CONTRA COSTA WATER DISTRICT

1331 Concord Avenue
P.O. Box H20
Concord, CA 94524
(925) 688-8000 FAX (925) 688-8122

August 4, 2008

Directors
Joseph L. Campbell
President

Elizabeth R. Anello
Vice President

Bette Boatmun
John A. Burgh
Karl L. Wandry

Walter J. Bishop
General Manager

Honorable Phil Isenberg, Chair
Delta Vision Blue Ribbon Task Force
c/o California Bay-Delta Authority
650 Capitol Mall, 5th floor
Sacramento, CA 95814

RE: Second Staff Draft of the Delta Vision Strategic Plan

Dear Chair Isenberg:

Contra Costa Water District (CCWD) appreciates the opportunity to comment on the July 11, 2008 staff draft of the Delta Vision Strategic Plan. CCWD has a number of concerns about the current draft and has identified a number of flaws in the document, but in general supports the Blue Ribbon Task Force development of a reasoned approach to dealing with the critical issues of the Delta, including substantial ecosystem restoration and improvement of Delta water quality.

Immediate and Emergency Actions are necessary while the planning continues. CCWD is very concerned that the need for immediate actions in the Delta that will deal with the immediate crisis is not sufficiently emphasized in the document. The California Urban Water Agencies, of which CCWD is a member, has developed a list of immediate actions (provided to you in their August 4, 2008 letter) that address the most critical issues while providing needed information that will guide future decisions. These actions include barriers near Franks Tract to protect fisheries and improve water quality, preparation for emergency response, pilot fish screens at export facilities to protect fisheries, and ecosystem restoration projects. Your Stakeholder Coordination Committee has also endorsed a similar list as did the Governor last year in his July 17, 2007 statement on the subject. The draft Strategic Plan recognizes these actions in various places within the document. However, the Strategic Plan should also put these essential projects in a section of the Plan that is devoted to immediate actions and the mechanisms to implement them. Failure to act now on these critical elements could eventually make the rest of the document moot.

Those involved in Delta planning efforts recognize that projects requiring large structural changes will take many years to decades to implement, even if the projects have widespread support. Actions that address the current crisis must be

started immediately, and the Strategic Plan should recognize this explicitly and should call for immediate action at the beginning of the document. CCWD strongly advises the Blue Ribbon Task Force to revise the document to reflect this urgency.

The Strategic Plan must rely on good science, good business practices and the ability to adapt to new information. The current draft is sometimes flawed with respect to these basic principles. CCWD is concerned that the draft unduly relies on wrong assumptions and untested hypotheses. Costs and preliminary design information are not always in alignment with desired outcomes or the purpose of facilities. Bad assumptions on the effect of possible facilities and operations on water supplies, water quality or the ecosystem can lead to decisions that ultimately fail and have irreversible consequences. The draft Vision also proposes some performance targets that are either far too specific given the broad overview of the Vision or that are not well founded in science. CCWD offers the following examples here and will provide more detail and suggested changes in a separate document.

1) *Capital costs do not appear realistic.* The costs presented for conveyance alternatives do not reflect the costs that will be incurred. For example, costs for a peripheral canal are presented in 2007 dollars. As CCWD has previously pointed out, capital costs should be presented as "mid-point of construction" costs, the actual capital cost of the project and the amount of money that will be needed to finance the project. Use of 2007 dollars rather than mid-point of construction estimates will understate costs by a considerable amount, given the likely schedule for any such project and the effects of inflation. Use of 2007 costs instead of mid-point of construction costs can be deceptive and is a bad business practice.
2) *Assumptions regarding reliability of facilities are not in alignment with design assumptions and costs.* It is assumed that an "earth-lined" peripheral canal will meet requirements for reliability and safety. CCWD is not persuaded, based on its own experience with an earth-lined canal section, that an earth-lined canal built through the Delta at the costs claimed will be reliable or safe, or meet the those requirements. In addition, costs associated with rights-of-way, including the costs for severance and drainage that will be substantial, do not appear to be realistically applied. This is an example of assumptions on performance that are inconsistent with the design, costs or necessary outcomes. At the most recent meeting of the Blue Ribbon Task Force, the PPIC panel responded that the peripheral canal would be "repairable" after a seismic or flood event. That may be the goal, but that goal is not likely to be achieved at the 2007 estimate of 4.2 billion dollars. Simply protecting an earth-lined canal from wind waves (those generated within the canal itself or on the exterior from flooded islands) or protection from failure caused by likely liquefaction of the underlying soils will increase the costs considerably. The possibility of sea-level rise and a seismic disaster is driving the "needs" analysis; however, CCWD is not yet convinced that the proposed facilities can meet the reliability requirements at the costs claimed. Failure to connect the identified problem with the proposed solution is both bad business and bad engineering practice.

