



Delta Counties Coalition

Contra Costa County · Sacramento County · San Joaquin County · Solano County · Yolo County

"Working together on water and Delta issues"

February 7, 2020

SENT VIA EMAIL

input@WATERRESILIENCE.CA.GOV

Nancy Vogel
Director of the Governor's Water Portfolio Project
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Re: Delta Counties Coalition Comments on 2020 Draft Water Resilience Portfolio

Dear Ms. Vogel:

Thank you for the opportunity to comment on the draft Water Resilience Portfolio ("WRP") prepared in Response to Executive Order N-10-19 ("EO N-10-19"). This letter is written on behalf of the Delta Counties Coalition ("DCC"), which is composed of elected members from Contra Costa, Sacramento, San Joaquin, Solano, and Yolo counties. DCC has spent the past decade advocating for genuine Statewide water solutions that support all communities, and thus provides the following comments for building a sustainable WRP.

DCC helped develop and supported the recommendations submitted by the Governor's Portfolio Recommendation Group ("PRG") on September 19, 2019.¹ The PRG was an ad hoc, unsponsored collaboration with participation by a diverse group of state and local agencies, urban water agencies, environmental groups, fire leaders, flood agencies, and watershed groups. After several meetings and months of collaboration, the PRG identified top-tier recommendations for six different topical areas (Human Right to Water, Diverse Water Supplies, Healthy Waterways, Climate Resilient Watersheds, Sacramento-San Joaquin Bay-Delta, and Groundwater). The DCC is disappointed that rather than incorporate the PRG and other important recommendations, the draft WRP endorses without condition the newly rebranded Delta Conveyance Project (formerly the Bay Delta Conservation Plan and the California WaterFix).

This letter discusses: (1) the inadequate inventory and assessment of California water availability, demand, and projected needs in the draft WRP, required by EO N-10-19; (2) important yet unaddressed recommendations by the PRG; (3) the draft WRP's inconsistency with existing

¹ Available at: <https://portfoliorecgroup.org/>.

State principles and recommendations for promoting climate change resilience; and (4) the need for greater transparency in the development of the final WRP.

I. Inadequate Inventory and Assessment of Water Availability, Demand & Projected Needs

Executive Order N-10-19 requires that the three WRP working group agencies “shall first inventory and assess” . . . “[e]xisting demand for water on a statewide and regional basis and available water supply to address this demand.” (EO N-10-19, section 2(a).) While WRP Appendix 3 includes some information about existing demand and supply, Appendix 3 fails to include the data-driven inventory and specific analysis necessary to support the goals and targets ultimately included in the WRP. Strikingly, the WRP also does little to promote new water supply sources or meaningfully reduce current water demand.

For some Executive Order requirements, the WRP did not even begin to attempt the inventory and assessment. For example, EO N-10-19 requires that the agencies project water needs in the coming decades for communities, economy and environment. (EO N-10-19, section 2(c).) But the WRP confesses that “[t]he projected statewide water needs of California fish, wildlife, and natural ecosystems [i.e. the environment] have not been quantified.” (WRP, p. 15.) This information is crucial in calculating how much water is available for consumptive uses. Without quantifying the water needs of fish and the future loss of snowpack, projections of how much water the system will yield are erroneous.

Moreover, the WRP “projections do not take into account the Sustainable Groundwater Management Act” (WRP, p. 58), and instead assume that people will continue to conserve water at outdated levels of efficiency. The WRP should acknowledge that chronic shortages may worsen in agricultural areas south of the Delta due to SGMA implementation. (See PRG Recommendation 22 (Enhance Flood and Climate Change Adaptation for the Delta), p. 18.) To address these challenges, the PRG made several specific groundwater recommendations, including a recommendation for the state to “develop and make available real time flow and water quality data and forecasting tools to maximize groundwater replenishment, environmental uses and flood management.” (PRG Recommendation 25 (Real Time Flow and Water Quality Data), p. 21; see also PRG Recommendations 26-34, pp. 21-22.) To be complete, the PRG must attempt to integrate analysis of the likely impact of SGMA on water supply and demand.

II. Failure to Incorporate Governor's PRG Recommendations for Delta Conveyance

Several important considerations from the PRG should have been, but were not, included the WRP. These include progress on reducing reliance on the Delta and multi-benefit actions to address climate change.

