

# Water Agency

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# Contra Costa County



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Mr. Phil Isenberg, Chair  
Delta Vision Blue Ribbon Task Force  
1416 Ninth Street, Suite 1311  
Sacramento, CA 95814

September 2, 2008

**Subject: Delta Vision Strategic Plan; Third Staff Draft 8/14/08**

Dear Chair Isenberg:

Thank you for the opportunity to comment on the Third draft Delta Vision Strategic Plan. Our comments are as follows.

First, in review of the document, we did not see the short-term actions to be implemented immediately; actions such as levee improvements, water quality and fishery improvements at Franks tract, improved fish screens, subsidence reversal, habitat improvement and emergency response planning. These short-term actions should continue to be called out as a priority for immediate implementation.

**Strategy 1: Vast Improvement to Efficient Use of Water;** The inclusion of reporting requirements for agricultural water use on page 34 and data collection (Strategy 18 on page 92), is helpful and appropriate, but does not go far enough in driving home the importance of efficient irrigation practices. Where implementation of Efficient Water Management Practices (EWMPs) and the Agriculture Water Management Council are very important, improvement over time and specific efficiency targets need to be included in this program. The linkage of state funding to achievement of efficiency goals is also highly recommended.

**Strategy 2: Optimize Regional Self-Sufficiency;** last bullet regarding water transfers: Department of Water Resources (DWR) and the State Water Resources Control Board (SWRCB), in their deliberations over water transfers should require a cost ceiling on what the seller can ask for in reselling water supplies.

**Strategy 3: Integrate flood management and water supply;** second bullet: If channel dredging is still being considered to increase conveyance capacity, the Delta Long Term

Management Strategy (LTMS) should be referenced, and funding specified to help expedite permitting requirements and disposal site identification and testing.

**Strategy 4: Improve reliability of diversions**; first bullet: Regarding DWR's investigation as to flexibility and timing of diversions: some detail should be included here as to what exactly is intended as part of this investigation. It would seem appropriate that the fundamental question of how much water the ecosystem/fishery needs in any season of any given water year would need to be answered before DWR can determine flexibility and changes in diversions could be answered. Are reduced exports being considered as part of this exercise?

Is DWR going to look at how changing snow/rainfall patterns resulting from climate change are going to affect flexibility and timing of diversions as part of this investigation? And finally, why a one-year investigation, rather than a multi-year one?

**Strategy 5: Improve water quality**; last paragraph, page 43; This section talks about relocating CVP and SWP intakes to the Hood area. This appears to be a different strategy than simply adding an additional point of diversion at Hood (in addition to the existing intakes in the south delta). Is the Delta Vision Strategic Plan now advocating for a Peripheral Canal-only strategy? If so this should be addressed in a more direct manner; if not, this language should be modified to indicate an additional point of diversion at Hood.

This and following paragraphs on pages 43 and 44 talk about relocating smaller in-Delta drinking water diversions, including the Contra Costa Water District intake. It is important to note here that there are a large number of additional legal water diversions in the western Delta area that, with the anticipated water quality degradations to drinking water quality in this area, will be affected and need to be identified early in the process. In addition, the potential for groundwater degradation should be investigated and identified.

**Strategy 12: Emergency Protection**; first bullet page 63; Where it would indeed be helpful for the state to prepare an emergency response strategy, it is important to note here that local agencies are the first responders, having primary emergency response authority. Therefore it would be important for the state to work in close collaboration with the local emergency response agencies, and for the state plan to augment local efforts.

On page 64, third bullet, middle of the page; the establishment of clear benchmarks for recommending and demanding evacuations is problematic and should be removed. The State Penal Code details specifically when local agencies can and cannot order an evacuation. The next bullet regarding evacuation plans, evacuation routes and shelters is similar in that the local agencies with authority already have these plans in place, and coordinate on a regional level as well. The next bullet dealing with response exercises, calls for citizen participation that could incur liability on the part of the agency doing the exercise, and would have to be addressed. And finally, the last bullet on a Boat Search

and Rescue Marshall Program may not be advisable, as National Fire Protection Association (NFPA) Standards require a swift-water certification that few locations in law enforcement have. It may be more appropriate to recommend that additional law-enforcement agencies obtain this certification, rather than have this be included in a Marshall program.

**Strategy 13: Overarching policy levees**; The first bullet on page 67 states that DWR should adopt a levee policy. We strongly urge a refinement that states that DWR, acting in concert with other state and federal agencies, organizations, and individuals, should develop such a policy. Similarly, the last bullet on page 67 should read, “DWR, in accordance with the CDEW Plan, should adjust the levees subventions program...”

We expect to provide you with additional comments on the levee chart (Figure 10). We remain concerned that smaller areas that are urbanized, but do not meet the population criteria to be classified as Urban, will not be protected to 200-year levee standards.

**Strategy 14; Delta Land Uses**; The first paragraph is stated in the negative and should be rewritten to better convey the intended problem statement; that the state has recently recognized that to preserve the delta region, additional requirements must be implemented to further restrict land use.

The first bullet on page 68 is a dramatic change from prior drafts, in suggesting the Delta Protection Commission take over permit authority in the Primary Management Zone. The County supports the Commission in its current role, recognizing the success of the Commission in preventing urbanization in the Primary Management Zone, and in meeting the mandates of the 1992 Delta Protection Act. Given the significant degree of change envisioned for governance generally, we wonder why the Task Force would provide this level of overhaul to such a successful existing program. We would instead suggest some amendment to the Delta Protection Act as a method to address problem areas not included in the original Act.

On page 71, second bullet; the Association of Bay Area Governments should be added to the list of agencies developing a model land-use protection ordinance for protecting buffer lands.

**Strategy 15: New governance system**; series of bullets, page 72; the Council should include local agency members, or absent this, the other groups reporting to the Council should be comprised of local agencies and organizations (such as the DPC, the Conservancy, Utility, Science, Engineering, etc). Federal agencies should also play a prominent role. We do not think that a Governance Structure comprised of state agencies reporting to a state council will be ultimately be successful in a number of respects. For example, the existing state structure has failed to address the range of issues at hand, and federal funding is paramount.

Page 73, sixth bullet; the Conservancy should be comprised of a majority of local agencies, organizations. Appointments including local agencies should be specified here.

Page 74, sixth bullet; Local agencies should carry out the land use policy work described under policy 14, rather than the DPC (we are required to, by law). We think this was your intent, as described under policy 14 as it is stated.

Page 75, third bullet; please note our comments relative to Delta Protection Commission permit authority under Strategy 14.

Page 76, first bullet; a Delta Conservancy should be comprised of a majority of local representation. The use of the word 'adequate' is not helpful here.

Page 77, the bulleted section on the California Water Utility should describe how the intended utility formed by the State Water Contractors will be different from the existing scenario. The explanatory language describes how DWR will be different, but not how the Utility might operate differently from DWR. Some explanation about the Electric Utility model would be helpful here, if that model was used to create the Water Utility.

**Strategy 16: CA Delta Ecosystem and Water Plan;** page 86; eighth bullet regarding citizen lawsuits. Language should be modified to make it clear that state agencies bear the responsibility for other agencies/organizations for noncompliance. The language here should specify that the CDEW should have enforcement authority, and the citizen suit provision would be applicable in circumstances where the CDEW was not otherwise addressing and enforcing a compliance problem.

Thank you for the opportunity to comment on this important document. If you have questions, please do not hesitate to contact me at (925) 335-1226 or [rgoul@cd.cccounty.us](mailto:rgoul@cd.cccounty.us)

Sincerely,



Roberta Goulart  
Executive Officer,  
Contra Costa County Water Agency