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Sent: Friday, January 14, 2022 11:16 AM

To: Yu, Edmund@DeltaCouncil <Edmund.Yu@deltacouncil.ca.gov>

Cc: Nomellini, Grilli & McDaniel PLCs <ngmplcs@pacbell.net>

Subject: My comments to ISB on 1/13/22

Edmund

Pursuant to the request (from the Chair at the conclusion of my remarks) I am submitting the following, somewhat expanded, written version.

I was surprised that neither the USBR or DWR representatives reviewing the CVP and SWP projects identified salinity control or the Area of Origin Statutes (which include the Delta Protection Act) as primary purposes of their projects, although both identified salinity control as constraints on their operations. I believe this to be a mischaracterization of both statutory and settled case law. The constraint was described as a need to maintain the “fresh water corridor” for export operations, not to provide protection the estuary itself and its many environmental, agricultural and recreational features.

What was obvious from both presentations is the inability of the projects to meet their contractors’ requests for water deliveries under recent historical circumstances, especially in the drier years. Problematical conflicts between flood control, environmental requirements and water deliveries (for example, flood control reservations and cold water reservations in a given reservoir) are exacerbating the problem.

One is left inevitably with the conclusion that more storage capability is the indicated path forward, not modification of Delta Conveyance by way of the Proposed Tunnel Project. In particular, reoperation of existing foothill reservoirs to incorporate conjunctive use with ground water recharge is a very attractive alternative, which has the potential to increase both flood control and water storage simultaneously while accommodating reduced Delta exports in the drier years.

I was particularly struck by the Tunnel Project presentation in this regard.

Not only does the proposed Tunnel not store water, it is now proposed to be operated only when Sacramento River flows are “high”. Only the

current method of export through the Delta channels would be employed in the drier years.

My understanding is that, with few exceptions, high Delta inflow periods have not constrained Delta export operations. In the drier years we are told the Tunnel won't divert water.

The ISB recently discussed its Water Supply Reliability paper which largely describes proper methodology. What is urgently needed is a close analysis of the historical dry period exportable yield of the CVP and SWP which will inevitably reveal large deficits in supply against the contractor demands under current conditions, without regard to global warming and sea level rise which will certainly increase those deficits.

In the meantime you can't really fault the Delta interests for being fearful of the Tunnel Project which will make it possible for the export projects to disregard Delta outflows and water quality, thereby shorting the Delta of its rightful and essential water supplies in the face of these large demonstrated deficits in the Projects' actual yields and increasingly exercised "emergency powers" of the government to reduce Delta protections under Temporary Change Orders and the like.

Thank you for the opportunity to express these views on behalf of the Central Delta Water Agency and Delta interests generally.