Any Changes to Delta Conveyance Should Reduce Reliance on the Delta

DCC supports achievement of the co-equal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. (Wat. Code, § 85021.) The PRG Recommendations thus urge that any new conveyance “be consistent with the state law requirement to reduce reliance on the Delta for future water supply needs.” (PRG Recommendation 14 (Delta Conveyance), p. 11.) The DCC appreciates that the draft WRP urges that water agencies update their water plans to document their actions to reduce the reliance on the Delta for their water supply. (WRP, Proposal 18.3.) However, the WRP also advances a single-tunnel conveyance project with new diversions on the Sacramento River, despite a clear need for, and state legislation, requiring reduced reliance on the Delta. The proposal to construct new large-scale water conveyance around the Delta is inconsistent with regional self-reliance because it increases the amount of water that can physically be diverted and encourages users to continue relying on Delta water imports.

The WRP Should Include Initiatives to Help the Delta Adapt to Climate Change

The PRG recommended that any new conveyance in the Delta should be designed to help the Delta adopt to climate change effects, including water level increases, increased salinity, and increased flood risk. (PRG Recommendation 14 (Delta Conveyance), p. 11.) While the WRP advances a single-tunnel conveyance project under the Delta purportedly to protect against seismic and climate change effects (WRP, p. 16), the WRP fails to explain how the construction of a tunnel would improve the Delta's resilience to sea level rise, increased salinity or seismic events. The DCC submits that a tunnel would do nothing to address these issues for Delta communities, and also would not meaningfully address these issues for export water recipients who will continue to rely on through Delta conveyance, even if a tunnel is constructed.

Significantly, there is no assessment of the need for a single-tunnel conveyance in the overall context of the WRP, as required by the EO as well as recommended by the PRG, or any recognition of how a tunnel would impact the Delta environment and communities. With no assessment of a single-tunnel project in the context of addressing climate change, the relative place of the tunnel in the overall portfolio is left undefined. This was also a requirement of EO N-10-19, for the inventory and assessment of “[c]urrent planning to modernize conveyance through the Bay Delta with a new single tunnel project.” (EO N-10-19, section 2(f).) DCC expected this assessment to discuss other needed infrastructure improvements to address climate change, such as systemwide Delta levee improvements, increasing high flow water capture capabilities, and expanding water storage opportunities to increase climate change resilience. (See PRG Recommendation 23 (Develop Integrated Outcomes for the Delta and the Water Resilience Portfolio), pp. 18-19.)

The WRP lacks any data supporting its unqualified inclusion of a tunnel; there is no meaningful integration of data to show improving Delta conveyance is best achieved with a new tunnel project. The tunnel is included as a “current water priorit[y]” (draft WRP, p. 16) with no connection with the rest of the inventory and assessment, and is mentioned in passing only five

times in the draft WRP. In this way, the draft WRP fails to demonstrate to the public that the Administration kept the promise made by the Governor in rejecting the twin tunnels project, when he directed State agencies to ‘first inventory and assess’ current planning to modernize conveyance through the Bay Delta with a new single tunnel project.” (EO N-10-19, section 2(f).) The draft WRP thus fails to demonstrate that the Administration gave any consideration to whether this extremely expensive and environmentally damaging conveyance project is in fact necessary to achieve the state’s goals and targets for resilience in the face of climate change impacts in the Delta, and elsewhere in the state. As discussed below, moving forward with a definite tunnel project that benefits only south of Delta water exporters, in lieu of a concrete commitment to already identified State priorities for flood system improvements that would not only safeguard through Delta conveyance but also protect Delta residents and their water supplies from climate and seismic risks, also violates the Governor’s directive that the WRP “Prioritize multi-benefit approaches that meet multiple needs at once.” (EO, N-10-19, section 3(a).)

The WRP Should Prioritize Central Valley Flood System Management

The WRP notes “In many circumstances, forests, soils, wetlands, floodplains, and other natural assets can help California water systems adapt to climate change in more beneficial and durable ways than human engineering.” (WRP, p. 14-15.) EO N-10-19 directs the WRP to “[u]tilize natural infrastructure such as forests and floodplains.” (EO N-10-19, section 3(b).) The potential to increase water supplies via improvements to natural infrastructure, is another indication that it is possible to have a complete portfolio without a new Delta tunnel. The DCC urges the WRP agencies to instead invest state resources into local projects that can provide the necessary supply and storage, as well as protect vulnerable communities from flooding risks, without damaging the Delta.

