to assist the Natural Resources Agency, Delta Stewardship Council, and others in developing these linkages to assure a workable, durable solution. We look forward to working with you on these issues as BDCP advances and the Delta Plan is adopted. Please contact Charles Gardiner if you have any questions or additional needs.

Sincerely,



Sunne Wright McPeak  
President, Delta Vision Foundation  
Former Secretary, California Business, Transportation,  
and Housing Agency



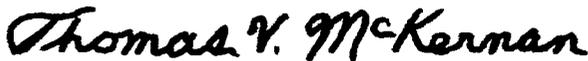
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Former Chairman of the California Water Commission  
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Charles L. Gardiner  
Executive Director

Cc: Phil Isenberg, Chair, and Councilmembers, Delta Stewardship Council  
Secretary Ken Salazar, Department of the Interior  
Secretary Rebecca Blank (Acting), Department of Commerce  
Commissioner Michael Connor, Bureau of Reclamation

## Attachment A

The following are the core elements of a workable Delta solution as outlined in the *Delta Vision Strategic Plan* and embodied in "BDCP Plus:"

**Delta Operations.** The Bay-Delta system must be operated to achieve the Two Co-Equal Goals by diverting more water in wet years and less in dry years (the big gulp-little sip strategy outlined in the Portfolio Alternative). Water is the most important part of fish habitat. However, current operations divert more water in dry years than in wet years. Water use for families, farms, and factories should rely on water that is surplus to the ecosystem needs in wet years. Delta operations must link diversion constraints in dry years with diversion opportunities in wet years.

**Conveyance and Storage.** The Delta system must be rebuilt with facilities that support and enable the big gulp-little sip strategy and optimize facilities investments. Surface and groundwater storage upstream and downstream of the Delta must be expanded. Conveyance capacity through and around the Delta must be sufficient to move water in wet years, yet have constraints in dry years. Linked storage and conveyance will outperform independent strategies in achieving the Two Co-Equal Goals cost-effectively.

**Through-Delta Conveyance.** Enhancing through-Delta conveyance to support the big gulp-little sip strategy can provide fish protection and water quality improvement while optimizing the size and cost-effectiveness of new north Delta diversion and conveyance facilities. This concept is absent from both BDCP and the Portfolio Alternative, as well as near-term Delta planning.

**Strategic Levee System.** Critical levee investments are needed to increase the security of through-Delta conveyance, protect the Delta as place and other critical infrastructure, and provide aquatic habitat in channels that are not primary conveyance corridors. The State lacks any effective strategy for achieving these objectives and integrating actions with BDCP.

**Habitat Restoration.** The BDCP outlines a comprehensive set of habitat restoration actions. The successful implementation of these actions will depend in large part on adaptive management, independent science reviews, and effective performance monitoring. The success will also depend on minimizing conflicts with existing land uses and mitigating economic impacts in the Delta.

**Delta Channel Hydrology.** The BDCP includes water operations and several physical changes to improve Delta habitat water quality and fish migration through the Delta. Absent from BDCP and other State planning are barriers, gates, and island restoration that could improve water quality (particularly salinity management) for Delta uses and for fish while reducing the need for reservoir releases.

**Water Use Efficiency and Alternate Water Supplies.** Regional self-sufficiency and alternate water supplies are almost universally acknowledged as critical for meeting future water demands. These actions are also critical for supporting the big gulp-little sip strategy. The State lacks an adequate strategy for ensuring that all Delta water users make sufficient investments.