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Dear Chairman Isenberg and Council Members,

Contra Costa Water District (CCWD) appreciates the opportunity to comment on the Final (Sixth) Staff Draft Delta Plan dated May 14, 2012. As noted in CCWD's comments on the fifth draft of this document, we appreciate the incorporation of many of our previous comments. However, some issues remain outstanding.

❖ **FAILURE TO INCLUDE A WATER QUALITY POLICY**

The Delta Plan *does not contain a single water quality policy* despite numerous calls in the Delta Reform Act to improve water quality to protect human health and the environment. Therefore CCWD is reiterating its request that, at a minimum, the Delta Plan should include the following water quality policy to ensure that covered actions are consistent with the Delta Reform Act and existing water quality regulations, and that Delta water users are protected:

WQ P1 *Covered actions shall avoid degrading water quality to the extent feasible consistent with existing regulations and anti-degradation policies (State Water Resources Control Board (SWRCB) Resolution No. 68-16, SWRCB Resolution No. 88-63, 40 Code of Federal Regulations section 131.12). Significant water quality degradation associated with a covered action shall be mitigated to a less than significant level.*

The sixth draft Delta Plan describes a need to balance flows to maintain beneficial uses for Delta ecosystem, agricultural and municipal uses. It acknowledges that intakes in the western Delta "can be strongly influenced by the estuarine salinity gradient" but makes no recommendations to address saltwater intrusion into the Delta. CCWD supports the recommendations made to improve drinking water quality, particularly those related to point and non-point discharge of pollutants. The Delta Plan should make clear that Delta drinking water supply is part of California's water supply, that it should be made more reliable through implementation of the Delta Plan, and that the reliability of the Delta drinking water supply depends upon maintenance of water quality.

❖ **BDCP MUST NOT ACHIEVE ITS GOALS AT THE EXPENSE OF OTHERS**

It would be appropriate, and encouraging, to have guidance included in the Delta Plan indicating the need for a balanced Bay Delta Conservation Plan (BDCP) that will not emphasize water supply reliability for exporters at the expense of other goals, or achieve its goals by redirecting unmitigated impacts to others. The language used to describe the BDCP has been clarified from the fifth draft, which improves the document. In comments submitted previously, CCWD cautioned against use of pre-decisional language indicating that the BDCP would meet criteria for inclusion in the Delta Plan; the effects and impacts of the various BDCP projects and operations remain in flux and have yet to be shown to improve water supply reliability or Delta environmental conditions. While the language in the current sixth draft Delta Plan has been softened, we note an expectation that a still-to-be-developed BDCP will be successful at meeting the coequal goals of the Delta Plan process: that remains to be demonstrated.

❖ **FUNCTIONAL FLOWS**

Discussion of making salinity changes in the Delta to benefit native species has been improved from the previous draft. The 6th draft does a better job of discussing natural flows that are closer to the historical hydrology of the system. New language about using “functional flows” to achieve historical conditions is included, rather than a proposal to operate to a fraction of net unimpaired flows. The description of functional flows makes the case that unimpaired flows could create different flow and water quality conditions in the current Delta landscape than they would have historically, due to changes in the size of the floodplain. But the draft plan does not provide detailed descriptions of the Delta functions to be emulated, or the flows to be used in achieving them. Rather, it defers to the SWRCB to determine the flow requirements by 2014 in the Bay-Delta WQCP process.

While the discussion provided in the Delta Plan is at a high level, with decisions left for others to make, an opportunity exists for the Delta Plan to move those decisions toward achieving the coequal goals. In this regard, the recommendation that compliance with the WQCP serve as the only performance measure for establishment of functional flows is lacking. The stated purpose of providing the functions of historical flows is to establishing better conditions for native species. Ecosystem metrics such as health of fish populations should be used to determine success. Otherwise, the use of “functional flow” conditions could backfire, and simply become a justification for leaving less than adequate water flows in the environment.

In addition to the comments provided above, CCWD has reviewed the letter submitted to the Council by the Association of California Water Agencies on behalf of the Ag-Urban Coalition on June 12, 2012, and consider the points raised worthy of

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consideration by the Council. In particular, while CCWD supports retention of policy WR P1 in the Delta Plan, CCWD also supports alignment of this policy, and other Delta Plan policies and recommendations, with existing California water code language.

As always, thank you for your consideration of these comments. CCWD looks forward to providing further input to the Delta Plan as the process continues. Please call me at (925) 688-8018 if you have any questions or concerns.

Sincerely,



Marguerite Naillon
Special Projects Manager

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