Especially concerning is the draft WRP’s lack of focus on the need for levee maintenance as a means to address climate change vulnerability in the Delta—for both Delta communities as well as statewide interests. While there are a few proposals mentioning levees, the recommendations of the PRG relating to levees as part of the state’s water portfolio were largely ignored. Adequate funding for upgrades and maintenance of the existing levee system is integral to the reliability for California’s water infrastructure system and must be provided. The DCC is very concerned that this is not occurring, given the zero allocation for levee subventions in the current proposed state budget.

The draft WRP’s paltry treatment of the levee system fails to recognize and is inconsistent with existing State initiatives to promote climate resilience, including the Integrated Climate Adaptation and Resiliency Program² and related Safeguarding California Plan 2018 Update, which the California Natural Resources Agency (“CNRA”) describes as “the State’s roadmap for

² See <http://opr.ca.gov/planning/icarp/>.

everything state agencies are doing and will do to protect communities, infrastructure, services, and the natural environment from climate change impacts.”³

The Safeguard California Plan includes the following climate justice principles and recommendations with respect to water:

Climate Justice Principles for Safeguarding California:

Principle 2: Identify the most vulnerable communities to climate change to prioritize initiatives and build grassroots capacity.

Principle 4: Promote holistic approaches to climate adaptation that maximize co-benefits and economic development.

Water:

- Recommendations W-1: Vigorously prepare California for flooding.
- Recommendation W-4: Reduce Sacramento-San Joaquin Delta climate change vulnerability.
- Recommendation W-6: Address water-related impacts of climate change on vulnerable and disadvantaged populations and cultural resources.⁴

There is no mention in the draft WRP of these existing state climate and water policy principles and recommendations, nor is there any discussion of how differing climate-related priorities and recommendations will be reconciled by and within the CNRA. Prioritizing a tunnel conveyance over levee repair and strengthening, when the draft WRP itself cites seismic risk and sea level risk threats to levees as the primary driver for a tunnel, ignores, and is inconsistent with, CNRA's existing climate justice principles and climate-related water recommendations. This leaves existing and future through-Delta water conveyance, and vulnerable Delta communities at significant risk.

Finally, DCC appreciates the inclusion of incentives and technical advice for reversing subsidence, which is a significant issue in the Delta. (WRP Proposal 18.4, p. 22.) These proposals are a step in the right direction, but must be accompanied with corresponding implementation strategies and funding to be truly effective. In addition, with the state owning the most subsidized islands, it must lead efforts to address the issue. We would also note that further study is needed on the greenhouse gas emissions from farming on peat soils in the Delta; it should not be assumed that farming in the Delta in general generates more carbon emissions than farming in other areas of the state.

³ See <http://resources.ca.gov/climate/safeguarding/>.

⁴ See <http://resources.ca.gov/wp-content/uploads/2018/06/Recommendations-in-the-Safeguarding-California-Plan.pdf>.

Nancy Vogel, Director of the Governor's Water Portfolio Project
California Natural Resources Agency
February 7, 2020
Page 6 of 6

III. The WRP Process Should Be Inclusive, Transparent, Open, and Integrated

Despite the interagency working group's efforts with extensive public engagement and stakeholder input, DCC is disappointed with the lack of transparency during the process of developing the draft WRP. In particular, public comments on the WRP are not posted on the WRP website. We request that all public comments on the WRP—both before and after issuance of the draft WRP—be promptly posted so that all can participate in the process.

* * *

In closing, the DCC requests that the WRP be revised to more fully address the requirements of the EO N-10-19, to reflect existing CNRA climate principles and recommendations to better protect Delta residents while also protecting through Delta conveyance, and better integrate the thoughtful recommendations made by the PRG, to which DCC members contributed. In particular, the DCC asks that any proposal to construct a Delta tunnel be appropriately caveated to address the concerns of the DCC and countless others, including the PRG, regarding the conditions under which any new large state and federal diversions could be considered.

Sincerely,



Don Nottoli
Supervisor, Sacramento County



Skip Thomson
Supervisor, Solano County



Karen Mitchoff
Supervisor, Contra Costa County



Oscar Villegas
Supervisor, Yolo County



Chuck Winn
Supervisor, San Joaquin County

cc: Governor Gavin Newsom
Delta Caucus
Secretary Wade Crowfoot, California Natural Resources Agency
Secretary Jared Blumenfeld, California Environmental Protection Agency
Karla Nemeth, Director, Department of Water Resources