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Phil Isenberg, Chair
Delta Stewardship Council
980 Ninth Street, Ste 1500
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RE: Comments on the Third Staff Draft Delta Plan (through Chapter 4)

Dear Phil:

We are in the process of reviewing the 3rd Staff Draft Delta Plan and wish to make the following suggestions and comments relative to Chapters 1-4.

Chapter 1 - Delta Plan.

In at least 3 separate locations, ongoing planning processes are listed, but not uniformly so. These listings occur on page 8, lines 27 through page 9, line 8, page 13, lines 18-20, and page 16, lines 11-15. A similar listing occurs in Chapter 8, at page 102, lines 3-14. Since the text at these locations is not consistent in terms of the referenced planning efforts, some confusion could be created. You should adopt a standardized list at all locations. We are particularly concerned that the Central Valley Flood Protection Plan be included in all such listings.

On page 10, lines 42-44, appear 2 sentences as to which I previously provided oral testimony which I believe are not true. To wit: "the cost of maintaining and improving these levees, as has been the practice, is sometimes more than the value of the use of the land". A more accurate statement would read "the cost of maintaining or improving these agricultural levees needs to be shared by those who benefit from the maintenance of the levees in addition to the farmers to improve the future for Delta agriculture and for the associated Delta economy."

Table 1-1, page 11, lines 15-17.

The third tier of information (“Probability of Island Flooding...”) is unclear and potentially misleading. The historical record of levee failures typically include islands subject to flooding easements, small non-agricultural islands and flooded areas not in the Delta. This tends to grossly overstate the failure record for islands with active levee maintenance. By way of example, we have not experienced an island flooding from high water from any major Delta agricultural island for at least 12 years. Thus, the assumption of a 200%-400% increase in future island flooding ignores the apparent efficacy and success of the Delta programs which have been in operation more recently and the assumption that no additional levee improvements will take place in the future biases the prediction significantly.

Chapter 3 - Governance: Implementation of the Delta Plan.

Generally, in its zeal to “avoid adverse impacts on the Delta or the co-equal goals” as stated in Chapter 1, page 9, lines 12-13, the Delta Stewardship Council must be careful not to over reach, assert jurisdiction over and greatly complicate the process of smaller initiatives within the Delta which might be considered in the normal course of business. This is a complicated task commented upon by many others and further complicated by the statement appearing on page 36, lines 10-15. The very intent of your regulatory policies is to exercise your power in a manner which will take or damage private property for public use and will most likely require the payment of just compensation in every event. In all likelihood any actions by the Council which increase flood exposure will increase the state’s flood liability. With this in mind, an intense effort should be taken to narrow the definition of the “covered action” and be prepared to pay compensation for rights extracted. For instance, in the discussion of flood management corridors in other parts of the plan, carefully drawn maps should be used with the expectation that any areas for the flood easements have not previously been acquired or are in the process of being enlarged will require compensation to the owners for rights being taken.

An example of the need for clearer descriptions of covered actions occurs on page 35, line 21. Would the term "new intake for water supply from the Delta" include the replacement of existing pumps or siphons for agricultural use within the Delta as opposed to a new diversion or diversion point for water to be exported from the Delta?

Chapter 4 - Statewide Storage and Conveyance (p.50, lines 30 et seq.)

In trying to balance the co-equal goals in the sense of through Delta flows and reliable water supply it may be advantageous to look at the Western Delta Conveyance concept being most recently advanced by Dr. Robert Pyke. As we perceive it, a Western Delta Conveyance would have several advantages over the existing pump diversion in the South Delta and the ones being suggested higher up the Sacramento River near Hood (for these purposes, assuming the facilities would be located on Sherman Island):