3) *Assumptions regarding the benefits and impacts of facilities continue to "evolve".* After just a few months of study, many assumptions regarding new facilities have fallen by the wayside. Studies have and continue to show that long-held beliefs were out of alignment with reality. For example, many assumed that a peripheral canal would improve water supplies while reducing ecosystem impacts. Studies quickly showed that a peripheral canal alone would more likely reduce supplies while creating a new set of ecosystem impacts. This result led to "Dual Conveyance" concepts in an attempt to "restore" the assumed benefits. These concepts are just beginning to be evaluated and new studies continue to show more issues that need to be addressed. The one certainty is that there is no certainty: many long held assumptions were not right and we are learning as we go. The Strategic Plan should emphasize the need for adaptability, especially early in the process. Allowing for adaptability is consistent with both good science and good business.
4) *Some assertions and assumptions in the draft Strategic Plan are either simply wrong, or are based on untested assumptions or hypotheses.* Bad assumptions will lead to bad outcomes. The following are a few short examples. The draft needs work in this area and CCWD will provide detailed suggestions in a separate document.
    a. The draft states that "In all cases changes in net volume of flow are expected to be less disruptive to ecosystem processes than changes in net direction of flow." (page 37). According to this statement, reducing the net flow to nearly zero on the Sacramento River downstream of a peripheral canal is expected to be less disruptive than small reverse flows in the south Delta. This is absurd and is an example of an unfounded assumption that could lead to a very bad outcome.
    b. The draft states (also on page 37) that removing the triggering requirement for X2 is somehow related to achieving outflow up to 71,000 cfs when the two are unrelated.
    c. Also on page 37, the draft asserts that outflow is currently stable from August through November at about 6,000 cfs (it is not, and if it were, the Delta would not have such high levels of salinity intrusion).
    d. The draft asserts that "Contra Costa's diversion reduces its impact by its geographic location and its large capacity in relation to demand." It would be more accurate to say that "Contra Costa Water District reduces its impacts by using positive barrier fish screens, having a small diversion compared to the river flow, and using storage to stop diversions completely during sensitive periods for aquatic species"; this is also in better alignment with the recommendations of the draft regarding screening and keeping diversions small compared to river or tidal flows.
5) *Some performance targets and schedules in the draft are overly specific, not well-founded and could result in bad analysis and outcomes.* Again, some examples.
    a. The "number of acres of open water habitat between 0.5 and 6 parts per thousand salinity" is an untested concept (page 7). The Delta has approximately 50,000 acres of open water habitat; the area with a salinity

gradient between 0.5 and 6 parts per thousand salinity covers a small range in the Delta and moves a considerable distance every six hours with the tides with the mean location determined by the outflow level. How the eventual target of 35,000 acres or even the 2020 target of 20,000 acres could be achieved is not at all clear. Such a target is best described in narrative fashion rather than as if it is firmly established in science.

b. Similarly, the target of a net downstream flow on the lower San Joaquin River as presented will require large inflows from the San Joaquin River or could drive decisions without a verified scientific basis for the target or its benefits. This is another example where a narrative description of the outcome, rather than specifics on the means, is more appropriate.

c. There appears to be an assumption that recycling ability or efficiency is the same in all areas of the state. A better strategy in the watershed might be to improve treatment of wastewater discharges to the Delta watershed and Suisun Bay (i.e., in areas that provide flow that is part of the "Delta pool") since those discharges are already recycled. Similarly, recycled water must be considered with regard to energy consumption and green house gas emissions. In many instances conservation is far cheaper and has a much lower carbon footprint. The two cannot be considered separately.

d. Recommendations such as "do not increase exports until the 15-day average of delta outflows exceed 30,000 cfs" are very specific yet fail to take into account the nuances that will lead to real problems. While this apparently is an attempt to define operations during pulse flows, it misses the target. Application of such a poorly thought out dictum is fraught with problems and exceptions, not the least of which arises when exports are already at the maximum level and could not be increased in any event, a common occurrence.

