

Department of
Conservation &
Development

Contra
Costa
County

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Delta Stewardship Council
650 Capitol Mall, Fifth Floor
Sacramento, CA 95814

Re: Comments on the 2nd Draft of the Interim Delta Plan

Dear Chairman Isenberg and Council Members:

This letter provides comments from the Contra Costa County Conservation and Development Department on the Second Draft of the Interim Delta Plan (Interim Plan) that was issued on July 14, 2010. As requested by the Delta Stewardship Council (DSC) Chair, the comments provide specific text or early actions that can be inserted into the Interim Plan. The early actions described in this letter are organized according to the policy objectives of the new Delta Reform Act. The specific text for the narrative of the Interim Plan cannot be organized according to these policy objectives because this most recent draft of the Interim Plan is not organized this way and some narrative relates to several policy objectives. Consequently, specific text for the narrative is organized in the order the related narrative appears in the draft Interim Plan.

Early Actions by Policy Objective

Some recommendations by the Department for early actions have been submitted in previous comments dated July 30, 2010 and August 2, 2010 and are incorporated here by reference. In addition, other early actions for consideration in the Interim Plan follow in this letter.

Policy Objective a) Manage the Delta's water and environmental resources and the water resources of the state over the long term.

Cooperate with the State Water Board and the Department of Water Resources (DWR) in reviewing the status of water transfers in the state. The focus of this early action is to develop a list of implementation measures that are needed to determine the role water transfers play in meeting State policy to reduce reliance on the Delta in meeting California's future water supply needs. The outcome of this review will be included in the Delta Plan upon its initial adoption.

Policy Objective (b) Protect and enhance the unique cultural, recreational, and agricultural values of the California Delta as an evolving place.

No additional comments at this time.

Policy Objective (c) Restore the Delta ecosystem, including its fisheries and wildlife, as the heart of a healthy estuary and wetland ecosystem.

No additional comments at this time.

Policy Objective (d) Promote statewide water conservation, water use efficiency, and sustainable water use.

Seek cooperation with Federal agencies on developing recommendations to improve the efficiency of water use by agriculture. Near term opportunities in this regard may be available by engaging federal agencies responsible for the Central Valley Project. Basic programs such as market incentives and infrastructure for efficient use of water in agriculture should be an early action for the Interim Plan. The focus of this task is to support the policy of the State to reduce reliance on the Delta in meeting California's future water supply needs. The recommendations should be included in the Delta Plan upon its initial adoption.

Policy Objective (e) Improve water quality to protect human health and the environment consistent with achieving water quality objectives in the Delta.

No additional comments at this time.

Policy Objective (f) Improve the water conveyance system and expand statewide water storage.

No additional comments at this time.

Policy Objective (g) Reduce risks to people, property, and state interests in the Delta by effective emergency preparedness, appropriate land uses, and investments in flood protection.

(An early action was included in the Department's written comments to the Governance and Implementation Work Group. The following is an early action that builds upon and supersedes the early action included in that submittal)

Develop recommendations to improve the process by which DWR administers the Delta Levees Subventions and Special Projects Programs. These levee programs are not a sufficient priority for the voter-approved bond funds for flood control, generated by periodic sales. State budget appropriations are not maintained at consistently high levels with a multi-year budget to enable loans for the local cost-share to be granted for longer-term (multi-year) projects. For example, the revenue allocated to cover FY 08-09 and 09-10 for Special Projects is very low or non-existent. Reclamation districts in the Delta find that inadequate funding to DWR has delayed Work Agreement contracts and prevented reimbursement for work on levee projects undertaken in advance of fully executed agreements. No advances are made for work on Special Projects, even if they are included in 5-year Plans. These problems significantly reduce the utility of these programs for non-project levees. In addition, the construction season and the budget process are concurrent, causing Delta-wide delay to levee repair when the state budget is not approved during the regular legislative session. Payments to reimburse local reclamation districts for the state-cost share for work performed should take place the same calendar year. The paperwork required for these programs is extensive, expensive and non-reimbursable

under the Subventions Program. The Delta has significant and critical levee rehabilitation needs that require more of this revenue now to protect through-Delta water conveyance. The issues are funding priorities, funding reliability, timing and excessive administration. An early action of the DSC is to investigate these programs and work with DWR and the Legislature on improving them. Recommendation from this early action will be approved by the DSC by January 1, 2011.

Policy Objective (h) Establish a new governance structure with the authority, responsibility, accountability, scientific support, and adequate and secure funding to achieve these objectives.

Prepare a detailed work plan that will cover the tasks of the DPC between now and 12/31/11. (This early action is suggested because it is unclear if the Interim Plan will include a work plan upon adoption. On page vi, the Interim Plan identifies a formal annual or biennial work plan. The DSC has been in existence for six months and the Governor has a proposed budget of over \$49 million for FY 2010-11, so it is not unreasonable to expect that the DSC would have a work plan available now for review and comment.) A work plan will help the DSC use its resources effectively and manage relationships with others to achieve its goals. A work plan is especially important for a newly created agency requiring selection among possible activities and focus on achieving a defined set of activities. The work plan serves to focus energy, communicates intent to others, and provides accountability. The work plan template included as Appendix III is suitable for developing this initial work plan. The work plan should be consistent with Interim Plan's early actions and identify supporting tasks and target dates. The work plan should also include other important activities that must occur before the Delta Plan is adopted, such as recruitment for an Executive Director. The DSC work plan will be release 30 days after adoption of the Interim Plan.

