



### **Delta Counties Coalition**

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

*"Working together on water and Delta issues"*

March 16, 2021

VIA Email: [climatechange@deltacouncil.ca.gov](mailto:climatechange@deltacouncil.ca.gov)

### **RE: Comments on DSC Delta Adapts Draft Documents**

Dear Delta Stewardship Council:

The Delta Counties Coalition (DCC) provides the following comments on the January 2021 Public Review Draft of the "Delta Adapts" Vulnerability Assessment (Report). As County representatives within the Delta, the DCC is monitoring the Delta Adapts process with keen interest. The Delta counties have a direct stake in the future of the Delta.

According to the Draft, the Delta Stewardship Council (Council) initiated Delta Adapts in 2018 to improve the Council's understanding of regionally specific climate change vulnerabilities and risks and address how Delta communities, infrastructure, and ecosystems can adapt to future conditions. The findings of the Delta Adapts initiative will help inform future work at the Council, prioritize future actions and investments, provide climate information for local governments, and serve as a framework for future work by the Council and others. The Delta Adapts initiative is a two-phase effort:

- A climate change vulnerability assessment to improve the understanding of regional vulnerabilities in order to protect vital resources the Delta provides to California and beyond with state interests and investments top of mind; followed by
- An adaptation strategy detailing strategies and tools that state, regional, and local governments can use to help communities and ecosystems thrive in the face of climate change, while protecting critical infrastructure and economic activities from damage and loss.

The Council's resilience goals for the Delta Adapts process closely match the policy of the state with respect to achievement of the coequal goals for management of the Delta. (Water Code, § 85020, subs. (b)-(g).)<sup>1</sup> This includes protecting and enhancing the unique cultural, recreational, and agricultural values of the California Delta as an evolving place. (Water Code, § 85020, subd. (b).)

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<sup>1</sup> Page 1-7 of the report erroneously refers to the Public Resources Code rather than the Water Code.

The DCC believes the Report's Key Takeaways provide a good foundation and a strong impetus to act now to plan for the future:

- Flood risk in the Delta must be carefully managed, especially with possible changes in sea levels, precipitation, hydrology, and temperatures.
- Approximately 65% of the Delta's population that could be exposed to the 100-year flood by 2050 reside in areas with high concentrations of socially vulnerable residents.
- Climate change will reduce Delta exports in all year types, but impacts will be greater in dry years.
- The existing water supply system does not provide enough storage to capture anticipated increases in runoff due to more variable precipitation.
- Future droughts may expose more acres of Delta agriculture to more saline water than has historically occurred.
- Agricultural operations in Sacramento and San Joaquin counties will be most vulnerable to flood risk. Approximately 257,000 acres (62%) of agricultural lands will be exposed by 2085, sending a strong signal that landowners, farmers, and the State will need to develop policy and adaptation strategies to address the threat of climate change to Delta agriculture.

(Report, pp. vii-xiv.)

The DCC suggests that section 2.1.1.2 Agriculture (Report, pp. 2-3 to 2-4) be updated to explain that the Primary Zone of the Delta is the largest contiguous area of prime farmland in the state. As explained in the 2013 Delta Plan:

Prime farmlands with the best soils comprise about 400,600 acres, close to 85 percent of all farmland in the Delta. Another 101,760 acres are unique farmland, farmland of statewide or local importance, or farmland of potential local importance [Department of Conservation 2009]. Because of the fertile peat soils and the moderating marine influence, Delta agriculture's per-acre yields are almost 50 percent higher than the state's average (Trott 2007). As described in Chapters 3 and 4, reliable, abundant fresh water is also an essential contributor to Delta agriculture.  
(Delta Plan (2013), p. 181.)

In addition, farmland within the Primary Zone, unlike most other farmland in the state, is protected from conversion to nonagricultural uses in the Delta Protection Commission's (DPC) Resource Management Plan for the Primary Zone of the Delta. County and city General Plans also provide protection for agriculture in the Delta. (DPC Economic Sustainability Plan (2012), pp. 42-50.)