- a more natural flow regimen would occur from all principal tributary corridors (Sacramento, San Joaquin and East Side streams)
- assuming intake structures were constructed on both sides of Sherman Island, pumping-induced reverse flows could be avoided, with intake volumes calibrated to the flows on either side.
- the "dead-end" pumping and screening problems associated with the South Delta pumping could be avoided.
- water quality for local use and ecosystem support would be provided as an incident to protecting export water quality.
- flood water utilization for export and ground water recharge would be available at the Western Delta Conveyance site, especially if slotted weirs were constructed in the by-passes to slow down the discharge of flood bypass flows from all tributary corridors, extending opportunities to export excess flow and recharge vacated ground-water storage.
- with near-Delta storage (Sherman Island, existing or enlarged Clifton Court), existing aqueduct capacities could be more fully utilized.
- controversial land acquisition could be avoided -- Sherman Island is owned by the

State and the only likely victim of seepage induced by its flooding (Twitchell Island) is also largely state-owned and targeted for marsh-like tule farming.

- A more natural salinity regimen would return to Suisun Bay as dry-period exports were reduced which would likely restore its historic ecological function and reduce the need to establish marsh-like habitat projects on privately owned farm lands in the Delta.
- Political opposition, litigation, delay and expense could be reduced.

Since the publication of the 3rd Staff Draft, Resource Secretary Laird and the National Research Council have both stated that alternative projects and operational regimes in the Delta should be selected only after the impacts of water operations effects analysis is completed, leaving ample opportunity to consider this promising alternative form of storage and conveyance.

Improve Regional Water Self-Reliance (page 45).

This is the other side of the “reduce reliance on the Delta” coin, which is an immediate problem requiring immediate response. The quickest path to improving regional water self reliance is to implement regional initiatives having local support, both financial and political, as well as technical merit. The State’s role is three-fold:

- provide technical assistance to the regional sponsor.
- provide cost-sharing through State and Federal funding sources.
- provide co-ordination with state-wide planning through project selection, permitting and funding queues and procedures.

Since there is a large backlog of regional projects awaiting technical assistance, permitting and funding at the State Water Resources Board and (formerly) CALFED agencies, rapid implementation of projects reducing reliance on the Delta should be possible, especially from previously approved but unspent bond funds. Additional incentives based upon foregone dry-year “entitlements” to Delta supplies (such as

redirected power from State and Federal contracts resulting from reduced dry-year Delta water deliveries) could expedite such regional projects.

This suggestion calls for a reorientation of the role and efforts of the Department of Water Resources away from its State Water Project role towards its State Water Plan role, which is long overdue. For too long, its operation and financial dependence upon the State Water Project has conflicted its conduct and clouded its statutory responsibilities as the steward of California's water and other natural resources. Given the demonstrated over commitment of the water resources of the Delta, which will only intensify as watershed needs increase and available supplies decrease as predicted under climate change scenarios, the DWR must lead the diversification of the State's water portfolio away from dependence upon the Delta.

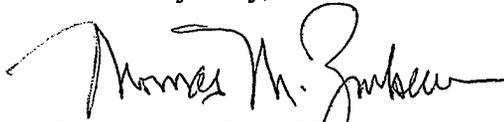
Your text adequately alerts the reader to the problem, but seems to call for another 20-year planning period while "business as usual" proceeds, awaiting big State and Federal projects (conveyance, storage). It is more likely that regional projects can be implemented and begin to eat into the Delta over-reliance problem long before the State and/or Federal governments can implement either Delta conveyance or new storage projects. Of the "Additional Options" on page 48, lines 14-31, B is the preferable approach, adding positive incentives to the disincentives in WRP1. But Option B could be expanded further, as suggested above, to encourage earliest implementation.

Similar to the efficacy of supporting regional self-reliance initiatives to make quick progress toward restoring water supply demand balance, significant progress might be made in flood management, through-Delta water conveyance, and levee improvements by untangling the regulatory log jam that has virtually stopped maintenance dredging in the channels of the Delta. More will be said about this in our eventual responses to Chapter 7 where the subject is broached in RR R2 (p.89, lines 26-31).

Additional Specific Comment

P. 45, lines 17-19. Not so much "minimal consideration" as lack of knowledge. From the beginning the SWRCB and its predecessors reserved jurisdiction in the CVP and SWP permit hearings to establish criteria to protect both the Delta fishery and its agricultural and municipal uses as more information was developed.

Yours very truly,



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cc: Joe Grindstaff