These types of specific recommendations and targets should be revised and put in broader, narrative terms with the details to be worked out later. CCWD believes that performance targets must conform to the broader goals of the Vision and that narrow, specific prescriptions out of alignment with the level of specificity in the Vision should be avoided.

6) *The proposal on Governance needs additional explanation before it can be determined if it is viable.* CCWD recognizes that Governance is a fundamental issue that must be agreed upon to move forward. The concepts reflected in the draft are vague and lack detail. This is a critical area for success. Changes in the way that business is conducted are necessary. The Task Force should not complete the Strategic Plan without an expanded review of governance alternatives and should allow the public time to vet recommendations. The Governance Plan must avoid adding bureaucracy without authority which would hinder rather than promote positive change. This draft has not yet demonstrated that.

These are real examples that show good science, good business practices and adaptability that are essential to getting the Delta Vision right. Performance targets and recommendations on operations must conform to the level of specificity that there is in the Vision (which is, correctly, broad and not highly detailed). The Strategic Plan should be revised to ensure it follows the principles of good science, good business practices and adaptability.

CCWD is in general agreement with the general thrust of the draft. This draft includes some important actions and principles that are essential to achieving the goals of the Vision. In some cases they require more detail or modification. Here are some examples:

1) CCWD agrees with the draft that the Bay Delta Conservation Plan (BDCP) development should proceed in a clear and open process with public vetting of assumptions. The Strategic Plan should be clear that the BDCP (which is limited in scope) and other future projects need to conform to the Delta Vision and its Strategic Plan, not the other way around.
2) CCWD agrees that conservation and recycling are important actions that are essential to achieving the Vision. However, targets and recommendations must reflect the need to reduce green house gases, energy consumption and water consumption. In addition, in those areas where wastewater is discharged to the watershed (so that the wastewater is already recycled), conservation combined with improved treatment of wastewater may be preferred over recycling.
3) CCWD agrees that substantial progress must be made in source control of pollutants and the treatment of discharges into the system. These will be important to the health of the ecosystem and the water supplies for human uses.
4) The draft Strategic Plan correctly puts emphasis on improving drinking water quality through source control, protection of the entire watershed, improved treatment of wastewater and urban runoff. It should also emphasize best practices and pollutant (including salinity) reduction for agricultural discharges.
5) Any new conveyance will take years of study and permitting. While studies and actions to improve through-Delta conveyance, including a near term action of separating Middle River conveyance as a high-quality path for water supplies, should be started soon, immediate actions such as gates near Franks Tract to protect fisheries and improve water quality must be implemented immediately.
6) The draft Strategic Plan suggests that DWR study and report on relocating CCWD's Old River intake, in an apparent reference to CCWD's Alternative Intake Project. This recommendation is out of date. CCWD has started construction of its Alternative Intake Project on Victoria Canal.
7) Financing suggests a beneficiary pays system but also suggests that all who take water from the watershed pay into a fund. Such a proposal should take into account that not all diversions have similar impacts. Consideration must be included for those agencies like CCWD that have made significant investments in measures that protect the ecosystem (such as fish screens), operate to minimize effects and have complied with and hold valid permits under the California Endangered Species Act.

Thank you for the opportunity to comment on the latest draft. CCWD will be transmitting suggested changes on the details of the draft under a separate document and will include specific recommendations and responses to questions from the Blue Ribbon Task Force on issues raised at your meetings.

Sincerely,

Gregory Gartrell
Assistant General Manager

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cc: Blue Ribbon Task Force Members
John Kirlin, Executive Director