As part of setting the stage for the subsequent development of an adaptation strategy, it is important to highlight the unique characteristics of Delta farmland that set it apart from other farmland in the state. The fact that Delta farmland is largely protected from urbanization means it is more likely to be available and productive for agriculture in the

future than farmland outside the Delta. This increases the relative value of Delta farmland, which will be needed to ensure continued agricultural production in California.

The DCC supports the identification of section 2.1.1.4 Utilities and Infrastructure (Report, pp. 2-4 to 2-5) serving the entire state in the Delta. Too often other infrastructure types besides water supply infrastructure in the Delta are overlooked. A variety of infrastructure in the Delta provides benefits to communities throughout the state and must be recognized and protected.

The statement in section 2.1.2 Water Supply (Report, p. 2-5) that water uses in the Delta “depend on upstream water releases from state and federal reservoir operations to manage the salinity of Delta water during summer and fall” lacks context. The state and federal water projects were conditioned on the provision of an adequate water supply for the Delta, including salinity control.<sup>2</sup> In addition, water rights in the Delta are riparian and/or senior to the state and federal projects and most other water rights in the state. The report should recognize that protection of water quality in the Delta is legally required.

The Report’s treatment of Ecosystems is remarkably thin. Sections 2.1.3 and 4.4 (Report, pp. 2-7, 4-39 to 4-43) focus on plant communities with a passing mention of birds. These sections should also address the fauna that rely on the Delta for habitat. The Technical Memorandum in particular should address ecosystems as complex systems consisting of flora and fauna that interact with managed landcover types such as agriculture. The analytical approach should be re-worked to include these considerations to better guide future management decisions about restoration and preservation of ecosystems.

The Report (p. 2-8) and Flood Hazard Assessment Technical memorandum do a fair job at summarizing flood management resources and risks. What is lacking is a synthetic description of both the regulatory and planning environment for flood control and future changes that may be needed. Flood management occurs in a complex regulatory interaction of local landowning and levee maintaining agencies, and state and federal agencies. There is no discussion of the most basic regulatory setting for flood control, or how local and state agencies can navigate these processes for the purposes of increasing flood protection and resiliency. The DCC understands that the Council intends to address adaptation approaches in the second phase of the process. But it is important for the initial Report to provide a solid foundation of the planning and regulatory context for that later discussion.

The Report is clear that the flood hazard scenarios do not “include potential future investments that could improve levee crest elevations or stability.” (Report, p. 4-30.) The DCC believes that continued state investments in Delta levees are reasonable and necessary; since state investments in levees began in the 1980s, an average of \$ 22 million per year invested has yielded a 50 percent reduction in levee failures. While the DCC understands that consideration of policies promoting investments in levees may be deferred the next phase of the Delta Adapts process (adaptation), the flood hazard figures

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<sup>2</sup> See, e.g., *United States v. State Water Resources Control Board* (1986) 182 Cal.App.3rd 82, 139; Water Code, §§ 12201-12204.

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(4-1 to 4-4) should clearly state that these figures show the modeled flooding *without any levee investments*.

The DCC appreciates the discussion of vulnerable communities in the Delta. (Report, pp. xii, 4-35 to 4-37.) According to the 2010 Census, about 570,000 people reside in the Delta. The Report estimates that approximately 65 percent of the Delta's population that could be exposed to the 100-year flood by 2050 reside in areas with high concentrations of socially vulnerable residents. It will be important in the adaptation phase to take care to address the special needs of these communities.

The DCC also appreciates the efforts to conduct outreach to the counties in the development of the Report. We see several county staff mentioned in the Outreach and Engagement Summary. Please be aware, however, that county staff often have limited capacity to participate consistently in processes like Delta Adapts, especially during the COVID-19 pandemic conditions we have been experiencing. The Outreach and Engagement Summary would be more valuable if it included additional characterization of the various participant contributions into the content of the Report. Simply listing the number or meetings or outreach attempts does not convey whether or how the engagement was meaningful or substantive.

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The DCC looks forward to engaging with the Council on the next phase of the Delta Adapts process. Please contact Natasha Drane at 916-874-4627 or [DraneN@saccounty.net](mailto:DraneN@saccounty.net) with any questions or input on how the DCC and county staff may most effectively engage in the Delta Adapts process.

Respectfully,



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