Prepare a response to comments received on the Interim Delta Plan. A measure of an agency's accountability is the degree to which it discloses its consideration of the public comments it receives on important issues. Preparation of the Interim Plan is an important issue given how it will be used by the DSC. The responses will not be conclusionary and will devote particular attention to providing the DSC's rationale on those comments that the DSC did not incorporate into the Interim Plan. The response to comments document will help inform the public on the degree to which the issues that are important to them are important or relevant to the DSC in preparing and adequate and complete Delta Plan. The response to comments document will be released 30 days after adoption of the Interim Plan.

Add the activities of the workgroups, the Independent Science Board, and the committee established pursuant to § 85204 to the DSC's activities for preparing the Delta Plan. The DSC will show graphically how these groups, as well as any other group established by the DSC to help prepare the plan, will feed into the various phases of the Delta Plan as it is prepared. Such a graphic will disclose where the DSC believes input from others is critical to an adequate and complete Delta Plan, and how such input will differ from public hearings and other public outreach. This graphic will be released 30 days after adoption of the Interim Plan.

Monitor environmental notices for projects that occur in the DSC planning area. Notify the Office of Planning and Research that environmental notices it receives for projects within the legal Delta and the Suisun Marsh should be sent to the DSC to fulfill its obligations under the Water Code (§85204, §85212 and §85225), and consult with the Office on procedures for

notifying the DSC of other projects of potential concern pursuant to Water Code §85210(j). DSC staff should prepare an inventory of such notices received to include with the DSC agendas. Staff should report on relevant notices to fulfill the DSC's responsibilities.

Text to Add to Interim Plan Narrative

(The page numbers referenced in this section are from the 2nd Draft Interim Delta Plan)

No mention is given in the Interim Plan on the degree to which water supply demands on the Delta Watershed have been allowed to exceed the watershed's capacity. This factor should be added to the list of factors that begin at the bottom of page two. Add the following text (which is from the Delta Vision Strategic Plan).

California state government cannot guarantee that deliveries under every water contract will be made in full every year; certainly not as long as the water supply is over subscribed. The State Board reports that the face value of existing water rights permits in the Delta watershed is more than eight times the average annual unimpaired flows in the watershed. Face values overstate actual water use for several reasons, but noting that pre-1914 and riparian rights are additional to these numbers suggests that the water resources of the Delta watershed are greatly over subscribed. The State Board also has 4.2 million acre-feet of new water rights applications pending in the watershed—the equivalent of more than two-thirds the water that passes through the Delta annually. While some of these applications will not be pursued and others are unlikely to be approved, the level of existing demands further illustrates how acute the call on Delta water will be in future.

Add the following sentence after the first sentence in the second bullet on Page 4.

The Delta channels themselves serve as vital infrastructure to get surplus water from the North Delta to the export pumps in the South Delta.

Page 12 indicates that “to assist in meeting its responsibilities as a responsible agency and its appellate role for the BDCP, the Council has defined its role in relationship to the BDCP steering committee and is selecting a consultant to provide advice specific to BDCP.” The Interim Plan should add text describing the role the DSC has defined for itself in relation to the BDCP. Among other things, it would be useful to incorporate the position of the DSC as explained in the DSC's recent scoping comments on the BDCP's Environmental Impact Report/Statement. It would also be helpful to understand in the Delta Plan how the DSC intends to reach conclusions to the issues raised in those comments.

Page 29 states that the DSC, in consultation with the Central Valley Flood Protection Board is to recommend in the Delta Plan priorities for state investments in levee operation, maintenance, and improvements in the Delta, including both levees that are a part of the State Plan of Flood Control and non-project levees. Of the potential levee classifications under development shown in Table 4-1, none of the classifications identify the levees that support through-Delta conveyance as infrastructure. This table implies the only levee class suitable for protecting infrastructure is an urban levee. The levees that convey water from the North Delta to the South Delta for export are all located in areas with agricultural land use. The following text should be added to Page 29 that describes the DSC intent to include in the Delta Plan a levee class for this infrastructure.

Delta Conveyance Channels: The western Delta islands, Victoria Island and other central Delta islands are in strategic geographic locations and protect the state's water supply. Their location, size and shape prevent salinity intrusion, protect the Mokelumne Aqueduct and afford Contra Costa Water District, State Water Project and Central Valley Project access to relatively fresh water. These non-urban islands are preserved by local reclamation districts. Failure of the levees would not only affect the farms, roads, railroads, and pipelines located on these islands, but also the water supply reliability and water quality for over 23 million Californians. It will be many years before an isolated conveyance facility could begin operation so securing the existing configuration of these islands needs to be a top levee investment. A specific approach to protecting these islands needs to be developed that acknowledges services and values they support.

Please let me know if you have any questions on these comments.

Sincerely,



Steven L. Goetz, Deputy Director
Conservation and Transportation Planning Programs

cc: Contra Costa County Legislative Delegation
Contra Costa County Board of Supervisors
Delta Counties Coalition
Contra Costa Council